HISTORICAL RECORDS
OF
AUSTRALIA.
INTRODUCTION.

SIR GEORGE GIPPS.

By the creation of a legislative council consisting of twelve nominee and twenty-four elective members, the opportunity was given to discuss the grievances of the colonists in open council, and to investigate them by the appointment of select committees with power to call witnesses. Some of these grievances were created by the passing of the constitution act; others were of long standing, and had been agitated in the press and elsewhere. The discussion of the grievances commenced during the holding of the first election in 1843, and were continued within and without the council during the closing years of the administration of Sir George Gipps.

The principal objections to the constitution act were the limitation of the elective franchise; the principle of representation in the council; the provisions for the establishment of district councils; the amount appropriated as a civil list in the schedules; the denial of responsible government; the neglect to adjust the expenditure on police and gaols according to the popular demand; the denial of control by the council over the land revenues; and the neglect to provide for legal remedies against the crown, and for the independence of the judiciary.

The grievances of long standing were principally in connection with the administration of the crown lands.

Under the constitution act, the franchise was limited to natural-born or naturalised subjects of the Queen of twenty-one years of age, in possession of a £200 freehold or occupancy of a dwelling-house worth £20 annual rental for six months prior to the election, on which all rates and taxes had been paid. By this franchise, many leaseholders of land and the squatters, or persons licensed to depasture sheep and cattle on crown lands, were excluded from representation in the council. In a despatch,* dated 5th September, 1842, transmitting the constitution act, lord Stanley stated

*See page 240.
that the limitation of the franchise was tentative, and that he would be prepared to submit an amendment to parliament, when public opinion in the colony was ascertained.

In June, 1844, the council appointed a select committee to report on the extension of the franchise. After an exhaustive inquiry, this committee recommended the granting of the franchise to all leaseholders paying £20 annual rental or more, "payable at the option of the parties either in money or in produce, and that the lease entitling the holder to such franchise should not be for a shorter term than five years." To prevent spurious leases for electioneering purposes, the committee recommended that "residence, either personally or by an agent, should be an indispensable qualification for the exercise of the franchise on the part of the leaseholder, and that his lease should be registered at least six months, previous to the preparation of the electoral list for the district" by the clerk of the district police bench.

The committee also recommended the extension of the franchise to squatters, on their obtaining some fixity of tenure, who were in possession of not fewer than two hundred head of cattle or of one thousand sheep. As most of the squatters were outside the boundaries of location, and as the electorates were limited by these boundaries, it was proposed to group the squatters in pastoral districts, and to include them within the electoral district formed by the nearest county or series of counties.

It was proposed also to extend the franchise on a literary or intellectual qualification to include professional men and men of education generally. But this proposal met with little support.

By the constitution act, the old legislative council was authorised to pass an ordinance for dividing the nineteen settled counties into electoral districts, provided that the district of Port Phillip and the towns of Sydney and Melbourne should be electoral districts, returning five, two and one members respectively. The boundaries assigned to the district of Port Phillip were the same as those of the modern state of Victoria.

This division and representation caused many anomalies, which provoked immediate protest. The six electoral districts, comprising the city of Sydney, the town of Melbourne, and the counties of Cumberland, Camden, Northumberland and Durham, contained three-fifths of the whole population of the colony, and more than
two-thirds of the electors, but returned only eight of the twenty-four elective members of the council. In the whole colony, there were only 8,477 electors. In Sydney, 2,823 electors returned two members; in Cumberland, 1,344, two; in Camden, 386 electors, in Northumberland, 369, in Durham, 345, and in Melbourne, 591, returned one member each. Thus 5,858 electors returned eight members; whereas 2,619 electors in the eleven remaining electoral districts returned sixteen members. In the district of Port Phillip, the anomaly was greater; for 591 electors in Melbourne returned one member, whilst 475 electors in the district exclusive of that town returned five members. It is evident that a member for the city of Sydney represented 1,411 electors, whilst a member for the district of Port Phillip, exclusive of the town of Melbourne, represented only 95 electors on an average.

It was admitted that the system of representation in the statute was based "neither on property nor on population exclusively, but on an equitable and judicious combination of both." But it was contended that the principle was inequitable, which permitted 2,823 electors in the city of Sydney to return only two members, whereas 2,619 electors in rural districts returned sixteen. It was argued that all colonial interests except those directly connected with agriculture and grazing, the shipping and commercial, the manufacturing and trading interests of the whole colony, were concentrated in the city of Sydney, and were inadequately represented by two elective members. The city of Sydney was divided, in 1844, into six wards for municipal purposes; as each ward contained on an average 471 electors, it was contended that each ward should be represented by one elective member in the council. This was the beginning of the antagonism between city and rural interests, which has continued for many years with varying degrees of intensity in New South Wales.

In the constitution act, the creation of district councils was authorised.* By the creation of these councils, decentralisation was first proposed, and a system of local government was established. But these councils were condemned almost universally in the colony, although it was admitted that some form of local control and local taxation would be advantageous. It was contended that the British government had forced an untried theory on the colony, as had been forced on the Canadas; and that a system,

*See pages xii and xiii, volume XXI.
which might be satisfactory in the Canadas, where the population was engaged principally in agriculture, was unsuited in a colony, where the principal pursuit was grazing. The clauses establishing the district councils were ill-conceived. One clause in the act was especially objectionable and was known as the "Algerine clause." By this clause, all the liabilities of a joint stock company were imposed on every district in the colony, as every man's property was rendered liable for the whole amount of the rates leviable in the district, without establishing a remedy for recovery. The principal objections to the district councils were summarised by a committee of the legislative council as follows:—"the scattered and dispersed state of our population, dispersed as it is over an area of about twenty-five million acres; the pastoral pursuits and habits of the great bulk of that population, all tending to dispersion, instead of that concentration which is the essence of municipal government; the very small portion of lands held by grant or purchase from the crown, being only about one-seventh of the whole area of the nineteen counties, within which such grants and purchases have been made, and in which these district councils are sought to be established; the manifest inequity, in such a state of the ownership of the soil, of endeavouring to cast on the proprietors of this small portion the entire expenses, attendant on the construction and repair of roads and bridges throughout the entire area of these lands, so large a portion of which is still held by the crown, without a proportionate contribution from the crown revenue derivable from these lands; the want of a respectable and concentrated population to work these institutions; the attempt to saddle the districts and the colony at large with the entire expenses, attending the coercion and restraint of the convict population, from whose presence among us, now that transportation and the system of assignment have been abolished, no countervailing advantages, nothing in short but amalgamated evil accrues; the obvious and glaring impolicy of taxing land or its products at all."

It is undoubted that the proposals were premature. After many years of agitation, the colonists were granted a modified popular representation in the legislative council; but public opinion was not educated sufficiently to accept at the same time the principle of local self-government. The British government was ill-advised, therefore, to force the principle on the colony, unsolicited by public opinion.
INTRODUCTION.

In the schedules to the constitution act, the sum of £81,600 was made a statutory annual appropriation for a civil list. This caused widespread dissatisfaction on two principal grounds, viz., the amount involved, and the unconstitutional method.

It was argued that, in the united Canadas with a population of one million, four hundred thousand, a civil list of £75,000 was deemed sufficient, whereas in the colony with a population of one hundred and sixty-five thousand, five hundred, a civil list of £81,600 was imposed. In the united Canadas also, in 1838, the imports amounted to £1,320,000, the exports to £3,909,900, and the revenue to £370,000, whereas in the colony, in 1843, the imports were £1,550,444, the exports only £1,172,320, and the revenue £294,311. It was claimed, therefore, that an increase in the civil list of £6,600 was unjustifiable. At the same time as this civil list was imposed, the legislative council was not granted control over the hereditary revenues of the crown, as a compensatory advantage.

It was claimed that “these schedules, involving a fundamental violation of the ancient and undoubted right of appropriation, which is an inseparable incident to the right of taxation,” were an “obvious and palpable invasion of the common birthright of Englishmen.” The declaratory act of 18 Geo. III had enacted that the net produce of all duties, collected in a colony, should be paid and applied to and for the uses of the colony, under the authority of the general court or general assembly of such colony. This act was limited to the North American and West Indian colonies; but it was argued that the principles were applicable to all colonies ejusdem generis, and therefore to New South Wales. It was claimed, therefore, that the appropriations by parliament in the schedules were a “direct usurpation of the power of appropriation, admitted and declared by the declaratory act to belong of right to the general courts or general assemblies,” or in other words to the legislative council.

Whilst these arguments were debated publicly, it was noted also that, in the constitution act, the right of voting supplies was vested in the nominees of the crown, equally with the representatives of the people, sitting in the legislative council. It was claimed that this was an infraction of the great fundamental principle “that the public supplies can only originate from the people.”

With the erection of a partly representative legislature, it was soon realised that the control of the people was very limited, and
consequently the agitation for responsible government commenced. The agitation developed into a contest between the executive and legislative bodies. The head of the executive was the governor who held no seat in the legislative council; but the principal members of the executive held seats in the council as nominees, and were regarded as the mouthpieces of the governor. The agitation for responsible government provoked many arguments against the status of the governor and his executive officers. It was alleged that the governor was in an "utter state of pupillage" owing to the necessity for constant reference to Downing-street, and that, although he was styled "governor," and was fully armed with all the powers delegated to him by a royal commission, he was a mere subordinate officer of the Colonial office. Such a status was unfair to the governor, and caused estrangement between himself and the colonists, because it was impossible to separate the measures, of which he was the sole originator, from those, of which he was only the apparent author when he acted under instructions from the Colonial office. Exception was taken also to any expenditure by the governor without the authority of council, such as the payment of £27,500 for the redemption of debentures.* This practice had developed owing to the readiness of the old legislative council to vote supplementary estimates. The expenditure corresponded to the payments from treasurers' advance accounts in modern parliaments; and this practice has been always subject to grave criticism, when the expenditure was large. The status of the colonial secretary and colonial treasurer were criticised strongly and adversely. Both officials were members of the executive and legislative councils, but disclaimed all responsibility to the latter body. They were appointed by the British government, which held the sole power of their dismissal, although the governor held a power for their suspension. They claimed that their responsibility as executive councillors was confined, by the oath taken, to preserve the secrets of the council, and to give the best advice possible when consulted. Both asserted that they were subject to the orders of the governor, and such orders must be fulfilled, although they exercised the right of remonstrance. The treasurer asserted that he would pay any sum, even after remonstrance, on receiving a warrant from the governor.

The reforms proposed were, (1) that the decision of the majority of the legislative council should "occasion the choice, as

* See page 709.
well as the removal of the functionaries who are entrusted with
the chief executive departments"; or (2) that some colonial
tribunal for impeachments should be created.

Prior to the passing of the constitution act, the payment from
the colonial revenues of the charge for police and gaols had been
the subject of frequent protests, both within and without the coun­
cil. The major portion of this charge was due to the transporta­
tion of convicts to the colony. Previously to the year 1835, the
charge had been defrayed by the military chest of the commis­
sariat, a branch of the English treasury. In that year, the charge,
estimated at £25,000 per annum, was transferred to the colonial
treasury under instructions* from the secretary of state. In con­
sideration of this change, the surplus of the land revenues, after
paying the costs of immigration, and of the other casual revenues
of the crown were transferred to the colonial treasury. The prin­
ciple involved by this change was opposed not only in the colony,
but in the house of commons. During a debate in 1840, Sir Robert
Inglis stated that there was as much justice involved in throwing
the support of British convicts in the colony on the colonial gov­
ernment, as in throwing the support of convicts in the hulks at
Portsmouth upon the town council of that place. When it was
found that the expenditure, instead of being the estimated £25,000
per annum, averaged £100,790 per annum, and when it was ascer­
tained that Sir George Gipps denied† that the crown had sur­
rrendered any rights over the land revenues, the popular outcry
became intense; and it was allayed only by the expectation that
some adjustment would be made in the constitution act. When
this adjustment was not made, a select committee of council was
appointed to hold an inquiry. This committee found that the sum
of £793,034 10s. 8d. had been paid out of the colonial revenues
for police and gaols and judicial expenditure, caused entirely by
the presence of British convicts in the colony.

The omissions of provisions in the constitution act for a legal
remedy against the crown, and for the independence of the judges,
were adversely criticised. At this period, the only legal method
for enforcing the payment of debts, or any other legal or equitable
claims against the colonial government, was by petition to the
governor, and, if that failed, by petition to the secretary of state.
In the latter case, the petition was decided usually on the ex parte
report of the governor. As, in rare cases only, the petitioner was

* See page 577 et seq., volume XVII.
† See pages 643 and 644, volume XIX.
successful, the colonists resented the system. The independence of the judges was alleged to be prejudiced by their tenure of office, which was during the pleasure of the crown, instead of during good behaviour.

As remedies for these grievances, a committee of the legislative council proposed:

“First, that the schedules, annexed to the 5th and 6th Vic., cap. 76, be repealed, and the whole control of the General Revenue placed in conformity with the provisions of the Declaratory Act, 18 Geo. 3, cap. 12, sec. 1, under the control of the Governor and Legislative Council.

“Or, if those schedules be persisted in, that the Act, 5 and 6 Vic., cap. 76, be amended, so that the whole of the hereditary revenues of the Crown be surrendered as an equivalent for the Civil List, and placed at the disposal of the Local Legislature in like manner as they have been in Canada.

“Second, that so much of the same Act, 5 and 6 Vic., cap. 76, as relates to the establishment of District Councils, be repealed.

“Third, that the grievances connected with the Police, Gaol and Judicial Expenditure be adjusted” by the payment of £793,034 1 os. 8d. arrears, and an annual contribution of £74,195 6s. 8d. from the military chest, or by the introduction of 59,788 free immigrants at the cost of the English treasury.

“Fourth, that an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the Canadas, and that a tribunal for impeachments be established by law.

“Fifth, that an Act be introduced to enable persons, having claims of any description against the Local Government, to sue the Colonial Treasurer, or other public officer, as a nominal defendant, under such limitations as may be necessary to prevent frivolous and vexatious suits.

“Sixth, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court on the same tenure of office and security of salary, as belong to the Judges in the Mother Country,
and thus effectually prevent the purity of the administration of justice from being hereafter subjected to any suspicions or doubts in the minds of Her Majesty's subjects in these Colonies."

Addresses were prepared in accordance with these recommendations, were adopted by the legislative council, and were transmitted to England.*

The objections to the system for the administration of the crown lands may be grouped under nine main headings as follows:—

(i) the minimum price of land; (2) the depasturing regulations; (3) the commissioners of crown lands within and without the boundaries of location; (4) the provisions of the crown lands occupation act; (5) the maintenance of the border police; (6) the influence of the depasturing licensing system on the colony generally; (7) the quit rents and arrears of quit rents on land grants; (8) mineral reservations in land grants; and (9) the "compact."

The minimum price of land had been raised to £1 per acre under the Australian land sales act. It was asserted that this was excessive. "In fixing the minimum price for land," it was claimed, "an intimate local knowledge is requisite of the country to which it is to apply. It must be first considered what is the chief article of produce from land; what quantity of the latter is required in order to raise it; what price will that article on an average yield; what is the price of labour, and what is the value of the capital employed, exclusive of the land and the prevailing rate of interest on such capital." It was argued that agricultural is more valuable than grazing land; that land in the colony was used principally for grazing, and that land in the North American colonies was used principally for agriculture. Yet land in the former was valued at a minimum of £1 per acre, whereas land in the latter was procurable at a rate varying from one shilling and ninepence to five shillings per acre. In the Australian land sales act, it was provided also (4th clause) that no land should be conveyed or alienated until the same was surveyed, delineated in the public charts, and put up for sale; whereas, at the Cape of Good Hope, land could be purchased before survey. Objection was taken also to the power of the governor, under the 9th clause, to raise and afterwards to lower at his discretion the upset price; as an example of the practical effect of this, the upset price for land on the old South head road (now Oxford-street) in Sydney was in 1839, £10, in 1840, £100, and in 1844, £5 to £10.

* See despatches dated 20th and 27th December, 1844.
INTRODUCTION.

The objections to the depasturing regulations have been noted in the introduction* to volume XX.

The objections to the commissioners of crown lands within the nineteen settled counties were due to the nature of their duties. Their duties were to watch over the unauthorised occupation of crown lands, and to force the owners of stock trespassing on such lands to take out licenses. Their remuneration depended also on the amount of revenue collected owing to their exertions. Such duties gave the commissioners a most invidious position. The objections to the commissioners beyond the boundaries of location were due to their powers. Each commissioner, at his own discretion, had the power to deprive a squatter of his license. As the deprivation of a license to a squatter might mean ruin, it was contended that the absolute power conferred on the commissioner was arbitrary and unconstitutional.

The crown lands occupation act provided for grazing licenses and assessments on stock to create a revenue for the maintenance of the border police. It was found subsequently that the assessments were sufficient to maintain the police, and it was proposed to use the revenue from licenses for other purposes. Objection was raised to the latter proposal on the ground that it was equivalent to charging rent for crown lands, a principle which had been negatived.

Objections were taken to the border police, who were maintained as mentioned above, because a large number of them were convicts; and it was contended that the mounted police should be increased, and employed beyond the boundaries of location, as sufficient recruits could be obtained from the military.

The depasturing licensing system was alleged to have an evil effect on the colony generally, so long as no security of tenure was granted to the squatters; because the squatters could not be expected to provide religious and educational facilities for their employees and their employees' children, whilst their length of tenure was entirely at the discretion of the executive government, and their licenses could be cancelled at will.

The problem of the quit rents was a difficult one. From the early days of the colony, lands had been granted subject to a quit rent, the amount of which had been varied from time to time.

* See page xxi et seq.: see also despatches dated 16th April and 17th May, 1844, in volume XXIII.
There had been also very little effort made for years to collect these rents, and vast arrears had accumulated, amounting in 1843 to £55,310 5s. 9d. An opinion had also arisen that the government would never collect these rents. Lands had been sold and transferred without allowance for the accumulated quit rents due. In some cases, the lands were not worth the arrears of quit rent due on them. Sir George Gipps reported* the difficulty to the secretary of state. It was urged by the colonists that the quit rents should be reduced; that arrears should not be collected for more than six years prior to the year 1844; that the quit rents might be commuted by payment of the amount due for ten years; and that, in certain cases the quit rents should be remitted absolutely.

Objections were taken to the reservation to the crown of all mineral and coal-mining rights, as such reservation would tend to prevent the working of mines.

The “compact” was the agreement† in 1835 for the transfer of surplus crown revenues to the colonial revenues. The “compact” was contained in an address to the legislative council by Sir Richard Bourke on the 18th of May, 1835. He stated that “His Majesty had been graciously pleased to place at their disposal the surplus of the land revenue, and of the casual revenues of the crown, beyond the sum appropriated for the assistance of emigrants.” As has been noted already, Sir George Gipps contended that this “compact” was not binding. In the twenty-ninth section of the constitution act, it was enacted “that no law, to be made by the said Council, shall interfere in any manner with the sale or appropriation of the lands belonging to the crown within the said Colony, or with the revenue thence arising.” It was argued in the colony that the “compact” was thus broken, and that two separate revenues were created, one to be appropriated at the discretion of the executive government, and the second at the discretion of the legislative council. It was contended further that this would cause contention between the two controlling powers, as each power would endeavour to throw the burden of expenditure on the revenue controlled by the other power.

To remedy these grievances, a select committee of the council recommended‡ that the depasturing licensing fee be either wholly abolished or reduced to a nominal sum; that the powers of the

* See page 778.
† See despatch dated 30th September, 1844, and numbered 215.
‡ See despatch dated 30th September, 1844, and numbered 216.
commissioners of crown lands be transferred to some tribunal in the form of a jury, with the commissioner as chairman, to impose stock assessments, and such assessments to form part of the ordinary revenue; that the quit rents be dealt with as already noted; that the mineral rights in land be vested in the owners by a local ordinance; that the Australian land sales act be repealed; that the objectionable part of the twenty-ninth section of the constitution act be repealed; and that an act of the British parliament be passed to vest the management of the crown lands and the revenue arising therefrom in the governor and legislative council of the colony.

These recommendations were adopted by the council, and addresses were transmitted to Her Majesty and parliament, praying the repeal of the land sales act and the objectionable section in the constitution act.

Whilst these agitations were in progress, direct action was taken in the legislative council with regard to certain of the grievances of the colonists.

In the estimates for the year 1844, when the estimate for Darlinghurst prison was under consideration in 1843, the council reduced the proposed vote by the amount, which it was supposed would be necessary for the maintenance of transported convicts in the gaol. At the same time, the council informed the governor, in two addresses, that transported convicts, when confined in the gaols of the colony, could not be maintained at the expense of the colony; and that, in the council's opinion, the words "exclusive of the convict establishment" in the forty-seventh clause of the constitution act distinctly exempted the colonial revenue from all expenses of police connected with the convict establishment. Sir George Gipps contended that such a broad application of the words in the act was not intended. On reference to England, the secretary of state, lord Stanley, endorsed Sir George Gipps' opinion, and stated that, if the council declined to vote the money required for police and gaols, the executive government would be forced to consider the best method for reduction, either by expediting the period for the pardon of convicts, or by withdrawing the convicts from their present employers to labour in some convict establishments. Lord Stanley, at the same time, instructed Sir George Gipps to make uncompromising resistance to all attempts to throw the charge for the police and gaols on the British treasury.
INTRODUCTION.

On the 25th of July, 1844, the colonial secretary introduced in the council a bill to make further provision respecting the constitution, and to define and extend the powers of district councils. The bill was read the first time, and the colonial secretary moved that it be printed and read a second time on the 1st of August. An amendment was moved and carried by fourteen votes to seven that the second reading be postponed for six months, and the question of district councils was thus shelved.

In the estimates for the year 1845, Sir George Gipps requested the appropriation by the council of the sum of £8,635 5s. 10d. for the administration of justice as a supplement to schedule A in the constitution act. In August, 1844, the council refused to vote this appropriation, unless the council was granted the right to consider the expenditure of the £20,000 appropriated under schedule A. Sir George Gipps resisted this claim, and his opinion was supported by the secretary of state.

On the 15th of May, 1846, Sir George Gipps sent a message to the council, transmitting copies of two despatches* from the secretary of state, containing replies to the addresses adopted by the council in 1844. The general purport of these despatches was to give an uncompromising refusal to consider any of the alleged grievances, with the exception of granting commissions to the judges during good behaviour, instead of during the pleasure of the crown.

Thus, during the administration of Sir George Gipps, no grievances were redressed. The refusal of the colonial office to consider favorably these grievances undoubtedly reacted on the public estimation in the colony of Sir George Gipps as the mouthpiece of the secretary of state.

The final conflict between Sir George Gipps and the legislative council has been noted in the introduction† to volume XX.

FREDK. WATSON.

September, 1924.

* See despatches dated 18th and 20th August, 1845. † See page xxiii.
DESPATCHES.
The Lords Commissioners of the Admiralty have requested instructions from each of Her Majesty’s Colonial Possessions to furnish returns of all Steam vessels registered there, for the periodical Returns of all Steam vessels registered in the Colony under your Government, in compiling a general return of the Steam Power of the British Empire.

I have, therefore, to instruct you to furnish me, at the close of each Half-year, with a Return of the Steam Vessels registered in the Colony under your Government, according to the Form enclosed. Any alterations, which may occur in the interval between these Returns, are required to be stated in the succeeding one.

I have, &c.,

STANLEY.

[Enclosure.]

[This printed form has been omitted.]

My Lord,

Referring to my Despatches, Nos. 51 and 59 of the 11th and 17th March last, on the subject of certain misstatements respecting the treatment of the Aborigines in the District of Portland Bay, made by the Revd. Mr. Hurst, a Wesleyan Missionary, at a public meeting in Van Diemen’s Land on the authority of a person named Tullobs, I have the honor to forward
1842. 1 April. herewith to Your Lordship a Copy of a further letter, which I have received from Mr. La Trobe, with various enclosures, expressing the indignation which these misstatements have caused in the District.

I have, &c., GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 19th February, 1842, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch marked "Separate," per ship Middlesex.)

My Lord, Government House, 2nd April, 1842.

A vessel being on the point of sailing for England, I hasten to acknowledge the receipt of Your Lordship's Despatch, No. 16 of the 14th Octt. last, though as I received it only late last night on my return to Sydney from Moreton Bay, after an absence of 14 days, I must defer until the next opportunity the full report on Immigration, which I have been for some time preparing for Your Lordship.

By Your Lordship's Despatch abovementioned, I am informed that Emigration from England for New South Wales will not be resumed until the 1st Augt., 1842, by which time Your Lordship hopes to be in possession of accounts from me of the manner in which the Emigrants, who left England in the year 1841, have been disposed of; and, in a subsequent part of the same Despatch, I am referred to a letter from the Treasury, dated the 28th Septt., 1841, wherein it is stated that the resources of the Colony must be looked to, and not those of the Mother Country, for the means of extrication from the embarrassments, which the excessive Emigration of the year 1841 may have occasioned.

Construing, as I feel bound to do, this instruction from the Lords of the Treasury as an intimation that I am to look to England for no assistance in the shape of a loan (which is the only shape in which it was ever sought for or expected), I feel it my duty to report to Your Lordship that I cannot advise the resumption of Emigration from England during any part of the year 1842.

I have myself issued no Bounty orders since the month of Feby., 1841, nor do I contemplate the issuing of any for many months to come.

Two ships, which are supposed to have sailed from England with Emigrants before the 1st Novr., 1841, are still due; and until they arrive, or until I receive information of their not having sailed, I am not in a condition to report fully on the
way in which the Emigrants, who left England in the year 1841, have been disposed of. I am happy however to be able to inform Your Lordship that, large as has unquestionably been the supply of Labour which has thus been poured into the Colony, it has been absorbed without any serious inconvenience. I have, &c.,

Geo. Gipps.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 67, per ship Middlesex.)
My Lord, Government House, 4th April, 1842.
Connected with the subject of my recent Despatches respecting the Aborigines in the District of Portland Bay, I have the honor to enclose copies of two further letters which I have received from Mr. La Trobe, respecting various outrages and murders committed by them in the neighbourhood of Port Fairy, a place situated some miles to the Eastward of Portland.
I have, &c.,
Geo. Gipps.

[Enclosures.]
[Copies of these two letters, dated 19th February and 2nd March, 1842, will be found in a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 78, per ship Duke of Manchester.)
6 April.
I have been informed by the Lords Commrs. of the Admiralty that H.M.S. "Fly" and "Bramble" Cutter, under the Command of Captain Francis P. Blackwood, has been ordered to proceed in the execution of a Survey in the neighbourhood of Torres Straits; and, at the request of their Lordships, I have to direct that you will assist and further the operations of Captain Blackwood as far as your means will admit. I am, &c.,
Stanley.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 80, per ship Duke of Manchester.)
8 April.
I have received your Despatch, No. 202 of the 6th of October last, forwarding copy of an application from Mr. George Starbuck, a native of the United States, to be admitted to the privileges of a free Denizen in New South Wales; and I have to convey to you my authority to issue to Mr. Starbuck Letters of Denization under the Local Act 9 Geo. 4, No. 6.
I am, &c.,
Stanley.
1842.
11 April.

Papers re claim on J. Kinchela.

Request by J. Dillon for address of J. Kinchela.

Address of J. Kinchela.

Lord Stanley to Sir George Gipps.

(Despatch No. 83, per ship Duke of Manchester.)

Sir,
Downing Street, 11 April, 1842.

I transmit to you, herewith, in order that it may be communicated to Mr. John Kinchela, the enclosed copies of a Correspondence between Mr. John Dillon and my Under Secretary on the subject of a pecuniary claim* against Mr. Kinchela.

I also enclose a letter addressed to that Gentleman by Mr. Dillon.

I am, &c.,
STANLEY.

[Enclosure No. 1.]

Mr. John Dillon to Lord Stanley.

My Lord, 102 Bride Street, Dublin.

I trust your Lordship will be pleased to pardon the liberty I take in addressing your Lordship in this instance, which I would not do, had I any other means of acquiring the information I beg to solicit from Your Lordship.

In 1839, I received a letter from John Kinsela, Esq., dated New South Wales, informing me that he had been suspended as Judge of that Colony, and stating that he was promised by the then Secretary of State for the Colonies that he should be appointed to the first vacant situation he would accept, and in the meantime that he had an allowance of £500 per annum.

This letter was advising me of a remittance, which he had transmitted to me in part payment of a Debt on a Bond which I held of his for (to me) a considerable amount, and promised to send me a further sum as soon as possible. The remittance I received but have not since heard from him; my object, therefore, in troubling your Lordship is most respectfully to request that you will be pleased to let me know the present address of Mr. Kinchela, and to permit me to send him a Letter through your Lordship’s Office, which will confer a great obligation on one who is much distressed at present, and to whom even a portion of Mr. Kinchela’s Debt would be of the greatest relief.

I have, &c.,
JOHN DILLON.

[Enclosure No. 2.]

Under Secretary Hope to Mr. John Dillon.

Sir,
Downing Street, 29 March, 1842.

I am directed by Lord Stanley to acquaint you, in reply to your letter (without date), that the address of Mr. John Kinchela is “Sydney, New South Wales,” and that he at present holds the Office of Advising Crown Counsel in that Colony. His Lordship desires me to add that the letter, which you propose to address to Mr. Kinchela, will be provided through this Office.

I am, &c.,
G. W. HOPE.

* Note 1.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 84, per ship Duke of Manchester.)

Sir,

Downing Street, 12 April, 1842.

I transmit to you, herewith, for your information and guidance the enclosed copy of a Letter from the Secretary to the Board of Treasury, covering copy of a Minute of that Board, dated the 29th of March, directing the measures to be adopted by the Officers in charge of the Commissariat, in Van Diemen's Land and New South Wales, for the providing of Funds in aid of the Public Service in those Colonies.

I am, &c.,

STANLEY.

[Enclosure.]

MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.

Sir,

Treasury Chambers, 5th April, 1842.

I am Commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for Lord Stanley's information, copy of a Minute of this Board of the 29th Ult., directing the measures to be adopted by the Officers in Charge of the Commissariat in Van Diemen's Land and New South Wales for the providing of Funds in aid of the Public Service in the Colonies.

I have, &c.,

C. E. TREVELYAN.

[Sub-enclosure.]

Copy of a Treasury Minute, dated 29 March, 1842.

Write to Mr. Maclean that the object of their Lordships' Instructions, dated 2d February, 1841, appears to have been misapprehended.

The object of those instructions was that the Commissariat Officer in Charge should for the future negotiate his Bills on the Treasury at the most advantageous rate of Exchange, he could obtain by public tender, with this restriction that, when the rate of exchange rose to 5 pr. Cent., he should not refuse to receive into the Chest British Silver for Bills on the Treasury to any amount that might be offered to him at that premium.

The only motive, which induced their Lordships to impose this restriction, was an apprehension that the entire abrogation of the rule respecting the receipt of British Silver for the Bills on the Treasury at a fixed rate of exchange might be objected to by the holders of that Coin as depriving them of a protection, which they at a former period enjoyed against an excess in the circulation of it.

These instructions appear however to have been understood in Van Diemen's Land as a direction to the Commissary not to draw any Bills upon the Treasury in future, at a lower rate of premium than five per cent., an arrangement of which the Merchants complain in a Memorial presented by them to Sir J. Franklin as likely to prove injurious to the Interests and general prosperity of the Colony; but they at the same time state that they "are anxious that the Commissariat should have the benefits that may arise from casual exigencies and suggest that all fixed rates of premium should be withdrawn, and that they (the Commissariat) should sell their Bills at the current rate of Exchange of the day."
That, which was intended by their Lordships to be an exception to the general rule under which the Commissariat Bills are drawn, has therefore been erroneously supposed to be the rule itself, and an arrangement, which had in view a different object, has been considered as if it had been intended to secure for the Government an arbitrary and high rate of exchange on all occasions.

But, although the impression which elicited the opinion above quoted from the Memorial of the Merchants to the Governor was incorrect, their Lordships entirely concur in the correctness of the opinion itself. The rule directing the receipt of British Silver at the fixed rate of 14 per Cent, premium led in the Australian Colonies to a most inconvenient accumulation of Funds in the Commissariat Chest, in consequence of which the rule was suspended until it was revived by their Lordships' Instructions of 2d February, 1841, in the modified form of a direction to receive British Silver at a fixed premium of five instead of one and a half per Cent.; and this revival of the rule gave rise to the misunderstanding which induced the Merchants to Memorialize the Governor.

This Rule has become obsolete in some of the Colonies, while in other, it has been expressly abrogated where the fixed rate has been less than the market rate; almost the whole exchange business of the Colony with the Mother Country has been drawn to the Commissariat Chest, and an excessive local accumulation of public money has been the result. When the fixed rate has been above the market rate, the arrangement has of course been entirely inoperative; such a Rule cannot be required for the protection of the holders of British Silver because, if that can be in excess, it will become a profitable remittance to the Mother Country or to the Neighbouring British Colonies. It cannot therefore for any length of time be depreciated below the cost of exporting it, which, if it be sent to England from Van Diemen's Land, would certainly not exceed 5 per cent., and, if it were sent to New South Wales or to any of the other neighbouring Colonies, would not amount to nearly so much.

Entertaining this view, Their Lordships consider the present a proper opportunity to prevent by the entire abrogation of the rule, so far as Van Diemen's Land is concerned, a recurrence of the embarrassments of various kinds which it has occasioned in that Colony; and they are accordingly pleased to direct that all fixed rates of premium shall be discontinued and that the Commissariat Bills shall be sold to the highest bidder at the current rate of Exchange of the day.

The Merchants likewise complain in their Memorial to the Governor of the Collection and retention by the Banks of the Colony of British Silver for the purpose of obtaining Bills from the Commissary, and of the Banks afterwards disposing of those Bills to the Merchants at a profit.

This inconvenience arises from the over valuation of the Dollar with reference to British Gold and Silver. The Dollar, being legalized at the rate of 4s. 4d. instead of 4s. 2d., is a cheaper tender of payment than British Gold or Silver, and the Notes and engagements of the Banks are therefore commonly paid and the monetary business of the Community is generally carried on in Dollars. The Merchants are thus in a great degree precluded from the means of tendering British Silver to the Commissary for Bills on the Treasury, and the business of exchange is virtually monopolized by the Banks.
STANLEY TO GIPPS.

1842.
12 April.

In order to remedy this inconvenience, the Merchants proposed that the whole of the Gold and Silver Currency of the Colony should be placed on the same footing with respect to the Commissary's Drafts upon the Treasury as British Silver.

Their Lordships have no objections to grant the solicited relief, so far as British Gold is concerned; and they are accordingly pleased to direct that Sovereigns of the full legal weight of 5 dwt. 2½ Grains Troy weight shall be received into the Commissariat Chest at Van Diemen's Land in exchange for Bills on the Treasury on the same footing as British Silver, vizt., only to the extent to which funds may for the time being be required for the Public Service, and at the full current market rate of Exchange. British Gold or Silver will be accepted in preference according as one or the other may be offered at the most advantageous rates.

Their Lordships would not however be justified in placing Dollars on the same footing so long as they remain current at 4s. 4d. each; and the inconvenience complained of can therefore be completely remedied only by an Act of the local Legislature confirmed by Her Majesty's Government reducing the rate at which the Dollar can be legally tendered in payment of Debts from 4s. 4d. to 4s. 2d. or, what would perhaps be a preferable arrangement, discontinuing the use of that Coin altogether as a legal tender, and leaving it to find its value in the Market as an article of Merchandize like any other Foreign Coin. By this measure, the Currency of Van Diemen's Land would be assimilated with that of New South Wales and the other neighbouring British Colonies. There the Currency consists of British Gold and Silver, and of paper convertible into that medium at the pleasure of the holder, and the inconvenience complained of at Van Diemen's Land, arising from the absorption of the British Silver in circulation in the hands of the Banks, has, as far as their Lordships are aware, never been felt in those Colonies.

Their Lordships' attention has been repeatedly directed to the inconvenience arising from the number of separate Banks, among which a portion of the Balance in the Commissariat Chest at Van Diemen's Land is divided.

The distribution of the Balance belonging to this Chest is according to the latest returns as follows:—

<table>
<thead>
<tr>
<th>Bank</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of Van Diemen's Land</td>
<td>3,160</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td>Derwent Bank</td>
<td>4,324</td>
<td>19</td>
<td>0</td>
</tr>
<tr>
<td>Commercial Bank</td>
<td>5,045</td>
<td>19</td>
<td>4</td>
</tr>
<tr>
<td>Bank of Australia</td>
<td>2,979</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Union Bank of Australia</td>
<td>3,963</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Colonial Bank</td>
<td>4,779</td>
<td>6</td>
<td>5</td>
</tr>
</tbody>
</table>

The last mentioned Bank has since been excluded under the general direction contained in the Treasury Minute, dated the 29th January, 1841, that "no new Banks may be employed without special authority from this Board."

A needless multiplication of Accounts, an increased risk of mistake, and a necessity on the part of the Commissary of keeping all the different balances as nearly as possible at the same amount, in order to prevent the imputation of unfairness are inevitable consequences of this anomalous system. While the balances were large and no interest was required to be paid upon the Deposits, the plan was productive of a gain to the Banks at the expense of a corresponding loss to the public, but now that the amount of the Balance to be deposited with the Banks has been placed under strict

Sovereigns to be accepted in exchange for bills.

Legislation proposed re circulation of dollars.

Distribution of funds of commissariat amongst banks.

Exclusion of Colonial bank.

Multiplication of accounts with banks.
regulation, and the full market rate of interest on private deposits has been required to be paid upon the Sums deposited on account of the Public, their Lordships doubt whether the continuance of this system can be of much consequence even to the Banks themselves.

It may perhaps be convenient for the Commissariat to keep a small Balance with a single Bank for the purpose of paying such sums as it may be more convenient to parties having claims upon the Chest to receive in Notes than in Cash; and it appears to their Lordships that, in the selection of the particular Bank to be so employed, the plan, which has for some years past been successfully pursued at Edinburgh, may with advantage be extended to this case, viz., that each of the most substantial and well regulated Banks, which have been established by Royal Charter or by a Local Act confirmed by the Crown, be employed for a year in rotation, the Bank last employed handing over the balance which remains at the end of the year to the Bank next in Succession.

Their Lordships are therefore pleased to direct:

1st. That in future only one Bank shall be employed at the same time by the Commissariat in Van Diemen’s Land.

2. That each substantial and well regulated Bank established by Royal Charter or by a local Act confirmed by the Crown shall be so employed in rotation, the Bank last employed handing over the whole of the remaining balance at the end of the year to the Bank next in succession.

3. That the Bank to be first selected shall be the one which was first established in the Colony, and that the others shall be employed in rotation in the order of their establishment in the Colony.

4. That the balance in the hands of the Bank at any one time shall never exceed Five thousand Pounds.

5. That, previously to the Bank which comes next in rotation being employed, the Commissary shall satisfy himself by an inspection of the Books and other Documents connected with the Bank that the Institution is in a perfectly safe and satisfactory state.

If the Bank next in rotation shall refuse to submit its Books to this investigation, the Commissary will then offer to employ the Bank next after that so refusing, on the same condition; and, if they all refuse, he will keep the whole balance in the Commissariat Chest, and make all his payments in Cash direct from the Chest according to the usual practice of the Department.

The Commissary will in no case entrust any portion of the public balance to a Bank of the Solvency of which he shall entertain any doubt. In all matters relating to the examination of the Books of a Bank, or the decision as to the propriety of keeping the public money in any particular Bank, the Commissariat Officer in charge will act in close concert with the Commissariat Officer at the head of the Account Department.

6. The Commissary will exhaust the existing Balances in all the Banks by drawing upon them for the Current expenditure, except the one which will be first employed, before he makes any payment either from the last mentioned Bank, or from the Commissariat Chest.

State that it is not the intention of My Lords to require the payment of any interest on the moderate Balance which is hereafter to be kept in a single Bank to meet such current demands, as it may be convenient to discharge in Bank Notes.
GIPPS TO STANLEY.

Desire that, as soon as Mr. Maclean shall have carried the arrangements directed in this minute into effect, he will report his proceedings for their Lordships' information.

Transmit a copy of this Minute to the Officer in charge of the Commissariat in New South Wales, and desire that he will carry into effect the arrangements directed therein for:

1. The disuse of all fixed Rates of premium so far as the operations of the Commissariat are concerned;

2. The receipt of British Gold on the same footing as British Silver in exchange for Bills on the Treasury; and

3. The employment of only a single Bank at one time; and

that, as soon as he shall have carried the arrangements directed in this Minute into effect, he will report the proceedings for their Lordships' information.

State that the instructions contained in this Minute were drawn under their Lordships' directions with a view to the state of the Commissariat operations in New South Wales and its Dependencies, as well as in Van Diemen's Land, and that, in their Lordships' opinion, those instructions are, with the exception of what relates to the Dollar Currency of Van Diemen's Land, equally applicable to the state of the Department in both Colonies.

Transmit Copies of this Minute to the Officers in charge of the Commissariat of Accounts in Van Diemen's Land and New South Wales for their information.

Transmit a copy to Mr. Stephen for Lord Stanley's information.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 71, per ship Middlesex.)

My Lord, Government House, 12th April, 1842.

With reference to my Despatches named in the margin, on the subject of the delay of the Auditor General in forwarding the accounts of this Colony to England, I have the honor to enclose a Copy of a further letter from Mr. Lithgow, stating that the accounts of the year 1840 have now been forwarded by him.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MR. W. LITHGOW TO COLONIAL SECRETARY THOMSON.

Sir, Audit Office, Sydney, 9th April, 1842.

I have the honor to inform you, with reference to my Letter No. 13 of 15th January, 1842, that I have this day forwarded to the Post Office, Sydney, the Acting Colonial Treasurer's Accounts for the Year 1840, for the purpose of being transmitted to London by the Ship "Everetta," announced to sail on the 10th Instant.

I have, &c.,

W.M. LITHGOW, Audr. Genl.

* Marginal note.—No. 18, 30th Jany., 1842: No. 25, 6th Feb., 1842: No. 44, 2nd March, 1842.
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 85, per ship Duke of Manchester.)

Sir, Downing Street, 13th April, 1842.

I have received, and have laid before the Queen your Despatch No. 44 of the 7th February, 1841, with Rules of Practice for the Equity Jurisdiction of the Supreme Court of New South Wales, as established by a majority of the Judges of that Court.

I have received the Queen's Commands to inform you that, on the advice of the Attorney and Solicitor General, Her Majesty has been pleased to confirm and allow these Rules.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 86, per ship Duke of Manchester.)

14 April. Sir, Downing Street, 14 April, 1842.

I transmit to you, herewith, for your information and with reference to Lord John Russell's Despatch of the 26 July last, No. 316, the Copy of a Correspondence, which has passed between Mr. Harington and this Department since the arrival of that Gentleman in this Country on the subject of his suspension from and subsequent resignation of the Appointment of Assisst. Secretary under your Government.

I am, &c.,

STANLEY.

MR. T. C. HARRINGTON TO LORD STANLEY.

London, 23d March, 1842.

Previous statement by T. O. Harington.

In the Month of February, 1841, I did myself the honor to submit a Statement* to Your Lordship's Predecessor, on the subject of my Suspension by His Excellency Sir George Gipps, and my own subsequent resignation of the Office of Assistant Secretary of New South Wales.

A short time afterwards I left the Colony for the purpose of repairing to England, but was induced to accompany to the Cape a Relative, whose life was despaired of. I engaged a Passage for Singapore and, the Vessel being unable to reach that Settlement, I found myself compelled to proceed to Macao. Being there detained by the Monsoon, I only arrived in England a few days ago.

May I take the liberty therefore of requesting that Your Lordship will be good enough to cause the decision given by Her Majesty's Government in my case, to be communicated to me as early as convenient addressed to the care of My Agents, Mess. William Burnie and Co., Bishopsgate Street.

I have, &c.,

T. V. HARRINGTON.

UNDER SECRETARY HOPE TO MR. T. C. HARRINGTON.

Sir, Downing Street, 29 March, 1842.

[Enclosure No. 1.]

My Lord,

In the Month of February, 1841, I did myself the honor to submit a Statement* to Your Lordship's Predecessor, on the subject of my Suspension by His Excellency Sir George Gipps, and my own subsequent resignation of the Office of Assistant Secretary of New South Wales.

A short time afterwards I left the Colony for the purpose of repairing to England, but was induced to accompany to the Cape a Relative, whose life was despaired of. I engaged a Passage for Singapore and, the Vessel being unable to reach that Settlement, I found myself compelled to proceed to Macao. Being there detained by the Monsoon, I only arrived in England a few days ago.

May I take the liberty therefore of requesting that Your Lordship will be good enough to cause the decision given by Her Majesty's Government in my case, to be communicated to me as early as convenient addressed to the care of My Agents, Mess. William Burnie and Co., Bishopsgate Street.

I have, &c.,

T. V. HARRINGTON.

[Enclosure No. 2.]
informed of the decision of Her Majesty's Government on the subject of your suspension by the Governor of New South Wales, and your own subsequent resignation of the Office of Assistant Secretary of that Colony.

In compliance with your request, His Lordship desires me to acquaint you, in reply, that Sir George Gipps was informed in the Month of July last that Lord John Russell had considered the circumstances reported by him on the subject of your suspension, together with your explanation, and that His Lordship did not perceive that there was anything which called for his interference.

I have, &c.,

G. W. Hope.

[Enclosure No. 3.]

MR. T. C. HARRINGTON TO LORD STANLEY.

My Lord.

London, 31 March, 1842.

I beg to express my thanks for the letter with which I am honored from Mr. Hope, apprising me, by your Lordship's command acknowledged. and in compliance with my request of the 23d Instant, that Sir George Gipps was informed, in the Month of July last, that Lord John Russell had considered the circumstances reported by him on the subject of my suspension together with my explanation, and that His Lordship did not perceive that there was anything which called for his interference.

This decision of the late Secretary of State, I respectfully beg to remark appears to leave it ambiguous, in what light I have been really viewed, and in fact uncertain whether my resignation, rejected by Sir George Gipps, was intended by his Lordship to be accepted or the reverse.

May I, therefore, instead of troubling Your Lordship with a protracted correspondence, solicit the favor of a personal interview, I feel confident that I shall be able, in a few words, to set the matter in its just light, and satisfy your Lordship that, instead of deserving censure, I am entitled to the thanks of the Queen's Government.

I have. &c.,

T. Y. Harrington.

[Enclosure No. 4.]

UNDER SECRETARY HOPE TO MR. T. C. HARRINGTON.

Sir,

Downing Street, 2 April, 1842.

I am directed by Lord Stanley to acknowledge the receipt of your letter of the 31st Ultimo, relative to the decision of Lord John Russell on the subject of your resignation of the appointment of the assistant Secretaryship of New South Wales, and which decision, you state, leaves it ambiguous in what light you have been really viewed, and, in fact, uncertain whether your resignation, rejected by Sir George Gipps, was intended by Lord John Russell to be accepted, or the reverse.

In reply, Lord Stanley desires me to state to you the proceedings which have been adopted both in this Country and New South Wales on the subject of your case.

On the 10th of February, 1841, Sir G. Gipps reported to Lord J. Russell that he had been obliged to suspend you from the Office of Assistant Secretary, in consequence of circumstances connected with a misunderstanding between yourself and Mr. Willis, one of
the Judges of the Supreme Court of New South Wales, and, in a
Postscript to his Despatch, the Governor forwarded copy of a
letter from you, tendering your definite resignation of your ap­
pointment; and, on the 27th of the same month, Sir George Gipps
forwarded, without comment, a letter from yourself to Lord John
Russell remonstrating against your suspension, and requesting, not
merely to be reinstated, but that you should also receive some com­
pensation for the injury, which you conceived you had sustained
on account of that suspension.

Lord John Russell, having taken this correspondence into his
consideration, informed Sir G. Gipps that he did not perceive that
there was anything which called for his interference, but added
that he left it to the Governor to judge whether you might again be
employed with advantage to the Public Service. It appears to
Lord Stanley that neither Sir G. Gipps nor Lord John Russell
thought it necessary to signify the acceptance of your resignation,
because you were actually under suspension from office at the time
it was tendered; but that it is clear that Lord J. Russell did not
consider you entitled either to be reinstated in office or to be in­
demnified for the loss of it.

Lord Stanley regrets that he feels compelled to express his
opinion that the Governor could not have taken any other course
than that which he pursued in regard to your case, and that, con­
ceiving him to have acted rightly in the measures which he adopted,
His Lordship cannot interfere with the Governor so far as to direct
him to confer upon you any appointment in New South Wales;
Your late office having been abolished at the recommendation of
the Governor, it is impossible that you could be restored to it. But,
should Sir G. Gipps see fit to recommend you for any office which
may hereafter fall vacant, Lord Stanley will not object to your
re-employment.

I am to add that His Lordship regrets it is not in his power to
grant you the interview which you have requested.

I am, &c.,
G. W. Hope.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 72, per ship Middlesex.)

My Lord,
Government House, 14th April, 1842.

I have herewith the honor to forward to Your Lordship the following Annual Returns from the Principal Superinten­
dent of Convicts in this Colony:—

1. Return of all Tickets of Leave granted during the year 1841;
2. Return of Prisoners who have died in the Colony during the year 1841;
3. Return of Prisoners supposed to have escaped from the Colony during the year 1841.

I have, &c.,
Geo. Gipps.

[Enclosures.]
[Copies of these returns have been omitted.]
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 87, per ship Duke of Manchester.)

Sir, Downing Street, 15 April, 1842.

I have the honor to acquaint you that, the Reverend Mr. Lisle having been recommended to me by the Society for the Propagation of the Gospel, and having been approved by the Bishop of London, under the circumstances stated in the enclosed Correspondence, I have sanctioned his Appointment as Colonial Chaplain at Norfolk Island, with a Salary at the rate of £200 pr. Annum, to be paid out of Funds applicable to the Expences of Convict Establishments.

You will report to me the arrival of Mr. Lisle, and his assumption of the duties of his Office.

I have, &c.,

STANLEY.

[Enclosure No. 1.]

REVD. A. M. CAMPBELL TO UNDER SECRETARY VERNON SMITH.

Sir, 79 Pall Mall, 7 July, 1841.

I am directed by the Society for the propagation of the Gospel to acquaint you, for the information of Lord John Russell, that the Society have received strong representations respecting the want of additional Clergymen in the Penal Settlements at Norfolk Island and Port Arthur, and that the Society are prepared to recommend a well qualified person to fill the Office of a Chaplain at the former place, if provision for his maintenance can be made by Her Majesty’s Government.

I am, &c.,

A. M. CAMPBELL.

[Enclosure No. 2.]

LORD JOHN RUSSELL TO BISHOP OF LONDON.

My Lord, Downing Street, 9 Augt., 1841.

I have the honor to transmit to your Lordship the Copy of Letter a Letter, addressed to my Under Secretary by the Secretary to the Society for the Propagation of the Gospel in Foreign parts, representing the want of additional Clergymen in the Penal Settlements at Norfolk Island and Port Arthur.

I am prepared to recommend to the Lords of the Treasury to make the necessary provision for the maintenance of a Chaplain of the Church of England at the former Station. But it appears to me so important that the Gentleman, who may be appointed to this charge, should be a zealous man, and not influenced by the mere consideration of obtaining an Establishment for himself, that I am induced to request that Your Lordship would ascertain whether the Gentleman, proposed by the Society to fill the Office of Chaplain, possesses the peculiar qualifications for that Office.

I have, &c.,

J. RUSSELL.

[Enclosure No. 3.]

BISHOP OF LONDON TO LORD STANLEY.

My Lord, London House, 7 Feb., 1842.

I have the honor to inform Your Lordship, with reference to the desire expressed by Lord John Russell, that I should satisfy myself as to the qualifications of the person to be sent out as
1842.
15 April.

Testimony in favour of, Revd. Lisle,

Request re salary and allowances for chaplain.

Chaplain proposed at Norfolk Island.

Salary proposed.

Allowance for outfit and passage.

Salary and allowance approved.

Chaplain to Norfolk Island, that I consider Mr. Lisle, who is gone out with the Bishop of New Zealand, with a view to his being ordained for that employment, to be peculiarly well qualified for the Office.

[Enclosure No. 4.]

REVD. A. M. CAMPBELL TO UNDER SECRETARY STEPHEN.

Sir, 79 Pall Mall, 19 Jan'y, 1842.

I am directed, by the Society for the propagation of the Gospel, to enquire what Salary it is proposed to allow to the Revd. Mr. Lisle as Chaplain at Norfolk Island, and also what allowance will be made to him for passage money and outfit.

Mr. Lisle sailed for Sydney with the Bishop of New Zealand, and the Society advanced him the Sum of £200 to defray his Expenses, until the pleasure of H.M.'s Government on the subject should be ascertained.

I have, &c,

A. M. CAMPBELL.

[Enclosure No. 5.]

UNDER SECRETARY STEPHEN TO MR. C. E. TREVELYAN.

Sir, Downing Street, 2nd March, 1842.

I am directed by Lord Stanley to acquaint you, for the information of the Lords Commissioners of the Treasury, that, having received strong representations of the want of an Additional Clergyman at the Penal Settlement at Norfolk Island, his Lordship has approved the selection by the Society for the Propagation of the Gospel of Mr. Lisle for that Charge, and I am to request that you will move Their Lordships to make provision for the Salary of that Gentleman at the same rate as that assigned by the Board of Treasury to the Chaplain already on the Station, namely, £200 p. Annum.

The Society for the propagation of the Gospel having applied for the repayment of the Sum of £200, which they advanced to Mr. Lisle on his departure for Sydney, for the expenses of his outfit and passage, Lord Stanley desires me to state, for the information of the Lords of the Treasury, that he has given an Assurance to the Society of the payment to them of the sum of £150 (being the usual allowance granted to Clergymen proceeding to the Australian Colonies) as soon as a Report shall have been received of Mr. Lisle having entered on the duties of his Office at Norfolk Island.

I have, &c,

JAS. STEPHEN.

[Enclosure No. 6.]

UNDER SECRETARY HOPE TO REVD. A. M. CAMPBELL.

Sir, Downing Street, 2d March, 1842.

Having laid before Lord Stanley your letter of the 19th Jan'y last, I am directed to acquaint you, in reply, for the information of the Society for the propagation of the Gospel, that his Lordship has recommended the Lords Commissioners of the Treasury to make provision for the Salary of Mr. Lisle as Chaplain at Norfolk Island at the rate of £200 p. Annum, and also for the issue of the usual allowance of £150 for the outfit and passage of that Gentleman to be paid over to the Society as soon as a Report shall have been received of Mr. Lisle having been actually ordained and having entered on the duties of his Office at Norfolk Island.

I have, &c,

G. W. HOPE.
GIPPS TO STANLEY.

[Enclosure No. 7.]

Mr. C. E. Trevelyan to Under Secretary Stephen.

Sir,

Treasury Chambers, 1 April, 1842.

In reply to your Letter of the 2nd Utto., I am Commanded by the Lords Commissioners of Her Majesty's Treasury to request that you will state to Lord Stanley that, under the circumstances therein represented, My Lords will not object to the requisite authority being conveyed to the Governor of New South Wales for the issue of the Salary of the Additional Chaplain at Norfolk Island out of Funds applicable to expenses of the Convict Establishments; and My Lords will also be prepared, in fulfillment of the assurance given by his Lordship to the Society for the propagation of the Gospel, to direct the issue of One hundred and Fifty Pounds on account of Mr. Lisle's Voyage, upon the receipt of the report adverted to in your said Letter.

I am at the same time however to request that you will suggest to Lord Stanley that, in arrangements of this description, involving an increase of the very large Expenditure already incurred for the Establishments connected with the Superintendence of Convicts in the Australian Settlements, it would be more satisfactory that my Lords should be apprized of the Secretary of State's intentions, and their concurrence therein obtained before steps are taken for carrying them into effect, unless the case should be one of very pressing emergency.

I have. &c.

C. E. Trevelyan.

Lord Stanley to Sir George Gipps.

(Despatch No. 88, per ship Duke of Manchester.)

Sir,

Downing Street, 16 April, 1842.

I have to acknowledge the receipt of your despatch, No. 167 of the 29 of August last, with its enclosures, reporting the circumstances, under which Mr. Charles Ormsby has been suspended by Captain Maconochie from the Office of Superintendent of Agriculture at Norfolk Island. I am, &c.

Stanley.

Sir George Gipps to Lord Stanley.

(Despatch No. 73, per ship Middlesex.)

My Lord,

Government House, 16th April, 1842.

I have the honor to forward herewith the Return called for by Lord J. Russell's Circular Despatch of the 24th April, 1841, namely, a Return of all Civil appointments of Trust and confidence, made in the Government of New South Wales between the 1st Jany., 1839, and the 1st Jany., 1842.

I have, &c,

Geo. Gipps.
**Historical Records of Australia.**

1842.

16 April.

List of civil appointments of trust and confidence.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phillip Parker King, R.N.</td>
<td>Member of the Legislative Council</td>
<td>succeeded by</td>
</tr>
<tr>
<td>James MacArthur</td>
<td>Deputy Registrar and Chief Clerk of the Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Henry Gurner</td>
<td>Deputy Registrar and Chief Clerk of the Supreme Court</td>
<td></td>
</tr>
<tr>
<td>James Macarthur, Junr.</td>
<td>Magistrate of the Territory</td>
<td></td>
</tr>
<tr>
<td>Arthur Blaxland</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>James Thomas Bell</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Edward James Blaxland</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>George Blaxland</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>William Bradley</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>William Pitt Faithfull</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>William Shelley</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Henry Bayly</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Robert Lowe</td>
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</tr>
<tr>
<td>William Cox, Junr.</td>
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<tr>
<td>Robert Fitzgerald</td>
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<tr>
<td>Edward Parker</td>
<td>Aid-de-camp (Civil) to His vice Elliot</td>
<td>succeeded by</td>
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<tr>
<td>William H. Trsson</td>
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<td></td>
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<tr>
<td>William Eyard, Junr.</td>
<td>Chief Clerk, Colonial Secretary's Office</td>
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<tr>
<td>Charles Tyers</td>
<td>Surveyor of Crown Lands at Portland bay</td>
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</tr>
<tr>
<td>Henry Charles Raudley</td>
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<td></td>
</tr>
<tr>
<td>Henry Wade</td>
<td>Ditto</td>
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<tr>
<td>John V. Gorman</td>
<td>Assistant Surveyor of Crown Lands</td>
<td></td>
</tr>
<tr>
<td>James Warner</td>
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<td></td>
</tr>
<tr>
<td>Edward Kennedy</td>
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<td></td>
</tr>
<tr>
<td>David M. Remp</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>John Burke</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>William Shone</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Francis McCabe</td>
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</tr>
<tr>
<td>Thomas White</td>
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</tr>
<tr>
<td>Roderick Mitchell</td>
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<td></td>
</tr>
<tr>
<td>Edward H. Lane</td>
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</tr>
<tr>
<td>Frederick W. Perry</td>
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</tr>
<tr>
<td>Charles A. Bayley</td>
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</tr>
<tr>
<td>Jermyn J. Symonds</td>
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</tr>
<tr>
<td>John Bailey</td>
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<tr>
<td>John Eyre Sedley</td>
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</tr>
<tr>
<td>Francis Davis</td>
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</tr>
<tr>
<td>Hugh R. Labatt</td>
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<tr>
<td>Henry W. Marriot</td>
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<td>Edward H. Lane</td>
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</tr>
<tr>
<td>Henry Cosby</td>
<td>Commissioner of Crown Lands Deceased</td>
<td>beyond the Boundaries of Location,</td>
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<tr>
<td>Edgar Beckham</td>
<td>Ditto</td>
<td>Magistrates of the Territory.</td>
</tr>
<tr>
<td>George J. McDonald</td>
<td>Ditto</td>
<td>Vice Dulhunty, Magis-</td>
</tr>
<tr>
<td>Graham D. Hunter</td>
<td>Ditto</td>
<td>trate of the Territory.</td>
</tr>
<tr>
<td>John James Allman</td>
<td>Ditto</td>
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</tr>
<tr>
<td>Oliver Fry</td>
<td>Ditto</td>
<td>Magistrate of the Territory.</td>
</tr>
<tr>
<td>Alfred Cheeke</td>
<td>Commissioner for Reporting upon Claims to Grants of Land</td>
<td>succeed-</td>
</tr>
<tr>
<td>William Hustler</td>
<td>Ditto</td>
<td>appointed Sheriff.</td>
</tr>
<tr>
<td>Thomas Callaghan</td>
<td>Ditto</td>
<td></td>
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</table>

Europeans.

Henry Cosby Commission for Reporting upon Claims to Grants of Land.

succeeded by

Oliver Fry

succeeded by

Alfred Cheeke

succeeded by

William Hustler

succeeded by

Thomas Callaghan
### List of Civil Appointments—continued.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
</tr>
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<tbody>
<tr>
<td><strong>Europeans:</strong></td>
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<tr>
<td>Pieter L. Campbell</td>
<td>Acting for the Colonial Treasur-</td>
<td>Left the Colony.</td>
</tr>
<tr>
<td></td>
<td>surer during his absence</td>
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<tr>
<td></td>
<td>from the Colony.</td>
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<tr>
<td>Thomas Jeffrey</td>
<td>Landing Surveyor, Sydney</td>
<td>Vice Cooper, Superintendent of Distilleries.</td>
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<tr>
<td>Charles Bolton</td>
<td>3rd Landing Waiter, Sydney</td>
<td>Vice Anderson.</td>
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<tr>
<td>David Nash</td>
<td>4th Ditto</td>
<td>Appointed 1st Locker.</td>
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<tr>
<td>Richard Williams</td>
<td>4th Ditto</td>
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</tr>
<tr>
<td>George Wardell</td>
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<tr>
<td>William A. Gwynne</td>
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<td></td>
</tr>
<tr>
<td>Samuel Lettsom</td>
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<td></td>
</tr>
<tr>
<td>Robert Baugartner</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>James D. Morris</td>
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<td></td>
</tr>
<tr>
<td>William H. Tyssen</td>
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<td></td>
</tr>
<tr>
<td>William Cookson</td>
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<tr>
<td>Henry H. Jacob</td>
<td>Assistant Engineer, etc.,</td>
<td>Left the Civil Service.</td>
</tr>
<tr>
<td></td>
<td>Newcastle</td>
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<tr>
<td>Honble. William A. S. Foster</td>
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<td>Ditto</td>
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<tr>
<td>Henry A. Hollinworth</td>
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<tr>
<td>Simon Fraser</td>
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</tr>
<tr>
<td>William Russell</td>
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<tr>
<td>Francis Marsh</td>
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<tr>
<td>John E. H. Pryce</td>
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<tr>
<td>Lambert L. Montgomery</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Joseph L. Innes</td>
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<tr>
<td>Sir James Dowling, Knt.</td>
<td>Judge of the Supreme Court</td>
<td>Chief Justice of the Supreme Court.</td>
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<tr>
<td>Alfred Stephen</td>
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<tr>
<td>John Kinchella, LL.D.</td>
<td>Master in Equity in the Supreme Court.</td>
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<tr>
<td>William Carter</td>
<td>Master in Equity in the Supreme Court.</td>
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<tr>
<td>Henry B. Bradley</td>
<td>Chief Clerk of the Supreme Court.</td>
<td></td>
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<tr>
<td>Roger Therry</td>
<td>Attorney General and Member of the Legislative Council during the absence from the Colony of John H. Plunkett, Esq.</td>
<td></td>
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<tr>
<td>William A'Beckett</td>
<td>Solicitor General</td>
<td></td>
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<tr>
<td>George Cooper Turner</td>
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<td></td>
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<tr>
<td>John Moore Dillon</td>
<td>Criminal Crown Solicitor</td>
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<tr>
<td>Francis Moore</td>
<td>Crown Prosecutor in the Courts of Quarter Sessions.</td>
<td>deceased.</td>
</tr>
<tr>
<td></td>
<td>succeeded by</td>
<td></td>
</tr>
<tr>
<td>Alfred Cheeke</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Edward Rogers</td>
<td>Clerk of the Peace, Cumberland.</td>
<td></td>
</tr>
<tr>
<td>Edward Rogers</td>
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<td></td>
</tr>
<tr>
<td>Charles S. McDonogh</td>
<td>Clerk of the Peace, Bathurst.</td>
<td></td>
</tr>
</tbody>
</table>

*List of civil appointments of trust and confidence.*
LIST of Civil Appointments—continued.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>William M. Manning</td>
<td>Commissioner of the Court of Requests for the County of Cumberland and Illawarra District.</td>
<td>Chairman of the Court of Quarter Sessions.</td>
</tr>
<tr>
<td>George Stewart</td>
<td>Commissioner of the Court of Requests, Goulburn.</td>
<td>Police Magistrate.</td>
</tr>
<tr>
<td>John Richard Hardy</td>
<td>Ditto Yass</td>
<td>Ditto</td>
</tr>
<tr>
<td>James T. Morisset</td>
<td>Ditto Bathurst</td>
<td>Ditto</td>
</tr>
<tr>
<td>Alfred Holden</td>
<td>Ditto Gosford, Brisbane</td>
<td>Ditto</td>
</tr>
<tr>
<td>James H. Cummner</td>
<td>Ditto Newcastle</td>
<td>Ditto</td>
</tr>
<tr>
<td>Edward D. Dav</td>
<td>Ditto Maitland</td>
<td>Ditto</td>
</tr>
<tr>
<td>William N. Gray</td>
<td>Ditto Port Macquarie</td>
<td>Ditto</td>
</tr>
<tr>
<td>William Hustler</td>
<td>Sheriff</td>
<td>vice McQuoid, Deceased.</td>
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<tr>
<td>John Staple</td>
<td>Under Sheriff</td>
<td>vice Blake, Left the Service.</td>
</tr>
<tr>
<td>Cornelius Prout</td>
<td>Ditto</td>
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<tr>
<td>John Bowler</td>
<td>Coroner, Bathurst</td>
<td>appointed Police Magistrate, Carco.</td>
</tr>
<tr>
<td>John Sutherland</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Maurice O'Keefe Reedy</td>
<td>Ditto</td>
<td></td>
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<tr>
<td>Francis L. S. Merewether</td>
<td>Agent for Immigration</td>
<td>vice Pinnock, appointed</td>
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<td></td>
<td>Deputy Registrar and Chief Clerk of the</td>
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<tr>
<td></td>
<td></td>
<td>Supreme Court, Port Phillip.</td>
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<tr>
<td></td>
<td></td>
<td>vice Dobie, Macpherson.</td>
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<tr>
<td>Arthur Savage</td>
<td>Health Officer, Port Jackson</td>
<td>Agent for the Estates of the Church and School Corporation.</td>
</tr>
<tr>
<td>Oswald Bloxome</td>
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<td>appointed Superintendent of Police, Sydney.</td>
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<tr>
<td></td>
<td></td>
<td>vice Forbes.</td>
</tr>
<tr>
<td>William A. Miles</td>
<td>Ditto</td>
<td>Left the Service.</td>
</tr>
<tr>
<td>Hothersill H. Brown</td>
<td>Superintendent of Water</td>
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<tr>
<td></td>
<td>Police, Sydney.</td>
<td></td>
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<tr>
<td>Charles Forbes</td>
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<td>Commissioner of the Court of Requests, Berrima.</td>
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<tr>
<td>Sydney Cotton</td>
<td>Ditto</td>
<td>Visiting Magistrate, Female Factory, Parramatta.</td>
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<tr>
<td>George M. C. Bowmen</td>
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<td>Berrima</td>
</tr>
<tr>
<td>Heyward Atkins</td>
<td>Police Magistrate, Hartley</td>
<td>vice Blair, appointed to Portland Bay.</td>
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<td>Richard T. Furlong</td>
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<tr>
<td>John Bowler</td>
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<td>William W. Barrow</td>
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<tr>
<td>David Dunlop</td>
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<td></td>
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<tr>
<td>Percy Simpson</td>
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<tr>
<td>Francis Allman, Junr.</td>
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<td></td>
</tr>
<tr>
<td>John A. Robertson</td>
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<td></td>
</tr>
<tr>
<td>Benjamin Sullivan</td>
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</tr>
<tr>
<td>Charles Ormsby</td>
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</tr>
<tr>
<td>Owen Gorman</td>
<td>Commandant, Moreton Bay</td>
<td>vice Cotton, Magistrate of the Territory.</td>
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<tr>
<td>Thomas Dunbory</td>
<td>Commandant, Norfolk Island</td>
<td>Office of “Commandant” abolished.</td>
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<tr>
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<td>Alexander Macarthur</td>
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### List of Civil Appointments—continued.

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<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>Charles Ormsby</td>
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<td></td>
<td>Norfolk Island</td>
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<tr>
<td>Henry Graham</td>
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<tr>
<td>James Reid</td>
<td>2d Ditto Norfolk Island</td>
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<td>Michael Wm. Lee</td>
<td>Assist. Ditto</td>
<td>Liverpool</td>
</tr>
<tr>
<td>Thomas Lee</td>
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<td>McLean, Deceased.</td>
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<tr>
<td></td>
<td>vice McLean</td>
<td></td>
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<td></td>
<td>Tarban Creek</td>
<td></td>
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<td>Poit Phillip</td>
<td>Superintendent, Port Phillip</td>
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<tr>
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<td>Magistrate of the Territory.</td>
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<tr>
<td>William Pickering</td>
<td>Assist. Surveyor of Crown Lands</td>
<td></td>
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<tr>
<td>William H. Buckley</td>
<td>Draftsman, Survey Department</td>
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<tr>
<td>Henry F. Gisborne</td>
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<tr>
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<td>Land, Western Port.</td>
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<tr>
<td>Frederick A. Powlett</td>
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<tr>
<td>Foster Fyans</td>
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<td>Portland Bay Magistrate of the Territory.</td>
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<tr>
<td>Robert S. Webb</td>
<td>Sub-Treasurer</td>
<td>Sub-Collector of Customs.</td>
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<td>succeeded by</td>
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<tr>
<td>William Lonsdale</td>
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<tr>
<td>Charles H. Le Souef</td>
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<td>Charles L. Neville</td>
<td>2d Landing Waiter</td>
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<td>Charles Morgan Lewis</td>
<td>Harbor Master</td>
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<tr>
<td>Charles Howard</td>
<td>Agent for Colonial Contracts</td>
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<td>succeeded by</td>
<td>General</td>
<td>Commissary</td>
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<tr>
<td>John Walpole Wills</td>
<td>Resident Judge</td>
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<td>John Denham Pinock</td>
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</tr>
<tr>
<td></td>
<td>vice Gurner.</td>
<td></td>
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<tr>
<td></td>
<td>Clerk of the Supreme Court</td>
<td></td>
</tr>
<tr>
<td>James Croke</td>
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<tr>
<td>Edward Jones Brewster</td>
<td>Chairman of the Court of</td>
<td></td>
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<tr>
<td></td>
<td>Quarter Sessions,</td>
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<tr>
<td>Horatio N. Carrington</td>
<td>Clerk of the Peace</td>
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<tr>
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1842.
16 April.

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**Officers of the Mounted Police.**

**Commissioners of Crown Lands.**
List of Civil Appointments—continued.

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List of civil appointments of trust and confidence.

E. DEAS THOMSON.

Colonial Secretary's Office, Sydney, New South Wales, 9 April, 1842.

**Lord Stanley to Sir George Gipps.**

(Despatch No. 89, per ship Duke of Manchester.)

Sir, Downing Street, 18 April, 1842.

I have received your Despatches of the numbers and dates specified in the margin* on the case of Mr. Pinnock.

I transmit, herewith, for your information a copy of a letter which has been addressed by my direction to the Colonial Land

* Marginal note.—No. 163, 24 Augt., 1841; Nos. 177 and 178, 16 Sept., 1841.
and Emigration Commissioners in forwarding to them Mr. Pinnock's defence.

I approve of the transfer of Mr. Pinnock to the Office of Deputy Registrar at Port Philip, and of the appointment of Mr. Francis Merewether to succeed Mr. Pinnock as Agent of Immigration at Sydney; and I enclose the necessary Warrants for giving effect to these appointments.

I am, & c.,

STANLEY.

[Enclosure.]

UNDER SECRETARY STEPHEN TO LAND AND EMIGRATION COMMISSIONERS.

Gentlemen, Downing Street, 16 April, 1842.

With reference to your Communications of the dates specified in the margin, I am directed by Lord Stanley to transmit to you for your information copies of two Despatches which have been received from the Governor of New South Wales, the one reporting the removal of Mr. Pinnock from the office of Agent for Immigration in that Colony, the other enclosing the defence of Mr. Pinnock against the charges, which were preferred against him, and which had led Lord John Russell to direct his removal from the Office of Immigration Agent.

On a consideration of Mr. Pinnock's statement, it appears to Lord Stanley that his defence is successful, so far as relates to any intentional incorrectness on his part, or to any dishonorable or discreditable motives.

In stating that opinion, Lord Stanley does not mean to express an assent to all the conclusions which Mr. Pinnock draws, founded upon the statements which he himself forwards; and his Lordship is quite aware of the inconvenience, which would result to the Public Service from any Officer in New South Wales, taking a very strong view in favor of one system of Emigration in opposition to another carried on under the direct superintendence of Her Majesty's Commissioners of Emigration in this Country, and suffering himself to be led, as Lord Stanley thinks Mr. Pinnock has been, by the strong bias of his own mind to unfounded conclusions as to the comparative merits of the two systems as indicated in Individual cases.

Under all circumstances, Lord Stanley is prepared to sanction the removal of Mr. Pinnock to the Office assigned to him by Sir George Gipps at Port Phillip, and to confirm the nomination of Mr. Merewether to the Appointment of Immigration Agent at Sydney. His Lordship considers it unnecessary to enter on a discussion of the merits of Mr. Pinnock's case. There are in his defence one or two passages, which would appear to impute sinister motives to you. Those passages Lord Stanley considers had better have been omitted, and, while he hopes it is superfluous to assure you that he is convinced that they are without a shadow of foundation, his Lordship does not deem it necessary or desirable that they should receive any notice.

I have, & c.,

JAS. STEPHEN.

[A note on the original of this despatch states that the warrants were not transmitted.]

* Margin note.—15th Jan., 1841; 18th Jan., 1841; 18 Feb., 1841.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 90, per ship Duke of Manchester.)

Sir,

Downing Street, 19 April, 1842.

I transmit to you, herewith, Copies of a Letter addressed to me by Mr. Dennistown, the Member for Glasgow, and of the representation which accompanied it from Mr. William Cross on the subject of a Claim to priority of Choice under a "Land Order No. 1, Port Phillip District," which he had purchased from the Commissioners of Land and Emigration.

I have to request that you will furnish me with an early report on this subject.

I am, &c,

STANLEY.

[Enclosure No. 1.]

MR. JOHN DENNISTOWN TO LORD STANLEY.

My Lord, 32 Grosvenor Place, 12 April, 1842.

I have the honor to enclose a Memorial from one of my Constituents, to which, as it brings a charge against the conduct of the Colonial Authorities at Port Phillip, I beg respectfully to call your Lordship's attention.

I can vouch for the high respectability and standing, not only of the Memorialist, Mr. Cross, but also of his Correspondents at Melbourne, all of whom are personally known to me.

I am, &c,

JOHN DENNISTOWN.

[Enclosure No. 2.]

MR. WILLIAM CROSS TO LORD STANLEY.

My Lord, Glasgow, 8th April, 1842.

I am largely interested, both on my own Account and on account of others for whom I act, in Sheep and Cattle at Port Phillip. On the 12th September, 1840, I bought from the Commissioners of Colonial Lands and Emigration, in London, a Land Order "No. 1" which I forwarded to my Partner and Manager, Mr. George Russell at Port Phillip.

This Order he placed in the hands of his Mercantile Agents, Messrs. Bells and Buchanan of Melbourne, and my object in addressing Your Lordship at present is to refer you to the enclosed Extract from a Letter of Messrs. Bells and Buchanan to me marked A, dated Melbourne, 17th October, 1841, in regard to this Land Order, No. 1.

I beg respectfully to call your Lordship's attention to the reasons of protest urged by these Agents of my Partner (who was himself, at the time of the Land sale, in the Country at the Stock Stations) and particularly to the facts:

1st. Of the concealment of the Government Order, that the Remission tickets were renewed, until the day of the selection of the Land, which placed those in possession of the first Land Orders at a great disadvantage, as they would of course only have inspected the Lots, which they had every reason to suppose they would obtain; and, on finding themselves forestalled by the arbitrary interposition of the Governor's Authority, they might be necessitated
to put up with the most worthless Lots, as the Treasury in the Colony will not return the money paid in this Country on account of Land Orders.

2d. That Major St. John, the Police Magistrate, himself one of the Applicants for the Land and one of the holders of the Remission Tickets, sat as a Member of the Board appointed to decide on the Claims of other Applicants.

The transaction altogether appears very like a fraudulent job on the part of the Colonial Authorities, and will go far to shake the confidence of Parties connected with Port Phillip in the fairness and equity of those entrusted with the disposal of the Lands of that Colony.

I conceive that, as the possessor of the Land Order, "No. 1, Port Phillip District," dated London, 12th Sept., 1840, being the 1st for said District issued under the Regulations then adopted, that my Claim and right to priority of Choice cannot be superseded by any Act of the Colonial Governor. I respectfully request that your Lordship will favor me with your opinion on this point, and, if I be correct in this supposition, that you will issue instructions accordingly to the Colonial Authority that the Claim of my Agents be recognized without delay.

My friend and Partner, Mr. John Dennistown, M.P. for this City, can certify to your Lordship as to the respectability of Messrs. Bells and Buchanan, and that any statement from them is perfectly trustworthy.

I have, &c.,

WILLIAM CROSS.

[Sub-enclosure.]

EXTRACT of a Letter from Messrs. Bells and Buchanan, Dated Melbourne, 12th October, 1841, to William Cross, Glasgow.

"On Friday last, the 8th Octr., there was Land Sale, and, in the Lots put up for Competition, there was a very valuable one, which was estimated by some parties here at £10 Pr. Acre and for this we applied by virtue of Land Order No. 1, obtained by Mr. Cross and were very confident of obtaining it; but, in consequence of an unpublished order by Sir George Gipps, Officers' Remission Tickets, which had existed a year without their having an opportunity of selection and were therefore expired, were renewed and allowed to rule from the date of Sir George's first countersigning them, the Order No. 1 was thrown out. We have not time to consult Mr. George Russell before the Sydney Mail leaves, and, in the absence of his instructions, the Prize being a very valuable one and the expense of an Appeal to His Excellency not heavy, we intend to protest and appeal from the decision of his Honor the Superintendent, on the following grounds:

"First. 'That Sir Geo. Gipps had no power to renew these Remission Tickets, so as to preserve their original dates; as a favor to the Officers, the year during which they were to make their choice only ran from the date of the Order being Countersigned in order that no part of the year, during which their choice was to be made, should expire during their passage out; the removal of them for another year was an extension of this favor, but the preserving the previous date is an act of injustice towards these holders of Land orders bearing dates during the currency of that year.'"
"Secondly, 'The Officer's remission Ticket is strictly personal and directs the Officer to choose land, whereas the present selection has been made by eliminating several such Tickets, each being individually too small to secure it, and such single selection is therefore in the very teeth of the Document by virtue of which it is made.'

"Thirdly, 'From the non-publication of the Order authorizing these Remission Tickets to date back, the holder of No. 1, believing that it would be nearly exhausted at this time, was induced to pay a Premium for No. 5,' and

"Fourthly, 'That it is at least worthy of notice that, in a board consisting of only three parties, one of these, Major St. John, is the nominal Applicant for the Land, and was the holder of one of the Remission Tickets which carried it.'

"Of course we do not know what may be the success of the Appeal; but, in a Case where the object is so valuable, we thought proper to try it.

"The Section is 525 Acres in extent."

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**GIPPS TO STANLEY.**

"Secondly, 'The Officer's remission Ticket is strictly personal and directs the Officer to choose land, whereas the present selection has been made by eliminating several such Tickets, each being individually too small to secure it, and such single selection is therefore in the very teeth of the Document by virtue of which it is made.'

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"Of course we do not know what may be the success of the Appeal; but, in a Case where the object is so valuable, we thought proper to try it.

"The Section is 525 Acres in extent."
that, in the Accounts lately received from Mr. Barnard, two
sums of money, together amounting to £3,155 12s. 5d., are
charged against the Colony with no other explanation than that
they have been advanced, "to meet payments on account of
Emigration, from the 10th Jany. to the 30th Sept., 1840, and
from the 1st Octt. to the 31st Decr. in the same year";
and I have respectfully to request of Your Lordship that Mr.
Barnard may be instructed to furnish the particulars of this
expenditure, in order that the same may be included in the
statements laid before the Legislative Council.

I have, &c.,
Geo. Gipps.

[Enclosure.]

[A copy of this letter is not available.]

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 92, per ship Duke of Manchester.)

Sir,
Downing Street, 21 April, 1842.

I have received your Dispatch, dated the 21st of September
last, No. 181, in which you bring before me a Resolution adopted
by the Legislative Council of New South Wales on the 15th of
that Month, "That the Council has learned with regret that,
under an arrangement entered into with the Government of
Ireland, free passages to the Colony have been provided for Crown
Witnesses in Criminal Cases, who were privy to the Criminal
Acts deposed to by them; and, being impressed with a sense of
the injury which the character and interests of the Colony are
likely to sustain from such a practice, respectfully requests the
Governor to submit to the Secretary of State for the Colonies
the anxious desire of the Council that no such arrangement
should henceforth be allowed in any system of Emigration from
the United Kingdom to the Colony, which may be carried on
under the sanction of Her Majesty's Government."

I must express my regret that this matter should have been
made a subject of Resolution by the Legislative Council.

It is the wish of the Government to advise Her Majesty so
to apply Her Crown Revenue arising in New South Wales as to
promote the interests of the Colony by the introduction of Immi-
grants, but, at the same time, I cannot consent to give the
pledge by which the Council desire to fetter the exercise of Her
Majesty's discretion in that respect.

I have, &c.,
Stanley.
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 75, per ship Middlesex.)

My Lord,

Government House, 22nd April, 1842.

I have had the honor to receive Your Lordship's Despatch No. 13 of the 7th Octt. last, enclosing a Copy of a letter, which had been addressed to Your Lordship by Mr. John Bruce, soliciting information respecting certain landed property in New South Wales left by the late Dr. William Baimain; and I accordingly have the honor to inform Your Lordship as follows:—

By the records of this Colony, the following Grants appear to have been made to Dr. Baimain:—

<table>
<thead>
<tr>
<th>Date</th>
<th>Acres</th>
<th>Parish</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st July, 1794</td>
<td>100</td>
<td>Hunter's Hill</td>
</tr>
<tr>
<td>1st July, 1798</td>
<td>105</td>
<td>County of Cumberland</td>
</tr>
<tr>
<td>3rd Augt., 1799</td>
<td>220</td>
<td>St. Matthew</td>
</tr>
<tr>
<td>12th Nov., 1799</td>
<td>270</td>
<td>Petersham</td>
</tr>
<tr>
<td>6th April, 1800</td>
<td>550</td>
<td></td>
</tr>
</tbody>
</table>

All that is known officially respecting these lands is that they have long since been out of the Crown; but it is matter of public notoriety that the 550 acres in Petersham, commonly called the Baimain Estate (and which, on account of its vicinity to Sydney, is now very valuable) was lately sold by the Agents of Dr. Gilchrist, who of course claimed it as his property.

The advertizements alluded to by Mr. Bruce were notices of private sale; and, though there may be some Quit rents due to the Crown on Dr. Baimain's Grants, no levy has as yet been made on the lands in satisfaction of them, nor has the Government in any way interfered with the lands, since the deeds granting them to Dr. Baimain were issued.

Lands may be taken in execution in New South Wales for debts due to the Crown, or (after Judgment) for debts due to Individuals.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 95, per ship Duke of Manchester.)

Sir,

Downing Street, 25 April, 1842.

Mr. Alastair Mackenzie, who has been appointed to the office of Deputy Sheriff at Port Phillip, having applied to Her Majesty's Government for an advance of Salary to enable him to meet the expenses of his Passage to the Colony, I have to acquaint you that, with the concurrence of the Lords Commissioners
of the Treasury, I have authorized the Agent General for New South Wales to issue to Mr. Mackenzie, out of the funds at present in his hands for the service of the Colony, the sum of £75 in advance of Mr. Mackenzie's Salary; and I have to request that you will cause the necessary measures to be taken for ensuring the repayment of the sum which has thus been advanced to Mr. Mackenzie.

I am, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 96, per ship Duke of Manchester.)

Fees on warrant for appointment of J. D'Pinnock.

26 April.

With reference to my dispatch of the 18th Instant No. 89, I have to acquaint you that the Colonial Agent has been directed to pay to the Chief Clerk of this Office the sum of £11 5s. 6d. being the amount of the Fees, etc., chargeable on the Warrant appointing Mr. Pinnock Deputy Registrar at Port Philip. You will take the necessary measures for recovering that Advance from Mr. Pinnock.

As Mr. Merewether had so recently been called on to pay the Fees on his appointment to the Office, in which he has been succeeded by Mr. Pinnock, he will not be charged with the Fees to an equal amount to which he otherwise would have been liable on his Appointment as Immigration Agent at Sydney.

I am, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 97, per ship Duke of Manchester.)

Requisition acknowledged.

27 April.

I have received your dispatch of the 30th of September last, No. 196, forwarding the usual Demands for Stores, Stationery and Medicines for Convict Services in New South Wales for the Year 1842-43.

Having referred your Despatch for the consideration of the Lords Commissioners of the Treasury, I have now to acquaint you that their Lordships have signified to me that they have given the necessary directions that the Articles specified in the Demands may be prepared for transmission to New South Wales, provided there shall not appear to be anything unusual or unnecessary therein.

I am, &c.,

STANLEY.
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 99, per ship Aden.)

Sir,
Downing Street, 30 April, 1842.
I am to request that you will furnish me with any information which you may be enabled to procure regarding the Individual, named in the accompanying Letter from Miss Mary C. Curtis.
I have, &c.,
STANLEY.

[Enclosure.]

MISS MARY CURTIS TO LORD STANLEY.

My Lord, 28 Cuffe St., Dublin, 24 April, 1842.
With great deference I take leave to address you, and under most distressing circumstances, relating to my brother one Michael Patrick Curties, who went as a free Emigrant from Ireland to Port Phillip in Australia on the 22nd July, 1841. From the period he left Cork Harbour up to the date of this, I can get no account of him, though I called at the office, Eden Quay, frequently since the present year commenced. Should it be Your Lordship's gracious pleasure to give orders for an inquiry about my Brother, I would wish with permission to lay before Your Lordship the manner in which the form was filled up. My Brother represented himself to be an Agricultural Labourer from the County Wicklow. The Signatures were the Revd. Mr. Davis, Armiger's St., Surgeon Poltor, York Street, Mr. Parker, Stephen Street, and Mr. Kent, Armiger's St.; for they told him he should put himself down in the Character of Country Labourer or they could not take him, at least so I have been informed. At the period my Brother quitted Ireland, he sailed on board the "Diamond," Capt. Tailor, Sea Commander. If your Lordship would be pleased to give command for an inquiry concerning my brother, I shall for ever be bound to pray for your and your Family's Happiness.
I have, &c.,
MARY CURTIS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 78, per ship Middlesex; acknowledged by lord Stanley, 8th May, 1843.)
My Lord, Government House, 3rd May, 1842.
I have the honor herewith to forward a Copy of the Report of the Immigration Board of this Colony on the claim to Bounties preferred by Messrs. Gilchrist and Alexander of Sydney, as Agents for Mr. John Miller of Glasgow, on a party of Emigrants introduced into the Colony in the ship "New York Packet," accompanied by various documents (enumerated in the Schedule prefixed to the Report) shewing the circumstances under which I have caused the whole of the Quarantine expences, incurred by this Government on account of the Immigrants by the "New York Packet," to be charged against the Bounties.
I beg leave to observe to Your Lordship that the case of the "New York Packet" is one strongly proving that persons, not properly qualified, are sometimes employed as Surgeons of Emigrant ships under the Bounty System; and, as the selection of Surgeons is a matter entirely beyond control by this Government, I consider it my duty to submit to Your Lordship whether the subject should not be brought under the consideration of the Commissioners of the Land and Emigration Board in England.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

[A copy of this report is not available.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 100, per ship Aden.)

Sir,
Downing Street, 4 May, 1842.

I transmit to you herewith copies of a Correspondence between this Department and that of the General Commanding in Chief on the subject of the question of increasing the Military Force in the Australian Colonies. That correspondence, you will perceive, arose out of a Representation made by the Lieutt. Governor of Van Diemen's Land of the inadequacy of the Force in that Colony, in consequence of the large influx of Convicts thither.

You will perceive that the following arrangement is proposed in order to supply the augmentation of Troops applied for by Sir J. Franklin.

As each of the Regiments in New South Wales, now upon an Establishment of 800 men, is intended for India, it is proposed to place those Regiments at once upon the Indian Establishment of 1,000 men each. That the Garrison of Van Diemen's Land should consist of two of those Regiments, from which Detachments of from 4 to 5 Companies of 100 men each should be made to the several Dependencies, where such Force is now stationed, and which would therefore leave a force of 1,500 or 1,600 men in Van Diemen's Land as required by Sir John Franklin.

I have to call your particular attention to the arguments urged by Lord Hill, in which I entirely concur, for avoiding as much as possible the dispersion of Troops by the multiplication of small Detachments.

I have, &c.,
STANLEY.
STANLEY TO GIPPS.

[Enclosure No. 1.]

UNDER SECRETARY STEPHEN TO LORD FITZROY SOMERSET.

My Lord,

Downing Street, 21st March, 1842.

I am directed by Lord Stanley to transmit to you, for the consideration of the General Commanding in Chief, the enclosed Extract of a Dispatch from the Lieutenant Governor of Van Diemen's Land, in which he represents the necessity of an increase to the Military Force of that Colony. The representation is grounded on the Influx of Convicts into that Settlement from this Country in consequence of the discontinuance of Transportation to New South Wales, and also from New South Wales itself. Lord Stanley is prepared to admit that a large influx of Convicts into Van Diemen's Land may render an increased Military Force requisite; and, if such necessity should really be shewn to exist, his Lordship conceives that it will be necessary to take measures accordingly. Lord Stanley would, however, hope that the same cause, which would render necessary an increase in the Military Force in Van Diemen's Land, may make it practicable to effect a corresponding reduction in New South Wales. At the same time, Lord Stanley has thought it right strongly to caution Sir John Franklin against the detention in Van Diemen's Land of Troops, destined for other service, on his own responsibility, except in circumstances of actual emergency and danger, which do not appear to have existed in the present instance.

I have, &c,

JAS. STEPHEN.

[Sub-enclosure.]

EXTRACT of a Despatch from Sir John Franklin to Lord John Russell, No. 143, dated Van Diemen's Land, Government House, 12th October, 1841.

"There is however another point connected with this subject (Convict Discipline) of vital importance to the interests of this Community, to which I beg most earnestly to draw Your Lordship's attention. A numerous and well organized Police, assisted by the Military stationed in small Detachments in different parts of the Island, has succeeded in effectually suppressing Bushranging, in preventing prisoners from absconding, and in establishing a degree of order and security both to life and property, such as, I do not hesitate to say, is not surpassed in any civilized Country.

"Such a state of things can scarcely be expected to continue, while the number of Prisoners confined in this Island are daily receiving such large accessions. The people are beginning to feel and to express, and not without reason, considerable alarm, a feeling calculated not only to check the energy and enterprise of the Settlers, but by inspiring the Convicts themselves with a proportionate degree of confidence, to produce the very effects which are dreaded throughout the Colony.

"It is not necessary to trouble your Lordship with numerical details of the additions which have been made to the Convict population in the course of this year. I may, however, observe that the number of Convicts, of whose arrival I am in daily expectation from New South Wales, alone nearly equal the whole Military force at present at my disposal.

"The strength of the one regiment stationed here has hitherto admitted of being dispersed in very small Detachments through the
Necessity for increased military force in Tasmania.

Island; and, when Your Lordship considers how many new Stations it has been necessary to form, and the large number of Convicts which each Station is to contain, You will at once perceive how totally inadequate the Troops are to keep a proper check upon them, and to afford that security which is essential to the well being and prosperity of the Colony.

"I have from this cause been under the necessity of detaining such small detachments as have arrived here on their way to join their Head Quarters at Sydney; but I feel it to be my duty to state to your Lordship that the safety of this Island cannot be ensured without the presence of at least two strong Regiments.

"It affords me much satisfaction to be enabled to report to your Lordship that, in the course of a rapid tour I have lately made in the interior, I was much struck with the total absence of Crime, and the generally orderly conduct exhibited by the Probation parties, which I visited, leading me to infer that the distinct understanding of the position in which the Men find themselves, and of the objects held out to them, was working upon their minds in the manner and with the influence, which I am so anxious to exert. Still it cannot be supposed that these men will resist the temptations offered to them by a sense of the strength with which their large numbers invest them, and by the absence of a force capable of repressing any attempts on their part to use that strength for their own liberation, and to the destruction of life and property.

"Upon a consideration of these circumstances, I feel confident that Your Lordship will take the earliest steps in your power to furnish me with such a Military force as is indispensibie to the safety of the Island."

Letter acknowledged.

[Enclosure No. 2.]

LORD FITZROY SOMERSET TO UNDER SECRETARY STEPHEN.

Sir, Horse Guards, 18th April, 1842.

I have the honor to acknowledge the receipt of your Letter of the 21st Uto., transmitting for the consideration of the General Commandg. in Chief an Extract of a Dispatch from the Lieut. Govr. of Van Diemen's Land of 12th Octr., 1841, representing the necessity of an increase to the Military Force in that Colony; and, having duly laid the same before Lord Hill, I have his Lordship's commands to offer the following observations thereon for the information of the Secretary of State.

It will be found, on reference to your Letter to me dated Septr. 9th, 1840, transmitting Copy of a Dispatch from the same officer and dated April 3d, 1840, pointing out the "inadequacy of the Force then in Van D.'s Land for the performance of the duties which devolved upon it," that the reason principally assigned was that there were then in the Colony between 17,000 and 18,000 convicts, and that a large proportion of them were under penal coercion, and that, independently of the safety and security of the lives and property of the Settlers and the efficient control of the Convicts themselves, and from the great expense attending the payment of large rewards for the capture of Bush-rangers, it is a measure of economy, almost indispensably necessary, that there should be a Military force in the Island, sufficient to allow of a greater number of detachments being stationed throughout the Interior, and so to establish the most effectual check to those lawless free booters forming themselves into large bodies.
STANLEY TO GIPPS. 33

After a lapse of about 18 months, it now appears that, "in addition to the ordinary periodical increase of Convict population in Van Di.'s Land, the number of Convicts daily expected from New S. Wales alone are nearly equal to the whole Military Force at his disposal," and the Lieutenant Govr. has felt it his duty to state "that the safety of the Island cannot be insured without the presence of at least two strong Regiments," that is to say by the addition of one Regiment of 500 men to the Regiment of the same establishment now stationed there.

In how far the Garrison of Van Diemen's Land may be temporarily reinforced from New South Wales, the Secretary of State will be enabled to decide from the following exposition of the numbers and distribution of the whole force, stationed throughout New South Wales and its dependencies at the date of the latest Return.

The force allotted by H.M.'s Government for the occupation of the Australian Colonies and their dependencies consists of 4 Regiments of Infantry, each upon the establishment of 800 men (the numbers stated in the margin to complete them to this establishment had not arrived at the date of the last return)* and the practise has been to send one to India (their ultimate destination); one of these Regiments, as soon as the service companies of the 5th Regiment embarking by detachments in charge of Convicts, shall have arrived in this Country.

The permanent Garrison of New South Wales and its dependencies may be thus stated, vizt: 4 Regt. each of 800 .................3,200;

of this force, 1 Regiment is considered to be the ordinary Garrison for the Colony of Van Di.'s Land, and the local distribution of the whole rests at the disposal of the Major General Commanding in New South Wales.

It now appears from the latest Returns that the detachments are made from the three Regiments stationed in New South Wales from the Head Quarters at Sydney and Parramatta:

100 men, New Zealand: 3 Companies, Norfolk Island; 1 do., Adelaide, S. Australia;

and in addition to these, smaller parties are stationed at Bathurst; Liverpool; Berima; Spring Cove; Port McQuaria; Port Philip; Maitland; Illawarra; Windsor; Emu Plains; 20 mile Hollow; Tournay; Newcastle; Moreton Bay; Portland Bay.

The detachments made from the Head Quarters at Hobart Town in Van Diemen's Land are stated to be 2 Companies, Swan River; Detachments at Launceston, do. Flinders Island, do. Green Ponds, do. Oatlands, do. Waterloo Point, do. E. H. Neck, do. George-town, do. George River, do. Jerusalem, do. Campbell-Town, do. Port Arthur Coal Mines; and that, from the small force at Swan River, there are no less than 13 parties detached from the Head Quarters at Perth, and it must be borne in mind that these detachments are necessarily composed of effective duty men.

Of the local pressure for such a wide dispersion of this Force, the General Commanding in Chief cannot form a competent judgment; and His Lordship can only regret such a necessity from the unavoidable prejudicial effect it must produce upon the discipline of any Regiment, and more especially of one whose ultimate destination is India, and whose service may therefore be required in the Field soon after its arrival at Hindostan.

* Marginal note.—28th Foot, 182; 51st, 46; 80th, 113; 96th, 124—Total, 465.
If the Secretary of State shall be of opinion that a reinforcement should be permanently added to the force in the Australian Colonies, the General Commanding in Chief would offer the following scheme for further consideration.

As each of the Regiments in New South Wales now upon an establishment of 800 men is intended for India, it is proposed to place those Regiments at once upon the Indian establishment of 1,000 men each. That the Garrison of Van D.'s Land should consist of 2 of these Regiments, from which detachments from 4 to 5 companies of 100 men each should be made to the several Dependencies, where such force is now stationed, and which would therefore leave a force of 1,500 or 1,600 men in the Colony of Van Diemen's Land, as now required in the Dispatch of the Lieut. Gov.

In conclusion, Lord Hill has especially directed me to express his thanks to Lord Stanley for having, as stated in your Letter, "strongly cautioned Sir John Franklin against the detention in Van D.'s Land of Troops, destined for other service"; this practice would lead to the most serious military embarrassments as interfering with the arrangements made for the regular and periodical equipment of clothing and appointments, and most essentially injurious to the discipline of any Regiment, especially of one which must be considered as in transitu for the important service of India, these small detachments being for the most part composed of recruits and young soldiers on their route to the Head Quarters of their Respective Regts.

I have, &c.,

FITZROY SOMERSET.

[Enclosure No. 3.]

UNDER SECRETARY STEPHEN TO LORD FITZROY SOMERSET.

My Lord.

Downing Street, 4th May, 1842.

I have laid before Lord Stanley your Lordship's Letter of the 18th Ulto. on the subject of the Military Force stationed in the Australian Colonies, and the representation which has been made by the Lieutenant Governor of Van Diemen's Land of the necessity for an increase of the Military Force in that Island.

Your Lordship intimates that if the Secretary of state shall be of opinion that a reinforcement should be permanently added to the Force in the Australian Colonies, the General Commanding in Chief would offer the following arrangement for consideration.

As each of the Regiments in New South Wales now upon an Establishment of 800 men is intended for India, it is proposed to place those Regiments at once upon the Indian Establishment of 1,000 men each; that the Garrison of Van Diemen's Land should consist of two of those Regiments, from which detachments from 4 to 5 Companies of 100 Men each should be made to the several Dependencies where such Force is now stationed, and which would, therefore, leave a Force of 1,500 or 1,600 Men in the Colony of Van Diemen's Land as now required by the Lieutenant Governor.

In reply I am directed to request that you will acquaint Lord Hill that, with the concurrence of the Secretary at War, Lord Stanley approves of the mode which His Lordship proposes for strengthening the Force in the Australian Colonies, and requests that he will take immediate steps for carrying it into effect.

Lord Stanley considers that the two Regiments, strengthened as now proposed stationed at Van Diemen's Land, may furnish Detachments for New Zealand, Western Australia and South Australia.
GIPPS TO STANLEY.

That arrangement would leave the two Regiments in New South Wales chargeable only with the duty of supplying the Detachments for Norfolk Island, which his Lordship trusts may be reduced. Those arrangements, however, Lord Stanley leaves for the consideration of the General Commanding in Chief.

Lord Stanley will acquaint the several Governors and Lieutenant Governors concerned of the proposed arrangements, and will again press upon them the arguments urged by Lord Hill, in which he entirely concurs, for avoiding as much as possible the dispersion of the Troops by the multiplication of small detachments.

I have, &c.,

JAMES STEPHEN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 70, per ship Middlesex.)

My Lord,

Government House, 4th May, 1842.

I have the honor to report to Your Lordship that, on the receipt of Lord J. Russell's Despatch No. 347 of the 30th Augt., 1841, by which the difficulties were removed which had theretofore stood in the way of my opening to location the District of Moreton Bay, I took measures for the opening of the same, and have advertised a sale of the first allotments in the Town of Brisbane for the 14th July next.

I have further to report that I visited the District of Moreton Bay in the Month of March last, being absent from Sydney fourteen days for that purpose.

I found that, since the reduction of the Penal Establishment, reported in my Despatches Nos. 99 and 100 of the 1st July, 1839, much of the land formerly cultivated had been of necessity neglected; and that a new growth of brushwood was springing up upon it, a circumstance which, amongst others, went to prove to me the propriety of bringing such land to sale with as little delay as possible.

I have at various times reported, and particularly in my Despatch No. 32 of the 1st Feb., 1841, that Sheep or Cattle stations have been formed in the Districts behind and beyond Moreton Bay. I have now to report that the number of these Squatting stations is about 45; but that none have been allowed to be formed within fifty miles of the Town of Brisbane.

About 1,800 Bales of Wool, the produce of these stations, have been shipped at Brisbane in the present year.

I have only further to report that, in opening this new District to Location, I propose to follow in all essential particulars the course of proceeding,* which was adopted at Port Phillip, and which has led to such satisfactory results.

I have, &c.,

GEO. GIPPS.

* Note 3.
1842, 5 May.

"Blue book" and annual report received.

Additional details required in reports.

Officials as landed proprietors.

HISTORICAL RECORDS OF AUSTRALIA.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 101, per ship Aden; acknowledged by Sir George Gipps, 17th December, 1842.)

Sir,

Downing Street, 5 May, 1842.

I have received your Despatch No. 176 of the 14th of September last, forwarding the Blue Book for New South Wales for the year 1840, together with a report on the Political state of the Colony.

The report, which you have now furnished, is not of the description which Her Majesty's Government thought it desirable to call for annually from the Governor of each of the Colonies.

The Report now before me describes merely the political and Judicial constitution of the Colony; whereas it was the object of the instruction to produce a review, retrospective and prospective, of the state and condition of the Colony, under each of the heads into which the Blue Book is divided. For example, with reference to the Courts of Justice, the report should have stated how far trials for Crime have increased or decreased, and should have explained the probable causes of increase or decrease. A similar Report should have been furnished with regard to Civil Cases, and a comparison of the state of the Administration of Justice since Circuit Courts were established, and before. Under the head of Revenue, there should have been an account of the principal sources of the large Revenue of Customs to which you refer, comparing the state of things in that respect now and in late years, and explaining the causes of the difference. The Report should contain such explanations and comments, which would illustrate the permanent as distinguished from the transient and occasional interests of the Colony, and should be a general reduction of contributions made by the Head of each Department of your Government.

With regard to the fact mentioned in your Report that many of the older Officers of your Government are either proprietors of Land, or of Flocks and Herds, to which their attention is in some degree devoted, it must be distinctly understood that no Government Officers can be permitted to devote their time to their Landed and other personal concerns to the detriment of the public business.

I have, &c,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 80, per ship Middlesex; acknowledged by Lord Stanley, 26th December, 1842.)

My Lord,

Government House, 5th May, 1842.

By Lord J. Russell's Despatch of the 27th June, 1841, No. 296, I was, in consequence of an application from the
GIPPS TO STANLEY.

Admiralty, desired to obtain a report from the Officer in command at Port Essington as to the state and prospects of that Settlement, in order to assist Her Majesty's Government in determining whether to retain or abandon it. His Lordship's Despatch reached me on the 23d Decr. last, since which time no opportunity of communicating with Port Essington has presented itself. But Her Majesty's Surveying Vessel, the "Beagle," which was at Port Essington in the months of August and Septt. last, having arrived in Sydney, I communicated to the Commander of her, Captn. Stokes, the substance of Lord J. Russell's Despatch; and I enclose herewith a Copy of a letter which I received from that Officer in reply.

When Captn. Stokes left Port Essington, the Settlement was well supplied with provisions, but beginning to be in want of Clothing. I shall therefore forward them a supply of this latter as early as possible.

I further enclose an extract from a letter, written to me from Western Australia by Captn. Stokes, before I had communicated to him Lord J. Russell's Despatch; and I have to add that the last letter I received from Captn. Stanley of the "Britomart," contained the following passage:

"I left the Settlement all well, and on the best possible terms with the Natives (Aborigines), who are now in very good order."

Captn. Stanley's letter was dated from Singapore, the 6th Novr., 1841.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these letters, dated 19th March, 1842, and 20th December, 1841, will be found in a volume in series III.]
I should explain that Dr. Kinchela is himself unable to write, not having recovered from the indisposition which I reported in my Despatch No. 238 of the 28th Decr., 1841.

I have, &c.,
GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 85, per ship Middlesex; acknowledged by lord Stanley, 23rd November, 1842.)

My Lord, Government House, 10th May, 1842.

I have the honor to forward herewith to Your Lordship a Copy of the Address, with which I this day opened the ordinary session of the Legislative Council of this Colony for the present year.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

[This address* was printed in the "Votes and Proceedings" of the legislative council.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 86, per ship Middlesex.)

My Lord, Government House, 11th May, 1842.

With my Despatch No. 14 of the 27th Jany. last, I transmitted to Your Lordship a Copy of a Minute of the Executive Council of this Colony, made on my taking the advice of the Council as to the best means of meeting the expenses of the Immigration, which was then setting rapidly into the Colony.

At the time when that Minute was made, an impression existed that, after drawing on the Lords of the Treasury for the sum due to this Government on account of New Zealand, the deficiency in our funds to meet the expenses of Immigration would not exceed from £10,000 to £20,000, whereas, in the address with which I opened the Session of the Legislative Council, it is stated that Debentures† have issued or are in the course of being issued to the amount of about £65,000.

I am anxious to explain to Your Lordship that the cause of the difference is that eleven ships with Emigrants have arrived, more than the Immigration Agent in his examination before the Council stated as likely to have left England before the 1st Novr., 1841; also that the expectation has not been realized, which was then entertained, of being able to obtain adequate prices for some valuable lands in the neighbourhood of Sydney, and that consequently a very small sum of money has as yet been derived from the sale of lands of this description.

I have, &c.,
GEO. GIPPS.

* Note 4. † Note 5.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 104, per ship Aden; acknowledged by Sir George Gipps, 24th October, 1842.)

Sir, Downing Street, 13 May, 1842.

I have recently received reports from the Governor of South Australia of Conflicts, which had occurred between the Natives on the Murray River and a party proceeding overland from Sydney under Mr. Robinson, and one which was sent to meet and relieve it. You have no doubt been made aware of the circumstances to which I refer; and I enclose for your information a Copy of the Despatch which I have addressed to Captain Grey on the subject.

It will be your duty to impress upon the Colonists the necessity of travelling across those Districts, which have of late been the scene of so much conflict, in sufficient force to overcome the Natives, and to prevent any attempt of renewing attacks which are invited by an appearance of weakness; and also of maintaining the strictest discipline in those Parties, and avoiding such intercourse with the Natives, Male or Female, as may ultimately lay grounds for quarrel.

I have, &c.

STANLEY.

[Enclosure.]

LORD STANLEY TO GOVERNOR GREY.

Sir, Downing Street, 13th May, 1842.

I have received your despatches of the numbers and dates specified in the margin.*

No. 28 contains a report of a collision between a Party of Europeans and a party of the Murray River Natives.

No. 52 transmits a Report of the proceedings of the Bench of Magistrates in their investigation of that Conflict, and notifies the Appointment of Mr. Eyre to the Offices of Resident Magistrate and protector of Aborigines in that District of the Murray River.

Nos. 26 and 53 contain a report of the expeditions undertaken by Mr. Eyre, and submit the recommendation of a large Body of Colonists that Mr. Eyre should receive some suitable reward for the services which he has rendered on his recent Expedition from South Australian to King George's Sound.

I have read with pain the account contained in your Despatches Nos. 28 and 52 of the encounter between the Natives and Mr. Robinson's party, and that which was sent to meet and relieve it.

The evidence taken upon this subject is ex-parte; but, so far as I can judge from an examination of the whole of it, it appears to me that, although upon both occasions the firing by the Europeans took place before any positive act of hostility had occurred on the part of the natives, the indications of their hostile intentions were not to be mistaken; and I give full weight to the argument, that had the small body of Europeans thrown away the advantage which they possessed from the superior efficacy of their firearms at a greater distance, and permitted the natives to approach near enough to use their Spears with effect, or to make a rush upon the Party, such a course would probably have been fatal to them.

* Marginal note.—No. 26, 3d Sept., 1841; No. 28, 13 Sept., 1841; No. 52, 30 Sept., 1841; No. 53, 30 Sept., 1841.

T Note 6.
At the same time I cannot but remark that it appears clearly that the men of Mr. Robinson's party fired without waiting for any orders; and, if there be anything which especially demands attention, where so much, not only of the immediate results, but of the ultimate relations with the Natives depends upon the exercise on such occasions of cool judgment and great forbearance, it is that there should be with every party crossing a District, in which they are liable to be attacked, some one person in command of the whole, and answerable for the steps necessary for the protection of the party.

I must strongly urge upon you the necessity of enforcing this rule, and of making the strictest enquiry into any cases, in which an unauthorized and disorderly firing may have precipitated a Collision, which greater prudence might have altogether avoided. I am compelled also to say that I see reason to fear that, upon the second occasion, the firing was continued for the period of 15 or 20 minutes, after the Natives had taken to flight, resulting in the death of nearly thirty of them.

I regret also very much that it should have been thought necessary to fire upon an unarmed prisoner, attempting his escape by swimming, with manacles on his hands and fetters on his feet, and who was ultimately retaken, whether wounded or not is not stated.

I shall urge upon Sir George Gipps the caution, which I now convey to you, to impress upon the Colonists the necessity of travelling across these Districts in sufficient force to overawe the Natives, and to prevent any attempt at renewing attacks which are invited by an appearance of weakness and also of maintaining the strictest discipline in their parties, and avoiding such intercourse with the Natives, Male or Female, as may ultimately lay grounds for quarrel.

I shall recommend to the Lords Commissioners of the Treasury to sanction the appointment of Mr. Eyre to be resident Magistrate and protector of Aborigines on the Murray. I think the permanent presence of such an Officer in that Quarter is desirable; and, with the concurrence of the Treasury, I shall be ready to sanction the Appointment of Mr. Eyre, as an acknowledgment of the exertions which he has made in the Service of the Colony.

I think it my duty to call your attention to the inconvenience of detaching to so great a distance from the main body so small a Military Force as 12 men and a Non Commissioned Officer; and I cannot approve of their being permanently stationed at Mr. Eyre's post on the Murray. The inconvenience arising from the multiplication of these small detachments has been repeatedly and strongly pointed out, and you must remember that the presence of these Troops in the Colony is only a temporary measure, and that, whilst there, you must keep them as much concentrated as possible, and provide by different means for the police Services of the Outposts and distant Stations.

I have, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 87, per ship Middlesex; acknowledged by lord Stanley, 2nd January, 1843.)

My Lord,

Government House, 13th May, 1842.

I have the honor to report to Your Lordship that, on or about the 10th Feby. last, a fortnight after the Emigrant ship
"Carthaginian" arrived in the harbour of Sydney, it was brought to my knowledge that an unmarried female Emigrant by that vessel, named Margaret Ann Bolton, had been greatly illused in the course of the voyage to the Colony; and that I consequently caused the case to be investigated by the Police Court of Sydney.

The result of the investigation was that the Captain and Surgeon of the vessel were committed for trial in the Supreme Court for an assault on Margaret Ann Bolton; and that, when tried, they were each sentenced to be imprisoned for six months and each to pay a fine of £50 to Her Majesty.

I enclose a Newspaper,* containing an account of the proceedings of the full Court, consisting of the three Judges resident in Sydney, when these parties were brought up for Judgment and the sentence abovementioned was pronounced upon them by Mr. Justice Burton.

On the trial, it was proved that Margaret Ann Bolton was taken from her bed to the deck of the vessel in the middle of the night, and that, after she was handcuffed, several buckets of water were thrown over her (the Surgeon himself throwing the first); that she was kept on deck two hours in her wet night clothes, and that she suffered very severely from this exposure, her constitution being naturally delicate.

I have caused Margaret Ann Bolton to be properly taken care of; and I propose to appropriate out of the amount of the two Fines any sums that may be required for her use.

Though the charges against the Master and Surgeon, above alluded to, were the only ones proved on the trial, I regret to say that other instances of the illusage of the same Margaret Ann Bolton were adduced before the Emigration Board.

The name of the Master of the Ship is Robert Robertson, that of the Surgeon, Richard William Nelson; they are now both undergoing their sentences in Sydney Gaol.

I have, &c.

GEO. GIPPS.

* Note 7.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 105, per ship Aden.)

Sir,

Downing Street, 14 May, 1842.

I have received and have laid before the Queen your Despatch No. 204 of the 9th of Oct. last, with the accompanying Private Acts of the Governor and Legislative Council of New South Wales, intituled "An Act for facilitating Proceedings by and against the Hunter's River Steam Navigation Company, and for other purposes therein mentioned"; and

1842.
13 May.

Trial of captain and surgeon of ship Carthaginian for assault on immigrant.

Details of assault.


14 May.

Private acts received.

Note 7.
“An Act to enable the Members of an Association called the Mutual Fire Insurance Association to sue and be sued in the name of the Chairman of the said Association for the time being, and for other purposes therein mentioned.”

I have received the Queen's Commands to inform you that Her Majesty has been pleased to confirm and allow these Acts.

I think it right to call your attention to the possible inconveniences, which might result to the Public from the neglect or delay on the part of the Hunter's River Steam Navigation Company to appoint a Secretary or from the like neglect or delay on the part of the Mutual Fire Insurance Association to appoint a Chairman, inasmuch as, during the Vacancy of their respective Offices, it would seem that it would not be possible to take legal proceedings against those Companies.

I have also observed that there is no provision in the Hunter's River Steam Navigation Company's Act similar to the Section 5 of the Mutual Fire Insurance Association Act, which prevents several Actions being brought for the same demand, a provision which is usually inserted in Acts of this nature.

I have, &c,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 88, per ship Middlesex.)

My Lord,

Government House, 14th May, 1842.

I have the honor to enclose herewith to Your Lordship a Return of the total number of Immigrants introduced into this Colony on Bounty under the Regulations of the 3rd March, 1840, commencing with those who left England on or after the 1st July in that year, and who arrived in the Colony in the following month of November.

Your Lordship will perceive that, during this period of about eighteen months, the number of Immigrants (including Women and Children) was 26,546, and the amount of Bounties on them £448,408 17s. 6d., which sum however is exclusive of other charges, connected with Immigration for the same period either in the Colony or in England, which may be estimated at £20,000, and consequently the whole amount will be about £468,000, the sum mentioned in the address, with which I opened on the 10th inst. the Session of the Legislative Council.

This number of 26,546 Souls includes all the Emigrants on Bounty, who left England before the 1st Novr. last, the day on which Emigration was stopped by order of the Secretary of State; but it is exclusive of the persons, who have come to the Colony unassisted by the Government, and who are estimated by
the Immigration agent at about 5,000 Souls, during the same period of eighteen months.  

I further enclose a Return shewing the number of persons for whose importation on Bounty the permission, given by this Government, has expired by lapse of time, and for whom therefore we could not have been called upon to pay Bounties, even though the authority of the Secretary of State had not been interposed to stop Emigration.

By this Return, it appears that, of the persons for whose importation on Bounty permissions were given in the years 1837 and 1838, less than one in three were actually imported whilst those permissions remained in force; and that consequently, up to the end of 1840, when all those permissions had expired, the Government had been called on to pay less than one third of the Bounties which might have been demanded of it. This circumstance is entitled, I would submit, to consideration, as having greatly influenced me in the year 1840 in the issue of permissions, or, as they have been sometimes called, Bounty orders.

And it should further, I submit, be borne in mind, that the Government Emigration ships, which arrived in the beginning of 1840, were incomplete in the number of their Emigrants, in consequence of the indisposition which prevailed in England to Emigrate at the time of their sailing. The alteration, which took place in the year 1841 and which so greatly increased the desire to Emigrate, could not have been foreseen in the Colony.

Out of this total number of 26,546 souls, there are now unemployed and receiving rations from the Government in Sydney, 27 Men, 30 Women, 87 Children; Total, 144; a number so insignificant, especially as it consists almost entirely of Invalids or of men with large families, as of itself to bear strong evidence that the Immigration has not exceeded the wants of the Colony.

At Port Phillip, some single women still receive rations from the Government, but I am not informed of the exact number; and I should state that, during the great influx of Emigrants into the Port Phillip District, men, who could not at once make better engagements, were all employed by the Government at £1 per week. In Sydney, the men have not been paid wages but have been required to work two days in the week in return for their rations.

In my Despatch of the 2nd April last, I stated to Your Lordship that, under existing circumstances, I could not recommend the resumption of Emigration from England even after the 1st Augt. next, to which date I was informed by Your Lordship’s Despatch of the 14th Octt., 1841, No. 16, it had been suspended;
but Your Lordship will, I doubt not, understand that I recommended the further suspension of it solely on account of our want of funds.

During the first quarter of the present year, we have sold land only to the amount (including Port Phillip) of about £4,000; and, though the depression, under which the Colony has laboured for the last eighteen months, is passing away, I see no immediate prospect of any great augmentation in our Land Sales. Very large quantities of land have been thrown into the market by private individuals at prices less than the minimum, at which Government land can now be purchased; and consequently the only lands belonging to Government, for which there is any demand, are those situate in favorable localities; and it is further important to observe that, up to the time when the assignment of Convicts to private service ceased, lands were largely purchased by newcomers for the sole purpose of qualifying themselves to receive Convicts, assignment of Convicts being made according to the landed qualifications of the different applicants; but, since the discontinuance of assignment, this inducement to purchase land has of course wholly ceased.

The Bounty system of Emigration, such as has been carried on in this Colony for the last three or four years, is now I think to be considered at an end; but, as whenever Emigration from the United Kingdom may be resumed, the plan on which it is to be conducted must be a subject of anxious consideration, I have committed to paper my own views upon it, and have the honor to transmit the same as an Enclosure to this Despatch.

I beg in conclusion to explain that the documents, accompanying this Despatch, are not intended as substitutes for the Returns, which have been called for by various despatches from Lord J. Russell on the application of the Land and Emigration Commissioners; but that these Returns will be forwarded, as soon as they can be obtained from the Immigration Agent, whose delay in furnishing them may, I trust, be excused, when the great press of business, which has of late prevailed in his Department, is considered.

My present Despatch is intended as a sequel to that of the 2nd April last, marked “Separate”; and I trust it will be found to contain the information (as far as I am able to afford it), called for by Your Lordship’s Despatch to myself of the 14th Oct. last, No. 16.

A more particular account of the distribution of the Immigrants during the last eighteen months will be amongst the documents furnished by the Immigration Agent. I have, &c.,

Geo. Gipps.
[Enclosure No. 1.]

RETURN of the number of Immigrants landed in the Colony of New South Wales, on whom Bounty has been paid (or is now payable) in conformity with the Regulations of 3rd March, 1840.

<table>
<thead>
<tr>
<th>Period</th>
<th>Sydney</th>
<th></th>
<th>Port Phillip</th>
<th></th>
<th>General Total</th>
<th></th>
<th>Amount of Bounties and Gratuities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adults</td>
<td>Children</td>
<td>Adults</td>
<td>Children</td>
<td>Adults</td>
<td>Children</td>
<td>Adults</td>
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<td>From</td>
<td>To</td>
<td></td>
<td></td>
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<tr>
<td>1840</td>
<td></td>
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<td></td>
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<tr>
<td>9th March</td>
<td>31st Decr.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>1841</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1st Jan.</td>
<td>31st Decr.</td>
<td></td>
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<tr>
<td>1842</td>
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<tr>
<td>1st Jan.</td>
<td>31st Decr.</td>
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<tr>
<td>Total</td>
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</tbody>
</table>

* The number of Bounty Immigrants during this period, as well as the amount of Bounties, will probably be slightly reduced by deductions likely to be made for ineligibl persons in the "Manlius" to Port Phillip and "Sir Charles Wilson" to Sydney, not yet reported upon.

† Including 280 by the "Manlius" in Quarantine, whose ages and sexes are not yet known in this office.

Francis L. S. Merewether,
Agent for Immigration.

Immigration Office,
Sydney, 6th May, 1842.
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</tr>
</thead>
<tbody>
<tr>
<td>Quarter ending 31st Decr., 1837... 31st Decr., 1838...</td>
<td>31st Decr., 1838...</td>
<td>588</td>
<td>471</td>
<td>147</td>
<td>358</td>
<td>264</td>
<td>94</td>
<td>358</td>
<td>306</td>
<td>52</td>
</tr>
<tr>
<td>31st March, 1839... 31st March, 1840...</td>
<td>31st March, 1840...</td>
<td>508</td>
<td>403</td>
<td>225</td>
<td>204</td>
<td>94</td>
<td>170</td>
<td>204</td>
<td>94</td>
<td>170</td>
</tr>
<tr>
<td>30th June... 30th June...</td>
<td>30th June...</td>
<td>670</td>
<td>341</td>
<td>229</td>
<td>168</td>
<td>90</td>
<td>78</td>
<td>168</td>
<td>104</td>
<td>64</td>
</tr>
<tr>
<td>30th Septr., 1839... 30th Septr., 1840...</td>
<td>30th Septr., 1840...</td>
<td>33</td>
<td>11</td>
<td>22</td>
<td>171</td>
<td>2</td>
<td>169</td>
<td>171</td>
<td>2</td>
<td>169</td>
</tr>
<tr>
<td>31st Decr., 1839... 31st Decr., 1840...</td>
<td>31st Decr., 1840...</td>
<td>1,486</td>
<td>70</td>
<td>1,416</td>
<td>325</td>
<td>50</td>
<td>275</td>
<td>341</td>
<td>41</td>
<td>275</td>
</tr>
</tbody>
</table>

3,655 | 1,058 | 2,597 | 1,286 | 500 | 777 | 1,392 | 672 | 720 |

3,190 | 742 | 88 | 110 | 110 | 110 | 110 | 110 | 110 | 110 | 110 |

1,200 | 720 | 480 | 350 | 350 | 350 | 350 | 350 | 350 | 350 | 350 |

350 | 40 | 182 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |

4,185 | 3,001 | 1,184 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 |

11,119 | 6,351 | 4,768 | 2,766 | 1,970 | 777 | 2,773 | 2,043 | 730 |

N.B.—Reckoning each Family to consist of four persons, the number, for whose Importation permissions expired before the 1st Jan., 1841, will be 13,553, of whom only 4,355 really were imported or less than one in three.

Francis L. S. Merewether,
Agent for Immigration.
MEMORANDUM on Immigration into the Colony of New South Wales, forming an Appendix to Sir George Gipps' Despatch to Lord Stanley, No. 88 of the 14th May, 1842.

Two Systems of Immigration have been acted on during the last five or six years in the Colony of New South Wales, one called the Government, the other the Bounty system.

The Government system was at first conducted by Surgeons of the Royal Navy, selected by the Governor of New South Wales; but, subsequently, the conduct of it was placed in the hands of Officers appointed by the Secretary of State in England; and by them it was entirely managed, until given up at the end of 1839.

The principal objections against the Government system were:

That it was dearer than the Bounty system; and that the Emigrants supplied by it were of an inferior character and frequently burdened with large Families. Various other impressions unfavorable to it also prevailed in the Colony, such as that it was made in England the means of relieving Workhouses or Parish Unions, whilst in Ireland the Roman Catholics were said to be favored under it; and the dislike to it, on the part of the majority of the Colonists of New South Wales, was still further increased on its appearing that an agreement had been entered into under it for sending to the Colony Crown Witnesses from Ireland.

The Bounty system was originally intended only for the convenience of actual cultivators or settlers in the Colony. It was meant by it to give to persons, residing in the Colony, the means of getting from the United Kingdom Laborers to be employed by themselves; but it was not originally intended to allow persons to import them for any other purpose. This restriction however remained but a short time in force; and even before Sir Richard Bourke (who established the system) had quitted the Government, permission to import Emigrants on Bounty had been granted to persons who did not pretend that they wanted them for their own employment; and thus the Importation of Emigrants gradually grew into a Trade. Up to the beginning of 1840 however, the trade was confined to two or three houses, and the universal complaint in the Colony was that the Bounties were too low, and the supply of Emigrants insufficient, not one in three being brought to the Colony of the persons, for whose importation on Bounty permission had been given.

In November, 1839, the Committee of the Legislative Council recommended an augmentation of the Bounties, and they were accordingly increased; but the reluctance, with which I acceded to this measure, may be inferred from the fact that, though the increase was recommended in Novr. 1839, I did not act upon the advice of the Council until the 3rd March, 1840.

This increase in the Bounties led to a vast increase of applications for leave to import Emigrants; and, during the great prosperity of the year 1840, permissions to import them were very extensively given, to such an extent indeed as to create alarm in England, and to draw on me the censure of Her Majesty's Government.
1842.
14 May.

Memorandum
by Sir G. Gipps
on problems of immigration.

Unfortunately a contest, respecting the comparative merits of the Bounty and Government systems of Emigration, had before this time sprung up, which was carried on, on the one side by the Committee of the Legislative Council appointed annually to consider the subject of Immigration, and on the other by the Officers who conducted the Government system in England.

To this contest, the cause may be traced, why the Bounty system never had the advantage of the control or assistance of these Officers, in the way in which such control or assistance might have been most advantageously exercised. I do not intend to blame those officers for not having given their assistance; I acknowledge it was never asked for; but it would have been asked for, had such contest never existed.

In my Despatch No. 164 of the 4th Decr., 1839, I expressed my apprehensions that the Bounty system might not be found to work so well, when, by the contemplated rise in the Bounties, new adventurers should be attracted to the trade, as it had worked, whilst the trade was in the hands of only a few individuals; but the extreme heedlessness, with which these new adventurers rushed into the trade, certainly never was nor could it well have been foreseen in the Colony.

Notwithstanding the stringent nature of the Regulations of this Government and a caution given at the end of them that they would be rigidly enforced (as they theretofore ever had been), these regulations appear to have been very little attended to; and, though the Commissioners of Emigration did, with the permission of the Secretary of State, assume a control over the Bounty system by their notice of the 25th of Jany., 1841, it may be doubted whether that control was exercised as advantageously as it might have been, had a proper system been preconcerted between the Commissioners and the Authorities in New South Wales.

The greatest check upon the Exporters of Emigrants was the apprehension of the Bounties being disallowed in the Colony, in consequence either of the ineligible persons, or of a noncompliance on the part of the Exporters of them with the regulations established for their treatment on the voyage.

Had a warning been given to the Exporters of the great risk they exposed themselves to, and the same been constantly or frequently repeated, it might have induced caution; but when, on the contrary, the Commissioners demanded Certificates of eligibility before the embarkation of the Emigrants, it is to be feared that the Exporters adopted the idea that, if they could but obtain such Certificates and get them passed by the Agents of the Commissioners, the Bounty in the Colony was secured to them. How far this idea prevailed, I am of course unable to say; but I am supported in my opinion by the whole of the Members of the Immigration Board in Sydney that the Certificates have not answered the purpose of securing for the Colony a better class of persons than those who were formerly sent out; whilst the very essential regulation has been greatly disregarded, which requires that single women should come to the Colony under the protection of Married Couples, and indeed as part of their Families.

Of the evils which have developed themselves in the working of the Bounty system in this Colony, the greatest appears to be that the supply under it is very uncertain, sometimes being greatly deficient, at other times threatening to be in excess.
This evil appears to me irremediable, so long as the permissions to import Emigrants continue to be given in the Colony instead of at home, and the amount of Bounties also fixed in the Colony. The Bounties ought evidently to be fixed in relation to the expense of sending out the Emigrants; but, as this expense depends on the cost of freight and provisions in the United Kingdom, and on the expense of collecting a company of Emigrants, which again must depend on the disposition to emigrate amongst the labouring classes at home, it is evident that the proper data for fixing the Bounties cannot be obtained in the Colony.

Permission to export Emigrants should be given, I think, in England and not in the Colony, because in England the time, during which they remain in force, might be limited to short periods, say of two, three, or at most six months; whereas in the Colony, each permission has hitherto extended over a period of two years. In England also, absolute contracts might, if thought desirable, be entered into for the exportation of the number agreed on; and the parties, entering into such contracts, be subjected to penalties for any breach of them; whereas, in the engagements entered into by this Government, there is no mutuality, the Government being obliged to pay for the whole number, should they be brought within the specified period of two years, but the importer being under no penalty if he fail to bring them. A remedy for this want of mutuality seems to have been contemplated by Lord J. Russell in the directions given by His Lordship that all future permissions to import Emigrants should be drawn up by the Law Advisers of the Government; but such a measure would, I feel assured, afford no remedy, since no person here would be found willing to form engagements of so hazardous a nature, and extending over a period of two years or even of eighteen months, below which it would be scarcely possible to reduce the time; in fact I once endeavoured to introduce the principle of mutuality into our agreements, but without success.

The next evil of the Bounty system is the occasional employment of incompetent persons as Surgeons. Several instances have occurred of incompetent persons being sent out as Surgeons of Bounty Emigrant ships; and the objects for which gratuities to the Surgeons were established have failed, or rather the gratuities have for the most part proved only to be additions to the Bounties already sufficiently high or even higher than necessary.

More than one instance has occurred, in which a Surgeon agreed to give up a portion of his gratuities to the Exporter; and few Surgeons have received pay from the Exporter, as they formerly did, for their services.

The characters of Surgeons might be enquired into at home previous to their appointment to Emigrant ships; but it is evidently impossible to remedy in this Country the evils arising out of an improper appointment, further than by throwing (as we have done) the expenses arising out of it, in Quarantine charges or otherwise, on the Exporters.

The evil of sending out women of bad character is one which will never be entirely got rid of, so long as single women are allowed to emigrate; and, as single women are certainly as much wanted as any other class of Emigrants, and perhaps even more,
I am not disposed to alter in any way the regulations concerning them. The very numerous disallowances of Bounty, which have been made on single women of bad character, or who have come out not under the protection of married people, will perhaps operate as a better check for the future in respect to their exportation, than any regulation would do which it would be possible to adopt.

The inconvenience of having large families, and especially families of young children, sent to the Colony, is one which, after having been for a time got rid of, has lately again shewn itself.

It is to be attributed, I believe, to a practice on the part of the Exporters of making a charge of £1 or £2 for each child, which charge is often defrayed by persons willing to contribute towards getting these large families out of the Parishes to which they belong. This addition of £1 or £2 per head is sufficient to make the Exporters seek, rather than avoid large families; and I know of no effectual remedy for this evil than that which would be afforded by prohibiting altogether the payment of Bounties on any family, in which there shall be more than two children under ten years of age.

I will now briefly recapitulate the opinions which I have herein expressed, and add some few of a minor nature.

Bounty Emigration, as it has existed for the last five years, should be put an end to.

The only species of Emigration, for which Bounties should be promised in the Colony, should be that originally contemplated by Sir Richard Bourke. Parties actually resident in the Colony, and wanting Laborers for their own purposes, should still be allowed Bounty on them; but such Bounties should not exceed those, which were allowed previous to the 3rd March, 1840; and no person should be allowed to import Labourers on speculation except by permission of the Authorities in England.

Agreements should be made in England by the Commissioners with parties willing to export Emigrants, the number to be exported and the Bounty to be paid on them being made, if necessary, matters of separate bargain in each case; the selection of the Emigrants should however be left entirely to the Bounty agents, first, because any selection by the agents of Government will always be looked upon (however unjustly) with suspicion in the Colony; and secondly, because I think the disallowance of Bounties on ineligible persons is better calculated to produce caution in the selection of them than any means, which can be devised by the Commissioners. For this reason, the Bounties must still, as hitherto, be paid in the Colony; or at any rate, a balance on them be left for adjustment in the Colony, sufficient to cover all chances of disallowances and of Quarantine expenses, which latter should in all cases be charged against the Exporters.

The gratuities to the Surgeons and officers may perhaps be advantageously continued; but in such case it should be distinctly explained to them that their whole gratuities will be forfeited, if they withhold any information whatever of misconduct during the voyage from the knowledge of this Government; or if they fail to disclose to the Government the want of eligibility, which may be within their cognizance, of any of the Emigrants.

Written agreements have sometimes been brought to light between the Bounty Agents and the Surgeons, in which the latter engaged
GIPPS TO STANLEY.

May 14, 1842.

Memorandum by Sir G. Gipps on problems of immigration.

To afford to the former all the assistance in their power in obtaining the Bounties; and the Exporters in return agree to do their utmost, through their Agents in Sydney, to obtain the gratuities for the Surgeons, both parties thus combining against the Government; and the Surgeons have frequently been known not only to conceal the ineligibility of individuals or the infraction of Regulations, but even, after their arrival in Port, to assist in telling off, as it is called, the unmarried women to the married couples, and in fact instructing them how to deceive the Emigration Board in Sydney.

It would also be desirable to stipulate that gratuities should be payable only a month or six weeks after the arrival of the ship in Harbour.

On their first arrival, Immigrants are very averse to making complaints, fearing that, if they do so, they will be prevented from obtaining good places in the Colony. Improper practices have often been brought to light, a month or six weeks after the arrival of an Emigrant ship in Sydney, though no complaint whatever was made by the Emigrants on their appearance before the Board.

It is no part of the object of this Paper to speak of the means whereby Emigration is to be supported; I will therefore only briefly say that, after a lapse of more than two years, since my Despatch of the 22nd Novr., 1839, No. 157, was written, I see no reason to alter the opinions I then expressed. If the original plan laid down by Lord Glenelg be reverted to, and it be considered in England necessary to wait until it can be reported from this Colony that we have actually in our coffers a certain amount applicable to Immigration, I greatly fear the Colony will again suffer from want of Labour; but, on the other hand, the plan, which I recommended in Novr., 1839, cannot of course be carried into effect, unless some degree of aid, in the shape of a guarantee or of a Loan, be extended to the Colony by Her Majesty's Government.

I annex a Return, shewing the number of persons on whom Bounty has been refused during the last eighteen months, on account of ineligibility under the Regulations of the 3rd March, 1840; also a Return of the amount of Quarantine expences which have been charged against the Importers of Emigrants; such charges have hitherto only been made in cases, in which the disease rendering Quarantine necessary was obviously occasioned by negligence on the part of the Exporters or their officers; but I have already stated that in future I consider the expences of Quarantine should in all cases be deducted out of the Bounties.

Return of the Number of Immigrants landed in New South Wales between the 1st Jan., 1841, and the 30th April, 1842, on whom Bounty has been refused.

[This return detailed the names of the importer and of the agent in Great Britain of varying numbers of immigrants, of whom the totals were 852 male adults, 596 female adults and 164 children, and the amount of the bounty was £19,247.]
HISTORICAL RECORDS OF AUSTRALIA.

[Sub-enclosure No. 2.]

RETURN of the Amount of Quarantine expences, charged against Parties importing Immigrants on Bounty into New South Wales between the 1st Jany., 1841, and the 30th April, 1842.

<table>
<thead>
<tr>
<th>Name of Ship</th>
<th>Name of Importer</th>
<th>Name of Agent</th>
<th>Date of Arrival</th>
<th>Immi­grants where landed</th>
<th>Amount of Quarantine Expences</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Eleanor&quot;</td>
<td>Messrs. J. Gore and Co.</td>
<td>Carter and Bonus</td>
<td>22nd Augt.</td>
<td>Sydney</td>
<td>£ 355 0 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total £ 1,551 16 1</td>
</tr>
</tbody>
</table>

Remarks.—The Quarantine expences of the "Margaret" and "Ayrshire," amounting to £541 15s. 5d., were defrayed by the Government, as in those cases the existence of disease was not considered to be attributable to neglect on the part of the Importers or their Officers.

Immigration Office,
Sydney, 6th May, 1842.
FRANCIS L. S. MEREWETHER,
Agent for Immigration.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 106, per ship Aden.)

Sir,

Downing Street, 16 May, 1842.

I have to acknowledge the receipt of your Despatch No. 199 of the 2nd October last, transmitting Copies of a Correspondence which had passed between the Superintendent at Port Phillip and yourself on the subject of the Expenditure for Public Works in that District.

Her Majesty’s Government are gratified in observing the satisfactory progress of the Public Revenue of Port Phillip, and they entirely concur in the views which you appear to entertain with regard to the necessity for the exercise by the Superior Government of New South Wales of a careful Supervision over the Expenditure of the District.

It is presumed that the principal Works, specified in Mr. La Trobe’s letter of the 9 Sept., have not been undertaken without your previous approval and concurrence, and the sanction of Her Majesty’s Government.

The Expenditure of Public Money in the District of Port Phillip must of course be subjected to the same Control in every respect as that of the other Districts of the Colony and to the particular Supervision of the Superior Government.

I have, &c.,

STANLEY.
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 60, per ship Palestine; acknowledged by Lord Stanley, 20th December, 1842.)

My Lord,

Government House, 16th May, 1842.

I regret to have occasion to bring under Your Lordship's notice a further correspondence, which I have had with Mr. La Trobe, on the subject of atrocities committed by the Aborigines or on them in the Port Phillip District, the same being in continuation of my Despatches named in the margin.†

Mr. La Trobe, in a letter dated the 29th March last, of which a Copy is herewith enclosed, transmits to me a Copy of a representation (without date) which had been made to him by the Settlers, residing in the neighbourhood of Port Fairy, of the insecurity of life and property existing in that part of the Port Phillip District, in consequence of the aggressions of the Blacks; also of the answer which he returned to the gentlemen making this representation; and I beg to point out as especially worthy of notice the passage in Mr. La Trobe's answer, in which he mentions an apparently unprovoked and atrocious murder of three defenceless Aboriginal Women and a Child by a party of white inhabitants, the report of which reached Mr. La Trobe at the very time that he received the representation from the Settlers, to which he was replying.

* Marginal note.—No. 51, 11th March, 1842; No. 59, 17th March, 1842; No. 66, 1st April, 1842.
† Marginal note.—No. 51, 11th March, 1842; No. 59, 17th March, 1842; No. 66, 1st April, 1842.
Another enclosure in Mr. La Trobe's letter consists of a Copy of one which had been addressed to him (dated Mount William, March, 1842) by Mr. Horatio Willis, a Settler in the same District, equally complaining of the aggressions of the Blacks.

I further transmit to Your Lordship a Copy of the answer, which by my direction was returned by the Colonial Secretary to Mr. La Trobe's letter.

I cannot but draw Your Lordship's attention to the complaints made by Mr. La Trobe of the inefficiency of the Protectors of Aborigines, and to the paragraphs in my reply which relate to the same subject. I am painfully convinced that the Protectors have as yet effected no good that can be put in comparison with the irritation which they have created; though at the same time I feel very reluctant to put a stop to their proceedings, so long as the remotest hope can be entertained of a better result from their labours.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these letters, dated 29th March and 21st April, 1842, will be found in a volume in series III.]
holding intercourse with the Blacks is concerned, is quite unequal to the control of what is becoming a large and expensive Department; and moreover he is already advanced in years and far beyond the prime of life.

The course pursued by the Protectors has been, as far as I am able to form a judgment of it, one from the beginning of feeble action and puling complaint. With power in their hands to command the respect of the Settlers, they have failed to make themselves respected; and I greatly fear that their measures have tended rather to increase than allay the irritation, which has long existed between the two Races.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 4th March, 1842, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 92, per ship Palestine.)

My Lord,

Government House, 16th May, 1842.

In my Despatch of this day's date No. 90, I pointed out, as especially worthy of notice, a passage in Mr. La Trobe's answer to a representation made to him by some gentleman residing near Port Fairy, in which allusion was made to the atrocious murder of three Aboriginal women and a child, supposed to have been committed by some persons of European origin; I herewith transmit a Copy of an official letter from Mr. La Trobe on the same subject, wherein he informs me that he had offered a reward of £50 for the discovery of the perpetrators of this murder, or a Conditional Pardon, if information leading to such discovery should be given by any person suffering under a sentence of transportation; and I further enclose a Copy of the answer, which I caused to be returned to Mr. La Trobe desiring the offered reward might be increased to £100 and the promise held out to any Convict should be that of a free Pardon instead of a Conditional one.

I regret to be forced to add that nothing has yet come to my knowledge, tending to throw light on this abominable deed.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these letters, dated 29th March and 21st April, 1842, will be found in a volume in series III.]
HISTORICAL RECORDS OF AUSTRALIA.

1842.

17 May.

Transmission of letter from W. W. Dunn.

Lord Stanley to Sir George Gipps.

(Despatch No. 107, per ship Aden; acknowledged by Sir George Gipps, 15th April, 1843.)

Sir, Downing Street, 17 May, 1842.

I transmit to you herewith the Copy of a Letter which has been addressed to my Under Secretary by Mr. W. W. Dunn, with the accompanying Envelope of a Letter received by him from Port Phillip, both Seals of which he states had been broken open. I have to desire that you will call upon the Post Master at Melbourne for any explanation which he may have to offer on the subject.

I have, &c.

Stanley.

[Enclosure.]

Mr. W. W. Dunn to Under Secretary Vernon Smith.

Sir, Trowbridge, May, 1842.

By advice of the Secretary of The General Post Office, who informs me that the Post Office in New South Wales is not under the control of the Department in London, I beg to send you the Envelope of a letter received from Port Phillip on the 23rd of April last, per ship "St. George," Captain Wilson, which on its arrival to me was in the state it now is, both seals having been broken open.

In connection with this circumstance an account of charge for damage sustained on a bale of Goods, through leakage of the Vessel and also a Certificate of claim on the underwriters, authorizing me to receive the proceeds, advised in my letter as inclosed therein, were both missing, from which the reasonable inference is that they have been abstracted from the letter at the time it was broken open.

It appears also that it must have been open prior to its transmission through the General Post Office from the circumstance that part of the stamping there is upon the underfold, and therefore that it must have occurred at the Post Office at Melbourne.

As, without the Documents named above, I am unable to take any steps in reference to the underwriters, I take the liberty of stating the circumstances of the case, and of requesting the favour of your advice and assistance therein. Subscribing myself.

W. W. Dunn.

18 May.

Remission of fine and imprisonment on G. Arden.

Sir George Gipps to Lord Stanley.

(Despatch No. 93, per ship Palestine; acknowledged by Lord Stanley, 19th December, 1842.)

My Lord, Government House, 18th May, 1842.

I have the honor to report to Your Lordship the circumstances, under which I have, with the advice of my Executive Council and on the report of the Law Officers of the Crown of this Colony, remitted a sentence of fine and imprisonment, pronounced by Mr. Justice Willis, the Resident Judge in the Port Phillip District, on Mr. George Arden for the publication in a
Newspaper, called the "Port Phillip Gazette," of an article, which, in addition to much other contemptuous and vituperative matter, contained the following passage:

"From the hour that Mr. Justice Willis landed in the Colony, his personal behaviour on the Bench has been that of an 'infuriate.' He has never missed an opportunity to cut up with the utmost severity everything coming, however remotely connected with the case in hand, under his notice which bore the appearance of impropriety. That he has often egregiously erred, has been made manifest by this and other journals. That he has injured the characters of others; that he has created confusion in civil and social life; and that he has lost public respect from the unruly use of his tongue, both in private and in public life, is undeniable.

"Still might there be a shadow of excuse, were the person, who took upon himself to be the censor of morals, the eagle eyed detector of men's trivial faults, the endless declaimer against errors and crimes, were he of blameless life and irreproachable character. Can John Walpole Willis stand in the presence of that God, whose name and precepts are so frequently on his intemperate lips, and absolve himself of crime past and present, of crime in married life, and in single, of crime in office, and at home, of prejudice, Passion, and pride, of a ready spirit to lash the faults of those below him, whilst he is wisely cautious of noticing those above him, of hastiness of thought and action, of violence of language, of bitterness of expression, and of thoughtlessness of carriage, can he not absolve himself of all these, and yet will he continue day after day to satirize, interfere, annoy and injure, by every means in his power, the conduct and characters of those around him."

A copy of the Paper, dated the 12th Feby. last, in which this article appeared, is No. 1 amongst the papers enclosed herewith; and it may be seen that Mr. Arden's name is affixed to it, as sole Proprietor, Printer and Publisher.

The documents, furnished herewith and particularly the one marked No. 2, shew that Mr. Willis, being the sole Judge holding Jurisdiction in the Port Phillip District, considered that the best, if not the only way, in which he could proceed against Mr. Arden, was by treating the publication as a Contempt of Court; that, accordingly he brought Mr. Arden before him by the process of attachment, and, after putting to him certain Interrogatories through the Registrar of the Court, sentenced Mr. Arden to be imprisoned for twelve months, and to pay a fine to the Queen of £300.
1842.
15 May.

Sensation at Port Phillip.

Consideration by executive council.

Remission of imprisonment by J. W. Willis.

Opinions of law officers.

Remission of fine and imprisonment.

Mr. Arden was in consequence committed to Prison, whence he addressed to me two applications for relief, Copies of which are to be found amongst the accompanying papers.

Your Lordship will readily believe that such occurrences created a great sensation in the small community of Port Phillip, especially as it was not the first occasion on which Mr. Arden had been engaged in a contest with the Judge.

Looking on Mr. Arden's case as one of high importance, I determined to bring his application for relief before my Executive Council; and the Minutes of Council, transmitted amongst the Papers herewith, will shew to Your Lordship that certain Queries, arising out of it, were by the advice of the Council propounded to the Law officers of the Crown.

Before however these Queries could be answered, it was reported to me by Mr. Justice Willis that, after Mr. Arden had been some weeks in Gaol, he had remitted the unexpired term of his imprisonment, but that he had not remitted, neither would he recommend the remission of, the fine of £300. Whereupon I thought it necessary to put a further question to the Law Officers in respect to the power of the Judge to remit the sentence or any part of it without communication with the Governor.

To the several Queries, the Law Officers returned answers, to the effect that the publication in the Newspaper did not in their opinion constitute a contempt of Court; and that, the sentence having been once pronounced by the Judge, no part of it could be remitted except by the Governor.

The Executive Council, having taken these opinions into consideration, recommended me to remit the whole sentence, Fine as well as Imprisonment; and I have accordingly done so.

Your Lordship will observe that, as the sentence was remitted in consequence of the opinion expressed by the Law officers that the Publication in question did not involve a Contempt of Court, I have been spared the necessity of considering whether or not it ought to have been remitted on other grounds.

Amongst the Papers transmitted, is an address to the Judge, numerously and very respectably signed, to which I feel it right that I should request Your Lordship's attention. It was, I believe, got up by the friends of Mr. Justice Willis, in the expectation that an address of an opposite nature would be presented to me, calling for the Judge's removal; such an address however I have never received.

I have, &c.,

Geo. Gipps.

[Enclosures.]

[Copies of these papers will be found in a volume in series III.]
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 108, per ship Aden.)

19 May

Sir,

Downing Street, 19 May, 1842.

I have received your Despatch of the 5th of October last, No. 201, forwarding Copy of a Letter addressed by the Collector of Customs to the Colonial Secretary representing that a new first Clerk of the Customs, Mr. Thomas King, had been sent out from England, though the former one, Mr. Peter Stewart, had not been removed, or in any other way disposed of. I transmit to you, herewith, for your information and guidance, the Copies of a Correspondence which has passed on this subject between my Under Secretary and the Secretary to the Lords Commissioners of the Treasury.

I have, &c.,

STANLEY.

[Enclosure No. 1.]

UNDER SECRETARY STEPHEN TO MR. C. E. TREVELYAN.

Sir,

Downing Street, 13th April, 1842.

I am directed by Lord Stanley to transmit to you, for the consideration of the Lords Commissioners of the Treasury, the enclosed Copy of a Dispatch from the Governor of New South Wales forwarding Copy of a Letter addressed by the Collector of Customs to the Colonial Secretary representing that a New First Clerk, Mr. Thomas King, had been sent out from England, though the former one, Mr. Peter Stewart, had not been removed or in any other way disposed of.

I have, &c.,

JAMES STEPHEN.

[Enclosure No. 2.]

MR. G. CLERK TO UNDER SECRETARY STEPHEN.

Sir,

Treasury Chambers, 11 May, 1842.

Referring to your letter of the 13th Ultimo, and to the Documents therein submitted to this Board relative to a new first Clerk of the Customs having been sent out to New South Wales although the former one, Mr. Stewart, had not been removed or provided for, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you an extract from a Report of the Commissioners of Customs, dated 28th Ultimo, and to request that, in laying it before Lord Stanley, you will move his Lordship to cause the Governor of New South Wales to be informed that Mr. Stewart was not at any time entitled to a higher rate of Salary than £250 per annum and that Mr. King is entitled to the Salary of £300 per annum from the date of his arrival and admission to duty in the Colony; and to be instructed to cause any over issue above the Salary of £250 per annum, that may have been made to Mr. Stewart, to be forthwith reclaimed from and repaid by him, and also to make good to Mr. King any deficiency of the payments to him below the Salary of £300 per annum.

I am at the same time to request that the Governor may be further directed to hold Mr. Gibbs, the Collector, responsible for the recovery without delay of any such overissue as above mentioned that may have been made to Mr. Stewart; and that the Governor may be apprized that my Lords are only induced to refrain at
1842.
10 May.

Establishment of clerks in collector’s office.

Appointment proposed of first clerk.
Qualifications of P. Stewart.

Approval of revised scale of salaries.

Approval of appointment of T. King.

Difficulty re disposal of P. Stewart.

HISTORICAL RECORDS OF AUSTRALIA.

present from more marked expression of disapprobation of the proceedings on the part of the Collector, to which the Commissioners of Customs have adverted, from observing that they have already called upon him for further explanation respecting them.

I have, &c.,
G. CLERK.

[Sub-enclosure.]

EXTRACT of a Report from the Commissioners of Customs, dated 28th April, 1842.

"Your Lordships were pleased, by your minute of the 9th April, 1833, and Mr. Baring’s letter of the 2nd November, 1835, to approve of the following Establishment of Clerks for the due conduct of the business of the Collector’s office at Sydney, New South Wales, vizt.:—

“1st Clerk and Warehousekeeper, £250; 2nd Clerk, £200; 3rd Do., £150; 4th Do., £120.

“That, in our Report to your Lordships of the 3rd February, 1841, No. 137, we stated that, in consequence of the increasing Trade and Revenue of the Colony, it had become necessary that the Scale of Salaries, which had been granted to the Collector’s Clerks, should undergo revision and we submitted that the Establishment of the Collector’s Office should in future be as follows, vizt.:—

“1st Clerk, £300; 2nd Do., £250; 3rd Do., £200; 4th Do., £175; 5th Do., £150; 6th Do., £120.

“And we further submitted that a person in every respect qualified should be sent from this Country to fill the office of first Clerk at the increased Salary of £300 per Annum.

“Mr. P. Stewart who then held the situation of first Clerk at a Salary of £250, not being qualified to fill that office at a Port of such magnitude and importance as Sydney.

“That, Your Lordships having been pleased by your warrant of the 27th of March, 1841, to approve of the revised scale of Salaries, which had been proposed by us for the Collector’s office, as well as the other arrangements consequent thereon, a copy of Your Lordships’ warrant was transmitted by us to the Collector at Sydney on the 17th April, 1841, who was at the same time apprized that a proper person would be sent without loss of time, from this Country, to fill the office of first Clerk, which had been placed on the Establishment at the increased Salary of £300 per annum, and of 6th Clerk at a Salary of £120, and Your Lordships having been further pleased by Your Warrant of the 17th May, 1841, to approve of the recommendation contained in our report of the 8th May, 1841, No. 651, and to nominate Mr. Thos. King, then Clerk to the Collector at Galway, to the office of first Clerk at Sydney, our Commission and Instructions, as well as the usual letter of appointment to the Governor and Collector, were transmitted to him on the 22nd May, 1841, and he accordingly sailed for Sydney on the 1st June, where he arrived in the month of September following, and was admitted to duty accordingly.

“That, on the 1st of April instant, we received a representation from the Collector at Sydney, dated the 25 September, 1841, reporting the arrival and admission to duty of Mr. King; but that a difficulty had occurred in his (the Collector’s) mind as to the disposal of Mr. Stewart, the late first Clerk, who he stated had committed no offence which appeared to him to justify his reduction to
the office of Second Clerk. That, in reply to this Communication, we acquainted the Collector that it was upon his representation of Mr. Stewart's inefficiency that a proper person, Mr. King, had been appointed to fill the office of First Clerk at the increased Salary of £300 per annum, leaving Mr. Stewart second Clerk at his present Salary of £250 per annum; and we at the same time apprized the Collector that Mr. Stewart could only be paid at the latter rate from the date of Mr. King's admission; and it may be proper to state that, the Collector having stated, in a Postscript to his letter of the 25th September last before referred to, that Mr. Stewart was not even calculated to discharge the duties of second Clerk in his office, we have called upon him to reconcile his statements in this respect.

"With reference to the observations addressed by the Collector at Sydney to the Governor in regard to Mr. Stewart not having been allowed to fill the office of first Clerk on the revised Establishment, we consider the same to be very unjustifiable, inasmuch as the Collector has upon more than one occasion represented Mr. Stewart to be a slow dull man, frequently absent from duty by illness, very deficient in arithmetic and the mode of keeping accounts, and by no means suited for the responsible duties of his situation."

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**LORD STANLEY TO SIR GEORGE GIPPS.**

_Despatch No. 100, per ship Aden._

Sir, Downing Street, 20 May, 1842.

Referring to that part of my Dispatch No. 69 of the 24th of February last, and to the letter from the Board of Treasury which accompanied it on the subject of the Government Printing Establishment at New South Wales, I transmit to you herewith, for your information and guidance in connection with that subject, the copy of a further letter from the Secretary to the Lords Commissioners of the Treasury relative to Printing in Van Diemen's Land.

I have, &c.

STANLEY.

[Enclosure.]

**MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.**

Sir, Treasury Chambers, 23d April, 1842.

Referring to the letter addressed to you by direction of this Board on the 17th February last respecting the Establishment of a Government Printing Office in New South Wales, I am commanded by the Lords Commissioners of H.M.'s Treasury to transmit to you, for the information of Lord Stanley, a copy of a letter from Mr. Edward Abbott, dated Hobart Town the 1st October last, with its enclosure, on the subject of Printing in Van Diemen's Land.

I am, &c,

C. E. TREVELYAN.

[Sub-enclosure No. 1.]

**MR. E. ABBOTT TO MR. C. E. TREVELYAN.**

Sir, Hobart Town, Van Diemen's Land, 1 October, 1842.

I beg to enclose, for the information of the Right Honble. the Lords Commissioners of H.M. Treasury, a copy of a correspondence with the Colonial Secretary of this Government on the subject of
Printing; and My Lords will perceive that, if any offer is accepted, a considerable saving will be effected to the public, as the relative charges of the Colonial Government and private printing are under the consideration of the Commissariat Department of this Colony, and will be brought under the notice of My Lords by D.C.G. Maclean.

EDWD. ABBOTT.

[Sub-enclosure No. 2.]

MR. E. ABBOTT TO COLONIAL SECRETARY MONTAGU.

Sir,

Hobart Town, 9th September, 1841.

I have the honor to bring under the notice of the Local Government the fact of the Government Printing Office, an establishment supported by the votes of the Legislature, printing for private sale a periodical work, entitled the Colonial Magazine.

In the first place, I would call your especial attention to the finance minute of Sir John Franklin, addressed to the Council, in which His Excellency makes the following statement:

"In my Minute of 1838, I informed you that a Printing Establishment, exclusively for the use of the Colonial Government, was to be established. The Government Printer will be strictly confined to the business of the Government, and will not be permitted to interfere in any other respect with the Private Printing Establishments."

It cannot be denied that the work in question is a direct interference with the legitimate printing business of the various Printing Establishments of this Town, and I am satisfied it is not at all the wish of the Executive, nor the intention of the Legislative, that such a work should emanate from the Government Office.

It is hardly necessary for me to mention that the different Printing Offices are carried on at a great expense; that a large capital is necessarily embarked in type, etc., part of which is seldom used; that the wages of Compositors are higher than almost all other trades; therefore the publishing of the Tasmanian Journal by Mr. Barnard, the Superintendent, who is paid a handsome salary, with the use of the materials purchased by the Crown, the Overseer paid in like manner, and the assistance of Convict workmen employed, is interfering with the Printing Establishments, and quite at variance with the tenor and spirit of His Excellency's Minute, to which I have referred. This object is not so much to the Magazine in question, for it is an innocuous production; but it is one purely of principle, for, if the Government can be authorized to print a scientific Magazine, they may with impunity put forth a political Newspaper.

By this subject, I beg to apprise you that, before the establishment of the Government Printing Office, the work was done by tender, and that the Printing Office, of which I am Proprietor,
GIPPS TO STANLEY.  

performed the jobs required to the satisfaction of the Commissariat, and at prices very considerably less than at present charged. I would refer to the relative charges made by the Government and Private Offices, which are now, I believe, the subject of inquiry and report. In reference to the observation made by you that the Government Printer was paid at London prices, with 15 per cent. added, I beg to state that I will perform such work required by the Commissariat and Convict Departments at the London prices, without the addition of the 15 per cent., and that I am willing to give security for the performance of the work needed, while it will be a saving of some considerable extent to the public, and that I have made a verbal communication to this effect to the Assistant Commissary General; and, in the event of my offer being declined, I beg it may be brought under the notice of the Lords Commissioners of Her Majesty's Treasury, and the Secretary of State for the Colonies.

I have, &c.,

EDWARD ABBOTT.

[Sub-enclosure No. 3.]

COLONIAL SECRETARY MONTAGU TO MR. E. ABBOTT.

Sir, Colonial Secretary's Office, 14th September, 1841.

In reply to your letter of the 9th instant, in reference to the Printing at the Government Printing Establishment of a Periodical Work for sale. I am directed by the Lieutenant Governor to acquaint you that His Excellency has already informed the Secretary of State of the circumstances under which he authorised the measure which forms the subject of your complaint.

I have, &c.,

JOHN MONTAGU.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 94, per ship Palestine; acknowledged by lord Stanley, 20th December, 1842.)

My Lord, Government House, 20th May, 1842.

In my Despatch No. 50 of the 10th March last, I transmitted the various Reports from persons employed in the protection of the Aborigines in this Colony, called for by Lord J. Russell's Despatch, No. 132 of the 25th Augst., 1840, with the exception of the Reports from the five Commissioners of Crown Lands, which I stated had not then reached me.

I herewith transmit two of the missing Reports; and I beg to inform Your Lordship that I have caused a communication to be addressed to each of the three Commissioners, whose reports are still wanting, informing them that I have been obliged to report their negligence to the Secretary of State; and that I have given an order for their salaries to be suspended, until their respective reports may be received.

I think it right however to add that these officers are all employed in very remote Districts, and that the communication with them is at all times uncertain.

I have, &c.,

GEO. GIPPS.
MR. E. BECKHAM TO COLONIAL SECRETARY THOMSON.

Border Police Office,  
Binalong, 12th March, 1842.

In reply to your letter of the 2d July, 1841, calling for certain Returns respecting the Aborigines, I have the honor to forward the accompanying reports upon the Natives of this Colony for the information of His Excellency the Governor.

I have, &c.,  
EDGAR BECKHAM,  
Commissioner Crown Lands, Lachlan.

[Sub-enclosure.]

REPORT.

I do not consider the condition of the Natives likely to improve in any essential manner, owing, in my opinion, chiefly to their great dislike to remain for any considerable period at any fixed place of residence. If they could be persuaded to give up their present wandering habits for a more settled life and closer intercourse with Europeans, it would tend very materially towards changing their present condition for the better.

There are from seven to eight hundred Blacks in the Lachlan District extending down the right bank of the Murrumbidgee River to the South, and the left bank of the Lachlan River to the North.

The Blacks have no particular place of residence; they are usually wandering up and down the banks of the Rivers in Parties varying in numbers, and generally encamp in the vicinity of the settlers' stations. The Lachlan Blacks occasionally cross over the country of the Murrumbidgee River, and those of the Murrumbidgee visit the Lachlan; but this only occurs for the purpose of holding some jubilee.

With regard to the social condition of the Aborigines, they lead a wandering wild life. The men have their wives called Gins; they frequently change their Gins, and many fights take place between the different Tribes in consequence of the Men Stealing the Gins from each other. I have heard that the women sometimes kill their children, but could never find it out; and, if they do, it must be in very few instances.

The present state of the Natives is somewhat better than formerly, owing to the kind treatment they experience from Government in allowing different articles to be issued to them, particularly Blankets, which they value very much. The settlers are also extremely good to them, especially in the Lachlan District, in occasionally killing a Bullock and issuing it out to them; this tends in a very great degree in preventing the Aborigines from spearing and driving the Cattle off their runs, and consequently prevents many disputes that otherwise might occur between the Natives and Europeans in charge of the Stock.

The Blacks appear to have a very great dislike to hard work, or to remain long at one particular Station, which is the cause of their not being employed by, or having that intercourse with the settlers which would tend so much towards their Civilization, and
give their future prospects a greater probability of improving. From their present mode of living, I do not consider there is any great hope of the future prospects of the Aborigines being much better; and I think as the Colony becomes inhabited they gradually disappear.

EDGAR BECKHAM.
Commissioner of Crown Lands, Lachlan District.

[Enclosure No. 2.]

REPORT BY MR. H. OAKES.

LITTLE change has taken place in the Natives of this District, or the Clarence River; the Natives at the last named place have shown no inclination to communicate with the Whites; since the unprovoked Murders committed by them, they continue to traverse the Coast during the season favorable for fishing, and the interior during the hunting season, and to plunder whenever they have a chance. Such has been the kind feeling manifested by the white people towards them, that Clothing and Provisions are the only incitement to the outrages committed by them. On the McLeay River they are far more civilized, and remain longer in one place; this is entirely owing to the good understanding and confidence subsisting between the Whites and themselves; they are chiefly employed by the Whites in hunting, fishing, going errands, and seeking crooked Timber and such other as may be required by the Ship builders. Their numbers are fast decreasing; six of the best and most civilized Blacks, I have ever known, have died within the last year; one killed in open combat, one treacherously murdered by an adverse Tribe, and the others by the common course of nature, all exceedingly regretted by the white people. I do not think that one hundred and fifty Blacks occupy the space between Wabbra and Trial Bay, a distance of 80 Miles. As yet, little is known of the Blacks on the Nambuckra; in consequence of the late attacks on the Sawyers, they keep out of sight, waiting an opportunity of a Successful attack for provisions. The Blacks at Trial Bay are, or appear to be, highly incensed against them, fearful as they say, lest such outrages should be attributed to the Trial Bay Tribe.

The transactions of the last year as regarded the Blacks having been a subject that has been investigated and reported upon, I shall merely state that I continue of the same opinion, as expressed by me on a late occasion, that the distribution of Tools and implements to the Tribes is likely to check their depredations and encourage industry.

H. OAKES, Comr. of Crown Lands.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 110, per ship Aden.)

Sir,
Downing Street, 21 May, 1842.

Her Majesty’s Government have had under their consideration the whole of the circumstances connected with Mr. Anderson’s employment in, and retirement from the Medical Establishment of New South Wales, as detailed in the several Dispatches

1842.
20 May.

Report by H. Oakes re Aborigines on Mcleay and Clarence rivers.

STANLEY TO GIPPS.

1842.

21 May.

Consideration of case of M. Anderson.
of the numbers and dates noted in the Margin.* They have also had before them a communication from the Board of Admiralty of the 19th June, 1838, respecting the discontinuance of the Half Pay to which, previously to such employment, Dr. Anderson had become entitled as a Naval Surgeon.

From these Documents, it would appear that Dr. Anderson was employed as an Assistant Surgeon in the Convict and Colonial Medical Establishment at New South Wales from the 18th February, 1824, and as Surgeon from the 1st January, 1829, and that he had been placed in charge of the Hospital and District of Paramatta in the year 1826, at which station he remained until he quitted the Colonial Service. In November, 1837, Dr. Anderson made application to the Colonial Government for retirement on the ground of declining health; but, at the end of the year 1838, he resigned his appointment, as he alleges on that ground, without awaiting the decision on the application which had been made to the Secretary of State. It further appears that, in 1828, Dr. Anderson was called upon to resume his duties as a Naval Surgeon; but that, having declined so to do, he was removed from the List of Naval Surgeons, and forfeited his title to Naval Half Pay.

It does not appear that any expectation whatever of retired allowance in respect of his appointment on the Colonial Medical Establishment was held out to Dr. Anderson, nor that any such allowance has been granted to any other Party similarly situated. It may also be observed that, although the Certificate now furnishes evidence that Dr. Anderson was in an impaired state of health, it was distinctly stated in a Report of Deputy Inspector General Thompson of 11th May, 1839, that he had retired for his own convenience.

Under all these circumstances, and as it moreover appears that Dr. Anderson’s Public Duties did not preclude him from enjoying the advantage of an extensive Private Practice, Her Majesty’s Government do not consider the services of that Officer to have been of such nature or duration as to entitle him to any peculiar consideration; and, as the forfeiture of his Naval Half Pay was the necessary result of his own refusal to return to the duties of that service, they have not seen any reason for granting him a retired allowance either from Funds applicable for Convict Services, or from the Revenues of the Colony.

I have, &c,

STANLEY.

* Marginal note.—Sir R. Bourke, No. 115, 18 Novr., 1837. Sir G. Gipps, No. 81, 13 May, 1839; No. 141, 30 Sept., 1840; No. 193, 28 Sept., 1841.
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.  
(Despatch No. 95, per ship Palestine.)

My Lord,  
Government House, 23rd May, 1842.

I have the honor herewith to enclose three copies of a Report recently made to me by the Immigration Agent of this Colony, which, though nominally only for the year 1841, contains a general notice of the progress of Immigration up to the arrival of the last of the Emigrants, who left England previous to the 1st Novr., 1841.

On comparing this report with my own despatch, No. 88 of the 14th instant, and the memorandum which accompanied it, Your Lordship will perceive that but little difference of opinion exists between myself and the Immigration Agent, the principal perhaps being that, whilst I have recommended that in any future Emigration the selection of the Emigrants should be left to the Agents of the parties contracting to bring them to this country, Mr. Merewether recommends that they should be selected by the Agents of Government.

Your Lordship will perceive that Mr. Merewether has given all the information in his power, respecting the way in which the Immigrants, during the last 18 months, have been distributed in the Colony; and I desire particularly to request attention to those paragraphs in Pages 1 and 2 of his report, which relate to this matter, as, in Your Lordship's despatch No. 16 of the 14th Octt., 1841, I was desired to afford information upon this subject.

Of the large encampment of Immigrants which was to be seen in Sydney a few weeks ago, all the tents, with the exception of five, have now I am happy to say disappeared.

At Port Phillip, the number of unemployed Immigrants is still considerable; but this is in great part to be accounted for by the long detention in quarantine of the ship "Manlius."

Male Immigrants at Melbourne, not able to make better engagements, are still employed by Government, though their wages have been reduced from 20s. to 18s. per week. There were 362 men so employed on the 1st of the present month; and about 350 women and children were at that time still receiving assistance from the Government.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this report, dated 14th May, 1842, was printed in the "Votes and Proceedings" of the legislative council.]
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 113, per ship Aden.)

Sir,
Downing Street, 25 May, 1842.

I transmit to you herewith, in order that it may be communicated to Captain Maconochie, the enclosed copy of a letter which has been addressed to me by Mr. William Ash Benham, of Lambs Conduit Street, on the subject of a pecuniary claim against that Officer.

I have, &c.,
STANLEY.

[Enclosure.]

MR. W. A. BENHAM TO LORD STANLEY.

My Lord, London, 13 May, 1842.

Captn. Maconochie, now Governor of Norfolk Island, in the Summer of 1836 contracted a debt with me for Goods sold and delivered of £25 15s. 6d. On the 25th of August in that year, he wrote me expressing his sorrow at leaving London without discharging it, and promising to remit the money from Portsmouth; he subsequently sailed without doing so. In a correspondence I had with a friend of Captn. M.'s, a Mr. Bradbury, Mr. B. informed me, in a letter dated the 25th of November, 1836, that Captn. M. had stated that he had given instructions to his Agent, Sir Francis Ommaney, to pay the amount, and, from a suggestion offered by Mr. Bradbury, I applied to Sir F. O. several times. I at last wrote him, and had his answer, Decr. 11th, 1837, wherein he told me he had no instructions, and could not take upon himself any responsibility. I have at various times written out to Captn. Maconochie, but have hitherto failed in getting any reply. I beg very respectfully to observe I am still in possession of the Letters referred to in the foregoing.

Yours, &c.,
WILLIAM ASH BENHAM. 52 Lambs Conduit St.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 114. per ship Aden; acknowledged by Sir George Gipps, 16th January, 1843.)

Sir,
Downing Street, 26 May, 1842.

I transmit to you herewith for your information copies of a correspondence between this office and the Home Department, relative to the removal to the Colonies, therein referred to, of a number of Convict Boys who have for some time past been under a course of Discipline at Parkhurst Prison.

Parties of these Boys have already been sent to Western Australia and New Zealand, and I should wish to receive your opinion with as little delay as possible, how far either class of them might with advantage be sent to the Colony under your Government, particularly to Port Phillip, and whether there would be any disinclination on the part of the Colonists to receive and employ them.

I have, &c.,
STANLEY.
Sir,

Home Office, 5th April, 1842.

I am directed by Secretary Sir James Graham to request that you will bring under Lord Stanley's attention a subject of considerable importance in connexion with the administration of the Criminal Department.

The Parkhurst Prison was established in the year 1838 for the reception of Convict Boys, and especially with the view of subjecting them to such a course of Prison Discipline as should conduce to their correction and reform. To effect this object, the Boys are carefully instructed in moral and religious duties, taught trades, and trained in habits of obedience and industry. Such of the boys as after a reasonable trial appear to be incorrigible, are transported to Van Diemen's Land in pursuance of their sentences.

There is, however, reason to believe that, in a considerable number of cases, this Discipline at Parkhurst has been attended with beneficial effects; and that, if on their liberation suitable employment could be found for them, they would not be likely again to resort to the Commission of Crime.

Considerable difficulty at present exists in the disposal of these Boys. With the exception of a very small number, the Boys now in confinement are under sentences of transportation. If pardoned and set at liberty in this country, they would have to encounter such formidable difficulties from the loss of character, the want of friends, and their recent discharge from a prison, that they could be very rarely able to find an honest employment and would therefore in most cases return to their Criminal pursuits. If on the other hand they were transported, there is too much reason to fear that the moral improvement, which they may have derived during their Imprisonment at Parkhurst, would be obliterated by the Associations to which they would be exposed on board a Convict ship, and their subsequent intercourse with Criminals in a Penal Colony.

The Boys during their confinement at Parkhurst are employed in the cultivation of the land, and are taught Tailoring, Shoemaking, Carpentry, Joiners' Work, Sawing, and the making of Husbandry tools. From the demand for Labourers, which is understood to exist in several of Her Majesty's Colonies, there can be no doubt that the services of these Boys would be extremely valuable there, while their removal to and employment in the Colonies would effectually cut them off from their former haunts of Criminality and furnish them with the means of obtaining an honest, useful and creditable livelihood.

Sir James Graham is of opinion that, in the selection of these Boys for Emigration, it would be desirable to divide them into two Classes:

The first Class to consist of free Emigrants, and the second of Apprentices. That the first class should be confined to the elder Boys, who have distinguished themselves by good conduct and acquirements, and who would be assisted on their arrival in finding situations by the Colonial Authorities.

That the second Class should comprise the younger Boys also of good character, but whose youth and inexperience render it desirable that they should be subjected, for some time to come, to the restraint of an Apprenticeship.
1842.

26 May.

Boys available at Parkhurst prison.

Transmission of proposed plan for removal of boys to colonies.

Points for consideration.

Plan proposed for removal of boys from Parkhurst prison to colonies.

From a selection which has been recently made, there appear to be at the present time at Parkhurst 36 Boys eligible as free Emigrants, and 69 as Apprentices, besides 21 of a doubtful, although by no means of an incorrigible character, who would be also eligible as Apprentices.

Sir James Graham, having reason to believe that Lord Stanley concurs with him in considering that it is expedient to promote the Emigration of Boys from Parkhurst, has instructed the Committee of Visitors of the Prison to confer with you as to the Colonies to which it is most desirable that these Boys should be sent; and the arrangements which it may be advisable to adopt for the welfare of the Boys after their arrival in the Colonies.

These Gentlemen have made a report of the result of their Communications with you, in the general tenor of which Sir James Graham concurs; and I request that you will lay the enclosed Copy of that Report before Lord Stanley, and communicate to me his Lordship's opinion on the suggestions therein contained. I am directed to add that, in transmitting the plan proposed by the Committee of Visitors for apprenticing a part of the Boys to Settlers in Port Philip or Van Diemen's Land, Sir James Graham does not consider that he has in any degree departed from the Rule, which has been lately adopted, for discontinuing the transportation of offenders to New South Wales, and for abolishing the system of Assignment, there being in fact no identity between the proposed Apprenticeship of Emigrant Boys, who have been conditionally pardoned, and the assignment of parties still convicts upon Tickets of Leave.

Sir James Graham desires me, in an especial manner, to request that Lord Stanley's attention may be drawn to the importance of the immediate consideration of such measures as are described by the Visitors under the head of "Additional Legal powers required in the Colonies," and to the questions relating to the terms of the Pardon, which it is proposed to grant the Emigrants and Apprentices.

Lord Stanley will perceive that the securities for the successful result of the Apprenticeship will be greatly strengthened by the enactments which it is proposed to procure, and your experience will be very valuable in settling the Terms of the Pardon.

I have, &c.,

S. M. PHILLIPS.

[Sub-enclosure.]

MR. WILLIAM CRAWFORD AND OTHERS TO SIR JAMES GRAHAM.

Sir,

London, 4th April, 1842.

Agreeably to your directions, we have examined the several Prisoners confined at Parkhurst, who have been sentenced to Transportation, and who have been confined in that Prison for a period of two years and upwards with a view of making a selection for your approbation of such as are most eligible for being sent abroad as free Emigrants or Colonial Apprentices.

In making this selection, we have been guided by the age and apparent health and strength of the several Boys, and more especially by the information respecting their character, qualifications and conduct, which we have received from the Governor and Chaplain of the Prison.
We have selected Thirty six eligible for free Emigration, and Sixty seven for Colonial Apprenticeship. We beg to enclose Lists of these Prisoners, marked A and B.

We enclose two further Lists, marked C and D, respecting whose disposal we feel some difficulty. Those on List C, although generally orderly, have indicated a propensity to petty thefts during their imprisonment, and have not therefore been included in Lists A and B. The Governor and Chaplain do not consider them incorrigible, and to transport them to Point Puer would we fear remove the only chance which remains of their future amendment, while to provide the same destination for these doubtful cases and for the Refractory would have an injurious effect on the discipline of the Prison.

The Prisoners, named in List D, have been sentenced to terms exceeding Ten Years. We have reason, however, to believe that these sentences have not been passed upon them so much from the Magnitude of their offence, as from an opinion which has prevailed that a longer sentence of Transportation would ensure the boy the advantage of being sent out of the Country. If it be thought advisable to make no distinction for this reason between this class and others sentenced only to seven years’ Transportation, we recommend the addition of two of these Boys (against whose names we have placed the Letter A) to the number selected for Apprenticeship, and that the remaining Boy should be added to the List of Doubtful cases.

Agreeably to your instructions, we have conferred with Mr. Stephen of the Colonial Office as to the most eligible Colonies for the disposal of these several Classes.

Mr. Stephen has recommended that Thirty of the Free Emigrants should be sent to Auckland (New Zealand), and that the apprentices should be sent to Western Australia and New Zealand. Mr. Stephen apprehends that there would be an objection to the proposed emigration of these Boys to New Brunswick in any considerable numbers, inasmuch as the Boys proceed directly from a prison, a circumstance which would probably create dissatisfaction in the Colony and would in that case defeat the objects of the Emigration. This objection would not apply to the sending of a small number of the best conducted of these Boys to New Brunswick occasionally as free Emigrants; and we recommend that advantage be taken of a favorable opportunity, which now occurs, of sending a small party, say six, under the care of the School master who is proceeding thither under the direction of Her Majesty’s Secretary of State for the Colonies and of the Education Committee of Privy Council, and who would be instructed to afford them facilities in finding employment.

We are strongly impressed with the importance of maintaining the distinction between the doubtful class (C) and the refractory, who will be transported as Ordinary Convicts. We are also anxious that these boys should not be exposed to the evils they would encounter even as free laborers in a penal Colony; and on this account we have made every enquiry and exertion in our power to secure their apprenticeship in a Colony to which Convicts are not transported.

Formidable objections present themselves to every arrangement which we have examined, with the exception of apprenticing these
boys at Port Philip; but we cannot advise that, as the consent of the Colonial authorities has not hitherto been obtained, they should be sent thither otherwise than subject to their approval.

We therefore recommend that a suitable agent be selected to accompany them; to superintend their employment and instruction during the voyage; and, on their arrival at Port Philip, to communicate with the Colonial Authorities respecting their Apprenticeship in that Colony.

If no insurmountable objections should present themselves, we recommend that the Agent should be employed under the Authority of the Governor in apprenticing the Boys in the Colony.

But, if their apprenticeship in the Colony should be resisted by the Authorities and ultimately found to be impossible, we recommend that the Agent, after having made every effort to secure the co-operation of the Colonial Authorities for their apprenticeship, should be instructed to proceed under the authority and with the aid of the Governor of Port Philip to Van Diemen's Land, and there confer with the Governor, in order that they may be settled as apprentices.

We are anxious that the Governor of Port Philip should receive instructions from the Colonial Office to avoid, if possible, the alternative of sending these Boys to Van Diemen's Land, and to regard their removal from Port Philip to Van Diemen's Land as a course to be adopted only under the pressure of absolute necessity.

We are anxious that the Agent, sent with these Boys, should be employed on another service of great importance. We have reason to believe that a person could be selected for this service, whose experience would qualify him to be employed under the authority of the Governor of Van Diemen's Land, in introducing into the Prison at Port Puer discipline and arrangements of the same character as those which it is your intention to establish at Parkhurst. We recommend that the person selected for this service should reside at Parkhurst until the vessel be ready to sail, and that he should receive such instructions for his guidance from the Visitors, with your approval, as would enable him to communicate to the Governor of Van Diemen's Land not only the general principles embodied in our reports on Parkhurst, but also all the minute details of the discipline and arrangements of that Prison, so as to enable the Governor to employ him (in conjunction with such officers as he may select for that purpose) in assimilating the discipline and internal economy of the Prison at Point Puer with Parkhurst.

We recommend that the Agent be employed in this Service after the Apprenticeship of the Boys at Port Philip or (if they be not apprenticed there) after their arrival in Van Diemen's Land.

Mr. Stephen has placed us in communication with the Commissioners of the Colonial Land and Emigration Board, who have undertaken to make the necessary arrangements for the conveyance of the whole of the Boys, selected as free Emigrants and apprentices, to New Zealand, Western Australia, and Port Philip, during the present season.

We submit for consideration whether, on the Pardon of these Boys, any and what terms should be imposed as conditions of their Pardon. Whether they shall be restrained from leaving the settlement, or from returning during any and what period to this Country; and what shall be the nature of the Penalty, if any, which should attach to the non-fulfilment of these conditions.
Mr. Stephen has called our attention to a point of considerable importance, viz., the want at present of any legal power in the Governor of these Colonies to resort to the original sentence of transportation, in case of the extreme misconduct of an apprentice or an attempt to escape from his master. A further local enactment is also requisite to render binding the conditions of the apprenticeship both on master and servant, whether entered into in the colony or in England previously to the parties proceeding to the colony; and also to define and legalize the punishment to which the apprentice shall be liable on being found guilty of disobedience before a magistrate.

We now beg leave to offer certain suggestions upon matters of detail, connected with the disposal of the boys, and on which it will be requisite that we should receive your instructions. It will also be necessary to request the assistance of the colonial department with reference to several of these suggestions:

1st. That the boys be placed during the passage under the care of the superintendent of emigrants, and that, when the number of boys exceeds twenty, a schoolmaster be provided to instruct and superintend their employment during the voyage.

That the schoolmaster selected for this purpose be a religious and intelligent man, who might have the option of remaining in the colony, or of returning with a view of taking charge of any further number of apprentices who might hereafter be sent out.

2nd. That, during the voyage, arrangements be made for reading prayers to the boys every morning and evening, and for conducting the instruction in reading, writing, and the principles of the christian religion during three hours every day.

3rd. That divine service be regularly performed on sundays, and that the strictest discipline practicable be maintained throughout the voyage.

4th. That the boys be also employed in some handicraft trade during three hours daily, and that they be provided with proper materials and working tools for this purpose; and at other times be employed in netting, knitting stockings, or in ship duties, at the discretion of the captain, with the approval of the superintendent in charge of the boys.

5th. That, in ships where no trade master is provided, the emigration commissioners be requested to select, from among the emigrants proceeding in the same vessel with the boys, handicraft men of good character, who for a small premium would superintend the employments which the boys have been taught, and at which they would work on their voyage.

7th. That, on their arrival the superintendent in charge of the boys confer with the governor before the boys leave the ship, as to their lodging and the best means of settling them in employments, without unnecessarily making known the fact of their having been convicts.

8th. That the governor be requested to provide for the maintenance of the boys, until they have procured situations, and to assist them in settling in some appropriate occupation under a master of respectability.

9th. That, in placing out the boys, reference be had as much as possible to the grade in which they have been instructed during their confinement at parkhurst.
10th. That the Governor be required to place the apprentices with those settlers only, in whose respectability and character there is reason to confide, and to give the preference in the first instance to Masters who reside within such a distance of the Seat of Government, as to admit of their being frequently seen by a Government Officer.

11th. That the Governor be required to appoint a competent person as Guardian of the Boys apprenticed, with such a Salary as the nature of the Duty may render expedient, one half of which salary should be defrayed by the Colony.

12th. That the Guardian shall visit the Boys once every four months; ascertain their treatment; investigate their complaints; and communicate immediately with the Governor whenever any case occurs which calls for his prompt interference.

13th. That the Guardian render assistance to the Boys in procuring suitable situations, or employment at the end of their apprenticeship.

14th. That the Guardian make a report to the Governor every six months agreeably to a form hereunto appended, and also a general report at the end of the year, stating the condition of each individual, the working of the apprenticeship system, and the manner in which the Boys dispose of themselves at the expiration of their apprenticeship.

15th. That the Governor be required to transmit these several Reports of the Guardian to the Colonial Office, Half Yearly, with such remarks as he may consider advisable.

16th. That, in the event of the indenture being cancelled, or the apprenticeship otherwise ceasing before its original term, the Apprentice shall be in charge of the Guardian, who shall take immediate steps to protect his morals, and maintain him until he is again apprenticed by the Governor.

17th. That the period, for which the Apprentices are bound, be at the discretion of the Governor, provided however that no Boy be apprenticed for less than two nor for more than five years.

18th. That the Governor shall decide the minimum of food and clothing which the Apprentice shall receive.

19th. That the Indenture shall prescribe, besides Board, Lodging and Clothing, an allowance of a certain definite and annually increasing remuneration, and that at least half of this annual allowance be deposited in a Savings Bank, under the control of the Governor or Guardian, until the Apprenticeship shall expire.

20th. That the Master be required to attend to the Boy's Moral and Religious welfare; to exempt him from labor on Sundays; and to see that he attends Divine Worship on that day, as far as circumstances will admit.

21st. That it shall not be lawful for a Master to inflict Corporal punishment on any Apprentice; but that, in the event of an apprentice so misconducting himself as to require punishment, the Master shall take him before the nearest Magistrate to be dealt with according to law.

22nd. That the punishment of an Apprentice for disobedience be specified in the Indenture, and that, on conviction before a Magistrate, the offender be liable to be imprisoned with or without labor, or in solitary confinement with short allowance, for any period not exceeding —— days.
23rd. That an Apprentice have every facility for writing to his friends, and to the Guardian of Apprentices, and also for receiving Letters.

24th. That, on the Death of an Apprentice, the Master be required to provide for him Christian Burial.

25th. That the Governor inform the Magistrates of the District when any Boy is apprenticed in the District, and transmit a Copy of the Indenture to the Magistrate who shall preserve the same for future reference in a Book to be provided for that purpose.

26th. That the Magistrate of every District be authorized, as often as he shall think fit, to visit the apprentices, and to ascertain that the terms of their indentures are fulfilled; and every such Magistrate may take such summary steps to enforce the fulfilment of the terms of the indentures, as he may think fit; but, in every case of such interference, the Magistrate shall also report the facts to the Governor.

27th. That any Magistrate receiving a complaint of ill treatment from an apprentice, besides taking such summary steps for his protection as may appear expedient, shall report the complaint, and the course adopted by him to the Governor.

29th. That at the death of any Apprentice, the Surgeon of the District shall certify in writing to the Magistrate the cause of Death; and, if there be no Surgeon resident within twenty miles, the Master of the Apprentice shall within three days appear before the Magistrate of the District, and make Oath as to the circumstances attending the death of the Apprentice; and the Magistrate, on receipt of such Certificate or Affidavit, or on general report, may proceed to make such enquiry into the circumstances as he may think fit, and shall with or without such Inquiry report the Death and its cause to the Governor.

We have, &c.,

WM. CRAWFORD.
J. P. KAY SHUTTLEWORTH.
J. JEBB.

[Enclosure No. 2.]

UNDER SECRETARY HOPE TO MR. S. M. PHILLIPPS.

Sir,

Downing Street, 19 April, 1842.

I have laid before Lord Stanley your letter of the 5th Instant, together with the Report which accompanied it on the subject of the removal to the Colonies, there referred to, of a number of Convict Boys at present under discipline at Parkhurst Prison.

Lord Stanley has given a full consideration to the subject, and has desired me to communicate to you the following observations:—

Lord Stanley concurs with Sir James Graham in thinking it desirable that those Boys, who are considered after a certain period of Discipline at Parkhurst Prison to have so far benefited by it as to be deserving of a conditional remission of the Sentence of Transportation, should not be turned loose upon the world in England; and that, as it is exceedingly improbable that they would in this Country find any employment, if any, only under circumstances which would place them in contact with the lowest portion of society and not only remove them from the restraining influence of
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Observations by
Lord Stanley on
plan for
removal of
boys to colonies.

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good example but expose them to such corrupting associations as to render the renewal of a career of crime a probable result, they should be transferred to such of the Colonies as may be willing to admit them.

With regard to the first Class, whom Sir James Graham proposes to send out as free Emigrants, Lord Stanley thinks there is little difficulty; and he would suggest that the terms of their Pardon should be simply Emigration to some of Her Majesty's Colonial Possessions.

The condition will be fulfilled from the period of the Ship's arrival in the Colony, when the Governor to whom their pardons would be transmitted would deliver them to each Emigrant on his landing without exposing the youth to any observation which could be avoided; and, with regard to those young men who, His Lordship presumes, would not be sent out unless of an age to provide for themselves by their own exertion, he would not be disposed to attach any further restrictions.

They will then be to all intents and purposes free settlers, and the Colony could hardly object to receiving them in that capacity.

Lord Stanley does not apprehend that they would have any temptation to endeavour to return to this Country; but, independently of other objections, he would prefer the Australian to the North American Colonies, as throwing greater difficulties in the way of such an attempt.

Lord Stanley, however, would not object to sending a very limited number of such Boys, as an experiment, to New Brunswick, privately acquainting the Governor and avoiding everything, which would expose the Emigrants to unnecessary observation.

The second Class, to the number of 60 or 70, may also, Lord Stanley is inclined to think, be sent to Western Australia and New Zealand; and he presumes that the Pardon should be granted on condition of their being apprenticed and should not come into operation until the Indentures were signed with the approbation of the Governor in the Colony for a period of Apprenticeship, to be determined by the Governor, but not to be in any case less than two nor more than five years. But this question presents greater difficulties.

Lord Stanley would be anxious that, in no case, the original sentence of transportation should be allowed to revive, not more on account of the Boys than in deference to the feelings of the Colonists, who, His Lordship apprehends, would feel much more repugnance to receive Boys under a suspended sentence of Transportation than under a system which merely places them under the temporary restraint of Apprenticeship, subject to no other penalties than those attaching to ordinary Apprentices.

If however the Indentures of an Apprentice to any Master be cancelled by a Magistrate or by the Governor, the Guardian of the Apprentices should have power, subject to the direction of the Governor, to apprentice the Boy again to some other Master for the remainder of his term of Apprenticeship. And this power Lord Stanley will recommend the Governor to secure by local Enactments.

The attention of the Governor of the Colonies, to which they may be sent, will also be called to any deficiency in the existing Laws for making valid such contracts of Apprenticeship entered in England or in the Colony and for enforcing the conditions in the Colony.
Lord Stanley cannot but feel that there would be great difficulty in attempting to press the third Class (doubtful cases) on the acceptance of the Colonists at Port Phillip; nor does he understand the principle on which it is proposed to send this doubtful class thither. Lord Stanley would suggest to Sir James Graham a reconsideration of this part of the project.

When it is finally arranged to send out the Apprentices, Lord Stanley considers that it would in future be desirable to give notice to the respective Governors, Six weeks or two months before the sailing of the Vessels, of the number of Boys going out, and of the number brought up to each Trade, in order that, as far as possible, preparations may be made for placing them out at once. But Lord Stanley will not interpose any positive objection to immediate arrangements being made for those prisoners, who are now selected for emigration and Apprenticeship in Classes A and B.

Lord Stanley has no objection to make to the terms proposed for the treatment of the Boys on the voyage, or after their arrival in the Colony, all of which seem proper and reasonable; but His Lordship would object to the Colony being charged with any expense on account of these Boys.

They are sent out exclusively for Home objects, and they are not the class which the Colonies would desire to receive. Colonial Funds could not therefore be burthened with any charges either for their Emigration or for their maintenance or superintendence on their arrival.

I am, &c.,
G. W. Hope.

[Enclosure No. 3.]

MR. S. M. PHILLIPS TO UNDER SECRETARY STEPHEN.

Whitehall, 22d April, 1842.

I have laid before Secretary Sir James Graham your Letter of the 19th instant, with reference to the subject of removal to the Colonies of a number of Convict Boys, at present under Discipline at Parkhurst Prison; and I am to acquaint you, for Lord Stanley's information, that Sir James Graham has maturely considered the several points urged by his Lordship, and proposes to act upon those suggestions in carrying out the measures for the disposal of the Boys.

The first arrangement being for the conveyance of 19 of these Boys to Western Australia to be apprenticed on their arrival in that Colony, under the authority and direction of the Governor, I am directed by Sir James Graham to transmit you the accompanying pardon for that purpose, and to request that you will move Lord Stanley to forward the same to the Governor of the Colony, with such instructions as his Lordship may deem expedient for the fulfilment of the condition of the period of apprenticeship as suggested by him.

Sir James Graham proposes to suspend for future consideration that part of Lord Stanley’s remarks relating to the third class of doubtful cases; but he entirely concurs with Lord Stanley's view that the Colony ought not to be charged with any expense on account of these Boys, and therefore proposes to adopt other means for defraying the cost of their emigration as well as their maintenance and superintendence on arrival; and therefore thinks it would be expedient that the Govr. of the Colony should be directed...
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26 May.

Transmission of proposals by committee of visitors.

Plan proposed for removal of boys to New Zealand and for improvement of establishment at Point Puer.

The Historical Records of Australia.

To draw Bills upon the Lords of the Treasury for any expense incurred on this account, notifying the particulars to Lord Stanley, in order that funds may be prepared for the payment of the same on their arriving at maturity by this Department.

I have, &c,

S. M. PHILLIPPS.

[Enclosure No. 4.]

MR. S. M. PHILLIPPS TO UNDER SECRETARY STEPHEN.

Sir,  
Whitehall, 20 April, 1842.

I am directed by Secretary Sir James Graham to transmit you the enclosed copy of a Letter, which he has received from the committee of Visitors of Parkhurst Prison, containing propositions connected with the Emigration and apprenticeship of a number of Boys, at present confined in that Prison, to the Colony of New Zealand, and the improvement of the Juvenile establishment at Point Puer.

Sir James Graham approves of the plans therein detailed, and intends to provide funds to meet the necessary expenses; and I am to desire that you will submit the same for the consideration of Lord Stanley, and acquaint me, for Sir James Graham's information, whether his Lordship is prepared to sanction the plan proposed.

I am, &c,

S. M. PHILLIPPS.

[Sub-enclosure.]

MR. J. JEBB AND OTHERS TO SIR JAMES GRAHAM.

Sir,  
London, 18 April, 1842.

The Committee of Visitors of Parkhurst Prison recommend that a Gentleman, whom they have selected for another important duty which will be the subject of the latter part of this Letter, should proceed to New Zealand in charge of the 56 Boys, who are to be apprenticed in the Colony under the authority of the Governor, and, having delivered their conditional pardons to the Govr. of New Zealand, should afterwards assist the local authorities in the apprenticeship of these Boys.

The arrangements for the emigration of a considerable number of the Prisoners at Parkhurst and for the apprenticeship of a larger body in the colonies of Western Australia and New Zealand being now completed, the committee of Visitors are desirous of drawing your attention in an especial manner to the measures, by which the condition of the penal classes which it is intended to transport as Convicts to the establishment at Point Puer, in Tasman's peninsula, Van D.'s Land, may ultimately be rendered as consistent with the well being of the Colony as can be expected after their career of unrepented crime.

It is very important that the Governor of Van Diemen's Land should be furnished with the means of assimilating the management within the Prison at Point Puer to the discipline which it is your intention to establish at Parkhurst.

They conceive that the Governor of Van Diemen's Land might experience great embarrassment in attempting to accomplish this important object, if his Excellency's attention were simply called to this subject by the transmission of the Reports of the Visitors, with a general expression of the importance of the immediate adoption of measures for the introduction of the discipline of Parkhurst Prison into the establishment of Point Puer.
These Reports necessarily relate chiefly to general views and arrangements, out of which a great variety of subordinate details spring, on the right adjustment of which the success of an establishment like Parkhurst must in a great measure depend.

The Committee therefore think it exceedingly important that, at the time when His Excellency's attention is drawn to the Reports of the Committee of Visitors on the Discipline of the Parkhurst Prison, he should be furnished with the assistance of an Agency, competent, under His Excellency's authority and directions, to be employed by the Colonial Government in conjunction with such other officers as they may select for that purpose, in gradually assimilating the internal discipline and management of the Prison at Point Puer with that of Parkhurst.

The Gentleman, whom the Visitors have selected to accompany the apprentices to New Zealand, might proceed from that Colony to Van Diemen's Land on this Duty. This Gentleman was educated in the Edinburgh Sessional School in the best form of Scotch Elementary Education, and was, on that account, selected by the Poor Law Commissioners to organize the Schools in many of the Workhouses in Norfolk and Suffolk. Subsequently to his occupation in organizing Schools in Norfolk and Suffolk, he has had the best opportunities of becoming acquainted with the details of Poor Law administration; he has subsequently spent three months at Glasgow under the authority of the Commission, in order to make himself familiar with the peculiarities of the system pursued at the Glasgow Naval Seminary, and has since that period been employed as Master in the Normal School at Battersea, where the moral regulation of the establishment has devolved almost exclusively upon him.

The committee of visitors are of opinion that these occupations, prolonged through several years of active exertion, peculiarly prepare this Gentleman to appreciate the nature of the discipline at Parkhurst, and the character of the arrangements on which it depends for its success. They recommend that he should reside at Parkhurst some weeks previously to his embarkation, and that he should be made the bearer of Dispatches to the Governor of Van Diemen's Land recommending his employment as an Agent, under the authority of the Governor, for the introduction of the most recent improvements in the discipline of Prisons for Juvenile Offenders into the Establishment at Point Puer.

The Committee apprehend that this may be effected at a little expense. They recommend that a cabin passage to New Zealand be provided for the Agent at £40 to £50. They suppose that the intermediate passage would cost £10 or £15, and that, if at the expiration of six months he desire to return to England from Van Diemen's Land, his passage home must be secured at £50. The Committee are of opinion that a Residence of six months at Point Puer would enable the Agent to complete his reports to the Governor on the condition of that Prison, and to carry into execution some of the chief improvements which might obtain his Excellency's approval, as well as to put in motion the machinery for the complete development of the Governor's plans for the entire organization and discipline of the Prison.

The Committee recommend that, during these six months, the Agent should receive a Salary of £50 and rations in the Prison as a superior officer, and that he should have £2 2s. per week, while detained by the Governor in New Zealand, or waiting for a passage
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The whole expense therefore would consist of £120 to £130, free passage to and from those colonies, £50 Salary while in Van Diemen’s Land, and £2 2s. per week in New Zealand, and such expenses of Locomotion as the Governors might ascertain.

If, at the expiration of six months, the Governor of Van Diemen’s Land should think it desirable to retain the services of the Agent for the benefit of the Colony in any capacity, that should be done at the expense of the local Government; and in that case the expense would be limited (to the Home Government) to £60 to £70 for a passage out, £2 2s. per week while in New Zealand, and £50 Salary while in the Colony for 6 months, with expenses of locomotion during that period as authorised by the Governor. The total expense in the former case would not exceed £200.

We have, &c.,

J. JEBB.
WM. CRAWFORD.
J. P. KAY SHUTTLEWORTH.

[Enclosure No. 5.]

UNDER SECRETARY STEPHEN TO MR. S. M. PHILLIPPS.

Sir, Downing Street, 14 May, 1842.

I have laid before Lord Stanley your Letter of the 20th ulto. enclosing a copy of one which Sir James Graham had received from the Committee of Visitors of Parkhurst Prison, with various suggestions connected with the emigration and apprenticeship of a number of Boys, at present confined in that Prison in the Colony of New Zealand; and also to the improvement of the establishment of Juvenile Convicts at Point Pure in Van Diemen’s Land.

In reply, I am directed to request that you will acquaint Sir James Graham that Lord Stanley approves of the arrangements proposed by the Committee, and will convey the necessary instructions to the Colonial authorities for carrying those measures into effect.

I am, &c,

J. STEPHEN.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 115, per ship Aden; acknowledged by Sir George Gipps, 6th December, 1842.)

Sir,

Downing Street, 26th May, 1842.

I beg to call your attention to the Circular Dispatch addressed to you by my Predecessor on the 21st of December, 1840, in which you were required to furnish for the use of Parliament information as to the quantity of Crown Lands disposed of in the Colony under your Government.

It appears that these Returns have not yet been received from New South Wales; and, much inconvenience having been experienced in consequence, I have to direct that you will immediately transmit the Returns in question.

I have also to call your attention to the importance of a punctual and early transmission, every year, of the General Form of Land Returns, forwarded to you in Lord John Russell’s Circular Dispatch of the 29th of May, 1841. I have, &c.,

STANLEY.
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 116, per ship Aden; acknowledged by Sir George Gipps, 11th December, 1843.)

Sir, Downing Street, 26 May, 1842.

I have the honor to acknowledge the receipt of your Despatch No. 209 of the 16th of October last, submitting for Her Majesty’s confirmation and allowance certain Acts passed by the Legislative Council of New South Wales in the Session of 1840, numbered from 1 to 10 inclusive.

I have to acquaint you that the Queen has been pleased to confirm and allow the following Acts:

No. 2. "An Act to amend an Act intituled 'an Act to authorize the Establishment of markets in certain Towns in the Colony of New South Wales, and for the appointment of Commissioners to manage the same,'" and

No. 6. "An Act to prohibit shooting for sport, pleasure or profit on Sunday."

With regard to the Act No. 4, "to make further provision for the trial of Cases in the Circuit Courts of New South Wales, and to amend in certain respects the Act providing for Trial by Jury in such Courts," I observe that the clause numbered 11 enables the Governor to appoint a Sheriff for every Circuit District. The effect of this will be that the Sheriff of New South Wales will cease to have any authority beyond the precincts of Sydney and the Neighbourhood, and that a new class of Salaried Officers must be appointed. As you have not explained the necessity for the charge, nor the probable expense attending it, Her Majesty’s decision on the Act will be suspended until that omission shall have been supplied.

The remaining Acts of the series (numbered 1, 3, 5, 7, 8, 9, 10) are under the consideration of Her Majesty’s Government.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 96, per ship Palestine; acknowledged by Lord Stanley, 1st September, 1842.)

My Lord, Government House, 26th May, 1842.

I have the honor herewith to forward to Your Lordship, a further report of his proceedings at Norfolk Island, being for the period between the 1st April and the 31st Decr., 1841.

This Report, like everything which proceeds from Capt. Maconochie, is lengthy and discursive, to such a degree indeed does it bear this character that I find it almost impossible to give a summary of its contents.
Proposal for uniform system at Norfolk Island.

Expenditure at Norfolk Island.

All Capt'n. Maconochie's opinions respecting Prison Discipline are repeated in it, and the disadvantages again urged of having to conduct two systems of management on so small an Island; and he consequently again brings forward his proposal for putting the whole of the Prisoners under his own system.

In respect however to this last proposition, I must refer to my Despatch No. 27 of the 7th Feb'y., 1841, and repeat that, until it be decided how these men are ultimately to be disposed of, the effect of placing them under Capt'n. Maconochie's system of management might be to raise hopes which could not be realized; and I further think it right to refer to the specific pledge given by Lord J. Russell that no Convicts, who have been subjected to Capt'n. Maconochie's peculiar method of treatment, shall be sent or returned to New South Wales.

I feel it only necessary further to point out that I cannot adopt the expectations entertained by Capt'n. Maconochie of the economical results likely to be produced by his system of management. Every account received from Norfolk Island leads me on the contrary to suppose that the expences of the Island will rapidly increase, on which subject however I shall address Your Lordship in a separate Despatch of this day's date.

I have, &c.

[Enclosure.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 97, per ship Palestine.)

My Lord,

Government House, 26th May, 1842.

I had the honor on the 26th Jany. last to receive Lord J. Russell's Despatch, No. 321 of the 1st Augt., 1841, conveying to me the decision of Her Majesty's Government on various points connected with Capt'n. Maconochie's experiments on Convict Discipline, which had been raised in my Despatches Nos. 42 and 43 of the 6th Feb'y., 1841.

Among the points so decided, the one of most immediate importance was the issue of Conditional Pardons to such of the Prisoners, as had gained their number of Marks, and kept them when indulgence was within their reach.

It was not expressly stated by Lord J. Russell whether the persons receiving Conditional Pardons were to remain at Norfolk Island, or to be transferred elsewhere; but I deemed it to be His Lordship's intention that they should remain for a time at least on the Island, from the directions, contained in a
subsequent part of His Lordship’s Despatch, that “the discretion
of spending money is one of the tests of reformation, to which the
Convicts ought to be subjected before they are allowed to leave
Norfolk Island.”

Moreover, if even it had been my desire to remove the men
immediately from Norfolk Island, I had no place to which I
could send them, it being thoroughly understood that none of
the persons, who have been made the subjects of Captn.
Maconochie’s experiments, are under any circumstances to be
returned to New South Wales; and I had not (or at least it
appeared to me that I had not) authority to send them to Van
Diemen’s Land without the consent and concurrence of the
Lieutt. Governor of that Colony, who I had reason to believe
would be little disposed to receive them.

Under these circumstances, I considered that the only course
of proceeding open to me was to issue Conditional Pardons at
Norfolk Island to such men as should be recommended for them
by Captn. Maconochie, and to write to Sir John Pranklin, in-
viting him to receive them in Van Diemen’s Land at the expira-
tion of a period, which should vary according to the behaviour
of individuals, but in no case should be less than a year.

I enclose Copies of the letters, which I accordingly caused to
be written to Sir John Pranklin and Captn. Maconochie by the
latter of which it will be seen that I left it open to Captn.
Maconochie to substitute Tickets of Leave for Conditional Par-
dons, should he think it desirable to make the substitution.

From Sir John Franklin, I have not yet received any answer;
but from Captn. Maconochie four letters, bearing date respec-
tively as in the margin,* were received on the 27th April last,
of all of which I feel it necessary to forward Copies to Your
Lordship.

By these letters, it will be seen that Captn. Maconochie is well
satisfied with the proposal of granting indulgences to his men
at Norfolk Island, but that he prefers Tickets of Leave to Condi-
tional Pardons; the principle therefore, approved of by Lord
J. Russell, can be carried out without difficulty, though, as it
will probably be attended with no inconsiderable expense, I think
it right to draw Your Lordship’s attention to this circumstance.

Captn. Maconochie indeed does not seem to consider that any
additional expense worthy of notice will be occasioned by it; on
the contrary, he builds very sanguinely on the ultimate economy
of the measure, and on the increased productiveness of the
labour of the men, when freed from a state of coercion and
allowed to work for their own advantage.

* Marginal note.—30th and 31st March and 2nd and 5th April, 1842.
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Increase of expenditure expected by officials.

Treatment of ticket-of-leave men proposed by A. Maconochie.

Necessity for full test of experiment of A. Maconochie.

Establishment proposed by A. Maconochie.

I am sorry however that I cannot adopt Captn. Maconochie's opinions on this head; and I feel forced rather to coincide with the officers of this Government, who, from their long experience of Convicts, are better able I think than Captn. Maconochie to form a judgment on the subject, namely, the Colonial Secretary, the Deputy Commissary General, and the Commanding Engineer, who all concur in thinking that a considerable increase of expense will be occasioned by it.

In this Colony and in Van Diemen's Land, it is thoroughly understood that the Holder either of a Ticket of Leave or of a Conditional Pardon is entirely to maintain himself, receiving neither rations nor clothing from the Government. Captn. Maconochie however proposes to give to Ticket of Leave Holders at Norfolk Island an equivalent for their Rations, and to pay for their labour in Marks, which are to be receivable into the Military Chest as money, or to be exchanged for money; and if this be sanctioned, and Captn. Maconochie be further allowed to dispense Marks entirely at his own discretion, I cannot but admit the truth of the observation, made by the Deputy Commissary General, that "the public purse will be open to his hands, and, on his own will alone, it must depend to what extent it shall be made use of."

Having stated, as I consider my duty requires of me, this opinion in respect to the probable expense of Captn. Maconochie's experiment, I consider it only justice to add that I know of no means by which expense can be altogether avoided, and faith preserved with the persons who are under Captn. Maconochie's care; and that, his experiment having been sanctioned, I think no reasonable means of carrying it out should be denied him. It is quite clear, moreover, that Captn. Maconochie will not allow that his system has had a fair trial, if they be withheld.

I enclose Copies of the replies, which I caused to be returned to Captn. Maconochie's communications of the 30th and 31st March and 5th April, 1842; also a copy of a letter from the Deputy Commissary General, in answer to a reference, which I caused to be made to him, as to the probable increase of expense that would be occasioned by carrying out Captn. Maconochie's views. In the fourth of the letters from Captn. Maconochie already alluded to, was enclosed a Memorandum of the Establishment which he thinks will be necessary at Norfolk Island, whenever he may be authorized fully to carry out his own system, and the number of Convicts be increased to the utmost extent that the resources of the Island will admit of.
The last document of which I enclose a Copy, is the answer which I caused to be returned to the letter which enclosed this memorandum, by which Your Lordship will perceive that I estimated the expence of such an Establishment at £17,000 a year, which would be exclusive of the ordinary expence of maintaining the Convicts, and of the extra expence occasioned by the issue of Tickets of Leave.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these papers will be found in a volume in series III.]
relating exclusively to the Messrs. Henty may be supposed to have created in their minds, and that therefore the decision is not to be viewed as a general precedent, or as opening the door to the wide extent of demands which, I observe it was at one time feared in the Council, might arise out of a concession to this application.

I have, &c.,

STANLEY.

[Enclosure No. 1.]

MESSRS. KEDDELL, BAKER AND GRANT TO LORD STANLEY.


As the Agents in England of Messrs. Henty of Launceston, Van Diemen's Land, and Portland Bay, Australia, we beg to submit to your Lordship's consideration the following statement of facts relative to their occupation of Land at Portland Bay in the confident hope that their case will appear to your Lordship deserving of the favorable regard of the Government.

In the year 1834, the late Mr. Thomas Henty, formerly of West Farring, near Arundel in Sussex (having imported from England to Launceston, Van Diemen's Land, a large establishment of Horses, Sheep, Stock and Labourers), explored a great part of the Southern Coast of New Holland, both by Sea and Land, with a view of discovering some more favourable spot for the location of himself and his family of seven Sons than was to be found in Van Diemen's Land.

At this time, the Coast to the South and West of Twofold Bay was generally considered as wholly worthless and barren; a Settlement* had been attempted at Port Philip, and had been abandoned; and the consequence was that private adventurers were deterred from proceeding in that direction.

Mr. Henty however, in the course of his Survey, was induced to think that a part of this unoccupied district, in the neighbourhood of Portland Bay, offered him the advantages of which he was in search. The spot was at least Five hundred miles distant from any Settlement then existing; it was in a part of Australia, wholly unexplored except by himself and his family, and the possibility of the extension of the Colony to so great a distance from the located districts was at that time scarcely contemplated by anyone.

Acting upon these Impressions, Mr. Henty made an application to the Government for a grant of about 20,000 Acres at Portland Bay, presuming that the system adopted in the infancy of other settlements, that of making considerable grants of lands to the earliest settlers with property would be followed in his case; and, in October, 1834, relying upon the great encouragement which the Government, both at home and in the Colony; had always shown to those who were hardy enough to lead the way in such enterprises, he dispatched some Stock with two of his Sons to Portland Bay, in order to make some further discoveries and prepare for the more extended operations, which he contemplated in the event of a favorable answer (then confidently expected) to his application for a grant of the land. A memorandum of the fact that the settlement had been established was transmitted to the Earl of Aberdeen (the then Colonial Secretary) by the Earl of Surrey. Lord Aberdeen was pleased to make a reply, of which a Copy is annexed for your Lordship's perusal and is marked No. 1.

* Note 8.
Disappointed upon the receipt of this communication in not obtaining the absolute grant for which he had applied, Mr. Henty still considered that the letter afforded him encouragement to persevere in his enterprise. While it refused to confirm his Title, at that time, to any specific quantity of Land, it pointed out to him the mode by which he might establish his claim upon Government for such a confirmation, viz., "by actually bringing it into cultivation, and surrounding it with a proper fence"; and he did not deem the intimation less worthy of his reliance, because couched in the usual caution of official documents. His construction of the whole letter, and as we respectfully submit to Your Lordship the only natural and legitimate construction was this, that the grant he applied for was refused, because the lands were situated beyond the districts to which it was at that time the policy of the Government to direct the Settlers; and, therefore, that the attempt to establish a Settlement at Portland Bay was not to meet with the same encouragement as was afforded to the Settlements established under the auspices of Government, viz., absolute grants of land to the first settlers; but that, still, if Mr. Henty chose to expend his capital in cultivating and fencing the land, and if the result of that expenditure should be the formation of a Settlement around him, he should not be deprived of the fruits of a successful enterprise by the disregard of his pretensions to land made valuable solely by his exertions. He considered that the 20,000 acres applied for unconditionally were refused; but that the land, he might cultivate and inclose, was promised.

Until this communication from the Colonial Secretary, the occupation of the Messrs. Henty at Portland Bay was merely fugitive; four acres only of land were enclosed to afford temporary pasturage and security for the small quantity of Sheep and Cattle which had been landed there; and those, who had proceeded thither to take charge of the stock, erected no buildings, but lived entirely in Tents. But, after the receipt of Lord Aberdeen's letter, Mr. Henty and his Sons commenced operations at once upon an extended scale. They made large shipments of Sheep and Stock to Portland Bay, erected numerous and substantial buildings, and have acted throughout upon the undoubting assurance that they should be permitted to retain for their own benefit the land upon which these expensive improvements were made.

Mr. Thomas Henty died in October, 1839, just as a prospect was beginning to open of remuneration for the sacrifices himself and his family had made in bringing their Plans to maturity. The present claimants are his Sons and Son in law.

In a document annexed, No. 2, we state for your Lordship's information the extent of the improvements and buildings of the Messrs. Henty. The value of their Fencing and Improvements at Portland Bay alone exceeds £5,000 according to the valuation of the Government Surveyors; including the inland Stations, their improvements are from £8,000 to £10,000 in value.

My Lord, the successful enterprise of the Messrs. Henty has imparted a value not merely to the Lands, which they have cultivated, but to the other Land in the neighbourhood; it has rendered a remote and unknown bay a spot so coveted that the Government has determined to sell the Lands to the public, a site for a Town has been marked out, embracing within its limits a great portion
of the improvements made by the Messrs. Henty, and the Surveyors of
the Authorities at Sydney have actually measured off for Sale
the very houses in which they live, and a great portion of the land
upon which their buildings are erected.

As soon as this step of the Colonial Government became known
to them, the Messrs. Henty took immediate steps for the recogni-
tion of their claims. They submitted to the Governor at Sydney a
Memorial detailing the circumstances which we now submit to your
Lordship, and pressing Lord Aberdeen's Letter upon his attention;
of the Prayer of the Memorial we annex a Copy in a document
marked No. 3.

The answer of the Governor is copied in the annexed Document
No. 4.

We respectfully submit to your Lordship that the grounds as-
signed by the Colonial Governor for his refusal of the claim of the
Messrs. Henty are wholly untenable. Your Lordship will scarcely
be of opinion that the Messrs. Henty were unauthorized Settlers,
when the Colonial Secretary for the time being, in an official com-
munication, promised the favorable regards of the Government to
their claims in respect of such lands as they should inclose and
cultivate. Your Lordship will scarcely deem that the decision of
the Government in favor of the Messrs. Henty could form just
ground of grievance to unsuccessful applicants for grants of land
unless those applicants could found their claims, as do the Messrs.
Henty, upon an official communication for the Colonial Secretary.
Your Lordship will scarcely consider that construction of Lord
Aberdeen's letter to be the correct one, which assumes that its con-
cluding clause had no practical meaning at all, and proposes to treat
the Messrs. Henty as though it had never existed. Upon the re-
fusal of the Colonial Government to recognize the claims of the
Messrs. Henty, their case was submitted to Lord John Russell.
A copy of his Lordship's reply to Lord Surrey is annexed for your
Lordship's reference No. 5.

In submitting the claims of the Messrs. Henty again to the Colo-
nial Office, it becomes us to state to Your Lordship the reasons
upon which we venture to solicit a revision of their case; and to
this we feel the rather bound to advert, lest it should otherwise
appear that the renewal of the present application had been sug-
gested by the change which has intervened in the party holding
the reins of power. We cannot but be sensible, My Lord, that the
circumstance of Lord Aberdeen being again in office, although in a
different department, is in every way an encouraging circumstance.
It is upon his Lordship's official communication to the Messrs.
Henty through the Earl of Surrey that their application wholly and
entirely rests. But it was equally their intention to have brought
the subject again under the notice of the Colonial Secretary, what-
ever party might be in power, nor has a longer interval been suf-
fected to elapse than the distance between the remote Colony and
the Mother Country has rendered unavoidable. In justification of
this apparent impatience, we beg to refer your Lordship to the an-
swer of Lord John Russell already mentioned. Your Lordship will
perceive that this answer applies itself exclusively to the case of
unauthorized settlers, and makes no reference whatever to the
Letter of Lord Aberdeen, or to the equitable distinction which that
Letter affords in favor of the Messrs. Henty. It was, therefore,
plain to them that the peculiarity of their case (which renders it impossible that any decision in their favor could hereafter be drawn into a precedent or in any way affect the general policy laid down by Lord John Russell) had altogether failed to meet the attention of the Colonial Office. Assured of the unquestionable desire of the Government to enter fully and fairly into the claims of every individual, we respectfully entreat your Lordship to grant the prayer of the Memorial submitted by the Messrs. Henty to the Colonial Governor. We beg to refer your Lordship to a case (in a document annexed No. 6), in which parties, whose claims were far less than those of the Messrs. Henty, obtained compensation from the Government.

We would press upon your Lordship that the present case is one sui generis and can never be drawn into a precedent; that, in the most undoubting reliance on the faith of the Government, the Messrs. Henty have expended their capital in the improvements pointed out by Lord Aberdeen; and, humbly trusting that your Lordship will give full effect to Lord Aberdeen's letter, we confidently leave the case to your Lordship's decision.

We have, &c,

KEDDELL, BAKER and GRANT.

[Sub-enclosure No. 1.]

EARL OF ABERDEEN TO EARL OF SURREY.

My Lord,

Downing Street, 19th Mar., 1835.

I have the honor to acknowledge the receipt of your Lordship's Letter of the 14th instant, enclosing a Memorandum from Mr. James Henty, to which your Lordship request my favorable consideration.

The object, which this Gentleman as well as his father are desirous of accomplishing, is one which could not with propriety receive encouragement from this department as being not only at variance with the terms on which waste lands of the Crown are now disposed of in the Australian Colonies, but the land itself being far beyond the limits to which settlers are restricted in their locations.

The proposals of Mr. Henty's father, when submitted to his late Majesty's Government, were consequently declined by my predecessor; and the same principle, which guided him, regulated my proceedings in deciding upon the application subsequently brought forward by his Son.

I confess to your Lordship that I am much surprised at the step which Mr. Henty, senior, as represented by his Son, has taken; sufficient time not having elapsed for his becoming acquainted with the result of his application, and being aware, as he must have been when he made arrangements for proceeding to his intended destination, that he could have no security that his residence there would be permitted to continue. Under these circumstances I regret to acquaint your Lordship that I cannot hold out to Mr. Henty the pledge which he requires, viz., "That, in the event of the district in the neighbourhood of Portland Bay ever becoming a permanent colony, they will protect Mr. Henty in his rights of Settlement; that is, Portland bay."

Although I am not prepared to say that Mr. Henty's pretensions to any land actually brought into cultivation by him and surrounded by a proper fence would not be favorably looked upon by His Majesty's Government at a future period, should the increase of the population of New South Wales or other circumstances extend the settlement of the territory to the quarter where Mr. Henty may have established himself.

I have, &c,

ABERDEEN.

[Sub-enclosure No. 2.]

DESCRIPTION of the Buildings and Improvements made by the Messrs. Henty.

They occupy six Stations, of which one is at Portland Bay, another 15 Miles distant at Cape Bridgewater, three in the open Country about 60 Miles inland called "Merino Downs," situated on the River Wannon near its junction with the Giselle, and another Station on the Road there from Portland Bay. They have erected two

Marginal note.—These words are underscored by Lord Aberdeen in original letter.
Description of buildings and improvements by sons of T. Henty.

Considerable houses at Portland Bay, one of them containing 12 rooms, and two others at Merino Downs, all of a substantial build and also constructed the following buildings, viz.:—Nine yards, shed, large barn, store, stable, carpenters, blacksmiths and shoemakers shops, dairy and other buildings.

The value of the buildings, fencing and other improvements erected at Portland Bay alone exceeds the sum of £5,000, and the surveyors now employed there by the Sydney Government have so estimated them. The Messrs. Henty have fenced in 135 acres as measured by the government surveyors in one paddock, and other smaller paddocks; of the former 80 acres have been cleared of stumps at an expense of not less than £25 an acre and are now under crop. They have three quantities of about 40 acres, 15 acres and 10 acres, fenced in at the inland stations and surrounding the two farm houses there. From Portland Bay to the interior, they have with much labour and expense made an excellent road, though the country is very heavy and its difficulties such as could not have been surmounted except by a party comprising great strength. This road crosses 3 rivers by means of bridges of their own construction, which have made the route open and easily accessible to all, have proved of the greatest service to the settlers already arrived, and will afford the same advantages to the numerous body who are now fast pouring in. The total value of their improvements cannot be estimated at less than from £8,000 to £10,000. They have imported entirely on their own account the following quantities of stock, most of them highly improved in breed, all of which are still there:—

Sheep, 6,911; cattle, 247; horses, 25.

The number of persons engaged in their farming establishment at the present time including a medical man and his family is males 26, females 7, total 33; and the average cost of each labourer has been £60 per annum. All the labourers engaged from the commencement of the establishment have been free with the exception of two (one an emancipist, the other a ticket of leave person) who passed themselves off as free, but on being discovered were brought back at the expense of the Messrs. Henty and delivered to the authorities in Van Diemen's Land.

Sub-enclosure No. 3.

Copy of the prayer of the memorial of the Messrs. Henty to Sir George Gipps.

"That they should obtain a deed of grant of all the land absolutely fenced in and occupied at Portland Bay, as provided for by the letter of Lord Aberdeen; or, should the colonial government consider the obtaining these lands indispensable to the establishment of the town, then that they should be allowed as remission a sum equal to the value of the land, to be estimated at the average rate at which the first allotment may sell, and that to this sum should be added the value of the buildings and improvements to be estimated by persons appointed on both sides or by some competent board.

"That in the event of the first alternative being adopted then, that some compensation by remission in the purchase of land should be given in consideration of the bridges built, the roads made, and the general improvements effected, and moreover, as compensation for the inland improvements at the different stations, consisting as before stated, of buildings and fencing.

"But, should it be determined not to admit in any present arrangement a compensation for the improvements at the inland stations, inasmuch as they are not to be at present interfered with, and may be said to be as available to your memorialists now as heretofore, still they would ask that, in the event of these fenced stations being thrown into the market, that they should be allowed either to purchase them or the portions of land on which they may be situate at the average price at which the parish portions or allotments may sell."

Sub-enclosure No. 4.

Copy answer of the colonial government to the memorial of Messrs. Henty.

Gentlemen,

In reference to your memorial of the 24th instant, praying that the colonial government would confirm you in the possession of a certain extent of crown lands at Portland Bay on which the late Mr. Thomas Henty had effected improvements, or compensate you for the capital expended in such improvements, I have the honor to inform you that, the governor having taken the advice of the executive council on the subject, his excellency regrets to be forced to communicate to you the opinion of the council that the letter from Lord Aberdeen, a copy of which was embodied in your memorial, contains no authority for the occupation of lands at Portland Bay, and that the council can see no ground on which your case can be distinguished from that of any other unauthorized occupiers of crown lands.
And His Excellency further desires me to observe to you that all persons, whose applications of a similar nature have already been or may hereafter be refused, would have reason to feel aggrieved if the Government failed to preserve uniformity in its decisions.

I have, &c,

E. DEAS THOMSON.

COPY Answer of Lord John Russell to the Memorial of the Messrs. Henty, addressed to the Earl of Surrey.

My Lord,

I beg to acknowledge the receipt of your Lordship's Letter of the 19th Inst. Letter inclosing a statement of the claims of Messrs. Henty for a confirmation of their acknowledged Title to certain Lands in Australia.

The case of these Gentlemen has already been under my consideration, and, after Refusal of giving the most careful attention to it, I have found myself compelled to reject their claims of sons claims. So far from desiring to encourage the unauthorized formation of Settle- of T. Henty. ofments on the Coasts of New Holland, Her Majesty's Government must do all in their power for the prevention of it; such proceedings by anticipating the regular progress of Settlements, would not only expose the local Treasury to great and needless expendi­-ture, render the Administration of Justice and the protection of settlers more difficult and costly than it would otherwise be, tend to the dispersion of a scanty population which is desirable to concentrate, facilitate smuggling, and tend to dissipate the public at large of Land which it is essential to reserve for public use. The Messrs. Henty are not regarded by the Governor of New South Wales as Benefactors to the Colony.

I have, &c,

J. RUSSELL.

STATEMENT of the case of the Port Philip Settlers.

SUBSEQUENTLY to the Settlement of Messrs. Henty at Portland Bay, a party of adventurers established themselves at Port Philip. They came, like the Messrs. Henty, in advance of the other Settlers, but (unlike them) without communication with Government. They erected some trifling buildings, but they cultivated no land; they made no roads or bridges, and their improvements, it may be confidently stated, cost them not a tenth part of the expense of the improvements of the Messrs. Henty. They led the way to the future Settlers at Port Philip, as the present Claimants did to those at Portland Bay; but, in forming the Port Phillip Settlement, they were guided by the example of the Messrs. Henty, and profited by their experience and information.

The Government required the Lands at Port Philip upon which these Settlers had located themselves. They memorialised the Government for compensation through Major Mercer, M.P., and obtained £7,000.

In an interview which the Messrs. Henty obtained with Governor at Sydney, this precedent was pressed upon His Excellency's consideration.

It was urged that, if compensation were given to those who had effected comparatively so little, it ought not to be refused to the claimants, whose expenditure was not only much greater, but had been applied largely in operations of public utility. In reply to this, however, His Excellency drew a distinction between the cases upon which he grounded the difference in the conduct of the Government. The Port Philip adventurers, in return for a few Blankets which they distributed, had obtained from the ignorant Natives their mark to an instrument, purporting to be a contract for the purchase of the Land. Totally unable to form even the simplest ideas of property, and wholly unconscious that there could be any right of property in themselves, the same Natives, if required, for the same gift, would have sold them the whole territory of Australia. Yet this is so seriously assumed as the sub­stantial difference between the claims. For a handful of the Flour which the Messrs. Henty have distributed to the natives at Portland Bay, they could have obtained, at any time, and can still obtain whatever conveyance of Land they might desire; and, if the grant of the Natives be admitted as valid, their confirmation cannot be less so.

The Messrs. Henty apprehend therefore that any attempt on their part to assert a title, derived from any written Contract with the Natives who had no conception of its meaning, would expose them to the charge of designing to impose upon the Government. So far as the accent of the Natives can give a Title, they already have it; but they look upon the British Government as the legal disposee of the Lands; and, until it shall be admitted that such a contract with the Natives, as has been described, can give a Title against an Act of Parliament, they will continue to believe that the Port Philip Adventurers had no better title than themselves, even independently of Lord Aberdeen's Letter, which after all is the very basis of the present application.

* Note 9.
[Enclosure No. 2.]

UNDER SECRETARY HOPE TO MESSRS. KEDDELL, BAKER AND GRANT.

Gentlemen,

Downing Street, 27th May, 1842.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 31st March last, submitting, on behalf of the Messrs. Henty of Van Diemen's Land, a Statement of facts relative to the claims of those Gentlemen either to be confirmed in the possession of certain Lands at Portland Bay, or to receive compensation for the same.

Having attentively considered the circumstances of the case, and particularly the concluding part of the Letter which was addressed to Lord Surrey by the Earl of Aberdeen on the 19th March, 1835, Lord Stanley has been induced to refer the claims of Messrs. Henty for the reconsideration of the local Government of New South Wales; and His Lordship has directed that the result should be communicated to the parties in the Colony.

G. W. HOPE.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 118, per ship Aden; acknowledged by Sir George Gipps, 20th May, 1843.)

Sir,

Downing Street, 28 May, 1842.

I have received and have laid before The Queen your Dispatch No. 205 of the 10th of October last, with the accompanying Act of the Governor and Council of New South Wales, No. 3 of 1841, intituled "An Act to repeal so much of an Act intituled 'An Act to abolish the transportation of Female Convicts, and to provide for the more effectual punishment of Female Offenders within the Colony of New South Wales' as authorizes the confinement of any female offender in a Dark Cell."

I have received The Queen's commands to inform you that Her Majesty has been pleased to confirm and allow this Act.

You observe in your Dispatch that the Judges of the Colony under the altered form of the Act can now only sentence a woman to confinement in a light cell for sixty days in a year, in three portions of twenty days each, whereas you formerly considered yourself empowered to place a woman in a similar cell for an indefinite period. It also appears that you attribute this restriction upon the Judge's powers to my Predecessor's Instructions of the 31st of August, 1840, which were issued at the suggestion of the Home Inspectors of Prisons. I have communicated with the Home Inspectors on this subject, and they have explained that their suggestions have no reference to separate confinement, but to the solitary confinement on bread and water directed to be enforced by Sections 3, 4 and 5 of the Colonial Act, No. 22. They also state their opinion, in which I concur, that strict solitary Confinement on bread and water should only be enforced for limited periods, while separate confinement in
light, airy and large Cells duly certified by proper authority, 
accompanied with employment, religious and moral Instruction, 
Books, Exercise in the open air, and access to Prison Officers, as 
provided for by the 2nd and 3rd Victoria, C. 56, S. 2, 3 and 4 
is a most safe and salutary system of Discipline, and may with 
propriety be enforced during the whole or any part of a Pri-
soner's sentence. 

It would appear from your Dispatch that the power to enforce 
such a system in New South Wales does not exist. You will, 
therefore, with the advice of your Legislative Council, proceed 
to pass an Act containing the same powers as are given by the 
2nd and 3rd Victoria, C. 56, S. 2, 3 and 4 above referred to. 

I have, &c., 
STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS. 
(Despatch No. 119, per ship Helvellyn; acknowledged by 
Sir George Gipps, 1st January, 1843.) 

Sir, Downing Street, 28 May, 1842. 

I transmit to you herewith for your information and guid- 
ance copies of a Correspondence between this Office and the 
Board of Treasury with reference to the unauthorised additions 
to the appointments and increase of the Salaries in the Convict 
Establishments in New South Wales and Van Diemen's Land; 
I also enclose a copy of an instruction on the subject which I 
had addressed to the Lieutenant Governor of Van Diemen's Land, 
to which Government the Correspondence had more immediate 
reference. You will however consider those Instructions as 
addressed to yourself. 

I have, &c., 
STANLEY.

[Enclosure No. 1.] 

MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN. 

Sir, Treasury Chambers, 13 April, 1842. 

Referring to the communications that has been addressed to 
you on the subject of the Returns of appointments and of altera-
tions of established salaries at Van Diemen's Land, and of the 
expenses of the Convict establishment in that Settlement, I am 
commanded by the Lords Commissioners of H.M.'s Treasury to 
transmit to you an Extract from a Report of the Commissioners 
of Audit dated the 28th of Febry, last on the subject. I am to re-
quest that, in submitting this Extract to Lord Stanley, you will 
call his Lordship's attention to the very defective and unsatisfac-
tory nature of the information to be derived from such a Return 
as that which has given occasion for the representations of the 
Commissioners of Audit, and to the necessity for having the in-
accuracies, to which they have adverted, avoided in future returns. 

I am also commanded to transmit to you a copy of the Schedule 
of appointments in the different branches of the Convict Estab-
lishment at Van Diemen's Land, compiled from the Estimates 
furnished by the Officer in charge of the Commissariat at that 

1842. 
28 May. 
Opinion of 
inspectors of 
prisons re 
punishment 
of female 
offenders. 

Necessity for 
amending act. 

Correspondence 
re increase of 
staff and 
salaries in 
convict estab-
lishments. 

Transmission 
of report from 
audit commis-
sioners. 

Unsatisfactory 
return from 
Tasmania. 

Appointments 
in convict 
establishment 
in Tasmania.
1842.

28 May.

Necessity for control of increased expenditure.

Proposed limitation of powers of lieut.-governor.

settlement of the Expenditure for Convict Services in the year 1842/3, which bear the approving signature of the Lieutenant Governor; and I am to request that you will, in the first place, move Lord Stanley to cause my Lords to be apprized whether his Lordship has reason to consider the employment of the whole of the numerous functionaries specified to be necessary for the due performance of the duties devolving on the respective Departments to which they are attached; and

2ndly, that you will observe to his Lordship that, as the expense of these establishments is defrayed from the funds of this Country, My Lords deem it necessary that a more effective check upon increases in that expense, than has been afforded by the Quarterly Returns, should be provided for.

With this view, I am to state that, although the distance of the Colony and many possible exigencies of the service, especially as regards the alteration now in progress in the system of Convict Discipline, may render it necessary that the Lieutenant Governor should, in some cases, exercise a discretionary power of authorizing additions to the Establishments, or to the rates of remuneration to the parties employed, without awaiting the previous sanction of Her Majesty's Government, My Lords conceive it to be advisable that, subject to such modification as Lord Stanley may see occasion to make in the appointments, salaries and allowances comprised in the Schedule now submitted to him, the Establishments therein specified should be considered to be, as far as possible, settled; and that the Lieut. Governor should be apprized that the superior appointments, and the Salaries or allowances assigned for them, are not to be increased without previous authority from Her Majesty's Government, and that, in the event of his finding it indispensably necessary to make additions to the inferior appointments or salaries, the special Grounds for the increase must be distinctly and fully brought under the cognizance of the Secretary of State by a separate Despatch, and not merely by an insertion in the General Quarterly Return.

I am further to request that you will observe to Lord Stanley that the regulations now proposed would be equally applicable to the Convict Establishments of New South Wales, and that, unless his Lordship should see reason to dissent from the views of my Lord on the subject, they will be prepared to convey such Instructions to the officers of the Commissariat at Van Diemen's Land and New South Wales, and to the Commissioners of Audit, as will be requisite, in concurrence with his Lordship's Instructions, to the officers in charge of the respective Governments for carrying them into effect. I am, &c.,

C. E. TREVELYAN.

[Sub-enclosure.]

COMMISSIONERS OF AUDIT TO LORDS COMMISSIONERS OF TREASURY.

My Lords, Audit Office, 28 Feb'y, 1842.

We have the honor to represent to your Lordships that, in the progress of the examination of the account of Assistant Commissary General Maclean for the service in Van Diemen's Land in 1840/41, various irregularities in the mode of making appointments in the Convict Establishment in that Colony have been brought to our notice in addition to those which we submitted for your Lordships' consideration in our Report, No. 468, dated 24 Sept., 1841. In reply to that Report we were informed by Mr. Trevelyan's Letter
dated 4th instant that the Lieutenant Govr. had been directed by the Secretary of State for the Colonies to make enquiry as to the inaccuracies adverted to by us, and to report to him thereon.

The Secretary of State having thus not only given directions to prevent similar cases in future but having called for explanations as to past transactions, we have deemed it advisable to select some of the following further cases, and to submit them to your Lordships, more especially as they distinctly shew the unsatisfactory manner in which appointments on the Convict Establishment have been reported by the Colonial Government, and the necessity in our opinion for some alteration in the present system, the nature of which we shall take leave to suggest for your Lordships' consideration in the concluding part of this Report.

Mr. Campbell was appointed by Colonial Secretary's Memorandum of 22d Octr., 1840, "vice Hawthorne removed to the Police Office." A successor however to Mr. Hawthorne named Harris had already been appointed by Colonial Secretary's Mem. dated 28th Sept., 1840, so that Mr. Campbell's appointment occasioned an increase to the number of Clerks employed. Campbell and Harris are both marked on the same Quarterly Schedule (to 31st Decr., 1840) as filling the vacancy caused by Mr. Hawthorne's removal, and no mention is made in the Schedule of the increase in the number of Clerks.

An allowance in lieu of forage to the Revd. Dr. Bedford to enable him to perform duty at the Female House of Correction was entered in the Quarterly Schedule to 31st Decr., 1840, but no mention was made in the Schedule of the allowance having been issued under the Colonial Secretary's authority, dated 10th August, 1840, for an antecedent period of more than six months.

Upon the appointment on 28th September, 1838, of Mr. Fitzgerald as Deputy Purveyor, "vice Dunn," the permanent employment of the Purveyor's Clerk, W. Wilmore, a Convict Writer was dispensed with, but his services were continued at the usual rate of pay £10 per annum until Mr. Dunn's accounts were made up, vizt., to 31st Decr., 1838; from the date of 1st Novr., 1840, no clerk was employed by the Purveyor. Mr. Smithers however was appointed as clerk in September, 1840; but, not having entered on his duties, Mr. Jenkins was appointed to succeed him from 25th Octr., 1840; this person however only acted and received pay from 1st to 23d Novr. when he was succeeded by the Convict Writer Wilmore above mentioned at £100 per annum.

Three points seem to require notice in this case, first, that no necessity is shown for the re-appointment of a clerk after his services had been found unnecessary for a period of about two years; secondly, that Mr. Jenkins' appointment was noticed in the quarterly Schedule to 31st Decr., 1840, as "vice Smithers," although Smithers' appointment had not been included in that or the previous Quarterly Schedule, and had not therefore, so far as we have been informed, been approved by your Lordships; and thirdly, that no explanation was given of the reason for employing Wilmore, the Convict Writer, at a Salary of £100 when he had previously received only £10 per annum for the same duties.

We have, &c.,
F. S. LARPENT.
J. OSBORN.
H. F. LUTTRELL.
1842, 28 May.

Letter acknowledged.

Instructions to be given.

Convict discipline under consideration.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO MR. C. E. TREVELYAN.

Dowling Street, 26 May, 1842.

Sir, Downing Street, 28 May, 1842.

I have laid before Lord Stanley your Letter of the 13th Ult., with a Copy of a Report from the Commissioners of Audit relative to the returns of appointments and alterations of established salaries at Van Diemen's Land, and of the expenses of the Convict establishment in that Colony; and I am to acquaint you, in reply, that, while Lord Stanley will call the attention of the Governors of the respective Colonies to the irregularities to which your letter adverts, and will give the instructions, which your Letter suggests on the subject of additions to the appointments, and the salaries or allowances in the Convict Establishments of those Colonies, his Lordship considers that great allowance is to be made on account of the frequent and extensive changes of system in reference to Convict Establishments which had been ordered within the last two years. I am directed further to state, in reply to the enquiry contained in your Letter, that the question of Convict Discipline is now under consideration in your better, that the question of Convict Discipline is now under the consideration of H.M.'s Government, and that Lord Stanley is not at present prepared to say how far in his opinion it may be practicable to make any reduction in the Convict Establishments.

I have, &c.,

J. STEPHEN.

[Lord Stanley to Sir John Franklin.]

Sir, Downing Street, 28th May, 1842.

Transmission of correspondence.

Instructions re appointments and salaries.

Although it is impossible at present definitely to arrange the Establishment of the Convict Departments, you must bear in mind that the Superior appointments, and the Salaries and allowances assigned for them, are not to be increased without previous authority from Her Majesty's Government; and that, in the event of your finding it indispensably necessary to make additions to the inferior appointments or salaries, the special grounds for the increase must be distinctly and fully brought under the cognizance of the Secretary of State by a separate Dispatch and not merely by insertion in the general quarterly returns.

I have, &c.,

J. STEPHEN.

[Enclosure No. 3.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despach No. 98, per ship Palestine.)

29 May.

My Lord, Government House, 29th May, 1842.

In the concluding paragraph of my Despatch No. 207 of the 13th Octt. last, I stated that I should again have to advert to the subject of Lord J. Russell's Despatch, No. 172 of the 12th
Novr., 1840, wherein I was directed to remove from under the care of Captn. Maconochie all Prisoners, who were not within two years of being, under the ordinary Regulations, entitled to Tickets of Leave.

On the receipt of the Despatch last mentioned, I lost no time in making arrangements with the Lieutt. Governor of Van Diemen's Land for the transfer to that Colony of the men who were to be withdrawn from Norfolk Island, and I communicated, by the first opportunity that occurred, the instructions of the Secretary of State to Captn. Maconochie.

Against the removal of the men, I however received from that officer so urgent a protest and appeal that I was led to consent to a very considerable reduction in the number of Prisoners, who were thus to be removed; indeed I went so far as to reduce the number from about 100 to 12. Against the removal however of even these 12, Captn. Maconochie again so urgently appealed that I felt myself almost constrained to yield to his entreaties; and I have accordingly to report to Your Lordship that I have consented to suspend the removal of them altogether.

It does not seem to me necessary to burthen this Despatch with the whole of the Correspondence which took place respecting the proposed removal of these men; but I enclose a copy of the last letter which I received from Captn. Maconochie on the subject.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[Lord Stanley to Sir George Gipps.]

(Supplementary No. 120, per ship Aden.)

Sir,

Downing Street, 31 May, 1842.

I have received your Dispatch of the 21st of December last, No. 234, transmitting various Rules of Court which have been established by the Judges of New South Wales.

Before taking the Queen's Pleasure with regard to the disposal of these Rules, I should wish to receive a Report from the Judges of the Supreme Court of the opinion of the working of those Rules after they shall have been a year in operation.

I have, &c.,

Stanley.
HISTORICAL RECORDS OF AUSTRALIA.

1842.
31 May.

Despatch acknowledged.

Criticism of annual report.

Commendation of "blue book."

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 122, per ship Aden.)

Sir,
Downing Street, 31 May, 1842.

I have received your Dispatch No. 235 of the 22nd of December last, transmitting the Blue Book of your Government for the year 1841, together with the general report on the state of the Colony which is required annually with the Blue Book.

In my Dispatch No. 101 of the 5th Instant, I called your attention to the defective manner in which the Report had been prepared which accompanied the Blue Book for the preceding year; and I have now to point out to you that, from some apparent inadvertence the Report before me is merely a duplicate of the former, with two trifling additions under the heads of "Immigration" and of "Finances and Taxation."

At the same time, I have pleasure in acknowledging the very satisfactory manner in which the Blue Book itself is prepared.

I have, &c.,

STANLEY.

1 June.

Despatch acknowledged re F. Mathew.

Transmission of despatch to W. Hobson.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 123, per ship Aden.)

Sir,
Downing Street, 1 June, 1842.

I have received your Despatch of the 2d of December last, No. 227, forwarding the Copy of a Letter, which you had received from Mr. Felton Mathew on the subject of his succession in the Appointment of Surveyor General of New Zealand and recommending him to my favorable notice.

I had already received a similar communication from the Governor of New Zealand, and I transmit to you a Copy of the answer which I returned to Captain Hobson, from which you will perceive that I have every disposition to bear in mind the Claims of Mr. Felton Mathew to re-employment in the Public Service.

I have, &c.,

STANLEY.

[Enclosure.]

LORD STANLEY TO GOVERNOR HOBSON.

Sir,
Downing Street, 16 May, 1842.

I have received your Despatch of the 10th of November last, marked "Separate," in which you forward a Letter addressed to my Predecessor by Mr. Felton Mathew, late Surveyor General of New Zealand, and express your high sense of the zeal and ability, with which Mr. Mathew has discharged the duties of his Department up to the period of his being relieved in that Office by the Appointment from this Country of Mr. Ligar.

I am glad to find from Mr. Mathew's Letter that you have been enabled to afford him temporary employment under your Government; and I beg to assure you that I shall be ready to receive
favorably any recommendation you may hereafter transmit for his appointment to some Office of higher emolument than the one which he may now temporarily hold.

You will communicate the substance of this Despatch to Mr. Felton Mathew in reply to his Communication of the 4th of November.

I have, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 100, per ship Palestine.)

My Lord,

I have the honor herewith to forward to Your Lordship Transmission of Addresses of congratulation to Her Most Gracious Majesty and His Royal Highness Prince Albert, from the Legislative Council of this Colony, on the happy occasion of the Birth of an Heir Apparent to the British Crown.

I trust Your Lordship will oblige myself and the Council by laying these humble expressions of our Loyalty and Duty before Her Most Gracious Majesty and Her Illustrious Consort.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

ADDRESS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Address to H.M. the Queen:

We, your Majesty's Loyal and dutiful Subjects, the Governor and Legislative Council of the Colony of New South Wales, in approaching your Royal Presence, desire to express our joy and satisfaction arising from the Birth of His Royal Highness the Prince of Wales, the Heir Apparent of your Majesty's Throne and Kingdom. We thankfully acknowledge the interposition of Divine Providence in the safety vouchsafed to Your Majesty, and in the security which has been thus afforded for the continuance of the Protestant Succession in the line of the Illustrious House of Hanover. We venture to express also our earnest solicitude that the same Guardian Hand may protect your Majesty and the Royal Infant from all perils and dangers, and preserve our Most Gracious Sovereign during many years, to reign in happiness and glory over Her well contented and obedient People.

Signed by request, and on behalf of the Council, by His Excellency, the President, this 2nd day of June, 1842.

G. GIPPS, Governor.

FRANCIS L. S. MEREWETHER, Clerk of Councils.

[Enclosure No. 2.]

ADDRESS TO FIELD MARSHALL HIS ROYAL HIGHNESS ALBERT, PRINCE OF Saxe-Coburg and Gotha, etc., etc., etc.

Address to H.R.H. Prince Albert:

We, the Loyal and dutiful subjects of Her Sacred Majesty Queen Victoria, the Governor and Legislative Council of the Colony of New South Wales, solicit the permission of your Royal Highness to offer our most respectful congratulations on the Birth of the
1842.  
3 June.  
Address to  
H.R.H. Prince  
Albert.  

HISTORICAL RECORDS OF AUSTRALIA.

Heir Apparent to the Throne of England, His Royal Highness the  
Prince of Wales, the eldest son of Her Majesty and your Royal  
Highness. Intimately connected as are the Colonists of New South  
Wales in all their interests with the maintenance of the glory and  
prosperity of the United Kingdom, We unfeignedly rejoice in an  
event which affords so fair a promise of the continuance of the  
succession in that line, from whose settlement on the Throne so  
many benefits and blessings have accrued to the Nation. We, at  
the same time, offer to your Royal Highness our very sincere con­  
gratulations on your participation in these gratifying presages of  
National advantage; and we add an expression of our unfeigned  
desire for the preservation of Her Most Gracious Majesty, and of  
your Royal Highness, as well as of that Illustrious Infant, in the  
person of whom so many hopes and exalted expectations are centred.  
Signed by request, and on behalf of the Council, by His Excel­  
leny, the President, this 2nd day of June, 1842.  

G. GIPPS, Governor.  

FRANCIS L. S. MEREWETHER, Clerk of Councils.  

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SIR GEORGE GIPPS TO LORD STANLEY.  
(Despatch No. 101, per ship Palestine; acknowledged by  
Lord Stanley, 8th February, 1843.)  

My Lord,  

Government House, 4th June, 1842.  

With reference to my Despatch No. 78 of the 3rd May last,  
reporting the circumstances under which the expenses, incurred  
by this Government on account of the Quarantine of the ship  
“New York Packet,” had been deducted from the Bounties  
payable on the Immigrants by that vessel, I think it right to  
enclose a copy of a Protest made by the Master of the “New  
York Packet” against such a deduction, and the opinion of the  
Law Officers of this Government on the same.  

I enclose also a copy of the authority under which these Immi­  
grants were imported, and a Printed copy of the Regulations  
under which Bounties are payable in the Colony.  

I have, &c.,  

GEO. GIPPS.  

[Enclosure No. 1.]  

PROTEST.

By this Public Instrument of Protest, be it known and made mani­  
fest that, on this twentieth day of January in the year of our Lord  
1842, Personally came and appeared before me James Norton of  
Sydney in the Colony of New South Wales, Notary Public by Royal  
authority duly admitted, and sworn at my Office in Sydney afores­  
said, Charles Doming, Master of the Barque or Vessel “New York  
Packet,” of the Port of Greenock in Scotland, and burthen of  
685 Tons or there abouts, and did then and there before me the  
said Notary declare protest and say in manner following, that is  
to say: That, on or about the seventh day of July last, this appearer  
sailed in the said Barque or Vessel from Greenock aforesaid for  
Sydney direct with Emigrants and a general Cargo of Merchandize.
GIPPS TO STANLEY.

That the said Vessel arrived within the Heads of Port Jackson on the Twenty fifth day of October last, and, having several cases of sickness on board, was on the same day placed in Quarantine from which she was released on the twenty second day of November last.

That, on the fifteenth day of January instant, at a Meeting held in Sydney, aforesaid by the board for the regulation of Bounty Immigrants, it was resolved that the amount of the Quarantine Expenses incurred on account of the said Vessel should be deducted from the Amount of Bounty payable by the Government of the Colony aforesaid in respect of the Immigrants landed from the said Vessel; and this appearer, the said Charles Dorning, doth hereby declare that the said Government hath refused to pay the said Bounty Money accordingly.

That the Equipment of the said Barque or Vessel was in all respects approved of by the Port Physician and Emigration Agent appointed by the British Government for the Port of Greenock aforesaid.

Therefore I the said Notary do hereby protest against all persons whom it may concern for all losses, damages and expenses incurred or hereafter to be sustained by reason of the detention of the said Vessel as aforesaid and of the deduction or nonpayment of the said Bounty Money.

This done and protested at Sydney aforesaid the day and year first above written.


We are of opinion that it is not requisite or advisable for any step to be taken in consequence of this protest.

This Government has had no Contract whatever with the party making the protest, and there appears to have been no charge made by Government for the maintenance of the Emigrants which is not just and reasonable, and may not be defended under the regulations distinctly referred to in the letter containing the intimation to Messrs. Gilchrist and Alexander of His Excellency's permission to import the Emigrants who came in the York Packet.

R. Therry, Atty. Genl.

[Enclosure No. 2.]

Mr. T. C. Harington to Mr. John Miller.

Colonial Secretary's Office, Sydney, 21st Octr., 1840.

I do myself the honor to acknowledge the receipt of your letter of the 12th Instant, stating your intention of bringing to Port Phillip or Sydney one thousand Emigrants.

In answer, I am directed to inform you that Bounties will be granted for the same, provided they are imported in all respects in conformity with the Emigration Regulations of 3rd March, 1840.

I have, &c.,

T. C. Harington.

[Enclosure No. 3.]

(This was a printed pamphlet containing the regulations* for the introduction of immigrants, dated 3rd March, 1840, and 30th March, 1841.)

* Note 10.
HISTORICAL RECORDS OF AUSTRALIA.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 124, per ship Helvellyn.)

SIR,
Downing Street, 6th June, 1842.

I have received your Despatch No. 211 of the 31st of October last, announcing the melancholy intelligence of the death of Mr. Thomas Macquoid the Sheriff of New South Wales.

It appears evident that the Office requires further regulation, and I shall await the result of your proposed Communication with the Judges on the subject.

I have appointed Mr. Adophus William Young to the vacant Office, with the clear understanding that he accepts the Appointment subject to any modifications which it may ultimately be considered necessary to make in it.

Mr. Young has also been informed that his Salary will only commence on his entering on the duties of his office.

In the present state of the Office, it has not been found practicable to prepare any Warrant for Mr. Young's Appointment; which must therefore be made at least in the first instance by yourself.

I am not aware on what principle Sir George Murray decided that Mr. Macquoid on his appointment should receive no Salary until the period of his arrival in the Colony; but it will be necessary that you should adhere generally to the rule laid down on this subject.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 102, per ship Palestine; acknowledged by lord Stanley, 7th January, 1843.)

My Lord,
Government House, 6th June, 1842.

I have the honor to forward herewith a Petition, which has been addressed to Your Lordship by Lieutt. W. Caswell, R.N., asking for a further Grant of two Sections of 1,280 acres of land, having already received four different Grants as follows:--

<table>
<thead>
<tr>
<th>Lands granted</th>
<th>Acres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1829</td>
<td>1,920</td>
</tr>
<tr>
<td>In March, 1831</td>
<td>50</td>
</tr>
<tr>
<td>&quot; April, 1832</td>
<td>590</td>
</tr>
<tr>
<td>&quot; May, 1838</td>
<td>1,280</td>
</tr>
<tr>
<td>Total</td>
<td>3,840</td>
</tr>
</tbody>
</table>

Lieutt. Caswell, having come out to this Colony whilst the orders of 1826 and 1827 were in force, was entitled to a Second
GIPPS TO STANLEY. 103

Grant on fulfilling the conditions on which his first Grant was made to him; but such additional Grant could not exceed the amount of his first Grant.

Lieutt. Caswell wishes his three first Grants to be considered as one Grant; and, if so considered, he would have been entitled, when his case came before me in 1838, to a Secondary Grant of 2,560 acres; but, as I could not look on his second and third Grants as parts of his first Grant, I allowed him only 1,280 acres, a quantity equal to that of his first Grant.

It may be admitted, as Lieutt. Caswell contends, that he was told in 1831 or 1832 that his second and third Grants were to be held on the same terms as his primary one, that is to say, on the same terms in respect to Quit Rents; or it may even be further admitted that he was told they were to be held as a part of his primary Grant; but I must submit that any such loose or incautious expression, even though used officially, could not alter the facts of the case, or make that a first Grant which was ipso facto a second or a third one.

It might much more reasonably have been said to Lieutt. Caswell that, having already received a second Grant, the conditions on which he emigrated had been fulfilled; the only doubt therefore that I had, when his case came before me in 1838, was whether he was entitled to anything at all; but, in giving him a fourth Grant, sufficient to make up with his second and third Grants a quantity of land equal to his first Grant, I feel that at any rate I acted towards him most liberally. I have, &c., Geo. Gipps.

[Enclosure.]

THE PETITION OF LIEUT. WM. CASWELL, R.N.,

To the Right Honble. the Secretary of State for the Colonies,

Humbly Sheweth,

That Your Petitioner was induced, by a Circular given him from Downing Street in August, 1827, to relinquish his prospects in H.M. Navy and to emigrate to New South Wales; in it are promises of certain quantities of Land to persons who might prove the expenditure of a certain Capital in improvements on their first Grant as shewn in the accompanying paper marked A.

That Your Petitioner had his first or primary Grant granted to him by Governor Darling, who was pleased to give it him in three separate parts, from Causes over which Your Petitioner had no control and which is proved by the following extract from letters desiring him to take possession of the Land—1,920, 50, 590—2,560 acres:

"(No. 30/2506.)

"Colonial Secretary's Office, Sydney, 9 Decr., 1830.

"In reply, I am directed to inform you that under the circumstances of the lease His Excellency has been pleased to authorize
HISTORICAL RECORDS OF AUSTRALIA.

1842.
6 June.

Petition of W. Caswell re secondary land grant.

"(No. 31/2675.)

"Colonial Secretary's Office, 21 October, 1831.

"If the situation be approved, You will hereafter receive from this Office a written authority to take possession of Land and to retain the same on the Conditions of a primary Grant (which will then be specified).

"The above Land is given to complete the quantity of 2,560 acres and must, if possible, be selected adjoining the 1,920 acres granted to you in the County of Gloucester or selected from Land open on the 1st of July last."

"(No. 32/332.)

"Colonial Secretary's Office, 21 April, 1832.

"Primary Grant.

"I am directed to communicate to you His Excellency's sanction to take possession of 590 acres of Land, etc., etc.

"Condition:

"1st. You are to pay a Quit Rent to the Crown of 2d. per acre per annum.

"2nd. The payment of Quit Rent is not to commence until the end of 7 years from this date."

That your Petitioner, being thus desired to take possession of the Land on the Conditions of a Primary Grant, never hesitated to lay out the full sum that would entitle him to a further grant of 2,560 acres for, had he doubted, he would have invested his Capital in a more advantageous manner.

That Your Petitioner expended the sum required is proved by the Report of his case No. 37, made by the Commissioners of the Court of Claims (who were appointed by His Excellency Governor Sir George Gipps to examine the claims of persons coming out under these Conditions), who reported that Your Petitioner had expended the necessary sum to entitle him to a further grant of 2,560 acres and recommended to be given him, they finding he had an available capital for the number of acres.

That Your Petitioner was ordered by Governor Sir George Gipps, by letter No. 38/460, dated 10 May, 1838, to receive only 128 acres, and the letter adds "which quantity is accorded to you with a reservation of your claim for a larger quantity recommended by the Commissioners which must await the decision of the Secretary of State to whom other similar Cases have been referred."

That Your Petitioner waited until 16 ulto and then, not having been made acquainted with any decision on his Case, addressed Governor Sir George Gipps, and, by a letter received yesterday, No. 42/333, dated Colonial Office, 9 April, 1842, is for the first time told "that, under the decision of the Secretary of State, which governs all Cases similar to Your Petitioner's, that His Excellency regrets it is quite out of his power to grant you more land than you have already received."

That Your Petitioner loses no time in representing to Your Lordship that the Court of Claims was an open public Court, and that no Case exactly like Your Petitioners appeared before the Court; and therefore Your Petitioner humbly prays Your Lordship to have his Case examined on its own merits. Your Petitioner is informed
GIPPS TO STANLEY.

that his was the only Case of a Grantee, being desired by letter from the Colonial Secretary to receive his Land for the purpose of completing the quantity of 2,560 acres and to retain the same on the condition of a primary Grant, that was afterwards refused the full Quantity of Land recommended by the Commissioners.

That Your Petitioner most humbly submits that, if the two last portions granted him are not considered his first Grant, that even then Your Lordship, on perusing paragraphs 20 and 21 of the Conditions marked A on the accompanying paper, will see Your Petitioner is entitled to 640 acres more to make up the Quantity he received at first (1,920 acres), for three kinds of Grants are mentioned in the Conditions, the first, the second, and the further, all distinct and different: First Grant pays 5 per Cent. Quit Rent at the end of 7 years (as does your Petitioners); second Grant pays Quit Rent 5 per cent. immediately, and have nothing to do with the further Grant promised which is only to pay 2½ per Cent. Your Lordship will perceive that nothing is said of deducting the second Grant from the further as has been done in Your Petitioner's Case.

That Your Petitioner prays Your Lordship will observe his Quit Rent on the 590 Acres is only to commence at the end of 7 years, proving by that circumstance it was not given him as a secondary grant which must have paid Quit Rent immediately.

That Your Petitioner was never told the 590 acres of Land was any other than a primary Grant till he had expended upwards of £3,000, and till years after Governor Darling (who gave it him) had left the Colony. Your Petitioner Holds the deeds of the 50 acre Grant, which is given to him as a first Grant and is not charged any quit rent on it.

That Your Petitioner therefore prays Your Lordship will pronounce on his Case on its own merits; and, when Your Petitioner points out that at the moment of his receiving 590 acres the Home Government had ordered Lieutenants in the Navy to have 3½ sections as their first Grant without question of property, and also that the whole letter and spirit of the Conditions marked A are to induce parties to improve and expend Capital on their land, and when Your Lordship peruses the Court of Claims Report No. 37 and sees that each and every portion of the Land granted Your Petitioner has been built on and brought into cultivation by Your Petitioner, Your Lordship will order Your Petitioner such a Quantity as may meet the justice of the Case and place him in the same situation as others who have not laid out so large a Capital, Your Petitioner having 7 Children born in the Colony to divide it among.

And Your Petitioner will ever Pray,

WILLIAM CASWELL, Lt., R.N.

Settler at Raymond Terrace, N. S. Wales, 16th April, 1842.

(Sub-enclosure.)

Extracts from Conditions handed to Your Petitioner at Downing Street, a.d. 1827, and referred to in Petition.

19. Every Grantee without purchase must at the expiration of the before mentioned term of 7 years prove to the satisfaction of the Surveyor General that he has expended in the Cultivation and improvement of the Land a Capital equal to one fourth of its value, as that value was estimated at the time of his Grant; on failure of such proof the Land will be forfeited to the Crown.
20. No additional Grant of Land will be made to any person, who has not proved as last mentioned the necessary expenditure of Capital on the Land already granted him, and that he has sufficient Capital in hand to enable him to cultivate to advantage the additional Grant for which he applies.

21. Persons, receiving a second Grant of Land without purchase, will become liable to pay a Quit Rent upon the Lands comprised in such second Grant immediately from the date of it; but any Grantee, who can shew an expenditure of Capital upon his first Grant to the amount of five times the estimated value of that Grant, at the time of its being made to him, will be entitled to a further Grant with a reduction in his Quit Rent at the rate of 2\(\frac{1}{2}\) per Cent. on the estimated value of such Grant, on proving that he has sufficient Capital still in hand to cultivate to advantage the additional Grant.

Extract from Admiralty Circular, 11 Augt., 1827.

Officers of the standing of 20 years and upwards to be exempted from all Quit Rent.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 125, per ship Helvellyn; acknowledged by Sir George Gipps, 16th January, 1843.)

Sir,

Downing Street, 7 June, 1842.

With reference to my Despatch No. 114 of the 26th Ultimo, I transmit to you herewith for your information an Extract of a further Communication, which has been received from the Home Department, relative to the conditions which will be proper to observe in the Indentures of Apprenticeship of the Boys sent from Parkhurst Prison to the different Colonies.

I have, &c.,

[Enclosure.]

STANLEY.


"With reference to my Letters of the 5th and 22nd Ultimo, I am directed by Secretary Sir James Graham to acquaint you that ninety two Boys have been embarked on board the Saint George, Emigrant Ship, for conveyance to New Zealand, in charge of Mr. B. J. Horne, the Gentleman alluded to by the Visitors in their Letter, a copy of which has been forwarded to you for Lord Stanley's information.

"Mr. Horne has been directed to remain in New Zealand at the disposal of the Governor, until the several arrangements for finding employment for the Emigrants, and for the apprenticeship of the other Boys, are completely organized; and I am to request that you will suggest to Lord Stanley the propriety of such arrangements being of systematic and permanent character, and formed with a view to the future emigration of such further number of Boys as may hereafter be deemed expedient.

"Sir James Graham also desires me to suggest, for Lord Stanley's consideration, that the Indentures of Apprenticeship should contain a condition that the Master shall provide the Boy with suitable clothing, Food and Lodging, treat him well and properly, attend to his moral and religious condition, make such a reasonable allowance-
as may be approved of by the Governor for his services, of which one moiety should be deposited in a Savings Bank for his benefit at the expiration of his apprenticeship, and further that he should be exempted from Labour on Sundays.

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**LORD STANLEY TO SIR GEORGE GIPPS.**  
(Despatch No. 126, per ship Helvellyn.)

Sir, Downing Street, 7 June, 1842.

A question having arisen as to whether a Colonial Chaplain is entitled to receive, as other Officers, Half Salary from the period of his Embarkation for the Colony to which he may be proceeding, in addition to the allowance for Outfit and Passage, I transmit to you, herewith, for your information and guidance, the enclosed Copies of a Correspondence between this Department and the Board of Treasury on the subject from which you will perceive that the Rule observed in the case of Governors in this respect is considered equally applicable as regards Colonial Chaplains.

I have, &c.,

STANLEY.

[Enclosure No. 1.]

**UNDER SECRETARY STEPHEN TO MR. C. E. TREVELYAN.**

Sir, Downing Street, 14 May, 1842.

Lord Stanley has been led to believe that some doubt exists as to the question, whether a Colonial Chaplain is entitled to receive, as other Officers, half salary from the period of his Embarkation for the Colony to which he may be proceeding, in addition to the allowance for outfit and passage.

It had always been considered at this Department that the Clergyman was to receive a given sum on account of the expense of his passage to the Colony, leaving him the same contingent claim as other Officers to Half Salary, calculated from the date of embarkation, either in the case of a newly created Office or where the officiating Clergyman receives only half Salary.

In order to set at rest misapprehension on this subject, Lord Stanley proposes with their Lordships' concurrence to make known that general rule as applicable in all such cases.

I am, &c.,

JAMES STEPHEN.

[Enclosure No. 2.]

**MR. G. CLERK TO UNDER SECRETARY STEPHEN.**

Sir, Treasury Chambers, 26 May, 1841.

The Lords Commissioners of Her Majesty's Treasury having had under their consideration the question whether a Colonial Chaplain is entitled to receive as other Officers half Salary from the period of his Embarkation in addition to the allowance for outfit and passage, I am commanded to apprise you, for the information of Lord Stanley, that, as the Rule referred to in your letter of the 14th Instant is analogous to the Regulation observed in the case of Colonial Governors, who in like manner receive a fixed passage allowance, My Lords do not object to the proposed specific adoption of it as regards Colonial Chaplains.

I am, &c.,

G. CLERK.
Sir George Gipps to Lord Stanley.
(Despatch No. 103, per ship Palestine.)

My Lord,
Government House, 8th June, 1842.

With reference to my Despatch of the 18th May last, No. 93, wherein I reported the circumstances under which I had, with the advice of my Executive Council, remitted a sentence of fine and imprisonment pronounced by Mr. Justice Willis on Mr. George Arden, the Proprietor and Editor of a Newspaper at Port Phillip, I have now the honor to enclose Copies of two letters from Mr. Justice Willis in support of the propriety of the sentence pronounced by him.

I have further the honor to enclose a Copy of a letter from the Attorney General and Solicitor General, asking to be allowed to have a copy of the first of Mr. Justice Willis' letters; but I have to report that, having taken the opinion of the Executive Council on their request, I have been advised not to comply with the same, it being considered by the Council that, sufficient having been said on each side to enable Your Lordship to decide upon the case, it would be inexpedient to prolong a controversy between a Judge of the Colony and the Law Officers of the Crown.

I have, &c.,
Geo. Gipps.

[Enclosures.]
Copies of these letters, dated 26th May and 1st and 4th June, 1842, will be found in a volume in series III.]

Lord Stanley to Sir George Gipps.
(Despatch No. 127, per ship Helvellyn.)

Sir,
Downing Street, 9 June, 1842.

I have to acknowledge the receipt of your Dispatch No. 162, of the 23rd of August last, forwarding a demand for Stationery for the service of New South Wales during the year 1843 with a request that it may be procured from Her Majesty's Stationery office and forwarded to the Colony by the Colonial Agent.

I transmit to you herewith for your information copies of a Correspondence, which has passed between my Under Secretary and Mr. Barnard on the subject of this Requisition; and I have to direct that you will accompany all future requisitions with an explanation in greater detail of the grounds of every such demand, and that you will confine your future purchases of Stationery to the Stationery office in this Country.

I have, &c.,
Stanley.
STANLEY TO GIPPS.

[Enclosure No. 1.]

UNDER SECRETARY STEPHEN TO MR. E. BARNARD.

Sir,

Downing Street, 6th April, 1842.

Lord Stanley directs me to transmit to you the enclosed copy of a Despatch from the Governor of New South Wales forwarding a Demand for Stationery for the service of the Colony during the year 1843, and I am to request that you will ascertain what would be the expense of complying with this Requisition.

I have, &c.,

J. STEPHEN.

[Enclosure No. 2.]

MR. E. BARNARD TO UNDER SECRETARY STEPHEN.

Sir,

No. 5 Cannon Row, 25th April, 1842.

I have the honor to acknowledge the receipt of your Letter of the 6th instant and to acquaint you in reply for the information of Lord Stanley that the cost of the Stationery required for the Service of the Colony of New South Wales for the year 1843, according to an estimate which I have procured from Her Majesty's Stationery Office, will be about Two thousand four hundred and sixty pounds.

I have, &c.,

EDWD. BARNARD.

[Enclosure No. 3.]

UNDER SECRETARY STEPHEN TO MR. E. BARNARD.

Sir,

Downing Street, 9th May, 1842.

Having laid before Lord Stanley your Letter of the 25th Ultimo, I am directed to request that you will state whether the required estimate for the supply of Stationery, which has been applied for by Sir George Gipps for the service of New South Wales for the year 1843, exceeds in amount the charge of any former supplies of the same kind.

I have, &c.,

J. STEPHEN.

[Enclosure No. 4.]

MR. E. BARNARD TO UNDER SECRETARY STEPHEN.

Sir,

No. 5 Cannon Row, 13th May, 1842.

I have the honor to acknowledge the receipt of your Letter of the 9th instant requesting me to state, for the information of Lord Stanley, whether the Estimate of the Cost of the Stationery required for the year 1843, exceeds in amount the charge of any former supplies of the same kind.

In reply I have to state for his Lordship's information that, in the year 1828, I procured from Her Majesty's Stationery Office, a supply of Stationery at the Cost of £1,250 15s. 1d.; that, in 1829, I purchased from Messrs. Winchester and Varnham Stationery to the amount of £1,631 9s. 10d.; and that, in 1832, I obtained from the same Tradesmen a further supply at the expense of £1,023 17s. 2d. Since the last mentioned Requisition, I have reason to believe that Articles of Stationery, required for the several Public Departments in New South Wales, have been purchased in the Colony, no Requisition having been sent to me during that period until I was directed by your Letter of 30th Octr., 1839, to procure from the Stationery Office certain Articles required (for one
1842. 9 June.

Department only, vizt., that of the Surveyor General) which Articles were provided at the cost of £324 6s. 1d. This is, in all probability, the Supply referred to in Sir George Gipps' Despatch to Lord John Russell, dated 23rd August last, as having been found "superior in quality to that procured in the Colony, and very much cheaper."

I have, &c.,

EDWD. BARNARD.

[Enclosure No. 5.]

UNDER SECRETARY STEPHEN TO MR. E. BARNARD.

Sir, Downing Street, 9 June, 1842.

Having laid before Lord Stanley your Letter of the 13th Ulto., I am directed to convey to you His Lordship's authority for procuring and forwarding to New South Wales the Articles of Stationery required for the Service of the Colony, according to the List which accompanied my Letter of the 6th of April last.

I am, &c.,

J. STEPHEN.

10 June.

Regiment shipped to India due to military disasters.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 104, per ship Palestine; acknowledged by Lord Stanley, 8th December, 1842.)

My Lord, Government House, 10th June, 1842.

I have the honor to report to Your Lordship that, intelligence having about a fortnight since reached this Colony of the disasters* which occurred in India (or rather in the neighbourhood of Cabool) in the month of Feby. last, it was deemed expedient by the Lieutt. General Commanding Her Majesty's Troops in this Colony and myself to hasten by all possible means the departure of the 28th Regt.; and that accordingly the three vessels named in the margin† have been taken up for the purpose of conveying the Regt. to Bombay, for which place it will embark and sail in the course of the ensuing week.

The 28th Regt. has been for some time under orders for India, but would not, except for the occurrences I have alluded to, have embarked probably for eight or ten months.

I have, &c.,

GEO. GIPPS.

11 June.

Despatch received.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 128, per ship Helvellyn; acknowledged by Sir George Gipps, 9th December, 1842.)

Sir,

Downing Street, 11 June, 1842.

I have received your Dispatch No. 5 of the 16th of January last, reporting that you had found it necessary to suspend Mr. John Edye Manning from his Office of Registrar of the Supreme Court, in consequence of a representation which you

* Note 11.    † Marginal note.—"Kelso," "John Brewer," "Arab."
had received from the Chief Justice that Mr. Manning had become a defaulter to a considerable amount in his Capacity of Administrator of the Estates of Persons dying Intestate in the Colony.

I have communicated your Dispatch to the Lords Commissioners of the Treasury, in order that their Lordships may take such measures as they may deem necessary for calling upon the Sureties of Mr. Manning in this Country for the amount of their Security.

As the Case now presents itself, I cannot acquit from blame the Judges, who, if they had vigilantly performed their duty, might in all probability have prevented the loss which has occurred. From the Correspondence which accompanied your Dispatch, I am led to infer that the Judges must have been aware of the default for some weeks before they reported it to you. Upon this point, I should wish to receive some explanation from them.

I am, &c.,
STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 129, per ship Helvellyn.)

Sir,
Downing Street, 11 June, 1842.

I have to acknowledge the receipt of your Despatch No. 198 of the 1st of October last, in which you submit for the sanction of Her Majesty’s Government a proposal for the transfer of the Buildings at Windsor, Bathurst and Goulburn, at present used as Convict Hospitals, from the Crown to the Local Authorities, in order to the formation of Institutions of the nature of County Hospitals in England.

In conveying to you the sanction of Her Majesty’s Government for that Transfer, I have to direct that, on surrendering the Buildings in question, you will make any stipulations that may be necessary for the due accommodation of such Military Patients as it may be desirable should be received into them.

With reference to the concluding Paragraph of your Despatch, you will perceive from the enclosed Copy of a Letter from the Secretary to the Master General and Board of Ordnance that positive Instructions have been sent out to their Officer at Sydney for the Surrender of the South Wing* of the General Hospital in that Town.

I have, &c.,
STANLEY.

* Note 12.
MR. R. BYHAM TO UNDER SECRETARY STEPHEN.

Office of Ordnance, 9th May, 1842.

Having laid before the Master General and Board of Ordnance your letter, dated the 20th ultimo, in reference to former correspondence on the subject of the transfer of the South Wing of the General Hospital at New South Wales to the Sydney Dispensary for the use of the public, and to a proposal of Governor Sir George Gipps that the buildings at Windsor, Bathurst, and Goulburn, at present used as Convict hospitals, should be transferred to the local authorities,

I have the honor by the Master General and Board's Commands to acquaint you, for the information of the Secretary of State for the Colonies, that they have not received any report on the former subject from the Commanding Royal Engineer since one dated 1st Decr., 1840, from which they might have inferred that there would be no other delay in the transfer of the South Wing of the General Hospital than until the building intended as a substitute for the Stores should be completed. Provision was made for that building in an estimate, which was transmitted to the Lords Commissioners of the Treasury on the 17th April, 1827; but, as it was not an Ordnance Service, the Master General and Board know not what orders their Lordships gave for the performance of the work. The Master General and Board, however, have now sent out positive instructions to their officers at Sydney for the surrender of the portion of the building adverted to, if not already transferred, without further delay.

With respect to the question referred to in the latter part of your letter, the Master General and Board request you will state to Lord Stanley that, as the buildings mentioned do not belong to the Ordnance, they are not aware of any objection to their being given over to the local authorities as proposed.

I have, &c.,

R. BYHAM.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 130, per ship Helvellyn.)

Downing Street, 11 June, 1842.

With reference to my Dispatch No. 116 of the 26th Ultimo, I have to acquaint you that Her Majesty has been pleased to confirm and allow the Act of the Governor and Legislative Council of New South Wales (No. 10 of 1841) intituled:

"An Act to facilitate proceedings by and against the Proprietors of a Certain Joint Stock Company, lately carrying on business in Sydney in the Colony of New South Wales under the name, style, or firm of the 'Australian Auction Company'; and for other purposes therein mentioned."

I have, &c.,

STANLEY.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 131, per ship Helvellyn.)

Sir,
Downing Street, 11 June, 1842.

I have to acquaint you that I have received a letter from Mr. W. A. Duncan, dated “Sydney, New South Wales, 7th January, 1842,” forwarding a Petition to the Queen from certain Inhabitants of the Colony on the subject of Emigration, and praying for a Legislative Assembly. I beg that you will acquaint Mr. Duncan that I have laid the Petition before The Queen and that Her Majesty was pleased to receive it very graciously.

I have, &c.,
STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 132, per ship Helvellyn; acknowledged by Sir George Gipps, 1st December, 1842.)

Sir,
Downing Street, 11 June, 1842.

I transmit to you, herewith, the enclosed copy of a Statement, which has been submitted for my consideration, on the subject of the removal of Lieut. R. T. Sayers, 80th Regt. from the Magistracy of New South Wales; and I have to request that you will furnish me with a Report on the allegations contained in that statement.

I am, &c.,
STANLEY.

[Enclosure.]

STATEMENT for the consideration of The Right Honorable Lord Stanley Her Majesty’s Principal Secretary of State for the Colonies.

His Excellency Sir R. Bourke, K.C.B., Governor of New South Wales, was pleased in the Year 1837 to nominate Lieut. R. T. Sayers, 80th Regt., to the Mounted Police of that Colony. Mr. Sayers joined the Force in 1838 and was duly gazetted a Magistrate of the Territory (ex officio); he continued to hold such appointment until the 31st May, 1840, when he was dismissed by His Excellency Sir G. Gipps with but four Days’ Notice, the Order announcing his removal from that date was received by him on the 27th May.

Mr. Sayers repaired to Sydney and sought from His Excellency the cause of his absence dismissal. The Governor in reply directed him to be informed (Col. Secretary’s Letter 8th June) “That the immediate cause of his removal was a report of his having been absent from his District without Leave.” Mr. Sayers declared such to be incorrect, requested a copy of the Report and prayed an Investigation; to which His Excellency directed it to be intimated to Mr. Sayers, “He cannot think it necessary to give him any further Information as to the cause of his Removal than that already stated in Col. Secretary’s Letter of the 6th June, viz., that the immediate cause of his Removal was a report of his having been absent from his District without Leave”; this report Mr. Sayers declares to be false and utterly void of foundation, which he
asserted at the time and challenged the proof. Some short time previous, while visiting the upper part of his District, Mr. Sayers met Major Nunn, the Head of the Department of Mounted Police, at Mr. A. Blaxtend's Station; sitting after Dinner at this Gentleman's Table, he made in the course of conversation some Remarks, which being displeasing to Major Nunn, he availed himself of his Military authority, ordered Mr. Sayers from the Table, followed him immediately into the yard, and, in the presence of the Policemen Convicts and others there assembled, abused Mr. Sayers in the most degrading and insulting manner.

The following Day, he informed Major Nunn he should forward a Report of his ungentlemanlike conduct to the Major General Commanding. "You will, Sir, will you," replied Major Nunn, "I shall then report you to Sir G. Gipps and have you dismissed." Such was the origin of the Report on which Mr. Sayers was deprived of his Appointment; and Major Nunn's admission is recorded on the Minutes of the Court Martial, which afterwards took place, viz., "I would not have made any report against Mr. Sayers, had he not thought proper to do so himself."

Mr. Sayers was subsequently brought to trial before a Court Martial on nine charges preferred against him by Major Nunn, arising out of the said Report. After a patient investigation of thirteen days, he was found guilty of a part of one charge and sentenced, a Reprimand! a more satisfactory result could not be obtained, although Major Nunn had the countenance of His Excellency Sir Geo. Gipps as evinced by his previous Dismissal of Mr. Sayers, together with the assistance of high legal and Military Officers, while the Court admitted Major Nunn's conduct towards Mr. Sayers "had been degrading and insulting to a Degree, amongst Gentlemen not to be credited"; and, because he Mr. Sayers reported such conduct, the charge was fabricated on which Mr. Sayers was summarily dismissed.

Mr. Sayers contends, had Sir G. Gipps granted the Inquiry prayed, the report would have been declared groundless, his re-appointment would as a matter of course have followed, the court Martial and his consequent sufferings prevented. He complains that act of Justice was denied him, which he believes to be the Birthright of every British Subject. But, a short time before, His Excellency in his Place in the Council declared "He could not dismiss even a common Constable without an Inquiry; the Rights of the subject and public Justice demanded it." Yet Mr. Sayers, a British Subject holding Her Majesty's Commission, was so dismissed. By Sir G. Gipps' departure from such avowed principle of Justice in his case, he alleges he was deprived of his Colonial appointment in the Mounted Police, brought to Trial before a Military Court and forced to incur Expenes amounting to several hundred pounds, while the first allegation was an unsupported and groundless assertion, the latter after a most patient Investigation could alone elicit a reprimand, which as the result of such a prosecution must be viewed as a virtual acquittal.

Had this matter occurred in Civil Life, Mr. Sayers could have sought for compensation for his Injuries at the hands of a Jury of his Country, who no doubt would have given such Damages as its justice demanded, a privilege as an Officer he is precluded from; and, to shew the public Feeling at such treatment immediately on his Dismissal, the Landholders and Residents in that District
applied to His Excellency for his Restitution, setting forth the serious injury it would be to the District were they to be deprived of that Officer's Services; this request being denied, the annexed addresses were presented to Mr. Sayers, and the Service of Plate alluded to with a suitable Inscription has been received by him since his arrival in England.

At the time Major Nunn left the District, he took from Mr. Sayers certain original Depositions, in an unfinished state, taken before him as a Magistrate of the Territory, touching certain parties charged with Felony. Mr. Sayers remonstrated with him on such irregularity and reported the circumstance officially to the Attorney General. While with his Regt. some time afterwards, he was called upon by the Attorney General to retake those Depositions in hand and complete them. He declined, having been previously dismissed from the Employ of the local Government; some further correspondence followed and an application for a Mandamus threatened; he sought an Interview with that officer, who informed him his Duty to the Public, which had compelled him to threaten those compulsory measures in case of his continued refusal to act, had also lead him to report Major Nunn's illegal conduct to the Government; the copy he produced, which after stating the substance proceeded thus, "By which your Excellency will perceive that the egregious Ignorance displayed by Major Nunn must totally incapacitate him not only for the Magistracy but also render him incompetent to direct the officers and Men of the Force under his controul, and to whom alone may be traced the present inefficiency of that hitherto useful Corps. I regret that my Duty to the Public should compel me to make this report. I beg further to observe I have forwarded Major Nunn a copy of this Letter."

After some further conversation, Mr. Sayers acceded to the Attorney General's request with the clear understanding that His Expenses would be defrayed. He came twice down from Windsor where he was stationed, a distance of 40 Miles at his own Expense to attend the Sydney Bench and was detained on each occasion for several days; and, having finally disposed of them all and committed the Prisoners for Trial, he applied in the usual form for his Expenses, which were refused. His Excellency expressing his regret, he could not entertain the claim, and his actual travelling and personal Expenses amounting to upwards of £20 are still unpaid.

Mr. Sayers informed His Excellency it was intended to submit his case for the consideration of Her Majesty's Home Government, and requested to be furnished with a Copy of the Attorney General's abovementioned report as a necessary Voucher, which His Excellency likewise refused, "such being a confidential communication, a copy could not be granted." Her Majesty's Attorney General for that Colony is now in England, to whom reference can be made as to the Justice of Mr. Sayers' claim for these Expenses, his official opinion, and report of Major Nunn's conduct throughout this affair, as also whether such Document was a confidential communication or not public and official report.

Testimonials from Colonels Baker and Hailes and Capt. Clark are attached, and Mr. Sayers requests Reference may be made to Colonel Pitt, R.H., Inspecting Field Officer, London District, Office 17 Duke Street, Westminster, under whom he had the honor to serve for some years.
HISTORICAL RECORDS OF AUSTRALIA.

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch marked "Confidential," per ship Palestine.)

My Lord,

Government House, 11th June, 1842.

Having this morning received a private note from Mr. La Trobe, respecting the measures which he has taken in the hope of discovering the perpetrators of the abominable murders, reported in my Despatch No. 90 of the 16th May last, I forward a copy of the same herewith, in the hope that it may tend to satisfy Your Lordship that both Mr. La Trobe and myself are determined to do everything that justice and humanity require of us, not only in regard to this detestable deed, but generally in respect to the Aborigines of the Country. I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 1st June, 1842, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 105, per ship Palestine.)

My Lord,

Government House, 13th June, 1842.

In reply to Your Lordship's Despatch No. 49 of the 4th Jany., 1842, desiring, at the request of Edward Cassidy, to be informed whether his son Michael Cassidy is still living, who was transferred from the 80th Regt. to the Mounted Police of this Colony in Feb., 1834, I have the honor to report that Michael Cassidy is living, and still attached to the Mounted Police. I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 133, per ship Helvellyn; acknowledged by Sir George Gipps, 5th January, 1843.)

Sir,

Downing Street, 15 June, 1842.

I transmit to you herewith for your Report the Copy of a Letter from the Commissioners of Colonial Land and Emigration, enclosing copy of one addressed to them by Mr. John Lindsay, complaining that, on application in the Colony, the holder of an Order for Land at Port Phillip, purchased in this Country, was refused every portion of Land which he demanded within any less distance than 30 or 40 Miles from Melbourne.

I have to request that you will furnish me with an early report on this subject. I have, &c.,

STANLEY.
LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY
Stephen.
Colonial Land and Emigration Office,
Sir, 9 Park St., Westmr., 6th June, 1842.
We have the honor to forward for Lord Stanley's information
the enclosed copy of a Letter, which has been addressed to us by
Mr. John Lindsay, stating that, in the month of February, 1841, he
purchased at this office for a party named Beale a Land Order for
Three hundred and twenty (320) acres of Land in the District
of Port Phillip; but that, on application in the Colony, the holder
of the order was refused every portion of Land which he demanded,
within any less distance than thirty or forty miles from Melbourne,
on the ground that it formed part of a Lot of larger dimensions,
and that he was ultimately obliged to accept one hundred and sixty
five (165) acres at a distance of 30 or 40 miles from Melbourne.
We apprehend that it will be deemed the proper course upon this
representation to forward it to the Governor for report.
Enclosed is the notice from our Board to which Mr. Lindsay
refers.
It may be right to mention, for Lord Stanley's information, that
the size of the Lots in the Port Phillip District was described in
that notice to be 320 acres under the sanction of the Secretary of
State, whose attention was drawn to the subject by a Letter from
the Board, dated the 3d of August, 1840.
Since the system of auction was restored, no order has been
issued in England for specific quantities of Land, but parties have
only received certificates that they are entitled to credit for a cer-
tain amount in any purchase which they may effect in the Colony.
We have the honor to state that the number of orders, which had
in the meanwhile been issued for lots of 320 acres, was not more
than 6, and that no complaint has been received in respect of any
of them except the one in question. We have, &c.,
T. FREDK. ELLIOT.
EDWARD E. VILLIERS.

SUB-ENVELOPE NO. 1.
MR. JOHN LINDSAY TO LAND AND EMIGRATION COMMISSIONERS.
Gentlemen,
Park Blackheath, 14 Mar, 1842.
Upon the 8th February, 1841, I purchased at your office Three hundred
and twenty acres of Land in Port Phillip for the benefit of a family already there
(a Mr. Beales). The receipt of the order by them on the 1st July of that year
was hailed as the greatest blessing. Judge then my surprise on receipt of a Letter, dated Port Phillip, 2nd January, 1842, to learn that no Three hundred and twenty
acres of Land had been granted to him, that every spot he chose was refused him
on the ground that it formed a part of six hundred and forty or one thousand acres,
and he was told, he must take all or none or must go 30 or 40 miles off from Mel-
bourne, else he could not choose Three hundred and twenty acres.
The official paper, upon which my purchase was made, dated August, 1840, says
nothing of Six hundred and forty acres, but that I was to be put in possession on
naming the spot of my choice, if then unsold.
Mr. Beale, after six months' vain exertion to obtain justice, has been forced to
prevent total ruin to accept one hundred and sixty five acres of Land 30 or 40 miles
off Melbourne.
My Claim is for Three hundred and twenty acres of any Land, which was unsold
on the arrival of my land order on the 1st July, 1841, and shall feel obliged by an
early reply.
And remain, &c.,
JNO. LINDSAY.
LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Helvellyn; acknowledged by Sir George Gipps, 14th January, 1843.)

Sir,

Downing Street, 15 June, 1842.

I transmit, for your information and guidance, the annexed Regulations on the subject of Appointments to Public Offices in the Colonies.

These Regulations will be inserted in the Book of Rules and Regulations for the Colonial Service, whenever a revision of that Book shall be reprinted.

I have, &c,

STANLEY.

[Enclosure.]

[These regulations were printed in the "Votes and Proceedings" of the legislative council, dated 11th August, 1817.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 106, per ship Palestine.)

My Lord,

Government House, 15th June, 1842.

With reference to my Despatches named in the margin* on the subject of the delay of the Auditor General in forwarding the accounts of this Colony to England, I have the honor to enclose a copy of a further letter from Mr. Lithgow, stating that the accounts of the year 1841 have now been forwarded by him.

I have, &c,

GEO. GIPPS.

[Enclosure.]

MR. W. LITHGOW TO COLONIAL SECRETARY THOMSON.

Sir,

Audit Office, Sydney, 13th June, 1842.

I have the honor to inform you, with reference to my letter No. 13 of 15th January last, that I have this day sent on board the Ship "Palestine," announced to sail on Wednesday, 15th instant, the Accounts of the Colonial Treasurer of New South Wales for the year 1841, addressed to the Right Honorable The Lords Commissioners of Her Majesty’s Treasury, Whitehall, London, and readdressed to Her Majesty’s Post Master General.

I have, &c,

WM. LITHGOW, Aud. Gl.

* Marginal note.—No. 18, 20th Jany., 1842; No. 25, 6th Feb., 1842; No. 44, 2nd March, 1842; No. 71, 12th April, 1842.
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 134, per ship Helvellyn.)

Sir,
Downing Street, 16 June, 1842.

I have received your Despatch No. 223 of the 4th of December last, enclosing a copy of a Notice which had been issued by the local Government of New South Wales, extending the Bounties on Emigrants to persons between the ages of 40 and 50, provided they carry with them Adult Children in proportions which are fixed by the Notice.

I have communicated on the subject with the Colonial Land and Emigration Commissioners, and I have to signify my approval of the Notice which you have issued.

With regard to the question to which you advert of extending in some degree the description of persons, now eligible for the Colonial Bounty, I am quite prepared to defer in this respect to the opinion of the Colonists and to be guided by their wishes.

I have, &c.,
Stanley.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 136, per ship Helvellyn; acknowledged by Sir George Gipps, 5th July, 1843.)

Sir,
Downing Street, 16 June, 1842.

I transmit to you herewith the enclosed Copy of a Letter from the Secretary to the Board of Treasury, forwarding copy of one addressed to the Deputy Secretary at War, by order of the Director General of the Army Medical Department, relative to the supply of Medicines and Medical Stores for the Service of the Government of New South Wales in 1840/41.

I have to request that you will procure, and forward to me at an early period, the explanations and information required by the Army Medical Board.

I have, &c.,
Stanley.

MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.

Sir,
Treasury Chambers, 10 June, 1842.

In transmitting to you a copy of a Letter addressed to the Deputy Secretary at War on the 24 Ultimo by Order of the Director General of the Army Medical Department, relative to the supply of Medicines and Medical Stores for the service of the Government of New South Wales in 1840/41, I am commanded by the Lords Commissioners of Her Majesty's Treasury to request that you will submit it, with the paper which accompanies it, for the information of Lord Stanley, requesting that His Lordship will cause copies thereof to be forwarded to the Governor of New South Wales, with directions to procure and forward for the consideration of Her Majesty's Government the explanations and information required by the remarks of Dr. Gordon herewith transmitted.

I am, &c.,
C. E. Trevelyan.
1842.  
16 June.

Necessity for issue of instructions.

[Sub-enclosure.]

DEPUTY INSPECTOR-GENERAL GORDON TO MR. L. SULIVAN.

Sir, Army Medical Department, 24 May, 1842.

Referring to the Return of Medicines of the Colony of New South Wales from the 1st April, 1840, to the 31st March, 1841, which accompanied Your Letter of the 28th November, 1841, I have the honor to transmit herewith an Extract of that Return, having affixed my remarks thereto; and I beg to recommend that the instructions of the Secretary at War may be given for transmitting this Extract to the Secretary of State for the Colonies, being of opinion that it would be expedient to issue some directions from the Colonial Office in reference to the remarks in question.

I have, &c.

THEODORE GORDON, M.D.,
Deputy Inspector General.
By Order of the Director General.

17 June.

Report re E. Houldsworth.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 107, per ship Palestine.)

My Lord, Government House, 17th June, 1842.

In reply to Your Lordship's Despatch No. 44 of the 20th Decem., 1841, desiring, at the request of Eliz. Houldsworth, to be informed whether her son Edwd. Houldsworth is still living, who was transferred from the 80th Regiment to the Mounted Police of this Colony in Jan., 1837, I have the honor to report that Edwd. Houldsworth is living and still attached to the Mounted Police.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 137, per ship Helvellyn.)

My Lord, Downing Street, 18 June, 1842.

Transmission I transmit to you, herewith for your information, the bounty on Emigrants per ship "Ward Chipman," in answer to his application upon the subject of a refusal by the Colonial Authorities at Port Phillip to pay Bounty on the Emigrants conveyed in that Vessel.

I have, &c.,

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.


In reference to an application which has been received at this Office from the Charterer of the "Ward Chipman" upon the subject of a refusal of Bounty on Emigrants conveyed to New South Wales in that Vessel, we have the honour to transmit herewith the copy of a letter, which we addressed to the Charterer in answer, explaining that the decision in all such cases must rest with the authorities in the Colony; but, having felt it incumbent upon us, with a view to ascertaining the conduct of the Inspecting Officer,
STANLEY TO GIPPS.

We beg leave also to enclose that document, and we think it just to request that you will move Lord Stanley to forward it to Sir George Gipps, in order that the Governor may be in possession of this in common with other Evidence bearing on the same case.

We have, &c.,

T. FREDK. ELLIOT.
E. E. VILLIERS.

[Sub-enclosure No. 1.]

MR. S. WALCOTT TO MR. J. P. HENTON.

Colonial Land and Emigration Office,

Sir, 9 Park Street, Westminster, 9 June, 1842.

I have received and laid before the Colonial Land and Emigration Commissioners your letter of the 2nd Instant, together with its Enclosure, stating that the Colonial Authorities at Port Phillip have demurred to pay Bounty for the Emigrants who went out in the "Ward Chipman," and that the whole matter had been referred to Sir George Gipps for his decision.

In reply, I am to inform you that the question is not one in which the Board can interfere. With regard to the alleged bad quality of the Provisions, the Commissioners may probably deem it right, so far as regards the conduct of the Officer employed by them, to investigate the circumstances under which no objection was taken to it by Mr. Bromhead; but it is necessary to explain to you that the precaution of Inspection, which the Government deems it proper to take in order to satisfy itself that Bounty Ships before leaving this Country have an adequate supply of good Provisions, does not do away with the responsibility of the parties under whose direct management the Ship sails; and that, should the Provisions turn out ultimately to be either bad in quality or not equal in quantity to the Scale approved by the Board, the consequences must fall on the parties who incur that risk, for the sake of the benefit looked to from the undertaking. The expectation of Bounty is held out by the Local Authorities; the terms attaching to it are also laid down by them; and the essential condition of the whole is that payment is to be subject to their approval, at the completion of the voyage, of the manner in which it has been performed.

With respect to that part of Your Correspondent's letter in which he states that it is beyond a doubt that a great number will be struck off from other causes, viz., Single women who have not come out under the protection required by the Regulations, and some parties in bad health, I am to refer you to that part of my letter of the 11th June last, acquainting you, in answer to your inquiries on the Subject, that the eligibility of all parties to be admitted as Bounty Emigrants, under whatever circumstances they may have been taken out, must be judged of exclusively by the authorities in the Colony, and that the Board had no power to relax or modify any of the Bounty Regulations issued in the Colony, nor could they undertake to express an opinion on the interpretation that should be given to them.

I have, &c.,

S. WALCOTT.

[Sub-enclosure No. 2.]

MR. W. D. BROMHEAD TO MR. S. WALCOTT.

Sir, Orchard Place, 14 June, 1842.

I have to acknowledge the receipt of your letter dated the 9th Instant, giving cover to the three Enclosures relating to the alleged bad quality of the provisions shipped on board the "Ward Chipman" and other circumstances, which have led to a refusal of the Bounty payable on account of the Passengers.

In reply, I beg to state for the information of the Colonial Land and Emigration Commissioners that, on my arrival in Bristol on the 11th August last, in pursuance of Instructions received from you for the purpose of inspecting the "Ward Chipman," that the vessel was not then near ready for the reception of her Passengers as advertised.

The charge made against Mr. Hinton on account of the bad quality of the Provisions for the use of the Emigrants, I must entirely repudiate from the strict examination made by me of each article, remarking at the time that I scarcely ever saw better for such service, and to which I still adhere; nor was I led to make this remark from their appearance alone; but to test the fact took home a sample of each, and had them cooked for my own use, thereby satisfying myself as well as some other persons of the correctness of the observation I made at the moment. The Soup and Bouilli, I may here remark, often (unjustly) formed a ground of complaint not from its quality, but from the manner in which it is prepared for consumption on board, requiring a larger quantity of Water than is usually used; it is also very possible some of the cases may not have been perfectly sealed, or may (if so) have received some injury on board prior to being required for use,
with respect to the complaint of single women not coming out under the protection required, I beg distinctly to state that I not only questioned the parties them- selves but also the persons under whose protection they were to be placed during the voyage, and that, as far as I could ascertain, they were satisfactory.

In reference to persons being aboard whose names did not appear in the list signed by me, a copy of which I forwarded to your office on my return from Bristol, I can only say that they answered to the names and descriptions as set forth in the several certificates when on board in King's Road, and that, prior to my making the muster, I had the ship cleared of every person not proceeding on the voyage; the discrepancy alluded to may exist in the list given into the Customs, but that is on account of many persons not going, who defaulted after the names were first called over at Cooper's Hall, and others subsequently substituted for them (as has been the case repeatedly); nor can a correct list be given so long as a vessel is alongside of a quay; but at Bristol a ship is not allowed to leave the Basin before a nominal list is given in, which is scarcely ever correct when the passengers are numerous.

The detention of the ship beyond the day appointed for embarkation was undoubtedly very vexatious and wearisome to the emigrants, who had mustered according to the time appointed, and forms a very reasonable ground of complaint, the embarkation not taking place until the 20th instead of the 12th or 13th of August as advertised. I had a complaint made to me by one of the emigrants (James Rapkins) of the detention, and of his being compelled to pledge his apparel for support. I immediately remonstrated with Messrs. Williams and Co. on the subject, positively stating to them that I would not grant the general certificate, until the act of Parliament was complied with; and which was withheld until I had been on board a second time in King's Road, and ascertained from the parties whom I questioned separately, that there was not any complaint remaining. What the amount was that was disbursed to each emigrant I am not aware; but I stated to them in the presence of Mr. Williams before embarkation that, if they were not satisfied to apply to a magistrate, and that I would attend with them to support their claim. I must remark that this was the first vessel that Messrs. Williams and Co. had ever dispatched with emigrants, who consequently were totally unacquainted with the routine or method of carrying it through, and that, had not myself or some other person practically acquainted with emigration been on the job, the detention would have been greater.

W. D. BROMEHEAD.
which restricts you from pardoning Criminals convicted of Treason and Wilful Murder, I have further to inform you that Her Majesty has been pleased to sanction the issue of a Supplementary Commission under the Great Seal empowering you to exercise the Royal Prerogative of Pardon in the Case of Criminals who may be hereafter convicted of such offences, and such Supplementary Commission will accordingly be prepared and transmitted to you with the least possible delay. I have, &c.,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 139, per ship Helvellyn; acknowledged by Sir George Gipps, 11th January, 1843.)

Sir, Downing Street, 20 June, 1842.

I transmit to you herewith the copy of two Letters addressed to me by the Revd. Alexander Lawson, enclosing a Memorial and other Documents from Janet Patton or Scott, preferring a Claim to the effects of her deceased Natural Son, John Campbell, of Melbourne, Port Phillip.

I have to direct that you will cause enquiries to be made into the subject of this claim; and that, in the meantime, you will do whatever is right for the protection of the rights of the Crown, and of the Claimants, on the Property in question.

I have, &c.,

STANLEY.

[Enclosure No. 1.]

REVD. A. LAWSON TO LORD STANLEY.

My Lord, Manse of Creich, by Capar Fife, 7th June, 1842.

I have taken the liberty of sending you herewith a Memorial for Janet Patton or Scott, wife of John Scott, residing in the Parish of Creich, Fife-shire, accompanied with several documents in support of it, in the hope that you will have the goodness to permit it to be sent to the Governor of New South Wales, and to take such steps as you may think best for getting the Crown to give up its right as Ultimus hores to her late Natural Son's effects, and for procuring to her the value thereof.

I have, &c.,

ALEXR. LAWSON,
Minister of the Parish of Creich.

[Enclosure No. 2.]

The Memorial for Janet Patton or Scott, wife of John Scott, Farm Servant at Luthrie, in the parish of Creich, and County of Fife, Scotland.

To the Right Honble. Lord Stanley, Her Majesty's Secretary of State for the Colonies.

Sheweth,

That the Memorialist is the Mother of John Campbell, who was a Baker at Melbourne, Port Phillip, in Australia Felix, and
died there intestate, without either wife or children, on the 16th December, 1841, leaving Bullocks and flour, etc., supposed to be worth from £150 to £200, as appears from a letter written by Ambrose S. Kyte to the Memorialist, but addressed on the back to Mr. David Stenhouse, Kirkaldy Links, and transmitted by him to her, dated Melbourne, Port Phillip, Decr. 17th, 1841. That the said John Campbell was a natural son of John Campbell, day labourer in the parish of Creich by the Memorialist, and he was born in the said parish on the 20th of January, 1814, and his birth is recorded in the Register of Births of the said parish as being the natural son of the said John Campbell and the Memorialist. That the said John Campbell, Junior, from the time of his birth until he attained the age of fifteen fully, resided with and was maintained solely by the Memorialist, and the said John Campbell, his Father, who left the parish of Creich about the year 1814, and was understood to have gone to America and to have died there, never contributed anything to his support. That the Memorialist has been married for many years to the said John Scott, her present husband, to whom she has four children, who are all alive, viz., George, Cecil, Margaret and William; but, previous to her marriage, she had another natural child to a man named David Auchterlouie, whose name is Mary Auchterlouie, and who is also alive. That the said John Campbell resided with the Memorialist and her said husband for about fifteen years, after which he went to Cupar to learn the trade of a Baker, where he remained nearly four years, during which period the Memorialist furnished him with clothes and washing; that he afterwards went to Kirkaldy, where he also worked as a Baker for fully three years, during which time the Memorialist had only to wash his clothes, as he was able in other respects to support himself; that he then went to Glasgow where he remained only a few months, working as a Baker and maintaining himself, when he proceeded to Australia where he died.

That, after his arrival in Australia, he settled in Melbourne, Port Phillip, and, while residing there, wrote various letters to the Memorialist, in which he always expressed the greatest regard for the Memorialist and her husband, whom he addressed as his parents, and also for their children whom he calls his Brothers and Sisters, and in one of which he invited them to join him in Australia, as he himself had been prosperous there; in consequence of which invitation, George Scott, the Memorialist's son proceeded to Sydney in August last from Dundee. That neither the Memorialist, nor her husband, nor any of their children, nor any of the acquaintances of the said John Campbell, Junior, to whom she has access, ever heard of his being married, or of his having had any child, and they are all fully satisfied that he left neither wife nor child behind him at the time of his death. That the Memorialist and her husband are in poor circumstances, and have had so considerable difficulty in bringing up their children, that the expense of their education had to be defrayed from the Session funds.

That the Memorialist understands that, although the said John Campbell, Junior, was a natural son, and died intestate, yet that the Crown seldom or never exercises its legal right of asserting its claim to the effects of any deceased person as ultimus hœres in such cases, and particularly where the parents and other relations are in a humble state of life, and in straitened circumstances.
STANLEY TO GIPPS. 125

The Memorialist therefore herewith begs to lay before your Lordship the documents she has in support of her claim, conformable to a list thereof hereto subjoined; and humbly prays your Lordship will be pleased to adopt the steps which may be necessary for getting the Crown to give up its right as ultimus hceres to her late son's effects, and for procuring the value thereof to her alone, or to her along with any other person or persons who may be entitled to a share thereof. and Your Memorialist will ever pray, &c.,

JANET SCOTT.

List of the documents sent in support of the preceding Memorial.

1st. A Letter from Ambrose S. Kyte, dated Melbourne, Port Phillip, Decr. 17th, 1841, addressed on the back to Mr. David Stenhouse, Kirkaldy Links, with the evident intention of his getting it safely conveyed to the mother of the deceased John Campbell, to whom it is addressed in the inside.

2nd. A Letter from Mr. David Stenhouse, Kirkaldy, dated 6th May, 1842, addressed on the back to Mr. George Tod Farmer Luthrie and to Mrs. John Scott in the inside.

3rd. A Certificate from several of the most intimate acquaintances of the late John Campbell that he was never married, and also an extract from the Kirk Session Register of Births and Baptisms of the Birth and Baptism of the late John Campbell.

4th. A Letter from the late John Campbell, dated Melbourne, Port Phillip, 15th May, 1841, addressed on the back to Mr. George Tod Luthrie by Cuper Fife-shire, but to his honored Parents in the inside.

5th. A Letter from John Campbell, dated Melbourne, 2nd August, 1841, addressed on the back to the care of Mr. Todd Luthrie, Fifeshire, and on the inside to his Parents, in which in giving his address he calls himself “Baker.”

[Sub-enclosure No. 1.]

MR. A. S. KYTE TO MRS. SCOTT.

My very dear, dear Madam, 17th December, 1841.

The appearance of this Letter will I dare say convey too much to convince Death of you of some ill omen, which alas must awake in your parental bosom the cords of affection, must and naturally cause your soul much distress, that of the death of your Son John. As for my part, I cannot dwell long on the subject as I feel myself unable to do so. At ½ past eleven o'clock last night, Thursday, December 16th, his spirit returned to his God who gave it after an illness of near five weeks from a fit of cold; he took a slight brain fever relapsed into a consumption which I am positive was the cause of his death; he was recovering remarkably well and no one had an idea that death was so near him. I hope he now spoons with his good, his kind Jesus.

I have been his companion during the past two years. I am accountant in the house where he wrought. We were going to commence business on our own account, had it not been for this sad affair; so its easy to conceive how much grieved I am. I must confess he was universally beloved and deservedly; he departed so sudden that he did not make a Will, so his affairs will have to be adjusted through the Ecclesiastical Court. I think he is worth from £150 to £200 in value of estate, but there will be a good share of expense between money matters. You will, I suppose, receive from this Government some communication regarding his affairs; however I will again write as soon as possible; should you need to write, I will be happy to do anything within my province. The only comfort I can bestow on you is a part of his hair which I cut off from his manly forehead. May the God of Israel bless you, support and comfort you under this heavy trial.

AMBROSE S. KYTE.

[Sub-enclosure No. 2.]

MR. D. STENHOUSE TO MRS. SCOTT.

My dear Madam, 6th May, 1842.

In deepest sorrow do I sit down to the task of inclosing a Letter, which I transmitted this morning, containing the melancholy and painful intelligence of the demise of your affectionate Son, and my much esteemed friend John Campbell.

The Gentleman who has sent the Letter wrote one to me also; the disease, he says, was consumption, and he says nothing more to me concerning his illness, but you will likely have all the particulars in your Letter. He assures me that John
was beloved by all who knew him in Australia, and I am certain that such would be the case wherever he was known. He had a good, kind and affectionate heart, and now that he is removed from the cares and troubles of this life, his friends who are left behind have the satisfaction to know that he was industrious, sober and virtuous and that his trust was in Him who is the Rock of Ages. I will expect to hear from you soon and as I will write in a week or two to Mr. Kyte (who says he was John’s companion while he was in Australia), if you would wish me to say anything from you, I will count it no trouble.

Dear Madam, &c,

DAVID STEPHEN.

[Sub-enclosure No. 3.]

CERTIFICATES.

"John Campbell, natural son to John Campbell, laborer and Janet Falcon, was born on the twentieth day of January, One thousand, eight hundred and fourteen, and Baptized on the twenty-sixth day of December following."

Extracted from the Register of Births and Baptisms of the Parish of Creich, this seventh day of June, one thousand, eight hundred and forty two by

JOHN MILLER, Ses. Ck.

THE above is a correct extract of the Register of births and Baptisms, of the Parish of Creich, kept by the Kirk Session of the Parish.

ALEXANDER LAWSON, Minister,

We, the undersigned, hereby certify that we have known from his infancy John Campbell, son of John Campbell, day laborer, and Janet Palton, in this Parish, until he left this Country for Australia in 1839; That he had no wife nor children when he went abroad, and that we have never heard of his being married or having had children since; our belief is that he was never married; that he was brought up by his mother who is now married to John Scott and never received any alms from his Father.

JOHN MILLER, Schoolmaster.

DAVID SMITH, Manufacturer.

GEORGE TODD, Proprietor.

DAVID WALKER, servant.

Luther Parish of Creich, 7th June, 1842.

[Sub-enclosure No. 4.]

LETTER FROM JOHN CAMPBELL.

My honored Parents, Melbourne, Port Phillip, 15th May, 1841.

Hoping the Lord has blessed you with his mercy since I left, I scribble a few words in perfect health, thanks be to him. You must pardon your dear John in not writing oftener than I do as I wrote only once since my stay in this Colony. But have not received an answer as yet. I also wrote from Greenock a few days before I sailed. I am quite happy and in every form comfortable. I bought some flower since a team of Bullocks which are earning some money, together with my own wages, which is from two to 2½ £s. per week and my board; they cost me 15.0 pounds. My dear Parents, although I am so very comfortable, yet I indeed am dead to every friendship when compared to that I have experienced from your maternal bosom. I wish very much to have Cecil and Georgy with me, and if possible let them come under the Colonial Bounty.

My kind love to Mr. Todd and Family and Mr. Pitt. I am at present so hurried that I cannot write my many friends' names, and you must pardon the many blunders which I have made. The Country is a beautiful one. Carpenters have 12s. 6d. a day, Blacksmiths the same, Tailors the same, and every Trade is good; indeed any well contented man will do well. I'll write in a month time by the next ship and give you a more lengthened detail of the Country and its vicinity.

I am, &c,

My love to my Sister Mary.

JOHN CAMPBELL.

[Sub-enclosure No. 5.]

LETTER FROM JOHN CAMPBELL.

My dear and Honored Parents, Melbourne, 2nd August, 1841.

With pleasure I embrace this opportunity of scribbling a few words, trusting you all are in good health as thank my God I am and has been for a long season. I have written home three months ago. I hope you received the Letter. I am sorry to think that I have not had a word from you since I saw you at home. I have got on very well and hope in a few years to once more behold you; and, if not in this world, I sincerely expect we will in another and a better world. I hope all my dear Relations are well; its possible that they may forget me but I cannot forget them.

I am, &c,

JOHN CAMPBELL.
My love to my dear brothers George and William, my dear Sister Mary, Cecil and Margaret; forget not to present my kindest affections to Mr. Pitts' Family and Mr. Todd also to David Walker and Wife; these few words are merely to let you know that I am getting on prosperously.

When you go to Cupar see Mr. Alexr. Gleghome and say to him that I am well.

My kindest enquiries after all my kind and affectionate friends.

I am, &c.,

John Campbell.

My address is:—Mr. John Campbell, "Baker," Melbourne, Port Phillip.

[Enclosure No. 3.]

Revd. A. Lawson to Under Secretary Hope.

Sir,

Manse of Creich by Cupar, 8th June, 1842.

I am sorry to be under the necessity of again troubling you in the case of Janet Palton or Scott in this Parish, by sending you a letter from Mr. D. Stenhouse, and a certificate, which I expected much sooner, but which did not arrive in time for me to place along with the Memorial and the other documents which I yesterday transmitted to you to be presented to Lord Stanley.

I am, &c.,

Alex. Lawson.

[Sub-enclosure No. 1.]

Mr. D. Stenhouse to Revd. A. Lawson.

Sir,

Kirkaldy, 6 June, 1842.

I duly received yours of the 3rd Instant, and I now beg to send you a Certificate as required, subscribed by the Baker and Bread seller of the Society for transmitted, which John Campbell wrought when in this place, also by another individual besides myself who was also more intimately acquainted with Campbell than of the Managers of the Society. I hope that this Certificate will be satisfactory, and that you will be successful in getting the affairs of my deceased friend satisfactorily arranged for the benefit of Mrs. Scott.

I may here state that, at the request of Mrs. Scott, I addressed a letter on the 10th to Mr. Kyte, acknowledging receipt of his to Mrs. Scott and myself. I also sent her address, explained that she was her son's sole heir, and gave such information as I thought might be necessary for adjusting the deceased's affairs with a view to their final settlement.

That the legal steps you are taking in the matter will soon secure that desideratum is the fervent hope of

Sir, &c.,

David Stenhouse.

[Sub-enclosure No. 2.]

Certificate.

That the late John Campbell, Baker, Melbourne, Australia, Son of Mrs. John Scott, Certificate for Parish of Creich, Fife, was personally known to us during his residence in Kirkaldy; J. Campbell, that he was not then nor has since been married so far as we know; and that, in a letter from him to me, David Stenhouse, dated Melbourne, 14 May, 1841, I have his own assurance that he had not then been and did not intend to be married before his return to this Country is hereby certified by

David Stenhouse, Dtr.
William Levack, Baker.
Andrew Bratton, Bread seller.
D. W. Henderson, Manager.

Kirkaldy, 6 June, 1842.

[Despatch No. 108, per ship Anne.]

My Lord,

Government House, 20th June, 1842.

On the 28th Jany. last, I had the honor to receive Lord J. Russell's Despatch No. 264 of the 14th May, 1841, directing me to call for certain information from the Head of the Medical
Department in this Colony; and I have to report that such information was accordingly called for by an official letter from the Colonial Secretary to the Deputy Inspector General of Hospitals on the 1st Feby., 1842. No notice however has been taken of this letter up to the present moment by the Deputy Inspector General, nor can I expect to receive an answer to it within any reasonable time, in consequence of his habitual delay and of many communications of a similar nature having been disregarded by him.

I think it right thus to account to Your Lordship for my not having as yet replied to the Despatch of Lord J. Russell above referred to.

GEO. GIPPS.

22 June.

Transmission of address.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 109, per ship Anne; acknowledged by Lord Stanley, 17th January, 1843.)

My Lord, Government House, 22nd June, 1842.

I have the honor to transmit to Your Lordship An Address to Her Most Gracious Majesty from Her Majesty's Loyal Subjects, the Inhabitants of the Port Phillip District of this Colony, offering their respectful congratulations on the Birth of an Heir Apparent to the British Throne; and I have, on the part of Her Majesty's Loyal Subjects of that District to request that Your Lordship will lay this humble expression of their duty before Her Most Gracious Majesty.

GEO. GIPPS.

[Enclosure.]

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Address of Her Subjects in Australia Felix.

Most Gracious Majesty,

We, the Inhabitants of your Majesty's distant but most Loyal Province of Australia Felix, embrace the earliest opportunity in our power of congratulating your Majesty on the auspicious Birth of a Prince.

So important an event fills us with gratitude to that Providence, which has thus early crowned your Majesty's domestic happiness, and opened to Your people the cheering prospect of permanence and stability to the blessings they desire from the wisdom and steadiness of Your Majesty's propitious Reign.

May the Almighty bless with perfect health and length of days the Royal Infant.

Long, very long, may Your Majesty live the Guardian, the Protector, the Ornament and delight of Your faithful and devoted Subjects throughout that extended Empire, on which the glorious...
sun of Heaven never sets; and, by your Instruction and Example, form the mind of your Royal Son, and the government of a free, a brave, and generous people. May that son in the fulness of time succeed to the Virtues, as well as Throne of His Royal Parent, and preserve for a long succession of years the glory, the happiness and prosperity of this our Province, and all other Dominions of the British Crown.

[Signed by 146 persons.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 110, per ship Anne; acknowledged by Lord Stanley, 18th January, 1843.)

My Lord,

Government House, 24th June, 1842.

I have the honor to transmit to Your Lordship an address to Her Most Gracious Majesty from Her Majesty's Loyal Subjects, the Inhabitants of Geelong in the Southern District of this Colony, offering their respectful congratulations on the Birth of an Heir apparent to the British Throne; and I have, on the part of Her Majesty's Loyal Subjects of that District, to request that Your Lordship will lay this humble expression of their Duty before Her most Gracious Majesty.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

ADDRESS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign.

We, your Majesty's dutiful and loyal Subjects residing in Geelong, Australia Felix, most humbly approach your Majesty with our warmest congratulations on occasion of the late Auspicious event, which has made your Majesty the happy Mother of an Infant Prince.

We hail with delight this promise of your Majesty's Sceptre being continued in that Illustrious House, which has so long upheld the dignity of the British Crown, and the liberties of the People.

That, while we acknowledge with gratitude to Almighty God the blessing thus conferred upon the Nation, we are reminded of the great advantages we derive from that Noble Constitution, which has been handed down to us by the wisdom of our ancestors and the Providence of God; and which has made the British Empire the most powerful and the most happy in the universe.

That, although we constitute but a remote and recent dependency of the British Crown, we yield to none of your Majesty's subjects in loyalty and devotion to our Most Gracious Sovereign.

We further beg to express our earnest and fervent prayer to the Author of all good, that He may grant to your Majesty a long and prosperous Reign; and bestow on your Majesty and your Majesty's Royal Consort and Family every blessing of time and eternity.

[Signed by 144 persons.]
Sir George Gipps to Lord Stanley.

(Despatch No. 111, per ship Anne; acknowledged by Lord Stanley, 27th May, 1843.)

My Lord,

Government House, 26th June, 1842.

I have the honour to forward herewith to Your Lordship copies of various papers, shewing the circumstances under which I have refused to pay Bounties on the Immigrants imported into this Colony in the name of Mr. Francis Reid of Glasgow by the ship “Sir Charles Napier.”

As the “Sir Charles Napier” did not sail from Liverpool until the 5th Novr., 1841, this circumstance alone would have rendered it imperative on me to withhold the Bounties claimed in Mr. Reid’s name; but Your Lordship will perceive, by the document No. 1 in the annexed papers, that other very serious grounds exist for the resolution which I have taken of withholding them;

1st. Mr. Reid, in whose name the Bounties were claimed, does not appear to have taken any part in the selection or shipment of the Emigrants;

2ndly. The Emigrants were badly supplied with water throughout the passage;

3rdly. Frauds and Forgeries were committed in the fabrication of Certificates of character, brought by many of the Emigrants;

4thly. Women of bad character were knowingly put on board;

5thly. Throughout the whole of the voyage, not only was an intercourse between the sexes permitted, which may almost be called a promiscuous one; but such intercourse was directly encouraged by the example of all the officers of the ship, save one.

To this one, namely, to Mr. Hargreaves, the second Mate, and to the Surgeon, who I am happy to say also did his duty, the usual Gratuities have been paid, but none to anybody else.

I have, &c.,

Geo. Gipps.

[Enclosures.]

[Copies of these papers are not available.]

Lord Stanley to Sir George Gipps.

(Despatch No. 140, per ship Helvellyn.)

Sir,

Downing Street, 29 June, 1842.

I communicated your Dispatch, No. 87 of the 5th of April, 1841, to the Church Missionary Society, and I transmit to you, herewith, a Copy of a Letter, which I have received from the Secretary to that Society, stating that the Society do not feel
STANLEY TO GIPPS.

prepared to continue their Agency in the Mission at Wellington Valley; but that they are willing to transfer to the Government the services of the Revd. J. Gunther, if such an arrangement should be adopted.

I have informed the Society that I would transmit to you a Copy of their Communication, with a request that you would consult the Bishop of Australia whether that offer can be advantageously accepted.

I have, therefore, to request from you an early Report upon the subject.

I am, &c.,

STANLEY.

[Enclosure.]

REV. DANDESON COATES TO LORD STANLEY.

My Lord, Church Missionary House, 11th June, 1842.

Since the Communication which Your Lordship made to Sir R. H. Inglis and myself in reference to the Mission of the Church Missionary Society at Wellington Valley its present state has been taken into consideration by the Committee. The result of their deliberations was that, in the present circumstances of the Mission, they do not feel prepared to continue the Agency of the Society in it. It was very painful to the Committee to come to this conclusion, deeply impressed as they are with the strong claims of the Aborigines of New Holland on Her Majesty's Government for the use of all practicable means for the promotion of their religious and social welfare.

Adverting, however, to the actual state of the Mission consisting of one Missionary and an Agriculturist, the Committee are of opinion that it is quite insufficient efficiently to prosecute its objects. On the other hand, the Committee infer from Your Lordship's statement to Sir R. H. Inglis and myself that they cannot expect such an enlargement of the Government Grant as would enable them to place the Mission, in point of Agency, on an efficient footing, and they have no funds of their own to appropriate to that object. The Committee at the same time direct me to state that they are willing to transfer to Her Majesty's Government the services of the Reverend James Gunther, the Missionary now stationed at Wellington Valley, should he be disposed to concur in such an arrangement, in order that his Ministerial labors on behalf of the Aborigines may be continued to them. I have, &c.,

D. COATES, Sec., C.M.S.

LORD STANLEY TO SIR GEORGE GIPPS.

(Sdespatch No. 141, per ship Heliwellyn.)

Sir, Downing Street, 1 July, 1842.

I have received your Despatch, No. 23 of the 4th of February last, transmitting, at the request of Mr. Ralph Mansfield,
HISTORICAL RECORDS OF AUSTRALIA.

1842.
1 July.

a copy of a Work published by him under the Title of "Analytical view of the Census of New South Wales for the year 1841," etc.

I have to request that you would convey to Mr. Mansfield my thanks for his communication.

I have, &c,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 142, per ship Helvellyn.)

Sir,
Downing Street, 1 July, 1842.

I have received your Despatch, No. 26 of the 6th of February last, forwarding a Copy of an Application which you had received from Monsieur Auguste de Guerry de Lauret, a Native of Pondicherry, to be admitted to the privileges of a free Denizen of New South Wales.

I have to convey to you my authority for issuing to that Gentleman Letters of Denization under the Local Act of the Colony to which you refer.

I have, &c,

STANLEY.

——

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 113, per ship Anne; acknowledged by lord Stanley, 14th January, 1843.)

My Lord,
Government House, 1st July, 1842.

With reference to my Despatches Nos. 93 and 103 of the 18th May and 8th June last, I have the honor herewith to forward a copy of a further communication from Mr. Justice Willis, on the subject of the sentence of fine and imprisonment passed by him on Mr. George Arden.

I have, &c,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 3rd June, 1842, will be found in a volume in series III.]

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 143, per ship Helvellyn.)

Sir,
Downing Street, 2 July, 1842.

I have received your Despatch, No. 13 of the 26th of January last, reporting the Appointment of the Honorable W. H. C. T. Pery to be Superintendent of Agriculture at Norfolk Island, and I have to signify to you my confirmation of that Appointment.

I have, &c,

STANLEY.

* Note 15.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 144, per ship Helvellyn.)

Sir,
Downing Street, 2 July, 1842.

I have received your Despatch, No. 12 of the 24th of January last, in which, at the request of Mr. Justice Willis, you bring under my consideration, with a view to its being referred to Her Majesty's Attorney and Solicitor General, the question whether the Aborigines of New Holland are amenable to British Law for Offences committed inter se.

I observe from the Documents, which accompany your Despatch, that the question has been already solemnly decided on argument in the year 1836 by the Supreme Court, in opposition to the views entertained by Mr. Willis; and, until that decision is over-ruled, I conclude it must be held to be the Law of the Colony. I understand also that the Judges of the Supreme Court, with the exception of Mr. Willis, are individually of opinion that the decision in 1836 was correct; that they have no doubt of the Law; that a similar Case argued before them on Appeal would in all probability be similarly ruled; and that they see no occasion for a declaratory Law.

Under these circumstances, I must hold them to be the best and most competent Judges, and must decline to refer the Case for the opinion of the Attorney and Solicitor General.

I have, &c,
STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 145, per ship Helvellyn.)

Sir,
Downing Street, 2 July, 1842.

I have received your Despatch, No. 35 of the 14th of February last, reporting that you had granted leave of Absence acknowledged. to the Reverend William Cowper, Senior Chaplain of New South Wales, for Eighteen months, and submitting the recommendation of the Executive Council that Mr. Cowper's application to be allowed his full Salary during that period may be complied with.

I fully admit the strong Claim to favorable consideration, to which Mr. Cowper's long and faithful Services in the Colony would entitle him; but, in exempting him from the rule of forfeiting one half of his Salary during leave of absence, a very inconvenient precedent would be established. It appears to me that the more convenient method would be to grant the Indulgence
1842.
2 July.
Proposed vote by council.

in the form of a Vote of the Legislative Council, indemnifying Mr. Cowper against the loss he may have incurred by the operation of the Rule, and resting that Vote on his peculiar merits and claims.

I have, &c.,
STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 114, per ship Anne; acknowledged by lord Stanley, 21st February, 1843.)

My Lord, Government House, 4th July, 1842,

I have the honor to report to Your Lordship that I have this day caused a payment to be made of £6,000 into the Military Chest, as directed by Your Lordship's Despatch No. 34 of the 20th Novr., 1841.

In reporting this payment to Your Lordship, I feel it necessary to refer to my Despatch of the 20th Jany. last, No. 9, explaining why a repayment of £5,000 was not made by me into the Military Chest, as directed by Lord J. Russell's Despatch, No. 281 of the 2nd June, 1841; and also to state that, for similar reasons, I have not yet made the repayment of another sum of £5,000, directed by Your Lordship's Despatch of the 16th Septt., 1841, No. 1; consequently that there remains yet due from this Government to the Military Chest the sum of £10,000; on the other hand, however, there is due to this Government, the sum of £3,000 from South Australia, which I am led to hope, by Your Lordship's Despatches of the 20th Decr. and 5th Jany. last, Nos. 45 and 50, will be repaid to it by the Lords of the Treasury, and further sums which, according to the best estimate I can form, must amount to upwards of £10,000, paid to Mr. Barnard for lands in the Colony sold by the Land and Emigration Commissioners, but of which as yet no account whatever has been rendered to me.

I have, &c.,
GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 116. per ship Anne: acknowledged by lord Stanley, 16th January, 1843.)

My Lord, Government House, 8th July, 1842,

Opportunities for England occurring but rarely at this season of the year, I think it right not to defer the transmission to Your Lordship of the enclosed Return of actual Receipts into the Treasury at Sydney during the Quarter ended on the 30th ulto.; though I am unable to send with it the corresponding Return of receipts at Port Phillip.
Comparing this Return with the one which was transmitted with my Despatch, No. 137 of the 17th July, 1841, the Revenue of the June Quarters for 1841 and 1842 will stand thus:

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<thead>
<tr>
<th></th>
<th>June Quarter</th>
<th>June Quarter</th>
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<tr>
<td></td>
<td>1841</td>
<td>1842</td>
</tr>
<tr>
<td><strong>General Revenue</strong></td>
<td>£90,474 13 8</td>
<td>£95,591 1 4</td>
</tr>
<tr>
<td><strong>Land Fund</strong></td>
<td>£8,385 7 6</td>
<td>£3,304 0 10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£98,860 1 2</td>
<td>£98,895 2 2</td>
</tr>
</tbody>
</table>

From this statement, Your Lordship will perceive that the General Revenue continues to improve and the Land Fund to fall off; and, under such circumstances, I regret that I cannot recommend the revival of Emigration from the United Kingdom to this Colony.

I think it further right to state to Your Lordship that the amount, for which Debentures* have been issued by me, is £49,500 only, instead of £65,000, which, in my Address to the Legislative Council transmitted to Your Lordship with my Despatch No. 85 of the 10th May last, was stated as the possible amount of our deficiency in addition to from £10,000 to £20,000 due in England.

In my Despatch No. 114 of the 4th inst., I have reported the repayment into the Military Chest of £6,000 and I find that, after payment of that sum and all Emigration charges up to the present date, we have in the Local Treasury about £30,000; and, as our Expenditure is now well within our Income, I trust Your Lordship will agree with me in thinking that there is nothing in the financial state of this Government to create uneasiness.

Pecuniary distress, I regret to state, still exists to a very great, and even perhaps in an increased degree in the Colony, though it at present shews itself more amongst the Settlers (Agriculturists or Graziers) than the Merchants of Sydney; when however I consider the vast extent to which persons of the former class are paying interest at the rate of from ten to fifteen per cent. on borrowed money, I can neither wonder at their embarrassments, nor hope to see an end to them, except by the transfer of a large portion of the property in the Colony from the present nominal holders of it to other hands, that is to say, into the hands of their Mortgagees or Creditors, who in great part are resident in England.

The operations of a Company, formed in England under the name of the “British Colonial Bank and Loan Company,” have contributed greatly to the distress under which we are suffering; a large proportion of the Paper issued by them in Sydney, under the name of “Scrip,” having been returned from London as

* Note 5.
unsaleable, and the Bills, which the Scrip had been sent to London to cover, being also returned to the Colony with charges for reexchange, etc., of 25 per Cent.

This Company, I believe, never received either assistance or countenance from Her Majesty’s Government; but, as others have and others may again, I trust I may be permitted on this occasion to express to Your Lordship my strong opinion that this Colony has never derived, nor is it ever likely to derive, any advantage from Companies formed in England, neither from the Australian Agricultural Company, the Bank of Australasia, nor any other; and though it is not within the strict line of my duty to speak of other Colonies, I cannot but apprehend that the high pretensions of the recent Companies, which have started into existence elsewhere, and especially of those formed for the Colonization of New Zealand, will end in disappointment, if not in disaster.

I have, &c.,

Geo. Gipps.

P.S.—Having stated in this Despatch that all Emigration charges are paid up to the present time, and that we have a balance in the Treasury of £30,000, I think it right to add that nothing has yet been paid on the Immigrants by the “Sir Charles Napier” (the circumstances, under which the Bounties were withheld, being explained in my Despatch of the 26th ulto., No. 111); and that the “Theresa” is not yet arrived.

There may also be due perhaps some sums at Port Phillip for Quarantine expenses (which were very heavy) on the ship “Manlius.”

G.G.

[Enclosure.]

[&copy; of this return is not available.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 146. per ship Helvellyn.)

Sir,

Downing Street, 9 July, 1842.

I have received your Despatch No. 14 of the 27th of January last, reporting that you had drawn Bills to the amount of £5,354 on the Lords Commissioners of the Treasury on account of the debt due to the Government of New South Wales by the Colony of New Zealand.

I lost no time in communicating your Despatch to the Lords Commissioners of the Treasury.

In making known to you the decision of Her Majesty’s Government on the immediate subject of your Dispatch, it is not my intention to enter on a consideration of the other points connected
with the general Financial exigencies or embarrassments of your Government, which are adverted to in the proceedings of the Executive Council of the 21st of January, which accompanied your Dispatch, as I shall have occasion again to address you on that general subject.

With reference to the Bills which you have been induced to draw on account of the advances for the services of New Zealand, I have in the first place to observe that Her Majesty's Government do not consider that you would be warranted in drawing on the British Treasury for an amount as suggested by the Executive Council, beyond that of the actual advances to the Government of New Zealand, with the view of indemnifying the New South Wales Treasury for any loss by discount in the negotiation of the Bills, inasmuch as the necessity for effecting such negotiation at an unfavorable time has resulted from the incautious proceedings which led to that necessity; and you must understand in authorizing the acceptance and payment of these Bills, it is not the intention of Government, in the absence of detailed information and vouchers for the charges specified in the Statement submitted with your Despatch of the 17th of July last in any respect to recognize the propriety of those charges, or of placing so large an amount as £26,500 at the disposal of the acting Treasurer to the newly constituted Government of New Zealand.

Although it is very desirable that the drawing and negotiating of Bills on the Treasury should be confined as far as practicable to the officers of the Commissariat, the Officer commanding the Troops in New South Wales appears to have acted correctly in withholding his sanction to the liquidation of the claims of the local Government on account of New Zealand being effected through the medium of the Commissariat Chest, or by Bills to be drawn by the officers in charge of that Chest.

I have further to acquaint you, with reference to my Despatch No. 77 of the 14th March last, that, in consequence of arrangements made subsequently by Her Majesty's Government, the advances from the Colonial funds of New South Wales for the service of the Government of New Zealand are to be liquidated by payments from the local Revenue of New Zealand, or from such portion of the proceeds of Sales of Crown Lands in those Islands as may not be specially appropriated to expenses of Immigration, into the Commissariat Chest on the Station; and the Governor of that Colony will be instructed to lose no time in taking steps for the liquidation of this debt by paying to the Officers of the Commissariat, at the end of each quarter or half
1842. 9 July.

Transmission of minute.

I transmit herewith for your information a copy of a Minute of the Lords Commissioners of the Treasury relating to the present arrangements for the liquidation of these advances, which it is intended should be laid before Parliament, in further pursuance of the course of proceeding adopted by Her Majesty's Government in authorizing the original advances from the Land fund of New South Wales for the service of the Government of New Zealand.

I have, &c.,

STANLEY.

MINUTE OF LORDS COMMISSIONERS OF TREASURY.

10 June, 1842.

Read a Letter from Mr. Stephen, dated 3rd instant, forwarding, by direction of Lord Stanley, with reference to a previous Letter of the same date, and other communications relating to the state of the Finances of the Government of New South Wales, copy of a Dispatch from Governor Sir George Gipps of 27th January last, representing that, in concurrence with the recommendation in a Resolution passed by the Legislative Council of that Colony on the 21st December last, respecting the liquidation by drawing Bills on this Board of certain advances stated to amount to £43,347 4s. made by authority of Her Majesty's Government from the Land Fund of New South Wales in the years 1840 and 1841 for the service of the newly established Government of New Zealand, and in pursuance of the advice both of the Legislative and Executive Councils, he had on that day drawn Bills to the amount of £5,354 on that account; and transmitting an Extract from the Minutes of the Executive Council of 21st January relating to and in explanation of this proceeding.

My Lords have before them the communications of 30th April last and 3rd instant from Lord Stanley's department on the subject of the financial embarrassment, to which the Government of New South Wales was likely to be exposed from the very large amount of the liabilities for bounties on the introduction of Emigrants from the United Kingdom, which had been contracted by the incautious issues of Bounty orders during the year 1840, and from the subsequent diminution of Land sales and consequently of the Funds applicable to the payment of Emigration charges; and My Lords refer to the opinion signified by His Lordship that some measures should be adopted for the repayment of the debt due to the Colony of New South Wales by the Government of New Zealand.

My Lords also refer to the communications, addressed to this Department by the Secretary of State on the 13th June and 4th July, 1839, respecting the establishment of a competent authority for the Government of British Subjects in the Island of New Zealand under the directions of the Government of New South Wales; and to the Minute of this Board of 19th July, 1839, sanctioning the advance from the Crown Land Fund of New South Wales of such sums as were required for the service of the New Government immediately
up on its first Establishment, with the understanding that the repayment was to be made from such Revenue as might be raised in New Zealand, which Minute at the same time provided that the arrangement should be brought under the cognizance of Parliament as, in the event of failure of the contemplated Revenue, this Country might possibly be involved in some further expenditure for that Government.

My Lords have also before them a statement, which accompanied the dispatch of the Governor of New South Wales of 17th July, 1841, forwarded to them in Mr. Stephen's letter of 27th December last, "of advances and disbursements made from the Revenue of New South Wales on account of the Government of New Zealand," amounting to £42,974 4s. 2d. and read the direction given by their Minute of 4th March last, in regard to the transmission of instructions to the Governor of New Zealand to make arrangements for the repayment of those advances and disbursements out of the first monies at his disposal for the general purposes of his Government, and to the Governor of New South Wales being apprized of those Instructions.

From the dispatches of Sir Geo. Gipps and other documents brought under their consideration, my Lords observe that, in consequence of the reduced state of the Public Balances at the disposal of the Government of New South Wales owing to the demands before adverted to, the necessity for procuring repayment by Drafts on Her Majesty's Govt. at Home of the sums advanced for the service of New Zealand had been urged upon the Governor; and that, as the Officer commanding the Troops had not considered himself warranted in authorizing the issue for this purpose of Bills drawn by the Commissariat, the Governor had determined with the advice of the Council to draw Bills on my Lords' Board in favor of, and to be negotiated by the Colonial Treasurer, and had accordingly drawn the Bills advised by the Dispatch of 27th January.

My Lords also observe that reference was made in the proceedings of the Council to some probable loss by discount on the negotiation of the Bills at the particular period at which it had become necessary to draw them, and that an opinion had been expressed by the Council that the drafts should not be limited to the exact amount of £43,347 Os. 4d. which has been disbursed, but should be for such amount as might be found necessary to realize that sum at the current rates of exchange at which they could be disposed of.

On considering the circumstances connected with the advances for the services of the Government of New Zealand, and under which Governor Sir George Gipps had been induced to accede to the recommendations of the Legislative and Executive Councils in regard to drawing for the repayment of those advances on the Home Government, and, as the Governor could not have been apprized of the intention of this Board that the repayment should be made by the Government of New Zealand, my Lords deem it unadvisable that the Bills so drawn should not be duly honored.

In the absence, however, of any grounds for altering the previous decision in regard to the repayment of the advances in question from such Revenue or other funds as may accrue in the Government of New Zealand, my Lords do not at present deem it necessary to apply to Parliament for any specific Grant or other provisions to meet these Drafts of the Governor of New South Wales; but they are of opinion that any issue on this account should be
1842. 9 July.

Treasury minute re liquidation of advances by New South Wales to New Zealand.

considered as a temporary advance for the service of New Zealand, and consequent transfer of the claim on the Funds of this Settlement from the Colonial Government of New South Wales to the Home Government; and my Lords are accordingly prepared to authorize the payment of the Bills advised by the Governor Sir Geo. Gipps out of the Commissariat Chest Fund, subject to future repayment of the amount by the Government of New Zealand to the Commissariat Chest on that Station.

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LORD STANLEY to SIR GEORGE GIPPS.
(Despatch No. 147, per ship Helvellyn.)

Sir, Downing Street, 9 July, 1842.

I have received your Despatch No. 22 of the 3d February last, in which you report on an application made to my Predecessor by Mrs. Stuart for a reconsideration of Her claim to a grant of Land in New South Wales.

Mrs. Stuart’s application rests in the existence of a Custom, at the time when she married in the Year 1830, of making Grants of Land as marriage portions to young Ladies who married in the Colony. But you explain that it was not the custom to make such Grants if unasked, or to undertake to find out and spontaneously offer the Grant, to all parties who might marry under such circumstances as to give them any ground of being considered for the indulgence. It appears that Mrs. Stuart made no application for the favor until long after the system of free grants was abolished, and when Lands had become much more valuable than formerly.

Under these circumstances, I cannot depart from the decision on Mrs. Stuart’s case, which was given by Lord Normanby in the Year 1839.

I have, &c,

STANLEY.

——

SIR GEORGE GIPPS to LORD STANLEY.
(Despatch No. 117, per ship Anne; acknowledged by Lord Stanley, 26th February, 1843.)

10 July. My Lord, Government House, 10th July, 1842.

Transmission of petition from Dunlop and Ross.

Enclosed I have the honor to forward a Petition, which has been handed to me by Messrs. Dunlop and Ross, Merchants of this place, praying the remission of a fine of £200, to which they voluntarily submitted a few weeks ago in consequence of being detected in a fraud of the revenue.

The Petition being addressed to the Lords of the Treasury, I should have returned it to Messrs. Dunlop and Ross, but that, by transmitting it through Your Lordship, the opportunity is
afforded me of expressing as strongly as possible my opinion that Messrs. Dunlop and Ross are entitled to no commiseration whatever on the part of Her Majesty’s Government.

In the present instance, they were very leniently dealt with by the Collector of Customs; and they submitted to the fine of £200 rather than take the alternative which the law allowed them. They moreover, I have every reason to believe, have long been very extensively engaged in contraband traffic. A heavy judgment was lately given against them in the Court of Vice Admiralty for an attempt to introduce Brandy into the Colony under the character of Benecarlo Wine; and still more recently, a seizure has been made of 3,000 gallons of Spirits, shipped by them from Sydney for Manilla, but relanded in the Colony; and, for this latter offence, their Bonds to the amount of upwards of £10,000 have been put in suit.

As the case, to which their Petition relates, has been fully reported by the Collector to the Commissioners of Customs, it does not appear to me necessary to burden this Despatch with any further particulars of it. I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this petition is not available.]

Lord Stanley to Sir George Gipps.

(Despatch No. 148, per ship Helvellyn.)

Sir, Downing Street, 11 July, 1842.

I have received your Dispatch No. 30 of the 10th of February last, in which you endeavour to correct misapprehensions, which you conceive to exist in this Country, as to the state of the Finances of New South Wales.

I have communicated that Dispatch to the Lords Commissioners of the Treasury.

In reply to your statements, I have to observe that I do not understand that any charge has ever been brought against you of a general wasteful and lavish expenditure, and that any observations, to which you allude as having been made in the House of Commons, had reference to engagements entered into on the score of Emigration, which you candidly admit to have been incautious, and which, had they not been counteracted by Her Majesty’s Government, would have involved the Colony in serious difficulties. At the same time, I feel it to be an act of Justice to you to express my sense of the general merits of your administration of the Government of New South Wales.

I have, &c.,

Stanley.
1842.
12 July.

Requisition for convict clothing to be fulfilled.

Lord Stanley to Sir George Gipps.
(Despatch No. 149, per ship Helvellyn.)

Sir, Downing Street, 12 July, 1842.

I forwarded for the consideration of the Lords Commissioners of the Treasury your Despatch No. 231 of the 13th December last transmitting a Demand for Clothing likely to be required for the Convict Establishments in New South Wales for the year ending the 31st of March, 1844; And I have to acquaint you that the necessary directions have been given by their Lordships for the preparation and transmission to the Colony of the supply in question.

I have, &c.,

Stanley.

13 July.

Transmission of report on immigrants per ship Carthaginian.

Sir George Gipps to Lord Stanley.
(Despatch No. 119, per ship Honduras.)

My Lord, Government House, 13th July, 1842.

In my Despatch No. 87 of the 13th May last, I reported that the Master and Surgeon of the Emigrant ship "Carthaginian" had been each sentenced by the Supreme Court of this Colony to pay a fine of £50 and to be imprisoned for six months for the illusage of a Female Emigrant on board that vessel.

Thinking it may be satisfactory in England to have a Copy of the Report made by the Immigration Board on the Emigrants by this vessel, I have the honor to forward a Copy of the same herewith.

I have, &c.,

Geo. Gipps.

P.S.—The Master and Surgeon are still undergoing their Sentences.

[Enclosure.]

A copy of this report is not available.

14 July.

Act to extend Savings bank act to Port Phillip.

Lord Stanley to Sir George Gipps.
(Despatch No. 150, per ship Benares.)

Sir, Downing Street, 14th July, 1842.

I have had under my consideration your Dispatch No. 206 of the 12th of October last, forwarding for the approval of Her Majesty An Act of the Governor and Legislative Council of New South Wales No. 5 of 1841, and intituled "An Act to amend and extend to Port Phillip An Act intituled "An Act to consolidate and amend the Laws relating to the Savings Bank of New South Wales."

You also enclose copies of the observations of the Attorney General and of the Vice President and Trustees of the Savings Bank, together with the Report of a Committee of the Legislative Council, on certain amendments in an Act passed by the Council.
in 1839, 3 Victoria, No. 12, for the regulation of the Sydney Savings Bank, which you were directed by my Predecessor to propose to that Body.

It appears that the Savings Bank of New South Wales lends money on Mortgage, and Discounts Bills like an ordinary Joint Stock Bank; that £200 is the largest amount allowed to be deposited by any one free person, with an exception in the case of Deposits on account of the Estates of Intestate persons; that Interest at five per cent., which may be diminished at the discretion of the Trustees provided three months’ notice is given, is paid to the depositors, and a Dividend made of such further profits as may appear on the annual Settlement of Accounts to have been realized, and that the Institution is managed by Trustees appointed and removed by the Governor, but without the Governor taking any part in the ordinary management or interfering for any purpose except the correction of some manifest abuse.

It is further stated to be a matter of such universal notoriety that the Government disclaims any responsibility for losses that may occur as to render it an impossibility that any depositor should be unaware of it; and the advantage, derived by the Institution from the connection of the Governor with it, is said to arise from the assurance felt that the Governor’s nomination affords the best security against the management falling into the hands of persons who might be influenced in making Loans by a disposition to accommodate themselves or their connections.

There would appear no reason to doubt that the present constitution of the Savings Bank is, as it is stated to be, the best which the circumstances of the Colony will admit; and, provided a distinct notice that the Government will not be responsible for any loss or deficiency occurring in the sum deposited in the Bank, be inserted both in the amending Act No. 5 of 1841, and in the Printed Rules and Regulations of the Bank, and a copy of the Rules so amended, be given to each Depositor, there would be no objection to the Governor for the time being continuing to afford his assistance by the nomination of proper persons to act as Trustees, and by interfering in calling for returns and accounts of Receipts and Payment, Expenses, etc., in the manner practiced in this Country by the Commissioners for the reduction of the National Debt who are also Commissioners for Savings Banks.

I observe that the 5th Clause of the New South Wales Savings Bank Act, No. 12 of 1839, enacts that no Trustee or other person, concerned in the management of the Bank, shall either directly or indirectly derive any benefit from any deposit made in the Bank, but without imposing any penalty for a breach of
1842.  
14 July.

Necessity for penalty or declaration by trustee.

Necessity for statutory provision for settlement of disputes by arbitration.

Amendments required prior to allowance of act.

this Rule. I have no reason to doubt that the administration of the Bank has been conducted in perfect good faith in the spirit of an important Public Trust; but it nevertheless appears to me that it would be proper either that a Penalty should be affixed to the breach of this enactment, or (which perhaps would be the preferable course) that each Trustee should subscribe a solemn declaration in the words of the clause.

Altho. an arbitrator is appointed under the Rules promulgated by the Vice President and Trustees, it may be doubtful how far the decision of the Arbitrator so appointed would have a legal effect in case parties, who feel themselves aggrieved by his decisions, should be disposed to have recourse to a Court of Law. It would therefore, be better to remove any doubt on this point by providing by Legislative Enactment for the Settlement of Disputes by Arbitrations, as is the case in this Country.

I can perceive no objection to the provisions of the Act, No. 5 of 1841, for extending to Port Phillip the Act of 1839; but, before I can advise Her Majesty to confirm and allow that Act, it will be necessary that you should bring before the Legislative Council the Amendments I have proposed in order that they may be added to it.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 120, per ship Honduras; acknowledged by lord Stanley, 7th February, 1843.)

My Lord, Government House, 14th July, 1842.

I have had the honor to receive Your Lordship's Despatch of the 17th Jan., 1842, No. 53, in which my attention is drawn to an item of expense, amounting to £289 12s. 6d. for the passage and freight of luggage of Judge Willis and other officers, contained in the Schedule accompanying my Despatch No. 100 of the 25th April, 1841; and, in obedience to Your Lordship's directions, I have to offer the following additional observations on the subject of this item:—

The sum of £289 12s. 6d. is made up of the following charges:—

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<th>Description</th>
<th>£</th>
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<tbody>
<tr>
<td>For passage of Judge Willis and family,</td>
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<tr>
<td>Luggage, etc.</td>
<td>215 10 0</td>
<td></td>
<td></td>
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<tr>
<td>For Mr. Kitson, the Judge's Clerk</td>
<td>15 2 0</td>
<td></td>
<td></td>
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<tr>
<td>For Mr. Gurner, Acting Deputy Registrar</td>
<td>15 2 6</td>
<td></td>
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<tr>
<td>of the Supreme Court at Port Phillip</td>
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<tr>
<td>For Mr. Raymond, Deputy Sheriff</td>
<td>43 18 0</td>
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</table>

£289 12 6

The case of Mr. Justice Willis is, I would submit to Your Lordship, a special one.
I must beg to call to Your Lordship's recollection that, on Mr. Justice Burton's obtaining Leave of Absence in 1839, Mr. Alfred Stephen was brought from Van Diemen's Land, and appointed temporarily to a seat on the Bench in New South Wales; and that, on the addition of a fourth Judge, he was confirmed by Her Majesty in this appointment. As the junior Judge, he would in the ordinary course of events have been the one to go to Port Phillip; but, by an arrangement* which was considered a very desirable one, Mr. Justice Willis went in his stead. Had Mr. Justice Stephen been removed to Port Phillip, the expence of his passage must have been, I apprehend, defrayed by the Public; and, as that gentleman had nine children (all young) and Mr. Justice Willis had but one, it did not appear to me that, in sanctioning the payment of the actual expenses of Mr. Justice Willis, instead of Mr. Stephen, I was adding in any way to the Public expenditure.

It is quite true that my chief reason for wishing Mr. Willis to proceed to Port Phillip was a desire to put an easy termination to the dissensions which had unfortunately arisen on the Bench in Sydney; but I must beg to point out to Your Lordship that, had I not smoothed the way to Mr. Willis' removal by undertaking to pay his expenses, he would not have gone voluntarily, and I should only have had the option of allowing him to remain in Sydney, or of giving him a peremptory order to proceed to Port Phillip, which, considering the position he occupied on the Bench (senior to Mr. Stephen), would have been a measure, to which I should very reluctantly have resorted; and which moreover would have appeared tantamount to a decision against Mr. Willis in a case which I had previously expressed myself unable to decide without the direction of the Secretary of State.

I trust, under these circumstances, the Lords of Her Majesty's Treasury will not refuse to allow Mr. Justice Willis his expenses, as they certainly were promised to him by me.

I enclose herewith a memorandum of the charges which made up the sum of £215 for the passage of Mr. Justice Willis; also a Copy of a letter written by Mr. Justice Willis in reply to one, in which he was informed that the Lords of the Treasury had demurred to the payment of his expenses.

With respect to the charges for the passages of Mr. Kitson, Mr. Gurner and Mr. Raymond, I have to explain:

1. That, Mr. Kitson being Clerk to Mr. Willis, his case stands upon the same footing as that of the Judge;

* Note 16.
2. That Mr. Gurner’s appointment was a temporary one only, made for the convenience of Government; and that he has already been superseded by Mr. Pinnock, as reported in my Despatch No. 178 of the 16th Septr., 1841.

3. That Mr. Raymond has also been superseded by an appointment from home, communicated to me in Your Lordship’s Despatch, No. 68 of the 23d Feby., 1842.

With respect to the observations made in Your Lordship’s Despatch that it is not usual to allow travelling expenses to persons who receive appointments for the first time, or to persons who exchange their employments for others which they consider more desirable, I beg to explain that these rules are observed as far as possible in New South Wales, as elsewhere, though cases occasionally arise, in which it is necessary to dispense with them, especially in cases of first appointments to new Districts. When Port Phillip was first opened, it was difficult to find persons properly qualified for office, willing to proceed thither; and consequently various inducements, in the way of gratuities even above travelling expenses, were offered by my Predecessor; and, at the present moment, I am nearly in the same position, in respect to the appointment of a Police Magistrate at Moreton Bay, for, notwithstanding that I have very numerous candidates for employment on my List, many of them recommended to me by Members of Her Majesty’s Government, I am unable to select from amongst them, anyone in whom I can entirely or sufficiently place confidence, nor can I find amongst the persons actually employed as Paid Magistrates in the Colony, anyone sufficiently experienced in his duties, and otherwise qualified for so distant and important an employment, willing to proceed to Moreton Bay without an increase of salary, in addition to the provision of a free passage; and I should observe that the duties of a Police Magistrate in a New District, wherein he has to act as the chief agent of Government, are far more onerous and responsible than the ordinary duties of a Police Magistrate in the older parts of the Colony.

I have further to point out to Your Lordship that all appointments made by me are provisional only; and that consequently persons, appointed by me, are exposed to the risk of being displaced after having removed (probably with their families) to a distant part perhaps of the Colony, and having lost a year or more of their time.

When persons are confirmed in their situations, it may be quite proper to call on them to reimburse the Government for
GIPPS TO STANLEY.

any travelling expenses incurred on their account; and I shall
bear this in mind in any future appointments I may have to
make.

I have, &c.,
GEO. GIPPS.

[Enclosure No. 1.]

A RETURN of the Items composing the sum of £215 10s. paid for the
Conveyance of Judge Willis from Sydney to Port Phillip in
February, 1841.

Amount paid Owners of the "Australasian Packet" on 22nd February, 1841.

£ s. d.
For one Cabin for Judge Willis and Mrs. Willis 50 0 0
Freight of 45½ Tons of Luggage for do. at 50s. per Ton 108 16 0
Freight of Two Horses for Ditto 24 0 0
Freight of a Goat and Dog 1 5 0
Two Cabins for Female Attendants 25 4 0
Steerage Passage for Tipstaff 6 6 0

Total £215 10 0

Wm. Lithgow, Aud. Genl.

Audit Office, Sydney, New South Wales, 11th May, 1842.

[Enclosure No. 2.]

MR. JUSTICE WILLIS TO COLONIAL SECRETARY THOMSON.

Supreme Court, Melbourne,

Sir, Port Phillip, 31st May, 1842.

In reply to your letter of the 28th Instant, respecting the
Expenses of the passage of myself and family from Sydney to this
place, I have the honor to inform you that I have the undertaking
of His Excellency the Governor to defray these Expenses. His
Excellency will no doubt recollect his private letter of the 5th of
January, 1841, and what subsequently passed between us on this
subject. The contract was entered into, not by me but by your De­
partment, and I have all the Official Letters on the subject. I am
greatly surprised therefore now to receive your recent communi­
cation. With any subsequent contingency as to the allowance or dis­
allowance of these Expenses elsewhere, I believe that I cannot
have any possible concern whatever. Mr. Justice Stephen's Ex­
penses from Van Diemen's Land to Sydney (even to a larger amount
£300 I believe) were, as I understand, paid without any hesitation,
nor have I heard of any objection made to the expenses of the
Deputy Sheriff and other Officers of the Court, who accompanied
me, or even to those of Mr. Pinnock, who very recently arrived.
The Court, since I came here, has not only paid for itself, and all
the Costs to Government of the Civil as well as Criminal Justice
of the Province, but will give, I believe this year, a Surplus of
about £4,000 and upwards to the General Revenue.

I can have no objection that this matter should be again referred
to the Right Honorable the Secretary of State; indeed it would be
my wish, were I interested in the matter, that it should be so; but
after what has taken place, I do not consider that I can in anywise
be affected by the Event.

I have, &c.,

JOHN WALPOLE WILLIS, Resident Judge.
1842.
15 July.

FIRST SALE OF LAND IN DISTRICT OF MORETON BAY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 121, per ship Honduras.)

My Lord,

Government House, 15th July, 1842.

I have the honor to inform Your Lordship that the first sale of land in the District of Moreton Bay took place yesterday in Sydney.

Thirteen acres and a half of building ground, in the Town of Brisbane (the old Penal Settlement) on the River of the same name, were sold for the sum of £4,637 10s., being at the rate of £343 10s. per acre. I trust this sale will be satisfactory to Your Lordship.

I should however add that the sum of £4,637 10s. is not all realized to the Land Fund; a deduction from it of £74 10s. being to be made on account of remission to officers of Her Majesty's Army or Navy, settled in the Colony.

I have, &c.,

GEO. GIPPS.

P.S.—The upset price of the land was £100 per acre.

G.G.

16 July.

DESPATCH ACKNOWLEDGED.

PREVIOUS DESPATCHES RE TRAVELLING EXPENSES FOR JUDGES AND LAW OFFICERS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 122, per ship Honduras; acknowledged by Lord Stanley, 17th March, 1843.)

My Lord,

Government House, 16th July, 1842.

I have had the honor to receive Your Lordship's Despatch of the 8th March, 1842, No. 74, wherein I am directed to report, for the information of the Lords of the Treasury, what steps have been taken for regulating or controlling the issues of allowances to defray travelling expenses of the Judges and Law Officers, or other parties engaged in the business of the Circuit Courts of this Colony.

In reporting on this subject, I must first ask Your Lordship's attention to a correspondence, which took place on the same subject in the years 1829, 1830 and 1831, between General Darling and the then Secretaries of State, Sir George Murray and Lord Goderich.

The Despatches, dated and numbered as in the margin,* shew that an adjourned Session of the Supreme Court, in the nature of a Circuit Court, having been held at Maitland and some other places in the year 1830, the question as to the travelling charges of the Judges and Law Officers was then raised, and partially though not entirely decided.

The allowances then paid were as follows:

- Attorney or Solicitor General ... 40s. per diem
- Sheriff ... 40s. " "
- Clerk of the Attorney General or his representative ... 20s. " "
- Registrar of the Supreme Court or Clerk of Arraigns ... 30s. " "
- Under Sheriff ... 30s. " "
- Commissioner of Court of Requests ... 40s. " "

In respect to the Judges, their actual expenses were paid in 1830; but this course was not considered a proper one; and, by the latter part of Lord Goderich’s Despatch of the 10th March, 1831, it was directed that a fixed allowance should be established.

Taking the last mentioned Despatch as my guide, I proposed, when Circuit Courts were reestablished in 1841, to fix the following scale of allowances:

- For each Judge ... 50s. per diem
- Attorney or Solicitor General ... 40s. " "
- Sheriff ... 40s. " "
- Crown Solicitor ... 30s. " "

(subsequently increased to 40s. on condition of his taking with him his Clerk.)

Inferior Officers, not below the rank of a Clerk of the 3rd Class ... 20s. " "

For all the officers below the rank of the Judges, these allowances have been established; and I should remark that there is no mileage allowance, as in New South Wales persons for the most part travel with their own horses, or, if not with their own, with horses hired for the whole journey.

With respect however to the allowances to the Judges, I regret to say that a long and somewhat disagreeable correspondence ensued between myself and their Honors the Judges, which ended in my agreeing to grant an annual allowance to the Judges collectively of £500, to be divided by their Honors in proportion to their respective shares in the labour of the Circuits without reference to the Government.

By the scale which I proposed, the allowance would have been 50s. per diem to the Judge, and 20s. to his Marshall; and, as there are six Circuits in the year, the duration of each of which may be taken at an average of 15 days, the allowance for the whole year would have amounted to about £315. The Judges considered this sum to be quite insufficient; and, the question being incidentally raised during the discussion of the Estimates in the Legislative Council in 1841, the majority of the Council, and especially of the unofficial Members, concurred with the
Judges as to its insufficiency; indeed I was urged in Council to make the allowance £600 a year, that is to say, £100 for each Judge for each Circuit, which proposal however I declined to accede to.

I do not enclose copies of the letters, nearly 20 in number, which passed between myself and the Judges on this unpleasant occasion, as I trust Your Lordship will concur with me in thinking it unnecessary to burthen this Despatch with such a correspondence.

I have in conclusion therefore only to add that, in fixing the travelling allowances for the Judges collectively at £500 per annum, I sanctioned the payment of their actual expenses, as certified by themselves for the two first Circuits, the arrangement for the fixed allowance being made prospective only.

I have, &c.,

GEO. GIPPS.

1842,
10 July.
Opinion in legislative council.

Arrangement re allowances to judges.

17 July.
Regulations re rewards for apprehension of runaway convicts.

Reward paid for apprehension of P. Curran.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 123, per ship Honduras; acknowledged by Lord Stanley, 28th February, 1843.)

My Lord,

Government House, 17th July, 1842.

I have had the honor to receive Your Lordship's Despatch No. 56 of the 23d Jany. last, informing me that the Schedule of rewards for the apprehension of Runaway Convicts, transmitted with My Despatch, No. 141 of the 20th July, 1841, has been approved by the Lords of the Treasury, with the understanding that the regulations establishing them, apply only to rewards for ordinary cases of Convicts absconding, and not to rewards for the apprehension of perpetrators of other offences, which would properly be matter of Police expenditure; and, in reply, I beg leave to explain to Your Lordship that the regulations in question apply only to Convicts actually under sentence, who may have absconded; but that the rewards are increased, if, in addition to the offence of having absconded, the perpetrator shall stand charged with or have been guilty of any other offence.

In exemplification of the way in which these rewards act, I may take the three following cases, referred to in Your Lordship's Despatch of the 27th Jan'y., 1842, No. 59.

1. P. Curran, a Convict actually under sentence, had absconded from his assigned service; and, whilst at large, was guilty of some of the most heinous crimes which stain the calendar, including rape and several murders; he had been twice apprehended, and had twice escaped from the Police; a reward of £25 was, after his second escape, offered by me for his recapture; and, after Curran had been again taken, tried, convicted and executed,
the promised reward was paid to the parties by whom he was apprehended; and, as Curran was a Convict and his sentence unexpired, the reward was paid out of the Military Chest. If Curran had been a free man, the reward would have been paid out of Colonial funds as a Police contingency, and so would it, even if he had been an Expiree or Emancipist, though the payment out of Colonial funds of rewards for the apprehension of persons of the two last descriptions is one of the points, though a minor one, on which the complaints of the People of this Colony, in respect to payments for Police purposes, are founded;

2. Case of Paddy Killalee;

The Districts of Bathurst and Wellington were infested, in the month of Octt., 1841, by a band of armed marauders, six or seven in number, who committed numerous outrages and amongst others the robbery of the Wellington Mail. Killalee and a man known by the name of "Blue Cap" were the two most daring of the gang. A reward of £20 for the apprehension of each or any one of them was offered by me, and one reward of that amount paid to a free man, named Austin, who, with the assistance of a Convict named Landregan, did not indeed capture Killalee, but shot him dead when in the act of breaking into his Master's house. The conduct of both Austin and Landregan was courageous and exemplary; and the latter Landregan received from me a Conditional Pardon.

Killalee being a Convict actually serving under sentence, the reward was paid out of the Military Chest; had he been a free man, even though an Expiree or an Emancipist, it would have been paid out of Colonial funds.

3. Case of the Constable Dunn and of Leary.

William Dunn, a Constable belonging to the Police of the Goulburn District, was murdered in the month of Novr., 1839, whilst attempting to apprehend two men, who had committed a house robbery. A reward of £25 was offered for the apprehension of his murderer, and a man named Simpson received the reward. The murderer, Leary, apprehended by him, was convicted and executed.

Leary being a convict actually under sentence, the reward was paid out of the Military Chest; had he been a free man, even though an Emancipist or Expiree, the reward would have been paid out of Colonial funds.

In each of the three cases which I have just mentioned, the reward was a special one, offered in consequence of the enormity of the offence which had been committed; had no special reward been offered, the parties could only have claimed those sanctioned by the general regulations; and it will be seen by them
Return of rewards paid for apprehension of runaway convicts.

(Enclosure No. 1.)

[This was a copy of the regulations,* dated 1st June, 1841.]

(Enclosure No. 2.)

STATEMENT of Sums paid from the Military Chest as rewards for the apprehension of Runaway Convicts from June, 1837, to June, 1842.

<table>
<thead>
<tr>
<th>Period</th>
<th>Special Rewards.</th>
<th>Ordinary Rewards.</th>
<th>Totals.</th>
<th>Remarks</th>
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<tr>
<td></td>
<td>£</td>
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<td>d.</td>
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<td>Regulations of 13th April, 1832.</td>
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<td>0</td>
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<tr>
<td>Do 1842</td>
<td>160</td>
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</table>

J. IRVINE, A. C. Gl. Accts.

Commissariat of Accounts, Sydney, 12th August, 1842.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 124, per ship Honduras; acknowledged by lord Stanley, 28th February, 1843.)

My Lord,

Government House, 17th July, 1842.

I have had the honor to receive Your Lordship's Despatch No. 59 of the 27th Jany., 1842, requiring me to explain the circumstances, under which three rewards for the apprehension of offenders were paid in this Colony, as reported by me in the Schedule of special payments, which accompanied my Despatch No. 144 of the 23d July, 1841.

Having in my Despatch of this day's date No. 123 reported on each of those cases, when replying to your Lordship's Despatch, No. 56 of the 23rd Jany. last, I beg leave to refer Your Lordship to those reports for the information required.

I have, &c.,

GEO. GIPPS.

* Note 17.
My Lord, Government House, 18th July, 1842.

I have the honor to transmit herewith a Copy of a Memorandum, which has been officially handed to me by Mr. Williams, the Consul for the United States at this Port, the object of which is to shew that American Whalers are admitted into the harbours of Van Diemen's Land and the Cape of Good Hope, and allowed there to sell, for consumption in the Colony, a sufficiency of their oil to defray any expenses they may incur for repairs, stores or provisions; also that they are allowed within the same harbours to transfer their oil to ships of their own Country for the purpose of transmission to the United States; and further to shew the advantage, which would accrue not only to American Whalers, but also to the Town and Port of Sydney, if similar facilities were afforded to Foreign Whalers in the Harbours of New South Wales.

Having referred Mr. Williams' statement to the Collector of Customs, that officer has replied to me as follows:—

"There can be no doubt as to the advantage, which would be derived by the Mercantile community of Sydney, were the numerous foreign Whalers which are in these seas to refit there; but the bringing into consumption the foreign oil would certainly be contrary to law. Nevertheless, if it be done at the Cape and at Hobart Town, I see no reason why it should not be done here."

I have not considered myself authorized, on this report from the Collector of Customs, to allow foreign oil to be brought into consumption in this Colony; but I beg leave to submit, for the consideration of Her Majesty's Government, whether it may not be allowed, supposing Mr. Williams' statement to be correct as to the practice at Van Diemen's Land and the Cape.

I have only to add (though I cannot explain the reason of such an apparent anomaly) that oil, and especially sperm oil, is usually value of oil. dearer at Sydney than in London; and that the retail price of sperm oil is at present 12s. per gallon. I have, &c.,

Geo. Gipps.

[Enclosure.]

MEMORANDUM.

Consulate of the United States, Sydney, New South Wales, 6th July, 1842.

Foreign Whalers are admitted into Hobart Town and Cape Town without any other charge than merely the charge for Pilotage. They are allowed to sell oil to the amount of their disbursements for Colonial consumption. They are allowed to tranship their Oil.
on board the Ships of their own Country. The consequence is that, as many as forty American and twenty French Whalers have been laying in Hobart Town at one time. These Ships spend upon an average £500 each, the whole of which is in Cash. They employ the Mechanics and consume the Provisions and Merchandise of the Colony. There is no other Port in this Section of the world, which offers equal facilities for the supply and repairs of Whale Ships with Sydney, and, were the like inducements offered to them here as in the neighbouring Port of Hobart Town a large proportion of their number would undoubtedly visit this place instead of Hobart Town or New Zealand. This would be an acquisition almost wholly beneficial in its character upon the Trade of Sydney. It has been said, with some shew of plausibility, that Foreign Whalers should not be admitted on more favorable terms than Colonial Whalers; but the object of conceding this seeming advantage would be to draw a profitable trade that cannot be obtained without it. Besides the Foreigner would not possess any real advantage. The Colonial Whaler has the English Market open to him, to which he can send his Oil without the payment of any Duty, and from which the Foreigner is entirely shut out, giving him at once an advantage over his Foreign competitor of £37 pr. Ton, provided the latter is compelled to sell; and Oil is Generally worth as much here for the English Market as for Colonial consumption. Bills of Exchange for supplies or repairs could be negotiated on the United States or France only upon the most disadvantageous terms. The Foreigner would pay a Duty of 10 per cent, in every instance where he effected a Sale, and the other charges incident to refitting in a Strange Port would amount to 15 per cent, more, which would be so much in favor of the Colonial Whaler, while the only possible disadvantage would be admitting a Foreign competitor for the Colonial Market, at a difference of at least 25 Pr. cent, in favor of the Colonial Ships; so that it will be seen that, under the most favorable circumstances, the Foreigner will never be able to compete with the Colonial Whaler upon terms at all approaching to equality. It should be remarked that these Statements are made on the authority of Captains and Merchants who have visited Hobart Town and the Cape very recently.

J. H. WILLIAMS

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 151, per ship Benares; acknowledged by Sir George Gipps, 11th December, 1842.)

Sir,

I transmit to you herewith a Copy of an Application, which I have received from Captain Robison to be allowed to retain in the District of Port Phillip the Grant of Land, which it was decided by His Majesty's Government in the year 1836 should be allowed to him in New South Wales on account of his former position as an Officer in the New South Wales Royal Veteran Companies. I also transmit a Copy of a Report from the Commissioners of Colonial Land and Emigration to whom the subject was referred.

19 July.

Transmission of application from R. Robison.
I have to request that you will furnish me with the information which the Commissioners point out as being necessary to form a decision on this application. I have, &c.,

STANLEY.

[Enclosure No. 1.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir, 9 Park Street, Westminster, 7th July, 1842.

In obedience to Lord Stanley's directions contained in your Letter of the 24th Ultimo, we have purused the application therein enclosed from Captain Robinson respecting his Grant of Land in New South Wales, and we have seen him on the subject.

It appears that Instructions were sent to the Governor in 1836 to make Captain Robison a Grant of Land, in the same manner as if he had not ceased to be an Officer of the New South Wales Veteran Companies previously to their being disbanded. And, in 1837, a difficulty having arisen in consequence of Captain Robison's not being resident in the Colony, he applied for and the Government accorded permission for Mrs. Robison to select and receive the Grant. Here the matter might be considered to have closed. The Government at home had done all that lay in its power; and, from that time until this, nearly five years have elapsed without the receipt of any complaint from Mrs. Robison that she has not obtained a Grant, or has not been satisfied.

But Captain Robison now expressed dissatisfaction at the circumstance that the Grant has not been allowed to be taken at Port Philip. He admits that Port Philip was not open to settlement when his late Corps was disbanded; but he argues that, as his brother Officers had the choice of much more desirable Land at that period within the Sydney District, than now remain open, it is reasonable to allow him instead to have Land at Port Phillip; and moreover pleads that his representative in the Colony had made a selection of Land there with the consent of Sir Richd. Bourke, and that the Land had been actually reserved, subject only to a reference to England on the point of non-residence. We informed Captain Robison that, if he had evidence of any such promise or actual reserve as he alluded to, we apprehended his best course would be to produce it. He has thereupon transmitted to us copies of two Letters from the Colonial Secretary at Sydney, dated in February, 1837, which we beg leave to enclose. It will be seen that they offer to order a reserve of Land pending the reference to England, should Mrs. Robison desire to make a selection for the purpose; but that they do not mention the Port Phillip District, or any other particular locality. They, therefore, fall certainly short of proving that an actual reserve had been made at Port Phillip, nor, had it been otherwise, do we see that they would prevail over any arrangement which may have been subsequently entered into and concluded with the assent of Mrs. Robison to whom the whole business had, at her husband's request, been transferred. But, observing by a reference to the Records of the Colonial Office, that the subject of this Grant has, on various occasions, before been recurred to by Captain Robison in this Country, we would recommend that his present application, with the information herein contained, be
1842, 19 July, communicated to the Governor, in order to learn how the matter was, in point of fact, settled in the Colony, and whether or not Mrs. Robison applied for and obtained the Grant, which she was authorized to receive in satisfaction of her husband's claims.

We have, &c.,

T. Freder. Elliot.
Edward E. Villiers.

[Sub-enclosure No. 1.]

MR. G. K. HOLDEN TO MR. G. M. STEPHEN.

Dear Sir, Government House, 19th February, 1837.

I am sorry that incessant occupation has interfered with earlier attention to your enquiry respecting Captain Robison's Land. I have now put in train as official duty, which I dare say will reach you in a few days. You will receive with that a copy of Sir George Grey's Letter to Captain Robison, in which, I am sorry to say, the conditions of residence in the Colony are too explicit to admit of doubt. You will find, however, that the Governor has assented to a reserve being temporarily made under certain conditions, for the particulars of which I refer you to the Letter you will receive from the Secretary.

It is the utmost indulgence of which the case admits, and I trust it will be found to answer Mrs. Robison's purpose.

I am, &c,


[Sub-enclosure No. 2.]

COLONIAL SECRETARY THOMSON TO MR. G. M. STEPHEN.

Sir, Colonial Secretary's Office, Sydney, 27th February, 1837.

I duly received and submitted to the Governor your letter of the 30th ultimo requesting on behalf of Mrs. Robison permission to occupy the grant of Land, which is understood the Secretary of State has authorized for her Husband, Captain Robison, Late of the Veteran Companies.

With reference thereto, I am directed by His Excellency to transmit to you the accompanying copy of a Letter from Sir George Grey to Captain Robison, dated 6th June, 1836, by which you will perceive that the grant is made to depend upon that Officer's being prepared to return to the Colony. It is not therefore in the Governor's power, conformably to the Instructions of the Secretary of State, to make Captain Robison a grant until he arrives.

His Excellency can only thus permit Mrs. Robison to make a selection (if she shall desire it) and will direct the Land to be reserved for a year or eighteen months, waiting the reply of the Secretary of State to the application she may make for the grant. But his Excellency cannot authorize the occupation of the Land, as proposed by you, having in many instances found it necessary to refuse similar requests.

I am, &c,

E. Deas Thomson.

[Enclosure No. 2.]

CAPTAIN ROBISON TO UNDER SECRETARY HOPE.

5 Gower Street North, Euston Square.

Sir, 18th June, 1842.

I beg the favour of your stating, for the information of Lord Stanley, that, having procured a short Leave of Absence from Ireland, I have come over to London with the view of having some final arrangement if possible made, relative to the Grant of Land, which had been conceded to me as a late Captain in the New South Wales Veteran Companies.

On reference to the annexed copy of a letter addressed to me on the 8th September, 1837, it will be seen that Lord Glenelg had promised to instruct the then Governor of New South Wales, Sir Richard Bourke (in consequence of my holding an office under the Government of Ireland) to make over my Grants of Land to my Wife, who was at that period residing with her family in the Colony, and having previously made by the consent of the Governor a selection of them in the Settlement of Port Phillip.
By letters recently received from the Colony, it appears that the present Governor Sir George Gipps has objected to my retaining my Land at Port Phillip, upon the grounds of that settlement not having been thrown open at the period when I became entitled to my Land on the reduction of my Company in 1828, and has consented to my receiving to the same extent of Land in New South Wales.

It having been decided that, as I did not receive my Grant at the period of the disbandment of my Company in 1828, and also by Sir George Grey's letter above referred to (annexed) that Lord Glenelg considered me entitled to the same extent as was given to all the other Officers of my Rank at the period of their reduction.

I would respectfully beg the favourable consideration of Lord Stanley to allow me to have my Grant still retained in the Settlement of Port Phillip, in as much as all the eligible selections, which I should have had a choice of on the reduction of my Company in 1828, have since that period been located to others in New South Wales, and in consequence its value (of those left) now very much depreciated.

I would also remark that all the Officers of my late Corps of Veterans had certain other indulgencies granted to them in the Colony on their reduction, and to the same extent of which Lord Glenelg considered me entitled. I, therefore, humbly entreat, to save further loss of time by references again to the Colony, that I may be allowed to submit my claims and Documents before the Land and Emigration Board now sitting, in order that they may Report to the Secretary of State, as to what steps or relief they may consider my case entitled to.

I shall conclude by mentioning that I am now going on my 35th Year in the service of the Crown, with a very short interval; that I have no provision or half-pay left me for after life, and with a constitution much broken from many years foreign service in the Peninsula and East Indies. I have only those Grants of Land to look forward to, which I most humbly solicit the favor of having referred to the Consideration of the Land Board.

I have, &c.

R. ROBISON,
late Capt., N.S.W. Vets.

[Enclosure No. 3.]

SIR GEORGE GREY TO CAPTAIN ROBISON.

Sir,

Downing Street, 8th September, 1837.

I am directed by Lord Glenelg to acquaint you, in reply to your letter of the 24th Ulto., that it was his Lordship's intention to accord to you the same advantage with respect to the Grant of Land, to which you refer, as was enjoyed by the other Officers of the Veteran Companies although he would not consider himself at liberty to extend to you any greater privilege in its acquisition than was conceded to them.

It appears by the Regulations then in force that it was stipulated on the part of the Military Settlers that they or their families should reside on the Land for seven years.

Sir Richard Bourke seems not to have acceded to Mrs. Robison's application mainly in consequence of an observation contained in a letter addressed to yourself from this Department on the 6th June, 1836; that, if you were prepared to return to the Colony, the Grant
1842.
19 July.

Conditions for land grant to R. Robison.

of Land would be made to you; that observation was not intended to narrow the claim which you have advanced as an officer of the Veteran Companies in common with the other officers of that Corps. Lord Glenelg will, therefore, instruct Sir Richard Bourke to consider the application made by Mrs. Robison without reference to the terms of the letter above adverted to. I am further directed to inform you that so much of your letter as related to the subject of Emigration has been referred to Mr. Elliot, the Chief Agent for that branch of the Business of this Department, and by whom all the correspondence on the subject is conducted.

I have, &c.,

GEO. GREY.

Despatch acknowledged.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 126, per ship Honduras.)

My Lord,

Government House, 19th July, 1842.

I have had the honor to receive Your Lordship’s Despatch No. 67 of the 22nd Feb., last, informing me that Your Lordship had received an application from Mr. R. C. Lethbridge to be appointed Police Magistrate of Penrith; and desiring to be informed of the circumstances under which Mr. Dunlop was appointed Police Magistrate of the Penrith District in 1838, and subsequently removed to Wollombi in 1839; and in reply I have the honor to state to Your Lordship that, on my arrival in this Colony in Feb., 1838, I found that the Bench of Magistrates at Penrith had been long and urgently pressing for the appointment of a Stipendiary Magistrate in their District; and that, in consequence of a renewed application to me, dated the 29th May, 1838, I appointed Mr. David Dunlop, formerly of Coleraine, a gentleman who had been strongly recommended to me by the late Mr. Drummond on the part of the Irish Government.

I have since had reason to believe that the Bench of Penrith, in recommending the appointment of a Paid Magistrate, expected or hoped that one of their own Body (Mr. R. Copeland Lethbridge) would have been the person selected to fill it; but such an appointment would have been contrary to the principles on which I have ever acted, and, if not an abuse in itself, would not unjustly have given rise to the suspicion of abuse. Mr. Lethbridge was a resident at or near Penrith, and already in the Commission of the Peace; to have made him a Paid Magistrate would have been to pay him for doing that which it was his duty to do, or assist in doing without being paid; and would in reality have been nothing more or less than what is commonly called a Job.

If it be Your Lordship’s desire to have Mr. Lethbridge appointed a Police Magistrate, I shall be most happy to comply
with that desire on the first opportunity which may present itself; but I must earnestly press upon Your Lordship that such an appointment should not be for the District of Penrith.

The appointment of Mr. Dunlop in 1838 did not give satisfaction to the Bench of Penrith; on the contrary, many disagreements between Mr. Dunlop and the unpaid Magistrates arose, the enquiry into and settlement of which gave no small trouble to the Government.

I therefore was well pleased when the Committee of the Legislative Council, which sat in 1839 to consider the state of the Police, reported (inter alia) that, as there was a sufficiency of unpaid Magistrates residing at or near Penrith to transact the business of the District, the presence of a Paid Magistrate might be dispensed with. I accordingly removed Mr. Dunlop from Penrith to Wollombi, a place to which the Committee recommended that a Paid Magistrate should be appointed; and Mr. Dunlop still remains at Wollombi, there not being I believe an unpaid Magistrate within I believe 30 miles of him.

By the List of Magistrates now before me, I see there are ten or twelve Unpaid Magistrates in the District of Penrith, and not one in that of Wollombi, though the latter is upwards of 50 miles long and about 30 broad.

I have, &c.,

GEO. GIPPS.

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SIR GEORGE GIPPS TO LORD STANLEY.

(My Lord, Government House, 22nd July, 1842.)

My Lord,

I have the honor herewith to forward Lists of Emigrants, on whom Bounty has been disallowed, imported into New South Wales in the ships named in the margin,* for which Messrs. A. B. Smith and Co., of Sydney, are Agents in this Colony. Corresponding Lists have been given to Messrs. Smith, and I believe it is their intention to appeal to Your Lordship against the decision of this Government in some cases, if not in all of these disallowances.

In order to supply further information, I enclose also the Certificates (original ones) from the Land and Emigration Commissioners, under which the several parties, on whom bounty has been refused, were allowed to embark.

The Lists and the Certificates contain all the information I can supply, touching the reasons why the bounties have been disallowed.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these papers are not available.]

Sir George Gipps to Lord Stanley.

(Despatch No. 130, per ship Honduras.)

My Lord,

Government House, 23rd July, 1842.

I had the honor on the 6th inst. to receive Your Lordship’s Despatch, No. 71 of the 28th Feb., 1842, wherein I was directed to cause to be paid into the Military Chest the amount of bounties, which would have been payable on Emigrants on board the “India,” had that vessel reached this Colony, the “India” having been burnt at sea, and her Emigrants forwarded from Rio Janeiro to Port Phillip in the ship “Grindley,” chartered at that Port by Her Majesty’s Consul at Rio; and I have the honor to inform Your Lordship that the sum of £2,391 has accordingly been paid to Mr. Deputy Comissary General Miller, the same being the amount of Bounties due on the Emigrants landed, according to the Report of the Immigration Board, of which I enclose a Copy.

I have, &c,

Geo. Gipps.

[Enclosure.]

[A copy of this report is not available.]

Sir George Gipps to Lord Stanley.

(Despatch No. 131, per ship Honduras.)

24 July.

My Lord,

Government House, 24th July, 1842.

I have had the honor to receive Your Lordship’s Despatch, No. 72 of the 1st March, 1842, desiring me, at the request of Mr. William Wallace of No. 7, Crichton St., Edinburgh, to supply any information in my power, respecting a person named David Anderson, who nine or ten years ago left Leith for New South Wales, and was by trade a Mason; and I have in reply to acquaint Your Lordship that a Man answering to this description was employed three or four years ago in building a Lunatic Asylum for the Government about six miles from Sydney; but that, on the completion of that work, he went to South Australia, and is supposed to have there died about 12 months ago.

I have forwarded a Copy of Your Lordship’s Despatch to the Governor of that Colony.

I have, &c,

Geo. Gipps.

Sir George Gipps to Lord Stanley.

(Despatch No. 132, per ship Honduras; acknowledged by Lord Stanley, 19th January, 1843.)

25 July.

My Lord,


Agreeably to the directions contained in Your Lordship’s Circular of the 30th Oct., 1841, I have called on Mr. Francis Flanagan, of Pargago Flat in this Colony, for a Copy of the
STANLEY TO GIPPS.

Memorial which had been received from him by Your Lordship; and, having obtained the same, I find it to be a verbatim copy of the Memorial, which was forwarded by me with my Despatch No. 120 of the 6th Augst., 1838, and to which I received a reply from the Marquiss of Normanby, dated the 6th March, 1839, No. 15.

As the decision contained in that Despatch was duly communicated to Mr. Flanagan, and, as no new matter has been adduced by him, I can see no reason whatever to recommend a reopening of the case.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 153, per ship Benares.)

Sir, Downing Street, 26 July, 1842.

I transmit to you, herewith, the enclosed Copies of several applications which have been addressed to me on the subject of the recovery of Property remaining in the hands of Mr. Manning, the late Registrar of the Supreme Court of New South Wales, at the time of his defalcation.

I have to direct that you will request the Judges of the Supreme Court to state what prospect there is of the payment of the liabilities of the late Registrar, and to explain what measures have been taken for that purpose under their authority, and also to explain what accounts have been rendered at different times to the Court by Mr. Manning of the Administration of the Funds in his hands, in pursuance of the Rule made by the Judges for that purpose.

If it should appear that Mr. Manning has never been called upon to render such Accounts, I have to direct that you request the Judges to explain the reasons of that omission.

I have, &c.,

STANLEY.

[Enclosure No. 1.]

CAPTAIN PECHELL TO LORD STANLEY.

My Lord, Castle Goring, Worthing, 30th May, 1842.

I have the honor to enclose a Letter from a Gentleman at Brighton, which requires Your Lordship's interference, and shall feel obliged by your giving the same your consideration as soon as convenient.

I have, &c.,

GEO. R. PECHELL.

[Sub-enclosure.]

EXTRACT of a Letter from Mr. Thomas Were of Brighton to Captn. Pecheill, dated 26th May, 1842.

Sir, 17 George Street, Trafalgar Square.

I have to state that Mr. Manning, the late Registrar of the Supreme Court at Sydney, N. S. Wales, by Advice dated January last, is said to be a defaulter; by T. Were, by a Letter from him, 29d Jan., 1841, he informed me that, my Son having died in
1842.
26 July.

Denial of liability for defalcations of J. E. Manning.

Application re estate of R. Lilleyman.

Effects of R. Lilleyman.

1842.

HISTORICAL RECORDS OF AUSTRALIA.

the Colony intestate, he had in virtue of his Office as Official Curator the care of his Estate, and the 2 Sums of £160 and £160 part of the said Estate, were in the Supreme Court. I wrote to him last July with the documents necessary to establish my right as Father to the deceased. I have not since heard from Mr. Manning.

May I request you will apply at the Colonial Office, whether the Crown is liable to the Sufferers for their respective Debts, if so what course shall I be required to pursue.

I have, &c.,
T. WERE.

[Enclosure No. 2.

Under Secretary Hope to Captain Pechell, R.N.

Sir, Downing Street, 6 June, 1842.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 30th ult. enclosing an Extract of one from Mr. T. Were, in which he enquires whether the Crown is liable for the defaults of Mr. Manning, the late Registrar of the Supreme Court of Sydney, New South Wales; and I am to acquaint you, in reply, for the information of Mr. Were, that Her Majesty's Government have not admitted, and, so far as Lord Stanley can at present judge, will not admit any liability for the defaults of Mr. Manning, who was an Officer acting under the exclusive control of the Judges of the Supreme Court of New South Wales, and not under the Executive Government of the Colony.

I have, &c.,
G. W. HOPE.

[Enclosure No. 3.

Mr. Evan Davies to Lord Stanley.

My Lord, Russia Row, Milk Street, 29th June, 1842.

I beg to enclose copy of a Letter from George Cooper, Esq., New Zealand, by which your Lordship will perceive that he remitted the sum of Three hundred and fifty pounds and upwards to the Registrar of the Supreme Court of New South Wales for lodgment in the Savings Bank of Sydney for the benefit of the legal representatives of the late Mr. Robert Lilleyman.

I beg to inform your Lordship on behalf of them that information has been received that the said Registrar did not lodge the money as directed by Mr. Cooper and that he has become Bankrupt.

Under the circumstances, therefore, I beg the favor of your Lordship, for the satisfaction of the late Mr. Lilleyman’s friends, to inform me what course ought to be adopted to enable them to receive the money, the said Registrar being a Servant of Her Majesty’s Government.

I have, &c.,
EVAN DAVIES.

[Sub-enclosure.

Mr. G. Cooper to ———.

Sir, Bay of Islands, New Zealand, 24th August, 1840.

In my capacity as Receiver and Agent for Intestate Estates in this Colony, the effects of a Gentleman named Robert Lilleyman, who was unfortunately drowned on the 1st ultimo in the Kaipai River on the West Coast of this Island in consequence of the upsetting of a boat, were put into my hands by the Master of the “Anna Watson,” in which Vessel Mr. Lilleyman was a Passenger; they consisted principally of wearing apparel, old and new, Guns, Powder and Shot, Soft Goods and other Articles, suited for Barter and Sale to the Native Inhabitants, all of which I have disposed of by Public Auction; they have realized upwards of Three hundred and fifty pounds, which, with Twelve pounds in Cash found in his Portmanteau, I have remitted to the Registrar of the Supreme Court of New South Wales for lodgment in the Savings Banks of Sydney for the benefit of the legal representatives.
In consequence of the Copy of a Will of a Miss Cass being discovered amongst his Papers, I have received a Silver Tankard and a large Bible, which were bequeathed to him by that Lady; and, as neither his Letters, Books, or Memorandums mentioned the residence of any Member of his family except a Brother in America, I have taken the liberty to trouble you on the occasion, as I believe the deceased was, not unknown to you from having resided at Walthamstow in Miss Cass's employment.

Mention is made of Mr. John Lilleyman of Syke House; but no clue is given of the Post Town or the Country to which it belongs.

I will therefore feel obliged by your communicating the melancholy intelligence to Mr. Lilleyman's nearest of kin, and request they will advise me where they wish the Books, Papers and Letters found amongst his effects as well as the Bible and Tankard to be sent.

The current runs with such rapidity into the Kapaix River that all the unfortunate persons drowned (six in number) were carried out to Sea amongst the Breakers before any assistance could be rendered them, and none of the bodies were recovered. I beg to apologize for the trouble I am giving you, I have, &c.,

GEO. COOPER.

Your answer, addressed to me as “Treasurer and Collector,” New Zealand, will reach me.

Amongst Mr. Lilleyman's Papers is a Deed of an allotment of land at Adelaide, South Australia, and various Papers and Accounts connected with that Colony in which he appears to have resided some time.

[Enclosure No. 4.]

UNDER SECRETARY HOPE TO MR. EVAN DAVIES.

Sir,

Downing Street, 7th July, 1842.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 29th Ultimo.

His Lordship directs me to acquaint you, in reply, that the Registrar of the Supreme Court of New South Wales was an Officer, not of the Crown, but of the Court, and was amenable for his conduct not to the Governor but to the Judges; and that, therefore, Her Majesty’s Government have not acknowledged nor has Lord Stanley any reason to suppose that they will acknowledge the responsibility of the Public Treasury for his default.

Lord Stanley regrets, therefore, that he cannot in any way assist the Parties, in whose behalf you apply, in the recovery of the money which had been lodged in the hands of the Registrar.

I am, &c.,

G. W. HOPE.

[Enclosure No. 5.]

MR. N. KENNEDY TO LORD STANLEY.

7 Royal Exchange Square,

Glasgow, 2d July, 1842.

My Lord,

I will take it kind your giving me some information regarding the following circumstance.

I shipped Goods to a person in Port Philip, S.A.; this person committed suicide, and, there being no person to take charge of his Affairs, the Crown Officer under the authority of the Crown took charge of the Goods found in his Store, and Sold them and mine among the rest; the said Officer, it appears, has embezzled the Funds in his hands, and in consequence has been discharged; and I am informed by a Party who succeeded him in business that my claim is worth nothing on account of the Crown Officer's misconduct.

Will Your Lordship inform me, is the Crown liable for the Acts of its Officers in such a case (a merchant would) and, if so, please how should I act.

I am, &c.,

NEIL KENNEDY.
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[Enclosure No. 6.]

MR. G. JOHNSON TO LORD STANLEY.

My Lord, Richmond Avenue, Dublin, 12 July, 1842.

Hoping that you will not consider me obtrusive, I take the liberty of asking whether in your official capacity it be in your power to cause a restitution of money long withheld by a Government Official in Sydney. The Circumstance is as follows:—The late John Thomas Campbell, Provost Marshal at Sydney (and who died there in January, 1830), was indebted to the Representatives of Anthony Burnside in the sum of £1,100 with a further amount of about 5 years' interest at the Colonial Rate, being Money which he recovered from a Mr. Thorsby at the instance of the Agents, Messrs. Crawford, Colvin and Co., London. At the period of Mr. Campbell's death, Government (to prevent waste or injury) took possession of his large property and placed it in the hands of the Officer appointed for these Affairs, a Mr. Manning, Registrar in the Supreme Court at Sydney. In the Summer of 1834, my friend Capt'n Richd. Armstrong was in Sydney, who in a conversation with Mr. Manning was informed that he Mr. M. was ready to hand over the money on receiving a legal exoneration, alledging at the time that the House of Crawford and Co. was indebted to the late J. T. Campbell.

If your Lordship would cause a demand to be made of Mr. Manning why he withholds this sum from the Agents, who empowered Mr. Campbell to recover it, your so doing will be esteemed an everlasting obligation.

I have, &c.

GEO. JOHNSON.

I presume to add that I am an old Servant of the Government, having held an appointment in the Military Account Office from March, 1805, till its abolition in Decr., 1830, with a pension of £94 pr. annum, and being in the 7th Month of my 81st year of age.

[Sub-enclosure.]

MESSRS. CRAWFORD, COLVIN AND CO. TO MR. G. JOHNSON.


In reply to your Letter of 27th Ulto., we have only to repeat that the account, which existed between our late Firm and the Estate of the late Mr. John Thomas Campbell, has been closed and settled with that Gentleman's Executor many years since.

We remain, &c.

CRAWFORD, COLVIN and Co.

[Enclosure No. 7.]

THE Humble Petition of James Morgan, of the Borough of Tynemouth in the County of Northumberland, Navy Pensioner, To the Right Honorable the Secretary of State for the Colonies,

Humbly sheweth,

That your Petitioner's Mother, Mary Morgan, emigrated to Sydney, New South Wales, several years ago, and whilst residing there accumulated property to a considerable amount. That your petitioner never heard from her afterwards, and did not know in what part of the World (if living) she was residing; Your Petitioner having at an early age entered in His Majesty's Service.

That your Petitioner, after having served the customary time in the Service, was paid off in the Year 1822, and whilst residing at
GIPPS TO STANLEY.

Plymouth, his native Town, observed an Advertisement in the "Plymouth and Davenport Journal," to the following purport, "Molly or Mary Jones, otherwise Molly or Mary Morgan, known as Mary Meares or Meyers, married and once known at Plymouth in that name as a Brass founder, Born at Ludlow in 1760, and died at Sydney, New South Wales, in 1833. Her Heir at Law is to apply to Mr. Bebb, No. 20 Great Marlborough St., London, Solicitor to the Registrar of the Supreme Court, Sydney, New South Wales."

That your petitioner applied in consequence of the above notice to Mr. Bebb, and proved to his satisfaction that your Petitioner was the Heir at Law of Mary Morgan; the evidence of which Mr. Bebb transmitted to Messrs. Manning, who your Petitioner is given to understand are the Registrars of the Supreme Court at Sydney.

That your Petitioner, in the Month of February, 1840, signed a certain Indenture of Lease and Release, which was forwarded by Messrs. Manning to Mr. Bebb for your Petitioner's Signature empowering them to sell the property of the late Mary Morgan, and to act generally on your Petitioner's behalf and as your Petitioner's lawfully authorized Agents; and at the same time Messrs. Manning instructed Mr. Bebb to allow your Petitioner subsistence money, until the business was settled.

That, in accordance with Messrs. Manning's Instructions, your Petitioner has continued to receive his subsistence Money for upwards of 12 Months, but which has lately ceased in consequence of Mr. Bebb declining to make more advances, until he received further advices from Sydney.

That your Petitioner, altho' Nine Years have elapsed since his Mother's death, is unable to obtain any satisfactory account of her property, either as to how it is invested, or what Reents or Interest arising from it may have been received by Messrs. Manning during that long period.

That your Petitioner, in consequence of his advanced age, and the hardships he has undergone whilst in the Service of his Country, is unable to work, and without means of obtaining a living, except that arising from the small pension allowed him by Government, and that your Petitioner is therefore unable to employ any professional man in his behalf, and humbly craves Your Lordship's assistance in obtaining from the Messrs. Manning, as Registrars of the Supreme Court at Sydney, a just account of all monies and property which may have come into their possession, belonging to the Estate of your Petitioner's late Mother Mary Morgan deceased.

And Your Petitioner as in duty bound, will ever pray, &c.

JAMES MORGAN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 133, per ship Honduras.)

My Lord,

Government House, 26th July, 1842.

I have had the honor to receive Your Lordship's Circular Despatch of the 1st Jan'y., 1842, informing me that discharged Soldiers can no longer be allowed to enjoy exclusive privileges in the acquisition of land in any of the Colonies.
Your Lordship's directions in this respect will of course be followed; and it is only by way of explanation, I beg leave to state that the practice recently adopted of granting remission to discharged soldiers in the Colony of New South Wales was not founded on any misapprehension of Mr. Secretary Spring Rice's Circular of the 20th Augt., 1834, but on a Despatch from Lord Glenelg, No. 180 of the 22nd Augt., 1838, in which was enclosed a letter from the Secretary at War.

GEO. GIPPS.

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SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 134, per ship Honduras.)

My Lord,

Government House, 27th July, 1842.

I had the honor on the 6th inst. to receive Your Lordship's Despatch, No. 61 of the 1st Feby., 1842, making enquiry respecting a young man, named Charles Ford, who came to New South Wales in 1838 or 1839; and I beg in reply to inform Your Lordship that a few weeks ago I forwarded to his Father, Captn. Ford of Chelsea Hospital, full and satisfactory particulars respecting this young man, as I did also to Mr. Stuart Mackenzie, Lord High Commissioner of the Ionian Islands, who, as well as Captn. Ford, had written to me about him. I have, &c.,

GEO. GIPPS.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 156, per ship Benares.)

Sir,

Downing Street, 29th July, 1842.

I have received your Despatches of the numbers and dates specified in the Margin,* relative to the Financial Condition of the Colony of New South Wales, and to the expences of Emigration to that Colony.

I have communicated on the subject with the Lords Commissioners of the Treasury, and I have now to address to you the following Instruction:

As my Despatch No. 146 of the 9th instant would place you fully in possession of the intentions of Her Majesty's Government in regard to the Bills drawn by you on account of the Advances, which had been made by your Government for the service of New Zealand; and, as it is to be hoped that any recurrence of the embarrassment to which the Government of New South Wales has been exposed by the issue of Immigration Despatches acknowledged.

Reference to previous instructions.

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* Marginal note.—No. 175, 13th Sept., 1841; Separate, Do; No. 212, 2d Novr., 1841; No. 226, 1st Decr., 1841; No. 230, 11th Decr., 1841; No. 236, 23rd Decr., 1841.
STANLEY TO GIPPS.

Bounty Orders will be prevented by the Instructions conveyed to you in my Despatch of the 14th October last, it only appears to be further necessary to signify to you the views of Her Majesty's Government on the other points adverted to in the resolutions of the Legislative Council of 21st Decr. last, which accompanied your Despatch No. 236 of the 23rd of that Month.

1st. As regards the proposed issue of Debentures secured on the Land Fund of the Colony; I have to remark that, altho' you had correctly stated that the Land Fund could not be in any manner pledged by the Council without the express consent of the Crown, and although you have not been in any respect authorized to pledge or dispose of this Revenue by anticipation, you would nevertheless seem to have contemplated the issue of Debentures as recommended by the Council. From your subsequent Despatch, however, No. 14 of the 27th January, it would appear that you conceived it might not be necessary to have recourse to that measure; but, should you have been induced to do so, the Government will not on this occasion object to the proposed receipt in payments for Land of any Debentures thus issued, or to the appropriation of the earliest proceeds of Land Sales for the liquidation of the temporary Debt thus incurred; but you must distinctly understand that you are not to consider this special Concession as implying any sanction to future similar anticipations of the Land Sales.

2nd. As regards the renewed propositions for raising a Loan for defraying Immigration charges, after full consideration of all the arguments adduced in favor of this course of proceeding and of the general state of the Colonial Finances, Her Majesty's Government adhere to the opinion, which they had previously held in regard to the inexpediency of any such anticipations of the Land Fund or other resources of the Colony.

I have only further to observe that the large amount of Immigration in the last and the present year must fully have counteracted any temporary effect of the discontinuance of transportation in regard to the introduction of Labourers; and that, although the Land Sales actually effected may not be a perfect indication of the increased demand likely to arise for labour, those Sales would appear to be the best available criterion of the probable requirements of the Colony in this respect, and that the expenditure for the purpose may be advantageously regulated by their produce.

In conclusion, I have to state that, entertaining the opinions above mentioned as to the inexpediency of authorizing anticipations of the Income that may arise from Land Sales, and advertising to the extent of the Emigration to New South Wales in the
course of the last year, the Government cannot but concur in the
recommendation of the Land and Emigration Commissioners,
with respect to the inexpediency of authorizing the resumption
of Emigration on Bounty during the present year.

I have, &c,
STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 135, per ship Honduras.)

My Lord,
Government House, 29th July, 1842.

With reference to some former Despatches, in which I
have reported the general inefficiency of the assistant Protectors
of Aborigines in the Port Phillip District, I have the honor to
forward herewith a Copy of a letter from Mr. La Trobe, with
its various enclosures, shewing the circumstances under which
the services of Mr. La Soeuf have been dispensed with.

Mr. La Soeuf was not one of the Protectors sent out from
England, but was appointed by Mr. La Trobe to take the place
of Mr. Dredge, who resigned under the circumstances stated in
one of the enclosures of my Despatch, No. 61 of the 7th May,
1840.

I have, &c,
Geo. Gipps.

[Enclosure.
[A copy of this letter, dated 28th June, 1842, will be found in
a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 157, per ship Benares.)

Sir,
Downing Street, 30th July, 1842.

I communicated to the Lords Commissioners of the Treas­
ury your Despatches, No. 18 of the 30th of January last and
No. 25 of the 6th of February, transmitting Copies of Letters
from Mr. Lithgow, the Auditor General of New South Wales,
in explanation of the delay in forwarding the Accounts of the
Colony to the Commissioners of Audit; and I transmit to you,
herewith, for your information, the enclosed copy of the reply
which has been received from that Board.

I have, &c,
STANLEY.

[Enclosure.

MR. C. E. TREVELYAN TO UNDER SECRETARY STEPHEN.

Sir,
Treasury Chambers, 21st July, 1842.

Referring to your letter of the 2d instt. on the subject of the
delay of Mr. Lithgow, the Auditor General of New South Wales,
in forwarding to the Commissioners of Audit the Accounts of the
Colony, I am commanded by the Lords Commissioners of Her
GIPPS TO STANLEY.

Majesty's Treasury to acquaint you, for the information of Lord Stanley, that, as my Lords have ascertained that the Accounts of the years 1836, 1837 and 1838 have been always received at the Audit Office, and that the Commissioners of Audit have been advised of the Shipment of those of 1839; and, as Mr. Lithgow has expressed his intention of despatching the accounts for 1840 and 1841 in about three months from the date of his Letter to Sir G. Gipps of the 15th January last, My Lords are not disposed to take any further notice of Mr. Lithgow's neglect in having suspended for so long a period as five years the transmission of the Colonial Accounts to this Country.

My Lords, however, trust that the warning Mr. Lithgow has received, will induce him to attend regularly hereafter to this important part of his duty. I am, &c.,

C. E. TREVELYAN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 136, per ship Honduras.)

My Lord, Government House, 30th July, 1842.

I have the honor herewith to forward a copy of a letter from Mr. La Trobe, enclosing a Report which had been made to him from the Revd. Mr. Tuckfield, one of the Members of the Wesleyan Mission to the Aborigines established in the Port Phillip District.

Mr. Tuckfield's report gives an account of his visit to the junction of the Goulburn and Murray Rivers, and may tend to illustrate the efforts which are now making in this Colony for the civilization and improvement of the Aborigines.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

A copy of this letter, dated 4th July, 1842, will be found in a volume in series III.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 137, per ship Honduras; acknowledged by Lord Stanley, 30th January, 1843.)

My Lord, Government House, 1st Augt., 1842.

With reference to my Despatches, Nos. 50 and 94 of the 11th March and 20th May last, I have the honor herewith to forward the Reports on the condition of the Aborigines from the Commissioners of Crown Lands in the Districts of Liverpool Plains, New England and Bligh, which had not been received by me at the date of the last of those Despatches.

Attached to the Report from New England, Your Lordship will find the Copy of a letter, which I caused to be addressed on the
29th ulto. to Messrs. Everett and Halked, the occupiers of a station in that District, expressing to them the sense I entertain of the exertions which they are making for the employment and improvement of the Aborigines.

I have, &c.,

Geo. Gipps.

[Enclosure No. 1.]

REPORT BY MR. E. MAYNE.

Commissioner of Crown Lands Office,
Peel's River, District of Liverpool Plains, 3d July, 1842.

REPORT for the last year, stating transactions relating to the condition, etc., etc., of the Aboriginal Natives in the District of Liverpool Plains, Colony of New South Wales.

The District of Liverpool Plains, for which I have held the appointment of Commissioner of Crown Lands for nearly four years, has been always very extensive, and, within the period of the last two years, has increased very considerably. It now comprises a Territory of about four hundred miles in length by two hundred miles in breadth.

The number of Aboriginal Natives inhabiting it, in Tribes consisting of from Ten to one hundred and fifty persons each, is about four thousand.

The proportion is considerably less in the first two hundred miles, proceeding northward from the Liverpool Range; that part having been in the possession of white people for the last eight or ten years, and, as appears to be the result on all such occasions, the Aboriginal Natives have diminished and dwindled away to a much smaller number than when in possession of the Country themselves.

I do not believe that more than one thousand Aboriginal Natives could be found in the first track of Country mentioned.

In the other two hundred Miles extending to the North, north east, and north west, the Aboriginal native population is much more numerous, attributable to the circumstance of such country being only lately taken possession of and occupied by white people.

The transactions with regard to the Aboriginal Natives have been:

To have them fairly and kindly treated;

They are aware they have protection from oppression by white persons. They often claim and receive it.

The orders relative to non-interference with their Women are most strict, and are to a great degree complied with.

A Distribution of Blankets, Shirts, etc., is made periodically, from my Station, as also from some others in the District, when the Natives have made themselves useful, and lived on friendly terms with the occupants.

Any number of them who come to my Station and evince a willingness to work are fed; they are encouraged as much as possible to do so.

Their condition, as far as being treated with more justice and kindness, is considerably improved within the last four years.

I do not think there has been any virtual change for the better in their social condition, ever since I have known them.

They do not attach that value to being either fed or clothed as it might be supposed they would, altho' they are pleased with it for the moment; but they give away both food and Clothes to their
companions as freely as they receive it, and seem to prefer and enjoy their life in the Bush, accompanied by all its apparent hardships and privations, to that of living for a continuance at any of the Stations.

That such feeling really exists I am certain of from personal observation at my own station, where, with the exception of being obliged to do a little work, no restraint is placed upon them, but are encouraged as much as possible to be about the place, and are well fed, clothed, and kindly treated; yet they all prefer their Bush Life; some remarkable instances of the kind have come within my own knowledge.

I do not consider them as a vicious, ill-disposed, or dishonest people, but much the contrary.

The Aboriginals now inhabiting the first two hundred Miles in my District are perfectly harmless, nor do they ever think of Spearing Cattle, or committing other outrage upon white people; they seem to be gradually diminishing and dying away.

Those inhabiting the more distant two hundred miles of the District, and which has been comparatively recently discovered and occupied, are in many places very troublesome and dangerous. Spearing and killing Cattle has been carried on to a very considerable extent; they have also attacked and speared both men and Horses at their Huts.

The chief employment of the greater part of my division of Police is confined to that part of the District; and the duty is both constant and severe, endeavouring to prevent outrage on both sides, but principally on the part of the Aboriginals. I must add that I have every reason to believe that they have been treated by the White People in almost all instances with kindness and forbearance; nor has any act of cruelty or retaliation come to my knowledge as exercised towards them by the white Population there.

The relative position of the parties is much changed. The White People are aware they cannot take the Law into their own hands, and commit any act they may be inclined to by way of retaliation on an Aboriginal. The Aboriginal also knows that such is the case, and like every savage presumes upon it. They have become much more expert and cunning in watching and hunting Cattle; and, from intercourse with the white people, have obtained a knowledge of training and making their Dogs most efficient assistants to them, a number of which they always travel about with.

Much could be done in my opinion to ameliorate the Social condition of both parties; but an attendant and considerable expense must be gone to for the purpose; without it, I look upon the present state of the Aboriginal races in this Country as most pitiable and wretched, and their future prospects most gloomy and without a hope.

I have, &c,

EDWARD MAYNE.

[Enclosure No. 2.]

REPORT BY MR. G. J. MACDONALD.


Referring to your Circular of 2d July, 1841, calling for an Annual Report of the condition and prospects of the Aboriginal Tribes frequenting this District, and more especially on the points included in the 6th paragraph of Lord John Russell's Despatch of the 25th August, 1840,
I do myself the honor of acquainting you, for the information of His Excellency the Governor, that, although during the past year some hostile attacks were made by the Aborigines, more especially on the Stations of Mr. A. McKenzie, Mr. Garden, and Mr. Gill (situated near the wild and mountainous country on the eastern falls of the Table Land), in which two Shepherds were slain, and a considerable number of sheep destroyed and driven off; yet, when it is considered that the District has extended its limits so rapidly to the Northward since the location of the large tract of Country adjacent to Moreton Bay, and that consequently the "Squatters" have encroached upon the Hunting grounds of Tribes hitherto holding no communication or intercourse with Europeans, these aggressions appear to be much less extensive than might have been anticipated, and trivial when compared with those of previous years; and I am induced to attribute this in a great measure to the growth of a more just, humane and tolerant spirit, influencing the conduct and feeling of the Settlers in their intercourse with the Aboriginal sons of the Soil; and to the more general growth of this good feeling, I look forward as a foundation for future beneficial results.

It is at all times a matter of much difficulty to determine the number of the Natives frequenting particular Districts of Country with any certainty in consequence of their wandering and unsettled habits of life, a Tribe rarely remaining in any one encampment for more than a week or ten days at a time, except when they congregate in force at certain seasons of the year from different parts of the District, during the celebration of their Religious ceremony of the Kebarrah or Boro (that is, the initiation of the young men to the immunities and privileges of Manhood); and, from personal observation on these occasions and information gathered from the Police, it does not appear to me that their number in New England exceeds five or six hundred.

With respect to any change in the "social condition" of the Aborigines, I am not, I regret, enabled to hold out much prospect of any general improvement; for, from the widely scattered state of the Tribes, their distrust and fear of each other, their constant feuds, the diversity of their dialects, and our almost entire ignorance of them, I apprehend there is but a very remote probability of effecting any radical change in their moral or social condition as a people; yet it must be conceded that nevertheless individual instances of their aptitude and capacity for social improvement not uncommonly occur; and I would more particularly instance in this District, as a most praiseworthy example of the beneficial influence and policy, of a kind, tolerant and judicious treatment of the Natives by the Settlers, the case of the Messrs. Everett and Halked; these gentlemen having succeeded by kindness and perseverance in inducing a small Tribe, frequenting the tract of Country contiguous to their Station of "Wandsworth," to remain almost constantly upon it, the young men being employed in various capacities on the establishment, not only as stockmen and shepherds, but as Domestic Servants also in the house; and, although these gentlemen have settled nearly four years in the District, and Stations in their neighbourhood have been attacked on various occasions by the Natives, yet no outrage of any kind has ever been attempted on them.
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I would also beg further to instance these gentlemen as affording the only solitary example of any attempt having been made to study and acquire the Aboriginal Dialects of the District.

In conclusion, I am happy to have it in my power to assert with confidence that the outrages formerly of such frequent occurrence in the Colony, from Shepherds and Stockmen taking the Law into their own hands, and making indiscriminate reprisals on the Natives for Cattle scattered and flocks driven off, have in this District entirely ceased; and, taking into consideration the good feeling that is gaining ground in the Colony on the subject of the Aborigines, the protection afforded them both by the Border Police and from the increase of Magistrates in the District, and the great interest taken in their welfare and improvement by the local Government; I am induced to hope that my next Report on this most important subject may be such, as will afford satisfactory evidence of a progression in the prospects and condition of this primitive and long neglected people.

I have, &c.

G. J. MACDONALD, J.P.,
Commissioner of Crown Lands.

[Sub-enclosure.]

COLONIAL SECRETARY THOMSON TO MESSRS. EVERETT AND HALKED.

Gentlemen, Colonial Secretary's Office, Sydney, 29 July, 1842.

I am directed to inform you that, the Governor having observed in a report addressed to Him by the Commissioner of the New England District that you have of services of in your employment several of the Aborigines, and are taking pains to protect Everett and civilise them, His Excellency desires to express to you His sense of the Services which you are thus rendering to the Colony, and to the cause of Humanity; and His hope that your example may be extensively followed in the District wherein you reside.

I have, &c,

E. DEAS THOMSON.

[Enclosure No. 3.]

REPORT of the Aborigines in the District of Bligh in accordance with the Despatch of the Secretary of State No. 132, 25th August, 1840.


In reply to your Circular of the 2d July, 1841, respecting the Aborigines, I have the honor to forward the Report:

1st. As to the transactions and condition of the Natives for the past year; transactions that have come under my notice are very few, any that I have seen are when the Aborigines have been employed by me, and when they are so I found them willing and obliging. I can attribute this principally to never having deceived them in any article of clothing or food that was promised them on their completing the work that was required of them, it often happening that parties inform them that, on their doing a portion of work, they are to receive a certain remuneration; on the work being finished, they receive a very inadequate reward for the services they render, which causes a discontent and they then take to their former wandering habits.

2nd. As to the number of Aborigines in this District; from the returns I have from the different Stations and what I have seen and taken account of myself while travelling in the District, there are about 700, one third females; but at the same time I have to
1842.
1 Aug.
Report by G. D. Hunter re aborigines of district of Bligh.

remark that many are never seen by White people; those are relating to the most remote stations in the District nearly 250 Miles from this station.

3d. As to the residence of the Aborigines in any particular spot, it is necessary to remark that a tribe never leave a certain part or portion of country known to them and called their Touri; but there are some that will and do attach themselves to parties for six months together and make themselves generally useful; but, on a number of the Aborigines coming to the Station, they will often wish to leave with them.

4th. As to the change in their social condition, I can observe none.

5th. As to the particular state and prospects of the Aboriginal Races, I am inclined to be of opinion that they will degenerate very fast as the white people advance in the interior; the verity of this is exemplified by observing Stations that have been occupied many years, the Blacks in those parts being very few.

I am not aware of anything further having occurred that would be considered of importance. I have, &c.

GRAHAM D. HUNTER, C.C.L.

2 Aug.

Transmission of instructions.

Proposed transfer of immigrants from South Australia to New South Wales.

LORD STANLEY TO SIR GEORGE GIPPS.
(A circular despatch, per ship Hamlet.)

Downing Street, 2 August, 1842.

Sir,

I transmit to you herewith a copy of a Despatch which I have addressed to the Governor of South Australia on the subject of the disposal of a number of Settlers of the Labouring classes, who, from the embarrassed state of the Colony, had been thrown out of employment, and whom, from the peculiar engagement with the Government under which they had emigrated, it has been found necessary to support at a great expence to the Public.

You will perceive that Captain Grey has been directed to place himself in communication with you, in order to ascertain whether arrangements can be made for offering free passages to the Colony under your Government, from the Funds applicable to the Expences of Emigration, to any number of those persons who may be still chargeable on the public, at the time when the instructions may reach the Colony.

You will perceive that Captain Grey has been directed to place himself in communication with you, in order to ascertain whether arrangements can be made for offering free passages to the Colony under your Government, from the Funds applicable to the Expences of Emigration, to any number of those persons who may be still chargeable on the public, at the time when the instructions may reach the Colony.

The immediate arrangements for the removal of these Emigrants must of course be carried out by the Governor of South Australia; but I have considered it right to convey this Instruction to you, in order that you may be prepared to apprise Captain Grey of the number of Emigrants, of whom you would, if necessary, be prepared to relieve that Government. By the last Reports from Governor Grey, the number of Laborers, for whom it was necessary to find Employment on the public Works, was about Three Hundred, exclusive of their families. I have, &c.

STANLEY.
STANLEY TO GIPPS.

[Enclosure.]

LORD STANLEY TO GOVERNOR GREY. (Despatch No. 54.)

Sir,

Downing Street, 2nd August, 1842.

I have received your Dispatch No. 1 of the 7th January last, containing a report on the state of the Emigrant Population of the labouring class in South Australia, and announcing the formation of a Board who were temporarily appointed to discharge the duties which it had been found impracticable for the Emigration Agent to fulfil.

I have also received your further Despatch No. 2 of the 16 January transmitting a Copy of a Report from that Board.

Being strongly impressed with the opinion that much more decided measures were necessary than those which appear to have been hitherto adopted for checking the expenditure incurred for the maintenance of Pauper Emigrants in South Australia, I have not felt myself justified in recommending to the Lords Commissioners to sanction an expenditure on that account, approaching to £25,000 a year.

In my Despatch No. 10 of the 31st December last, which I addressed to you on first receiving an Intimation of any number of Emigrants being supported at the public expense, I directed that public Advertisements should be issued, stating the numbers and description of the Labourers, who had thrown themselves upon the local Government under the allegation that they were unable to procure employment, and inviting the Settlers to make proposals for engaging their services; and that, should that prove unsuccessful and should all public works have ceased upon which employment could be afforded to them, a communication should be opened with the Governors of the adjacent Colonies, where funds might exist applicable to the introduction of Emigrants; and further it should be proposed to them to take measures for offering a free passage to those Labourers for whom none could be provided in the Colony.

In giving those Instructions, it was contemplated that the Funds for the support of such persons would be provided from the Local Revenue; and, on that assumption, I did not anticipate the possibility of any abuse arising from their employment upon the public works within the Colony.

From your further reports however, it became evident that it was proposed by you to throw upon the Mother Country the charge of maintaining them, and (as a necessary consequence) of employing them on the Public works undertaken for that purpose. I felt it impossible to admit the principle for which you contend that the Mother Country is, as of right, under any circumstances to be called upon to provide a maintenance for these Emigrants.

Independently of this objection, however, I must observe that the effect of the present arrangement is obviously to provide for the local improvement of South Australia out of funds to be supplied by the Imperial Treasury; and, though it is not supposed that either you or the Committee appointed to superintend these paupers would allow yourselves to be in any degree led on to permit the continuance of any abuse arising from such considerations, yet the advantage derived by the Colony from an arrangement which involves, according to the last report, an expenditure of towards £25,000 a year of Imperial Revenue on the formation within it of roads and
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2 Aug.

Instructions
re disposal of
unemployed
immigrants
of labouring
classes
in South
Australia.

Bridges, and on other important improvements, is so evident and immediate that Her Majesty's Government deem it necessary that the possibility even of an abuse in this respect should be avoided and a stop at once put to the system itself.

With this view, Her Majesty's Government have come to the decision, so far to alter the instructions, conveyed to you by my Despatch of the 31st of December, as to supersed the discretionary power left to you of employing those persons upon public works, instead of taking measures for offering them free passages to other Colonies, and to direct that arrangements should be made for immediately offering free passages to those Colonies now possessed of funds, applicable to the introduction of Emigrants to whatever number of these persons may, at the time at which this Despatch may reach the Colony, be still chargeable on the public.

The Australian Colonies, to which a free Emigration is at present directed, are Van Diemen's Land, Western Australia and New Zealand. It is not unlikely also that New South Wales, tho' at present without funds to defray a regular Emigration from this Country, might, by the time communications should reach Australia on the subject, have the means of meeting the comparatively trifling expense of conveying a few persons of the Laboring class from a Neighbouring Colony. It is not possible, however, that any definite arrangements for conducting the proposed Emigration could with advantage be made in this Country.

All the necessary questions of detail must be settled on the spot according to the circumstances of the moment. Thus the demand for labor in the other Colonies, and the disposition to take any portion of the supply, which could be furnished from Adelaide, must be learnt as early as possible by direct communication with these Colonies. The passage for the Emigrants must also be engaged in South Australia, for there only can the precise number of Laborers to be removed be ascertained, and advantage be taken of the opportunities which may occur at the port of vessels proceeding in the course of Trade to the neighbouring Colonies in which passages for a small number at a time could be secured at a low rate. All questions also connected with the supply of an outfit, if the labourers are without sufficient clothing, so that they may not be landed as paupers in other Colonies, must of course be decided on the spot where the condition of the persons can alone be known.

You will therefore immediately address a circular communication to the Governors of the Neighbouring Colonies, to which I have adverted, and inform them of the numbers, ages, and trades of the Laborers and Workmen dependent at that time upon the local Government for support, as well as the number of the families belonging to each. It is very desirable that you should be informed by them with the least possible delay, what number might conveniently be sent to their respective Colonies, and for what number they would be prepared to defray the expense of conveyance. It is the more desirable that early information should be afforded on both these points, because, if there were an immediate demand in any Colony for the labor which could be supplied from South Australia, and yet from any cause there were objections to applying the local funds to the expense of their introduction, or if there were a deficiency of such funds as in the case of New South Wales, it would then be a question whether the most economical arrangement...