HISTORICAL RECORDS
OF
AUSTRALIA.
COMMONWEALTH OF AUSTRALIA.

HISTORICAL RECORDS
OF
AUSTRALIA.

SERIES 1.
GOVERNORS' DESPATCHES TO AND FROM ENGLAND.

VOLUME XXII.
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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.
INTRODUCTION.

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 council. The major portion of this charge was due to the transportation of convicts to the colony. Previously to the year 1835, the charge had been defrayed by the military chest of the commissariat, 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 consideration 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 principle 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 government, 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 ascertained that Sir George Gipps denied† that the crown had surrendered 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 10s. 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 recomme­
dations, 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:—(1) 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 per acre 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.
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.
INTRODUCTION.

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.
SERIES I.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Duke of Manchester.)

Sir,

Downing Street, 1st April, 1842.

The Lords Commissioners of the Admiralty have requested me to obtain from each of Her Majesty's Colonial Possessions periodical Returns of all Steam vessels registered there, for the assistance of the Registrar of Merchant Seamen, 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.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 65. per ship Middlesex.)

Government House, 1st April, 1842.

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 Tullloch, 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, 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.)
Sir,

Downing Street, 6 April, 1842.

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.)
Sir,

Downing Street, 8 April, 1842.

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.
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 Ulto., 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.)
1842.
12 April.

Rule re premium on British silver.

Abolition of fixed rates of premium.

Trading in bills by banks.

Monopoly of exchange by banks.

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 others, 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 holder 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.
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 dwts. 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
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, vizt., 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:

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

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

3rd. 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,* Transmission
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 "Eweretta," announced to sail on the 10th Instant.

I have, &c.,

WM. LITHGOW, Audr. Genl.

*Marginal note.—No. 18, 30th Jany., 1842; No. 25, 6th Feb., 1842; No. 44, 2nd March, 1842.
1842.
13 April.

Approval of rules of practice for equity jurisdiction.

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.

MR. T. C. HARRINGTON TO LORD STANLEY.

My Lord,

London, 23d March, 1842.

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. 1.]
STANLEY TO GIPPS.

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. HARINGTON 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. HARINGTON.

Sir,

Downing Street, 2 April, 1842.

I am directed by Lord Stanley to acknowledge the receipt Letter acknowledged. 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 appointment; 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 compensation 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 indemnified 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, conceiving 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 Superintendent 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 per 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.

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 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...
14

HISTORICAL RECORDS OF AUSTRALIA.

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.]

REV. A. M. CAMPBELL to UNDER SECRETARY STEPHEN.

Sir, 79 Pall Mall, 19 Jan., 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 Expenditure, 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, 2d 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 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 REV. 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 Ult., 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 expences of the Convict Establishments; and My Lords will also be prepared, in fulfilment 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.
1842.
16 April.


<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 Henry Burner</td>
</tr>
<tr>
<td>James MacArthur</td>
<td>Deputy Registrar and Chief Clerk of the Supreme Court, Port Phillip</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>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>William Cox, Junr.</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Robert Fitzgerald</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Edward Parker</td>
<td>Aid-de-camp (Civil) to His Vice Elliot</td>
<td></td>
</tr>
<tr>
<td>William H. Trusen</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>William Edward, Junr.</td>
<td>Chief Clerk, Colonial Secretary's Office</td>
<td></td>
</tr>
<tr>
<td>Charles Tyers</td>
<td>Surveyor of Crown Lands at Portland bay</td>
<td></td>
</tr>
<tr>
<td>Henry Charles Rounsdell</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Henry Wade</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>John V. Gorman</td>
<td>Assistant Surveyor of Crown Lands</td>
<td></td>
</tr>
<tr>
<td>James Warner</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Edward Kennedy</td>
<td>Ditto</td>
<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 Stone</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Francis McCabe</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Thomas White</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Roderick Mitchell</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Robert Brindley</td>
<td>Draftsman, Surveyor General's Office</td>
<td></td>
</tr>
<tr>
<td>Frederick W. Perry</td>
<td>Ditto</td>
<td>Left the service</td>
</tr>
<tr>
<td>Charles A. Bayley</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Jermyn J. Symonds</td>
<td>Ditto</td>
<td>Left the service</td>
</tr>
<tr>
<td>John Bailey</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>John Eyre Sedley</td>
<td>Ditto</td>
<td>Left the service</td>
</tr>
<tr>
<td>Francis Davis</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Hugh R. Labatt</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Henry W. Marriott</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Edward H. Lane</td>
<td>Ditto</td>
<td></td>
</tr>
</tbody>
</table>

Europeans:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henry Cosby</td>
<td>Commissioner of Crown Lands Deceased</td>
<td>beyond the Boundaries of Location,</td>
</tr>
<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 Dulunty, Magistrate of the Territory</td>
</tr>
<tr>
<td>Graham D. Hunter</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>John James Allman</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Oliver Fry</td>
<td>Ditto</td>
<td>Magistrate of the Territory</td>
</tr>
<tr>
<td>Alfred Cheele</td>
<td>Commissioner for Reporting upon Claims to Grants of Land</td>
<td></td>
</tr>
<tr>
<td>William Huxter</td>
<td>Ditto</td>
<td>appointed Sheriff</td>
</tr>
<tr>
<td>Thomas Callaghan</td>
<td>Ditto</td>
<td></td>
</tr>
</tbody>
</table>
### List of Civil Appointments—continued.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pieter L. Campbell</td>
<td>Acting for the Colonial Treasurer during his absence from the Colony.</td>
<td>Left the Colony.</td>
</tr>
<tr>
<td>Thomas Jeffrey</td>
<td>Landing Surveyor, Sydney</td>
<td>Vice Cooper, Superintendent of Distilleries.</td>
</tr>
<tr>
<td>Charles Bolton</td>
<td>3rd Landing Waiter, Sydney</td>
<td>Vice Anderson.</td>
</tr>
<tr>
<td>David Nash</td>
<td>4th Ditto</td>
<td>Appointed 1st Locker.</td>
</tr>
<tr>
<td>Richard Williams</td>
<td>4th Ditto</td>
<td>Vice Cooper.</td>
</tr>
<tr>
<td>George Wardell</td>
<td>Assistant Engineer, etc.,</td>
<td>Left the Civil Service.</td>
</tr>
<tr>
<td>William A. Gwynne</td>
<td>Ditto</td>
<td>Liverpool.</td>
</tr>
<tr>
<td>Samuel Lettsom</td>
<td>Ditto</td>
<td>Maitland</td>
</tr>
<tr>
<td>Robert Baumgartner</td>
<td>Ditto</td>
<td>Harp's Hill</td>
</tr>
<tr>
<td>James D. Morris</td>
<td>Ditto</td>
<td>Ilawarra, Magistrate of the Territory.</td>
</tr>
<tr>
<td>William H. Tyssen</td>
<td>Ditto</td>
<td>Tourang, Appointed Aide-de-Camp to His Excellency the Governor.</td>
</tr>
<tr>
<td>William Cookson</td>
<td>Ditto</td>
<td>Tourang, Magistrate of the Territory.</td>
</tr>
<tr>
<td>Henry H. Jacob</td>
<td>Assistant Engineer, etc.,</td>
<td>Left the Civil Service.</td>
</tr>
<tr>
<td>Honble. William A. S. Foster</td>
<td>Ditto</td>
<td>Left the Civil Service.</td>
</tr>
<tr>
<td>Henry A. Hollinworth</td>
<td>Ditto</td>
<td>Magistrate of the Territory.</td>
</tr>
<tr>
<td>Simon Fraser</td>
<td>Ditto</td>
<td>Magistrate of the Territory.</td>
</tr>
<tr>
<td>William Russell</td>
<td>Ditto</td>
<td>Sydney</td>
</tr>
<tr>
<td>Francis Marsh</td>
<td>Ditto</td>
<td>Parramatta</td>
</tr>
<tr>
<td>John E. H. Pryce</td>
<td>Ditto</td>
<td>20 Mile hollow</td>
</tr>
<tr>
<td>Lambert L. Montgomery</td>
<td>Ditto</td>
<td>Magistrate of the Territory.</td>
</tr>
<tr>
<td>Joseph L. Innes</td>
<td>Ditto</td>
<td>Magistrate of the Territory.</td>
</tr>
<tr>
<td>Richard Rogers</td>
<td>Colonial Storekeeper</td>
<td>Vice Barrow, appointed Police Magistrate, Wellington, Ordnance Storekeeper.</td>
</tr>
<tr>
<td>Sir James Dowling, Knt.</td>
<td>Judge of the Supreme Court in Equity. Judge of the Court of Vice-Admiralty.</td>
<td></td>
</tr>
<tr>
<td>Alfred Stephen</td>
<td>Judge of the Supreme Court.</td>
<td></td>
</tr>
<tr>
<td>John Kinchela, LL.D</td>
<td>Master in Equity in the</td>
<td></td>
</tr>
<tr>
<td>William Carter</td>
<td>Master in Equity in the Supreme Court.</td>
<td></td>
</tr>
<tr>
<td>Henry B. Bradley</td>
<td>Chief Clerk of the Supreme Court.</td>
<td></td>
</tr>
<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>
</tr>
<tr>
<td>William A'Beckett</td>
<td>Solicitor General</td>
<td></td>
</tr>
<tr>
<td>George Cooper Turner</td>
<td>Civil Crown Solicitor</td>
<td></td>
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<tr>
<td>John Moore Dillon</td>
<td>Crown Prosecutor in the Courts of Quarter Sessions.</td>
<td></td>
</tr>
<tr>
<td>Francis Moore</td>
<td>Ditto</td>
<td>Deceased.</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>
<td>Ditto</td>
<td>Bathurst, Clerk of the Peace, Cumberland.</td>
</tr>
<tr>
<td>Charles S. McDonough</td>
<td>Clerk of the Peace, Bathurst.</td>
<td></td>
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</table>

**GIPPS TO STANLEY.**

1842. 10 April.

List of civil appointments of trust and confidence.
<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
</tr>
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<tbody>
<tr>
<td>William M. Manning</td>
<td>Commissioner of the Court of Requests</td>
<td>Chairman of the Court of Quarter Sessions</td>
</tr>
<tr>
<td></td>
<td>for the County of Cumberland and Illawarra</td>
<td></td>
</tr>
<tr>
<td>George Stewart</td>
<td>Commissioner of the Court of Requests</td>
<td>Police Magistrate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></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. Crummer</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 Windsor</td>
<td>vice Duncomb</td>
</tr>
<tr>
<td>Francis L. S. Merewether</td>
<td>Agent for Immigration</td>
<td>vice Pinnock, appointed Deputy Registrar</td>
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<tr>
<td></td>
<td></td>
<td>and Chief Clerk of the Supreme Court, Port</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Phillip</td>
</tr>
<tr>
<td>Arthur Savage</td>
<td>Health Officer, Port Jackson</td>
<td>appointed Superintendent of Ironed Gangs,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>etc., Sydney</td>
</tr>
<tr>
<td>Oswald Blockome</td>
<td>Agent for the Estates of the late Church</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and School Corporation</td>
<td></td>
</tr>
<tr>
<td>Joseph Long Innes</td>
<td>Police Magistrate and Superintendent of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Police, Sydney</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>appointed Superintendent of Ironed Gangs,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>etc., Sydney</td>
</tr>
<tr>
<td>William A. Miles</td>
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<tr>
<td>Hothersil H. Brown</td>
<td>Superintendent of Water Police, Sydney</td>
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<tr>
<td>Charles Forbes</td>
<td>Police Magistrate, Parramatta</td>
<td>Left the Service</td>
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<tr>
<td>Sydney Cotton</td>
<td>Ditto</td>
<td>Visiting Magistrate, Female Factory, Parram</td>
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<tr>
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<td>matta, Commissioner of the Court of Requests, Berrima</td>
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<tr>
<td>George M. C.Bowen</td>
<td>Ditto</td>
<td>Berrima</td>
</tr>
<tr>
<td>Hewward Atkins</td>
<td>Police Magistrate, Hartley</td>
<td>vice Blair, appointed to Portland Bay</td>
</tr>
<tr>
<td>Richard T. Furlong</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>John Bowler</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>William W. Barrow</td>
<td>Ditto Wellington</td>
<td>Office abolished in 1841</td>
</tr>
<tr>
<td>David Dunlop</td>
<td>Ditto</td>
<td>vice Forbes</td>
</tr>
<tr>
<td>Percy Simpson</td>
<td>Ditto Patrick's Plains</td>
<td>vice Day transferred to Maitland</td>
</tr>
<tr>
<td>Francis Allman, Junr.</td>
<td>Ditto Muswell-brook</td>
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</tr>
<tr>
<td>John A. Robertson</td>
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<td></td>
</tr>
<tr>
<td>Benjamin Sullivan</td>
<td>Ditto</td>
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</tr>
<tr>
<td>Charles Ormsby</td>
<td>Superintendent of Cockatoo Island</td>
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<tr>
<td>Owen Gorman</td>
<td>Commandant, Moreton Bay</td>
<td>vice Cotton, Magistrate of the Territory</td>
</tr>
<tr>
<td>Thomas Bunbury</td>
<td>Commandant, Norfolk Island</td>
<td>Office of &quot;Commandant&quot; abolished</td>
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<td></td>
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<tr>
<td>Thomas Ryan</td>
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<tr>
<td>Alexander Macochnie</td>
<td>Superintendent</td>
<td>Magistrate of the Territory</td>
</tr>
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</table>

**List of civil appointments of trust and confidence.**

1842, 16 April.
<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
</tr>
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<tbody>
<tr>
<td>Charles Ormsby</td>
<td>Superintendent of Agriculture</td>
<td>succeeded by Norfolk Island</td>
</tr>
<tr>
<td>Honble. William H. C. T. Pery</td>
<td>Ditto</td>
<td>Ditto</td>
</tr>
<tr>
<td>Henry Graham</td>
<td>Assist. Colonial Surgeon, Port Macquarie</td>
<td></td>
</tr>
<tr>
<td>James Reid</td>
<td>2nd Ditto Norfolk Island</td>
<td></td>
</tr>
<tr>
<td>Michael Wm. Lee</td>
<td>Assist. Ditto Liverpool</td>
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</tr>
<tr>
<td>Thomas Lee</td>
<td>Assist. Ditto, Lunatic Asylum, vice McLean</td>
<td>Deceased.</td>
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<tr>
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<td>Tarban Creek</td>
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<td>List of civil appointments of trust and confidence.</td>
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<td></td>
<td>1842.</td>
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<td>16 April.</td>
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<td>List of Civil Appointments—continued.</td>
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**PORT PHILIP.**

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<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Joseph La Trobe</td>
<td>Superintendent, Port Phillip</td>
<td>Magistrate of the Territory</td>
</tr>
<tr>
<td>William Pickering</td>
<td>Assist. Surveyor of Crown Lands</td>
<td></td>
</tr>
<tr>
<td>William H. Buckley</td>
<td>Draftsman, Survey Department</td>
<td></td>
</tr>
<tr>
<td>Henry F. Gisborne</td>
<td>Commissioner of Crown Deceased.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>succeeded by</td>
<td></td>
</tr>
<tr>
<td>Frederick A. Powlett</td>
<td>Ditto</td>
<td>Ditto</td>
</tr>
<tr>
<td>Foster Fyans</td>
<td>Ditto</td>
<td>Portland Bay Magistrate of the Territory</td>
</tr>
<tr>
<td>Robert S. Webb</td>
<td>Sub-Treasurer</td>
<td>Sub-Collector of Customs</td>
</tr>
<tr>
<td></td>
<td>succeeded by</td>
<td></td>
</tr>
<tr>
<td>William Lonsdale</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Charles H. Le Souef</td>
<td>Landing Surveyor</td>
<td></td>
</tr>
<tr>
<td>Charles L. Neville</td>
<td>2d Landing Waiter</td>
<td></td>
</tr>
<tr>
<td>Charles Morgan Lewis</td>
<td>Harbor Master</td>
<td></td>
</tr>
<tr>
<td>Charles Howard</td>
<td>Agent for Colonial Contracts Assist.</td>
<td>Commissary General</td>
</tr>
<tr>
<td></td>
<td>succeeded by</td>
<td></td>
</tr>
<tr>
<td>John Walpole Willes</td>
<td>Resident Judge</td>
<td></td>
</tr>
<tr>
<td>John Denham Pinnock</td>
<td>Deputy Registrar and Chief Vice Gurner.</td>
<td></td>
</tr>
<tr>
<td>James Croke</td>
<td>Clerk of the Crown</td>
<td></td>
</tr>
<tr>
<td>Edward Jones Brewer</td>
<td>Chairman of the Court of Office abolished on Quarter Sessions. Appointment of the Resident Judge in 1841.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>succeeded by</td>
<td></td>
</tr>
<tr>
<td>Horatio N. Carrington</td>
<td>Clerk of the Peace</td>
<td></td>
</tr>
<tr>
<td></td>
<td>succeeded by</td>
<td></td>
</tr>
<tr>
<td>James Montgomery</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Edward Jones Brewer</td>
<td>Commissioner of the Court of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>succeeded by</td>
<td></td>
</tr>
<tr>
<td>Redmond Barry</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Samuel Raymond, LL.D.</td>
<td>Deputy Sheriff</td>
<td></td>
</tr>
<tr>
<td>William Bryan Wilmot, M.D.</td>
<td>Coronor</td>
<td></td>
</tr>
<tr>
<td>James Simpson</td>
<td>Police Magistrate, Melbourne Left the Service.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>succeeded by</td>
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HISTORICAL RECORDS OF AUSTRALIA.

1842.
16 April.

List of Civil Appointments—continued.

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STANLEY TO GIPPS.

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 Septr., 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,¹ 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.]

* Marginal 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, 1839, 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 Re- mission 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. Bell 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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**LORD STANLEY TO SIR GEORGE GIPPS.**

(Despatch No. 91, per ship Duke of Manchester.)

Sir, Downing Street, 19 April, 1842.

In transmitting to you the inclosed Letter, I have to request that you will furnish me with any information which you may be able to procure respecting the individual mentioned therein.

I am, &c,

STANLEY.

[Enclosure.]

**MRS. ANN CROSSLEY TO SECRETARY OF STATE.**

Honored Sir,

I humbly beg to state that my Son, Thomas Crossley, emigrated in the ship Argyleshire from Liverpool, bound for Sydney, New South Wales, as Government Emigrant on 14th July, 1840, and, as I can get no information respecting him, and having been informed that your office is the proper place to apply to, Now, Sir, I humbly beg you will be so kind as to render me all the information in your power concerning him. By so doing, you will much oblige your humble servant.

Dirkinfield, 6 April, '42.

Please direct to me in care of S. Cartwright, 5 Set Street, Stalybridge.

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**SIR GEORGE GIPPS TO LORD STANLEY.**

(Despatch No. 74, per ship Middlesex.)

My Lord,

Government House, 19th April, 1842.

I have the honor to forward herewith a Copy of a letter, which has been addressed to the Colonial Secretary of New South Wales by Mr. Lithgow, the Auditor General, representing
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 Septt., 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 Immigrants, 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.

(Despach 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. Balmain:—

<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></td>
</tr>
<tr>
<td>1st July, 1798</td>
<td>105</td>
<td>Hunter's Hill</td>
</tr>
<tr>
<td>3rd Augt., 1799</td>
<td>220</td>
<td>County of</td>
</tr>
<tr>
<td>12th Nov., 1799</td>
<td>270</td>
<td>St. Matthew</td>
</tr>
<tr>
<td>6th April, 1800</td>
<td>550</td>
<td>Petersham</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. Gilmchrist, who of course claimed it as his property.

The advertisements alluded to by Mr. Bruce were notices of private sale; and, though there may be some Quit rents due to the Crown on Dr. Balmain'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. Balmain 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 for
1842.
25 April.
Advance of salary to A. Mackenzie.

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.)

26 April.
Sir,

Downing Street, 26 April, 1842.

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. 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.)

27 April.
Sir,

Downing Street, 27 April, 1842.

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.
GIPPS TO 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 Polter, 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) showing 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.

1842.

29

1842.

30 April.
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.)

Downing Street, 4 May, 1842.

Sir,

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 enterprize 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 indispensibly to the safety of the Island."

[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 Ulto., 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.
After a lapse of about 18 months, it now appears that, "in addition to the ordinary periodical increase of Convict population in Van D.'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 Returns.

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 practice 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 D.'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. Austrailia;

and in addition to these, smaller parties are stationed at Bathurst; Liverpool; Berrima; Spring Cove; Port McQuariar; 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 transit 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 Ult, 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.
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'y., 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.
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 23rd 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.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 84, per ship Middlesex.)

My Lord,

Government House, 9th May, 1842.

I have had the honor to receive Your Lordship's Despatch, No. 32 of the 10th Novr., 1841, enclosing a Memorial from Mr. W. Tribe, of 62 Mortimer Street, Cavendish Square, respecting a debt of £56 8s. 6d. due to him by Dr. Kinchela for goods supplied to that gentleman in the year 1833.

Having communicated a Copy of Your Lordship's Despatch and of its enclosure to Dr. Kinchela, I have received from Mrs. Kinchela in reply a sealed letter for Mr. Tribe, which that lady assures me contains a Bill for the amount above mentioned; and I shall forward the same to Mr. Tribe by the vessel which takes this Despatch.
38

HISTORICAL RECORDS OF AUSTRALIA.

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.

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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.]

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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 expences of 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 expences 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. 26 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.

† Note 6.
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HISTORICAL RECORDS OF AUSTRALIA.

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.

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**Note 7.**

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1842.
14 May.

Allowance of acts.

Possible effect of delay in appointment of secretary and chairman.

Omission from Hunter river steam navigation company's act.

"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. 18, 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.

| Period | Sydney | | | Port Phillip | | | General Total | | | Amount of | | | |
|--------|--------|--------|--------|---------------|--------|--------|---------------|--------|--------| Bounties | and | Gratuities, | | | |
|        |        | Adults | Children |                | Adults | Children |                | Adults | Children |                |         |         | | | |
| From   | To     | Males | Females | Males | Females | Total Sols | Males | Females | Males | Females | Total Sols | Males | Females | Males | Females | Total Sols | Males | Females |
| 1840.  |        |       |         |       |         |           |       |         |       |         |           |       |         |       |         |           |       |         |
| 9th March | 31st Decr. | 427 | 457 | 134 | 129 | 1,144 | 80 | 108 | 29 | 17 | 243 | 516 | 505 | 160 | 146 | 1,487 | 23,613 | 7 6 |
| 1841.  |        |       |         |       |         |           |       |         |       |         |           |       |         |       |         |           |       |         |
| 1st Jan. | 31st Decr. | 4,283 | 4,610 | 1,505 | 1,354 | 11,757 | 2,802 | 3,088 | 974 | 820 | 7,794 | 7,183 | 7,608 | 2,567 | 2,174 | 19,521 | 327,098 | 2 10 |
| 1842.  |        |       |         |       |         |           |       |         |       |         |           |       |         |       |         |           |       |         |
| 1st Jan. | 31st Decr. | 1,500 | 1,587 | 614 | 545 | 4,315 | 484 | 528 | 184 | 132 | 1,323 | 2,053 | 2,110 | 798 | 677 | 5,638 | 97,727 | 7 2 |
|        |        |       |         |       |         |           |       |         |       |         |           |       |         |       |         |           |       |         |
| Total  |       | 6,290 | 6,554 | 2,838 | 2,028 | 17,216 | 3,455 | 3,719 | 1,187 | 980 | 9,333 | 9,751 | 10,275 | 3,525 | 2,937 | 26,546 | 448,408 | 17 6 |

* 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 ineligible persons in the "Manlius" to Port Phillip and "Sir Charles Wilson" to Sydney, not yet reported upon.

† Including 250 by the "Manlius" in Quarantine, whose ages and sexes are not yet known in this office.

Immigration Office,
Sydney, 6th May, 1842.

FRANCIS L. S. MEREWETHER,
Agent for Immigration.
### Enclosure No. 2.

A return, showing the number of permissions to import Emigrants on Bounty granted in the several Quarters of years between that which ended the 31st Decr. 1837, and the Quarter ended the 30th April, 1840, which permissions respectively expired on the several Quarters between that which ended on the 31st Decr. 1839, and the 30th March, 1842; showing also what proportion of those permissions was acted on, and the proportion not acted on.

<table>
<thead>
<tr>
<th>Quarters during the course of which the Permissions were granted</th>
<th>Quarters during which the Permissions expired</th>
<th>Extent of Permissions</th>
<th>Number Imported</th>
<th>Number not Imported</th>
<th>Extent of Permissions</th>
<th>Number Imported</th>
<th>Number not Imported</th>
<th>Extent of Permissions</th>
<th>Number Imported</th>
<th>Number not Imported</th>
</tr>
</thead>
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<td>31st Decr., 1838...</td>
<td>388</td>
<td>471</td>
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<td>358</td>
<td>264</td>
<td>94</td>
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<td>341</td>
<td>264</td>
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</table>

N.B.—Reckoning each Family to consist of four persons, the number, for whose Importation permissions expired before the 1st Jan'y., 1841, will be 13,553, of whom only 4,353 really were imported or less than one in three.

Immigration Office,
Sydney, 3d May, 1842.

Francis L. S. Meech, Agent for Immigration.
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 ineligibility of the Emigrants, 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 expence of sending out the Emigrants; but, as this expence depends on the cost of freight and provisions in the United Kingdom, and on the expence 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.
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 expenses 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 expenses of Quarantine should in all cases be deducted out of the Bounties.

Government House, Sydney, 14th May, 1842. GEO. GIPPS.

[Sub-enclosure No. 1.]

RETURN of the Number of Immigrants landed in New South Wales between the 1st Jany., 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.]
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>&quot;New York Packet.&quot;</td>
<td>Mr. John Miller.</td>
<td>Shepherd and Reid</td>
<td>23rd Oct.</td>
<td>Sydney ...</td>
<td>932 2 5</td>
</tr>
<tr>
<td>&quot;Agricola&quot;...</td>
<td>Mr. J. B. Were.</td>
<td>Carter and Bonus</td>
<td>3rd Oct.</td>
<td>P. Phillip.</td>
<td>264 13 8</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.
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 89, per ship Palestine; acknowledged by
lady Stanley, 20th December, 1842.)

My Lord,

Government House, 16th May, 1842.

With reference to my Despatches numbered and dated
as in the margin,* respecting outrages committed by or on the
Aborigines in the neighbourhood of Portland Bay or of Port
Fairy, both within the District of Port Phillip, I have the honor
to forward herewith a Copy of a further letter from Mr. La Trobe,
enclosing a Report from the Chief Protector of Aborigines, who
had been sent to the parts of the Country abovementioned to
enquire into and report on these outrages.

Little additional light, however, appears to me to be thrown
upon the subject by this Report.

I have, &c.

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 26th April, 1842, will be found in
a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 80, per ship Palestine; acknowledged by
lady Stanley, 20th December, 1842.)

My Lord,

Government House, 16th May, 1842.

I regret to have occasion to bring under Your Lordship’s
Correspondence
notice a further correspondence, which I have had with Mr.
La Trobe, on the subject of atrocities committed by the Abori-
gines 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 repre-
sentation (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 men-
tions 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. 60,
1st April, 1842.
† Marginal note.—No. 51, 11th March, 1842; No. 59, 17th March, 1842; No. 66,
1st April, 1842; No. 89, 16th May, 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.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 91, per ship Palestine; acknowledged by Lord Stanley, 20th December, 1842.)

My Lord, Government House, 16th May, 1842.

Connected with the subject of my Despatches of this day's date, Nos. 89 and 90, I forward herewith, a Copy of a letter, addressed to the Colonial Secretary of this Colony by Mr. La Trobe, representing to me, in a more formal manner than he had theretofore done, the inefficiency of the Department, which was organized in 1839 in the District of Port Phillip for the protection of the Aborigines.

When this letter reached me, I entertained doubts as to the necessity or propriety of forwarding it to Your Lordship; but since I have received from Mr. La Trobe the additional information, contained in the papers forwarded with my Despatches above alluded to of this day's date, I feel that I ought not to withhold it.

With the exception of the Chief Protector (Mr. Robinson), it would be difficult I think to find men less equal to the arduous duty of acting as Protectors of the Aborigines than those, who were selected for this purpose in England in the year 1838; and the Chief Protector, though efficient as far as his own mode of
GIPPS TO STANLEY. 1842.

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.]
1842.
17 May.

Transmission of letter from W. W. Dunn.

Complaint by W. W. Dunn re opening of letter in post-office at Melbourne.

18 May.

Remission of fine and imprisonment on G. Arden.

HISTORICAL RECORDS OF AUSTRALIA.

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. Subscription myself.

W. W. DUNN.

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 contumacious 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.
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, numerous 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.

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

[Despatch No. 108, per ship Aden.]

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 Transmission 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

19 May
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.

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 provision 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. 681, 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 22d 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 25th 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."

 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.

I have, &c.,

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.

I would take this opportunity of bringing under the notice of His Excellency the debate in the last estimates on this subject; the Colonial Secretary stated that the amount of £300 was expected to be received from the Convict and Commissariat Department to the Credit of the Colonial Government (an item of that sum appears in the Blue Book); and, in reply to the question asked by Mr. Ashburner of "whether the Commissariat Printing was not formerly done by contract," the Colonial Secretary observed "that he could say he believed that it was done partly by tender and sometimes by the Government Printer."

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 Augt., 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.

Sir,

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.

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
STANLEY TO GIPPS.

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 shewn 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 Wabba 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.

Ser. I. Vol. XXII—E
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 furnished evinces 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.
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 250 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.]
HISTORICAL RECORDS OF AUSTRALIA.

1842.
25 May.
Transmission of letter from W. A. Benham.

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 Maconoehie, 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. Maconoehie, 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. Maconoehie, 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.

26 May.
Opinion required re transportation of convict boys.

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

1842.

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.
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. PHILLIPPS.

[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 incor-
rigible, 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 advis-
able 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 appren-
tices should be sent to Western Australia and New Zealand. Mr.
Stephen apprehends that there would be an objection to the pro-
posed emigration of these Boys to New Brunswick in any consider-
able 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 pro-
ceeding 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 en-
counter 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 trans-
ported.

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 Port 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.
STANLEY TO GIPPS.

Mr. Stephen has called our attention to a point of considerable importance, vizt., 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.
STANLEY TO GIPPS.

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 the Governor be empowered to cancel the Indenture, and to withdraw the Apprentice, on proof being furnished to him of the improper treatment of the Boy by his Master.

29th. 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 the Governor be empowered to cancel the Indenture, and to withdraw the Apprentice, on proof being furnished to him of the improper treatment of the Boy by his Master.

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 inquiry 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
26 May.

Observations by Lord Stanley on plan for removal of boys to colonies.

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. PHILLIPPS TO UNDER SECRETARY STEPHEN.

Sir, 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...
842. 26 May.

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 £60. 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.
Plan proposed for removal of boys to New Zealand and for improvement of establishment at Point Puer.

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 Puer 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.
GIPPS TO 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 expence 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 and 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, at the request of Capt'n Maconochie, 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'n 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.
1842.
26 May.

Proposal for uniform system at Norfolk Island.

Expenditure at Norfolk Island.

All Captn. 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 Feby., 1841, and repeat that, until it be decided how these men are ultimately to be disposed of, the effect of placing them under Captn. 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 Captn. 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 Captn. 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 expenses 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.]

GEO. GIPPS.

[A copy of this report, dated 31st December, 1841, will be found in a volume in series III.]

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 Captn. Maconochie's experiments on Convict Discipline, which had been raised in my Despatches Nos. 42 and 43 of the 6th Feby., 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 Franklin, inviting him to receive them in Van Diemen's Land at the expiration 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 Franklin 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 Pardons, 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 respectively 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 Conditional 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.
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 expense of such an Establishment at £17,000 a year, which would be exclusive of the ordinary expense of maintaining the Convicts, and of the extra expense 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.]

---

Lord Stanley to Sir George Gipps.
(Despatch No. 117, per ship Helvellyn.)

Sir,

Downing Street, 27 May, 1842.

With reference to your Dispatch of the 11th April, 1840, on the subject of the claims of the Messrs. Henty to be confirmed in the possession of certain lands at Portland Bay, I transmit to you, herewith, for your information and guidance the copy of an application which has been addressed to me by the Agents of those Gentlemen in this Country, together with the answer which I have directed to be returned to them.

I am of opinion that the concluding part of the Letter of Lord Aberdeen to Lord Surrey contains an implied promise of a favorable consideration of the claims of the Messrs. Henty in reference to such portion of the land in question as might be actually under cultivation and fenced.

With respect, therefore, to any lands that may be proved to come within this description, I am prepared so far to alter the former decisions on this claim as to authorize you either to allow the parties a pre-emption of such lands at the amount which it may be estimated that they would now realize without any improvements upon them, or, if they have been already sold, to pay to the Messrs. Henty the difference between that estimated value, and the price actually received by the Government. The value to be assumed for the purposes of this arrangement will be determined by the Local Authorities, having regard to the price fetched by adjacent or similar lots in an unimproved state, and to any other circumstance that they may find ought to be taken into account in order to arrive at a correct and equitable conclusion.

I wish at the same time distinctly to explain to you that my judgment in this case proceeds on the expectation, which the words employed in a former Letter of the Secretary of State
1842.
27 May.

Concessions
to form no
precedent.

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.

My Lord,

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 con­
dent 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 dis­
covering 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 Settle­
ment* 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 settle­
ments, that of making considerable grants of lands to the earliest
settlers with property would be followed in his case; and, in Octo­
ber, 1834, relying upon the great encouragement which the Govern­
ment, both at home and in the Colony; had always shown to those
who were hardy enough to lead the way in such enterprises, he dis­
patched 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 Lord­
ship'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 pasture 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 recognition 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 assigned 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 communication, 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 concluding clause had no practical meaning at all, and proposes to treat the Messrs. Henty as though it had never existed. Upon the refusal 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 Colonial 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 suggested 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, whatever party might be in power, nor has a longer interval been suffered 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 answer 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. Henry, 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, they will not disturb, but will confirm his possession against any new comer.”

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 Goezieg, 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.
HISTORICAL RECORDS OF AUSTRALIA.

1842.

27 May.

Description of buildings and improvements by sons of T. Henty.

The value of the buildings, fencing and other improvements erected at Portland Bay alone exceed 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 60 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 convenience to the numerous body who are now hastening 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,

Colonial Secretary's Office, Sydney, 31st March, 1840.

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.
STANLEY TO GIPPS.

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.

[Sub-enclosure No. 5.]

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 Settlements 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 upon the Coasts expose the local Treasury to great and needless expenditure, 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 it is desired to concentrate, facilitate smuggling, and tend to dispossess 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.

[Sub-enclosure No. 6.]

STATEMENT of the case of the Port Philip Settlers. STATEMENT of case of settlers at Port Phillip.

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 memorialized 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 assent 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.
1842.

27 May.

Letter acknowledged.

Reference of claims to governor.

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.

28 May.

Female offenders punishment act received.

Allowance of act.

Opinion of inspectors of prisons re punishment of female offenders.

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, accomplished 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 Prisoner'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 guidance 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 alterations 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 request that, in submitting this Extract to Lord Stanley, you will call his Lordship's attention to the very defective and unsatisfactory 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 inaccuracies, 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 Establishment at Van Diemen's Land, compiled from the Estimates furnished by the Officer in charge of the Commissariat at that
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
STANLEY TO GIPPS. 95
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 Lord-
ships, 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' con-
sideration in the concluding part of this Report.

Mr. Campbell was appointed by Colonial Secretary's Memoran-
dum 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 in-
crease 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 men-
tion 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. Fitz-
gerald as Deputy Purveyor, vice Dunn, the permanent employment
of the Purveyor's Clerk, W. Wilmore, a Convict Writer was dis-
pensed with, but his services were continued at the usual rate of
pay £10 per annum until Mr. Dunn's accounts were made up, viz.,
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 shewn for the re-appointment of a clerk after his ser-
vices had been found unnecessary for a period of about two years;
secondly, that Mr. Jenkins' appointment was noticed in the quar-
terly 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 re-
ceived 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.

1842, 28 May.

[Enclosure No. 2.]

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

Sir, Downing Street, 26 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 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.

[Enclosure No. 3.]

LORD STANLEY TO SIR JOHN FRANKLIN.

Sir, Downing Street, 28th May, 1842.

Transmission of correspondence. With reference to former correspondence on the same subject, I transmit to you herewith for your information and guidance a Copy of a Letter from the Secretary to the Board of Treasury with a Copy of a Report from the Commissioners of Audit relative to the Returns of appointments, and of alterations of established salaries, and of the expenses of the Convict establishment in the Colony under your Government. I also enclose a Copy of a Letter, which has been written by my direction in reply to that communication, and I have to request your attention to the irregularities pointed out by the Secretary to the Treasury and the Commissioners of Audit.

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.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch 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 18th 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. Maconoehie 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. Maconoehie.

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. Maconoehie 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. Maconoehie on the subject.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

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

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch 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.

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.

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 supercession 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
GIPPS TO STANLEY.

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, Government House, 3rd June, 1842.

I have the honor herewith to forward to Your Lordship Transmission 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.

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.

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.

His Royal Highness the Prince of Wales, 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 unequally rejoice in an event which affords such 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 congratulations 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 Excellency, the President, this 2nd day of June, 1842.

G. GIPPS, Governor.

FRANCIS L. S. MEREWETHER, Clerk of Councils.

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 Immigrants 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 manifest 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 aforesaid, Charles Doming, Master of the Barque or Vessel "New York Packet," of the Port of Greenock in Scotland, and burthen of 685 Tons or thereabouts, 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 Merchandise.
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 Doming, 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.

CHARLES DORNING.

J. NORTON, Not. Pub. (L.S.)

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.

WILLIAM A'BECKETT, Sol. Genl.
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.
1842. 6 June.

Despatch received re death of T. Macquoid.

Appointment of A. W. Young as sheriff.

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>Year</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1829</td>
<td>1,920</td>
</tr>
<tr>
<td>March, 1831</td>
<td>50</td>
</tr>
<tr>
<td>April, 1832</td>
<td>590</td>
</tr>
<tr>
<td>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
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.,
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 extracts 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
your receiving 50 acres at the place solicited as a Grant to be held in addition to your former one of 1,920 acres and as a part of your primary 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. 42/323, 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 2½ 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.

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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.

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"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 apprize 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.
108

HISTORICAL RECORDS OF AUSTRALIA.

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. 10d.; that, in 1829, I purchased from Messrs. Winchester and Yarnham 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
HISTORICAL RECORDS OF AUSTRALIA.

1842. 9 June.

Stationery to be supplied.

Department only, viz., 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 Uto., 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 Feb. 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.

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 home of hospital 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.)

Sir,

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.

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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
11 June.


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 reappointment 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 Expences 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. Sajers 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 Captn. 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.
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.)

13 June.

My Lord,

Government House, 13th June, 1842.

In reply to Your Lordship's Despatch No. 49 of the 4th Jan., 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, 8th January, 1843.)

15 June.

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.
STANLEY TO GIPPS.

[Enclosure.]

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 certain 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. FRICK. ELLIOT.

EDWARD E. VILLIERS.

[Sub-enclosure No. 1.]

MR. JOHN LINDSAY TO LAND AND EMIGRATION COMMISSIONERS.

Gentlemen,

Park Blackheath, 14 May, 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 surprize 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 Melbourne, 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 I shall feel obliged by an early reply.

And remain, &c.,

JNO. LINDSAY.
HISTORICAL RECORDS OF AUSTRALIA.

TRANSMISSION of regulations for appointments to public offices.

[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, 1847.]

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. Gt.

* Marginal note.—No. 18, 30th Jany., 1842; No. 25, 6th Feby., 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.

[Sub-enclosure.]

DEPUTY INSPECTOR-GENERAL GORDON TO MR. L. SULLIVAN.

Sir, Army Medical Department, 24 May, 1842.

Necessity for issue of instructions.

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 of the present month, 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.,

THOMAS 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 Decr., 1841, desiring, at the request of Elizh. Houldsworth, to be informed whether her son Edwd. Houldsworth is still living, who was transferred from the 80th Regt. to the Mounted Police of this Colony in Jan'y., 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.)

18 June.

Transmission of papers re bounty on immigrants per ship Ward Chipman.

My Lord, Downing Street, 18 June, 1842.

I transmit to you, herewith for your information, the Copy of a Letter from the Commissioners of Colonial Land and Emigration, enclosing Copy of one addressed by them to the Charterer of the 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.

Colonial Land and Emigration Office, 9 Park Street, Westminster, 15 June, 1842.

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,
to require a report from him. 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. FBEDK. ELLIOT.
E. E. VILLIERS.

[Sub-enclosure No. 1.]

MR. S. WALCOTT TO MR. J. P. HENTON.

Colonial Land and Emigration Office,

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 came out on 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 them by Mr. Bromehead; but it is necessary distinctly 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, vizt., 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. BROMEHEAD TO MR. S. WALCOTT.

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 regarding 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 generally 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,
1842. thereby admitting the air, consequently would become bad. This circumstance from
persons inclined to complain forms a ready ground. I have frequently found this to
be the case when in charge of Troops to India. I must bear testimony to the State-
ment by
With respect to the complaint of single women not coming out under the pro-
tection required, I beg distinctly to state that I not only questioned1 the parties
themselves 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.

Statement by W. D. Brome-head re ship Ward Chipman.

W. D. Brome-head.

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 an
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 be 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 un-
doubtedly very vexatious and wearisome to the Emigrants, who had mustered accord-
ing 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 embarking 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.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 138, per ship Helvellyn.)

SIR,

Downing Street, 18 June, 1842.

I have received your Dispatch No. 233 of the 18th Decr. last, enclosing a Copy of the Proceedings of the Executive Council in the case of a Prisoner named John Wright, who was found guilty of Murder before the Chief Justice of the Colony, and sentenced to suffer Death, and recommending, with the advice of the Executive Council and the concurrence of the Chief Justice, that a Free Pardon should be issued to John Wright, as far as regards the offence of which he has thus been convicted.

I have to inform you in reply that, under the circumstances of the Case as stated in your Dispatch, the Queen has been pleased to sanction a Compliance with your recommendation in favor of the Prisoner, John Wright; and you will therefore take the necessary measures for carrying Her Majesty's gracious intentions into effect.

Her Majesty's Government having had under their consideration the propriety of altering that part* of your general Commission,

* Note 14.
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.

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, Fifeshire, 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 Steenhouse, 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 hoores 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 heres 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 Todd Luthrie by Cupar 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.

Melbourne, Port Philip.

17th December, 1841.

My very dear, dear Madam.

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 Sips 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 griefed 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 intestate estate.

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 griefed 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 intestate estate.

pounds in flower and Bullocks, 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.

I am, &c.

AMBROSE S. KYTE.

[Sub-enclosure No. 2.]

MR. D. STENHOUSE TO MRS. SCOTT.

Kirkaldy, 6th May, 1842.

My dear Madam.

In deepest sorrow do I sit down to the task of enclosing a Letter, which I Transmission received this morning, containing the melancholy and painful intelligence of the death 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 STESHOSE.

[Sub-enclosure No. 3.]

CERTIFICATES.

"JOHN CAMPBELL, natural Son to John Campbell, laborer and Janet Palton, 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. Clk.

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 of 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 aliment from his Father.

DAVID MILLER, Schoolmaster.

JOHN MILLER, John Brown, Tailor.

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 Philip, 15th May, 1841.

Letter from Hoping the Lord has blessed you with his mercy since I left, I scrawl 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 flowers since a team of Bullocks which are earning some money, together with my own wages, which is from two to £2 6s. per week and my board; they cost me 150 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.

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; it's possible that they may forget me but I cannot forget them.

My love to my Sister Mary.

JOHN CAMPBELL.
GIPPS TO STANLEY.

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.]

REV. 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 REV. A. LAWSON.

Sir, Kirkaldy, 6 June, 1842.

I duly received yours of the 3rd Instant, and I now beg to hand 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 10 Ult 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 re 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, Dfr.
WILLIAM LEVACK, Baker.
ANDW. BRATON, Bread seller.
D. W. HENDERSON, Mgr.

Kirkaldy, 6 June, 1842.

SIR GEORGE GIPPS TO LORD STANLEY.

(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.

I have, &c.,

Geo. Gipps.

22 June.

Transmission of address.

Address to H.M. the Queen from inhabitants of Port Phillip district.

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.

I have, &c.,

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. 24 June.

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 134 persons.]

[Address to H.M. the Queen from inhabitants of Port Phillip district.]
130

HISTORICAL RECORDS OF AUSTRALIA.

1842.
26 June.

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.]

29 June.

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.

1842.
29 June.

Decision of Church missionary society re mission at Wellington Valley.

STANLEY TO GIPPS.

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.

1842.
1 July.

Work by Revd. R. Mansfield received.

LORD STANLEY TO SIR GEORGE GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 141, per ship Helvellyn.)

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,
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.

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.]

* Note 15.
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 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 Jan. 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 Sept., 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 Jan. 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.

8 July.

Transmission of quarterly return of revenue.

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:

<table>
<thead>
<tr>
<th>General Revenue</th>
<th>June Quarter, 1841</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>90,474 13 8</td>
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<td></td>
</tr>
<tr>
<td>Land Fund</td>
<td>8,385 7 6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>98,859 1 2</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>General Revenue</strong></td>
<td><strong>95,591 1 4</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Land Fund</strong></td>
<td><strong>3,304 0 10</strong></td>
<td></td>
<td></td>
<td></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, 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 £8,000 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 Lon­
don 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 preten­
sions 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 expences (which were very heavy) on the ship
“Manlius.”

G.G.

[Enclosure.]
[A 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 Janu­
ary 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 Gov­
ernment 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
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.

[Enclosure.]

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
STANLEY TO GIPPS.

upon 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
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.

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 117, per ship Anne; acknowledged by Lord Stanley, 26th February, 1843.)

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

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 burthen 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.
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 149, per ship Helvellyn.)
Downing Street, 12 July, 1842.

Sir,

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,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 119, per ship Honduras.)
Government House, 13th July, 1842.

My Lord,

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,

Geo. Gipps.

P.S.—The Master and Surgeon are still undergoing their Sentences.

G.G.

[Enclosure.]

[A copy of this report is not available.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 150, per ship Benares.)
Downing Street, 14th July, 1842.

Sir,

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, etca., 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:—

For passage of Judge Willis and family, Luggage, etc. £ 215 10 0
For Mr. Kitson, the Judge's Clerk 15 2 0
For Mr. Gurner, Acting Deputy Registrar of the Supreme Court at Port Phillip 15 2 6
For Mr. Raymond, Deputy Sheriff 43 18 0

£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 expense 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;

1842.
14 July.

1 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 Feb., 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
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 Statement of
Conveyance of Judge Willis from Sydney to Port Phillip in
February, 1841.

Amount paid Owners of the "Australasian Packet" on 22nd February, 1841.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>For one Cabin for Judge Willis and Mrs. Willis</td>
<td>50</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Freight of 43½ Tons of Luggage for do. at 50s. per Ton</td>
<td>108</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>Freight of Two Horses for Ditto</td>
<td>24</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Freight of a Goat and Dog</td>
<td>1</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Two Cabins for Female Attendants</td>
<td>25</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Steerage Passage for Tipstaff</td>
<td>6</td>
<td>6</td>
<td>0</td>
</tr>
</tbody>
</table>
| **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 Department, and I have all the Official Letters on the subject. I am greatly surprised therefore now to receive your recent communication. With any subsequent contingency as to the allowance or disallowance of these Expenses elsewhere, I believe that I cannot have any possible concern whatever. Mr. Justice Stephen's Expenses from Van Diemen's Land to Sydney (even to a larger amount for payment. £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.

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 expences 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
1842.
10 July.
Opinion in legislative council.
Arrangement re allowances to judges.

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 burden 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.

17 July.
Regulations re rewards for apprehension of runaway convicts.

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 Jany., 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. The case of Paddy Killalee;

The Districts of Bathurst and Wellington were infested, in the month of Oct., 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
(of which another Copy is herewith enclosed) that the maximum reward, which could under these Regulations have been received in any one of the above cases, would have been £7 10s.

I have, &c.,
Geo. Gipps.

P.S.—Having, since this Despatch was written, received a Return of the sums actually paid for the apprehension of Runaway Convicts during each of the last six years, I enclose a Copy of it herewith.

[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>Regulations of 13th April, 1832.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
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<tr>
<td>Year ended June, 1837</td>
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<td>1,543 0 0</td>
<td>1,698 0 0</td>
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<tr>
<td>Do 1838</td>
<td>160 0 0</td>
<td>1,611 15 0</td>
<td>1,771 15 0</td>
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<tr>
<td>Do 1839</td>
<td>45 0 0</td>
<td>1,550 14 6</td>
<td>1,595 14 6</td>
<td></td>
</tr>
<tr>
<td>Do 1840</td>
<td>278 6 8</td>
<td>1,374 0 0</td>
<td>1,652 6 8</td>
<td></td>
</tr>
<tr>
<td>Do 1841</td>
<td>210 0 0</td>
<td>996 10 0</td>
<td>1,206 10 0</td>
<td></td>
</tr>
<tr>
<td>Regulations of 1st June, 1841.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do 1842</td>
<td>160 0 0</td>
<td>564 13 4</td>
<td>724 13 4</td>
<td></td>
</tr>
</tbody>
</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.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 125, per ship Honduras; acknowledged by lord Stanley, 29th April, 1843.)

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 Merchandize 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.)

Downing Street, 19 July, 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.
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, 5 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. 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. FREDK. 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 an official answer, 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 is 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 particular 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.,

G. K. HOLDEN, Pt. Secy.

[Sub-enclosure No. 2.]

COLONIAL SECRETARY THOMSON TO MR. G. M. STEPHEN.

Sir,

Colonial Secretary's Office, Sydney, 27th February, 1837.

Decision re application for land for R. Robison.

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 it 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.

Application by R. Robison re land grant at Port Phillip.

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 indulgences 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. Vete.

[Enclosure No. 3.]

SIR GEORGE GREY TO CAPTAIN ROBISON.

Sir,

Downing Street, 5th September, 1837.

I am directed by Lord Glenelg to acquaint you, in reply to your letter of the 24th UIt., 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
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.

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 Febry. 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 Febry., 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.

SIR GEORGE GIPPS TO LORD STANLEY.  
(Despatch No. 129, per ship Honduras.)

My Lord, Government House, 22nd July, 1842.

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.]

* Marginal note.—" Agnes Ewing, " Champion," " Agnes," " Nabob."
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 Commissary 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.)

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 Lunar 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.)

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
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 Augt., 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.

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 atTransmission of letter.

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 Capt'n. Pechell, dated 26th May, 1842.

Sir, 17 George Street, Trafalgar Square.

I have to state that Mr. Manning, the late Registrar of the Supreme Court Application of letter.

at Sydney, N. S. Wales, by Advices dated January last, is said to be a defaulter; by T. Were. by a Letter from him, 23d Jan'y., 1841, he informed me that, my Son having died in
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.

[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 Uto. 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 Govern­
ment have not admitted, and, so far as Lord Stanley can at pre­
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 re­
mitted the sum of Three hundred and fifty pounds and upwards
lodge 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 Ma­
jesty'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 Kaipaix River on the West Coast of this Island in conse­
cquence 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 Port­
manteau, I have remitted to the Registrar of the Supreme Court of New South Wales
for lodging in the Savings Banks of Sydney for the benefit of the legal repre­
sentatives.
STANLEY TO GIPPS.

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 bequested 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 Kangax 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.
164 HISTORICAL RECORDS OF AUSTRALIA.

1842.

[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 Captn. 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 petition 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,

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.

My Lord,

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.

GEO. GIPPS.

Sir,

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 expenses 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

* 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.
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 advert-
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 Treasury 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 inst. 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 dispatching 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 Aug., 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
Report by E. Mayne re aborigines of Liverpool Plains.

[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 Kebbarrah 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.
GIPPS TO STANLEY.

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.


[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 Commendation 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 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
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.

Graham D. Hunter, C.C.L.

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 expense 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.

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.
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 apparently 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 from 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
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 supersede 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
might not be so far to anticipate the funds applicable to the support of the Pauper Laborers as to provide at once a sufficient sum to defray the cost of their Emigration. In that event, it would appear advisable that all who were forwarded by those means should be sent to New South Wales; First, because the demand for labor there is likely to be steady and effective;

Secondly, because the proximity of Port Philip, and the probable frequency of intercourse between that Port and Adelaide would render the transport cheap; and Thirdly, because it would afford the opportunity to South Australia of liquidating some portion of its debt to New South Wales by the introduction of Labourers, and probably therefore in a manner which would be acceptable to the latter Colony. Circular Despatch of enquiry should state the estimate cost of conveyance, and some fixed rate be, if possible, agreed upon beforehand as the payment of the importing Colonies, the Balance if any to be chargeable to South Australia, so as to prevent any complaint or undesirable discussions between the local authorities as to the terms on which the object may ultimately be carried into effect by the Government of South Australia.

When you may have addressed the requisite communication to the Governors of those Colonies, the measure of proposing Emigration to the destitute Labourers should be made officially known in the Colony of South Australia, in order that the employers of Labor who might not wish to see the population of the Colony reduced, and the laborers themselves who might not wish to quit the Colony, might have time for making every effort under their respective circumstances to relieve the local Government from the burden now imposed upon it.

Upon receiving sufficient information from the different Colonies, you would of course form your plans according to the nature of the communications made to you. To all able bodied persons without exception, who declared that they were unable to support themselves or to procure employment, you should propose a free passage for themselves and their families to one of the Neighbouring Colonies, where they might make their labor available. Should they refuse it, they would forfeit all claim upon the local Government for support. To such as accepted the offer, a small amount of clothing and any other articles indispensable for an outfit might be furnished, if on strict examination found necessary, tho' probably not to be delivered to them until they had embarked. Steerage passages should be engaged for them in small numbers in trading Vessels, or by chartering the whole ship, as might prove the cheapest, reference being had to the additional cost of maintenance which would be entailed by any delay.

When all these measures had been taken, and the able bodied with their families been thus disposed of, there would still, I fear, remain a certain number more absolutely dependent upon the Government than the others, and at the same time yielding no return in Labor. I allude to the sick and impotent poor, to the widows and deserted women with their families, and to Orphans and deserted children, who appear by the returns to be receiving relief at the public expence.

It is by no means the wish of the Government that, in respect of such persons, any unnecessary harshness should be used by abruptly terminating a system of public charity, which has grown up under the sanction and authority of the Local Government. At
In the same time, it must be borne in mind that even the ground of the alleged contract made with intending Emigrants in this Country, insufficient as it was to justify the long continued maintenance of able bodied laborers and their families, can in no way apply to the classes of persons just mentioned, to whom not the most distant reference was ever made in any terms or proposal published in this Country, upon which they may have been induced to emigrate. They are consequently no more entitled to relief from the Government in South Australia than the corresponding classes in other British Colonies from their respective Governments. I can only direct, in respect to them, that they should, as soon as may be consistent with safety and humanity, be thrown upon their own resources, and above all upon those nearest relatives, if it be discovered that they have any such upon whom the natural obligation to support them rests. Every means should be used for ascertaining this latter fact of the existence of such connexions, and of the means which they may possess for relieving their necessities. It is perhaps needless to mention that others of the same class for the future upon no pretence become a charge upon the Public Funds.

When all these measures shall have been taken for the disposal of the persons now deriving their subsistence from the Government, it will be desirable to announce that the public obligation, which is supposed to exist in South Australia to find employment for the destitute, has entirely ceased. Nearly two years have now elapsed since any Emigrant has been sent from this Country to South Australia, and there is no reasonable doubt that, when any superabundance of labor, should it even now really exist, shall have been cleared off, ample employment may be procured by the honest and industrious; while the continuance of any indefinite obligation, which it has been proved is so liable to misapprehension and abuse, is but to expose the Government to fresh expenses which it cannot bear.

You will accordingly announce that the Local Governments will not receive any further applications for maintenance and employment from persons representing themselves to be in a destitute condition.

I shall forthwith communicate a copy of this Despatch to the Governors of the other Colonies referred to in it, in order that they may be prepared to enter into communication with you, and to make arrangements at once for the reception of the Emigrants, without the delay of waiting for an intimation from you of the contemplated arrangements.

I have, &c.

STANLEY.

P.S.—Since writing the above Despatch, I have received your Despatch No. 21 of the 22nd of Feby. last, and I think it right to apprise you that there is nothing in that communication, which has altered my view of the question.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 158, per ship Hamlet.)

Sir,
Downing Street, 2nd August, 1842.

With reference to your Despatch No. 233 of the 18th December last, and to my reply, No. 138 of the 18th Ultimo, I transmit to you, herewith, a Supplementary Commission under
the Great Seal Empowering you to exercise the Royal Prerogative of Pardon in the case of Criminals who may hereafter be convicted of Treason and Wilful Murder.

I have, &c,

STANLEY.

[Enclosure.]

[A copy of this commission is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 138, per ship Honduras; acknowledged by lord Stanley, 15th February, 1843.)

My Lord,

Government House, 2nd Augt., 1842.

In my Despatch of the 1st Octt., 1841, No. 198, I informed Your Lordship of my intention speedily to reduce some of the Hospitals, which in this Colony have been established at different times for the Medical treatment of Convicts; and I have now further to report that the Hospitals at Goulburn and Windsor have accordingly been reduced, and the lands and buildings (subject to Your Lordship's approval) offered to the Inhabitants provided they will take into their own hands the management of the Hospitals, and conduct them on the principles on which similar establishments are generally conducted in England.

At Goulburn, a Committee of Management has been established; and I hope funds sufficient for the maintenance of the Hospital will be obtained; at Windsor, I regret to say that an equal degree of public spirit has not yet manifested itself.

I have further to report that Stores and Furniture have been delivered over with the Buildings at Goulburn, which according to the enclosed Return from the officers of Ordnance in this Colony, are valued at £22 17s. 7d.; also Surgical Instruments or Utensils, valued by the Deputy Inspector General of Hospitals at £91 14s. 11d.

These Stores, Utensils and Instruments are so essential to the Establishment, that I have not hesitated to promise that they shall be gratuitously given to the new Committee of management; as however they are the property of Her Majesty's Home and not of the Colonial Government, I propose to take a Vote from the Local Legislature for the two sums above mentioned, and pay them into the Military Chest, should Your Lordship consider it proper for payment to be demanded. I shall not however take any further steps in the matter, until I am honored with Your Lordship's commands.

I beg further to report that measures are now in progress for the reduction of the Hospital at Bathurst. I have, &c,

GEO. GIPPS.
[Enclosure.]

MEMO. of the Value of Bedsteads, Bedding and Stores, remaining at the Convict Hospital at Goulburn.

Estimated Value at Invoice prices $186 1 11

Proposed Reduction.

From use, 20 per cent. $37 4 4

Expense of removal to Sydney 7 dray loads at $18 126 0 0

$22 17 7

RICH'D. ROGERS, Storekeeper.

Office of Ordnance, Sydney, 26th May, 1842.

SIR GEORGE GIPPS.

(Despatch No. 159, per ship Hamlet.)

Sir, Downing Street, 3 August, 1842.

I have to acknowledge the receipt of your Despatch No. 168 of the 31st of August last, forwarding a Letter addressed to my Predecessor by the Reverend James Allan, late Presbyterian Minister of the Town of Parramatta, complaining of his Salary having been withheld by you in consequence of his being removed from his Cure by the Synod of New South Wales.

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 Colonial Committee of the Church of Scotland, from which you will perceive that the course adopted by you in this Case meets with the approval of Her Majesty's Government, and with the cordial concurrence of the Committee of the General Assembly.

I have, &c,

STANLEY.

[Enclosure No. 1.]

UNDER SECRETARY HOPE TO MR. W. YOUNG.

Sir, Downing Street, 28 April, 1842.

I am directed by Lord Stanley to transmit to you, to be laid before the Colonial Committee of the General Assembly of the Church of Scotland, the enclosed Copy of a Dispatch from the Governor of New South Wales, with a representation from the Revd. James Allan, late Presbyterian Minister of the Town of Parramatta.

The object of Mr. Allan's representation is to complaining of his Salary being withheld, in consequence of his having been removed from his cure by the Synod of New South Wales. It also appears that the Governor Sir G. Gipps, without assuming to judge the question of the legality or illegality of the proceedings of Synod in removing Mr. Allan, felt it necessary in this case to adhere to the general regulation founded on the Law of the Colony, which
provides that no Clergyman shall receive a Salary, unless the Head of the Church or Denomination, to which he belongs, shall sign a Certificate of his having properly performed his duties, and that he declined to pay any Salary to Mr. Allan, solely because the Moderator of the Synod would not certify in his favor.

Lord Stanley perceives that Mr. Allan was about to appeal to the General Assembly; but he thinks it right to forward the accompanying Dispatch for the consideration of the Committee. His Lordship would be glad to be favored with their judgment in the case, as between the conflicting claims of the two Ministers.

It appears to Lord Stanley that the Governor was right in the course which he took, and he wishes it to be clearly understood that only one Salary can be granted in this case.

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

[Enclosure No. 2.]

Mr. W. Young to Under Secretary Hope.

Sir Edinbro., 20th July, 1842.

I have been directed by the Colonial Committee of the General Assembly to transmit an Extract from their last Report submitted to and approved of by the General Assembly. This Extract contains the views of the Colonial Committee and of the General Assembly on the different documents transmitted by you on the 28th of April and 10th of June last.

I have, &c.,
WM. Young,
Secretary to the Colonial Committee.

P.S.—The documents transmitted on 10th June are herewith returned.

[Sub-enclosure.]

Extract from the Report of the General Assembly of the Church of Scotland’s Committee on Colonial Churches.

Your Committee are gratified to be able to report that the restoration of union in the Church of New South Wales has been followed by the revival of a spirit of zealous activity for the extension of the Church and the promotion of the important objects, to which it is the peculiar privilege and duty of a Church of Christ to attend, although some of the embers lighted during the former unhappy period of discord are as yet not wholly extinguished. To one subject of dispute the attention of the committee has been called by a Memorial, addressed to them by the trustees, and a large body of the Members of one of the Churches in the Colony, and by a reference from Her Majesty’s Secretary of State for the Colonies, in regard to the course adopted by the Governor of the Colony in the matter.

It appears that, during the late division in the Church, the separating Ministers established two of their number at two stations, Paramatta and Maitland, where Ministers in connection with the Presbytery of New South Wales had previously been settled, and were in possession of the usual allowances and accommodations provided by Government. The result was that, when the Presbytery and the separating Ministers were united and constituted into the present Synod of Australia, there were two Ministers and two Congregations respectively in each of these places, while the circumstances were not such as to warrant the continuance
of both, or to entitle both to the Government stipend. In these circumstances, the Synod of Australia adopted the resolution of removing all the four ministers to other and separate stations, in which of course they would all retain the Government stipends, and of allowing other Ministers to be called to the charge of the members of the Presbyterian Church at Paramatta and Maitland respectively. The Committee, not having the means of knowing minutely the whole circumstances in which this measure was adopted or might be justified, do not pronounce any opinion upon the merits of an Act, which was unquestionably within the province and competency of the Supreme Court of the Presbyterian Church of the Colony. Having been called upon, however, by Her Majesty’s Government to consider a question arising out of this Act of the Synod, they have given an opinion on that question, for the determination of which the materials before them were sufficient. One of the four Ministers referred to, the Revd. Mr. Allan of Paramatta, who was the Minister originally settled there by the Presbytery, has refused to submit to the sentence of the Synod in this matter, and has been supported in this course by, as the Committee are informed, the great of his Congregation. In consequence, the Moderator of the Synod has withheld the certificate to enable him to draw the Government stipend required by the recent Church Act of the Colony, which was lately allowed by Her Majesty’s Government, after communicating with the Committee, who expressed their approval of it. The Governor having thereupon withheld his salary, Mr. Allan remonstrated on the ground that, as he alleged, the Act of the Synod was contrary to the laws and constitution of the Church of Scotland. The Governor, as stated by him in a despatch to the Secretary for the Colonies, “declined to go into the question of the legality or illegality of the proceedings of the Synod in removing Mr. Allan, the Government neither exercising, nor claiming to exercise, any authority over the Synod in spiritual matters.” On this, Mr. Allan presented to the Governor, for transmission to the Secretary of State for the Colonies, a letter complaining of the conduct of the Governor, and praying his Lordship to overrule the Governor’s decision, and to confirm him in his salary, on the ground already noticed of the alleged illegality of the sentence of the Synod. This letter, with various accompanying documents and the Governor’s despatch, have been transmitted by Lord Stanley, Her Majesty’s Secretary of State, for the consideration of the Committee, accompanied by an expression of his Lordship’s own opinion “that the Governor was right in the course which he took.”

In accordance with the principles which regulated the conduct of the Committee during the recent disputes in the Church of the Colony, and which received the approbation of the assembly, they have on this occasion also done what lay in their power to support the authority and independence of the constituted Judicatory of the Colonial Church; and, irrespective of the merits of the question decided by the Synod, which is matter for the exclusive cognizance of that Judicatory, they have communicated to Her Majesty’s Secretary of State their cordial concurrence in the course adopted by the Governor, and approved of by his Lordship.

The Committee trust with confidence that their steady perseverance in the line of conduct, which has ever regulated their proceedings in regard to such matters, and which was attended with such
happy results on the occasion of the former resistance to the authority of the constituted Judicatory of the Church of this Colony, will meet, as it did before, the approbation of the General assembly; and they also fondly trust that Mr. Allan, receiving no countenance in his resistance to the authority of the supreme tribunal of the Church to which he belongs, will return to his obedience, and whatever may be his individual opinion as to the sentence pronounced by the synod, or his feelings as to the hardship which he may in consequence suffer, will cease to perpetuate discord, and give rise to schism by maintaining a position inconsistent with his duty as a Minister of the Church, and with his vows of submission to the ecclesiastical authority of the judicatures to which he is subject.

Extracted by WM. YOUNG, Secretary.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 160, per ship Hamlet.)

Sir,
Downing Street, 4th August, 1842.

I have received your Dispatch, No. 27 of the 7 of February last, enclosing a Copy of a Report, which had been made to you by Captain Maconochie of the progress of his System at Norfolk Island to the conclusion of the Year 1841, and of the prospects which he considered he had of the success of his system.

I should be most anxious that you should have an opportunity of satisfying yourself, as you proposed, by visiting Norfolk Island, in regard to the alleged defects and assumed merits of Captain Maconochie's system. The extreme doubt attaching to it, the long period which elapses between the receipt of Communications and the events to which they refer, and the inconvenience attending the disturbance of an experiment in progress on so large a scale, have made me hesitate in at once sending out to you any definite instructions on the subject, and have served to point out to me the necessity of relying very much on the judgment of local Authorities. I should place much greater confidence in the Reports, which I am led to expect from you after a personal inspection of the place than in those of Captain Maconochie, however faithfully he may endeavour to describe the operation of his system.

I concur with you in thinking that the objections to the simultaneous operation of two different systems in Norfolk Island are less than those which oppose themselves to the transfer of the doubly Convicted Prisoners to a new Establishment before any provision has been made for their ultimate disposal. That point, and indeed the whole question of Convict Discipline, will receive during the approaching recess the very serious consideration of myself and the Secretary of State for the Home Department.

I am, &c.,
STANLEY.
I have received your Despatch No. 28 of the 8 February last, in which you report on the subject of a complaint made to my Predecessor by the Revd. Dr. Polding that, at the demand of the Bishop of Australia, the Roman Catholic Community had been called on to surrender a portion of a Building in Sydney, which they had occupied for many years as a School House.

As far as I am able to form a judgment on the question from your Report, the Correspondence accompanying which is in rather an imperfect form, it appears to me that the arrangement, which you propose, is reasonable, altho' I am of opinion that the 1st January, 1844, instead of the 1st January, 1845, would be a sufficiently distant period to fix for the vacation of the Building by the Roman Catholics.

It appears to me also to be desirable to set at rest the question of Title to the Building so as to free the Local Government from any further difficulty, and this object might be the more easily effected, if a Grant were made from the local Treasury to the Roman Catholic Community towards the erection of a School House.

I have, &c,

STANLEY.

I transmit to you herewith Copies of a Correspondence with Mr. P. L. Campbell, relative to his Claim to leave of absence with Half the Salary of the Office of Police Magistrate at Parramatta; and I have to request that you will communicate to me such observations as you may have to make upon the subject.

I should have been glad to have been enabled to decide at once on the merits of this claim without the delay of a reference to the Colony.

I have, &c,

STANLEY.

My Lord,

Junior United Service Club, 11th July, 1842.

Having left Sydney with the permission of Sir George Gipps, in consequence of a protracted and very dangerous illness, I beg to report my arrival in England to your Lordship.
In reply to my application to the Governor for Leave from the office of Police Magistrate at Paramatta and visiting Justice of the Female Factory, with half Salary during my absence, The Colonial Secretary informed me "that His Excellency regretted very much, it was not in his power to grant me half salary during the period of my proposed absence, as Police Magistrates did not fall within the class of officers, to whom it was usual to give Extended Leave of absence."

Police Magistrates are not excluded from the advantages accorded to Civil Officers by the General Instructions of Her Majesty, and Mr. Bradley a Junior Clerk in a Public office, whom Sir George Gipps allowed to proceed to England, obtained half Salary under the direction of the Secretary of State, to whom the question was referred. I therefore requested His Excellency "to submit my case also to The Secretary of State and so enable me to obtain the decision of His Lordship on my arrival in London."

Presuming that Sir George Gipps has accordingly brought my case under your Lordship's notice, and taking into consideration that my health and constitution have yielded beneath a zealous discharge of Public duties abroad for thirteen years, I trust Your Lordship will allow my Leave to extend to May next, and direct the payment to me in London, of my Half Salary (£200 a year) from the 1st May, 1841, the date up to which I received any Salary in New South Wales.

I have, &c.,

P. LAURENZ CAMPBELL.

[Sub-enclosure.]

CERTIFICATE from the Medical Officers in New South Wales.

We, the undersigned, do hereby certify that P. Laurentz Campbell, Esquire, has been under our professional charge, in consequence of a severe and protracted affection of the Liver, from which his recovery has only been exceedingly partial, and accompanied by frequent and alarming relapses. We are now of opinion that it is indispensably necessary that he should without delay undertake a Sea voyage, in as much as we conceive that it will only be, by the joint influence of a change of Climate, an entire cessation from the discharge of all public duties, and a Sea voyage, that his recovery can with any degree of certainty be calculated upon.

CHARLES NICHOLSON, M.D.
Sydney, 3rd May, 1841.

JOHN DOBIE, Surgeon, Royal Navy.

CERTIFICATE from the Medical Officers at the Cape of Good Hope.

We, the undersigned, do hereby certify that P. Laurentz Campbell, Esqr., has been under our professional charge for the last three months, during which period he has suffered from functional derangement of the Liver and Severe spasmodic affection. He has not benefitted at all by his stay at the Cape, and his relapses are now becoming more frequent, accompanied by increasing Emaciation and debility. Under these circumstances, we are decidedly of opinion, that an immediate removal to England is indispensable for the restoration of his health.

JOHN FORREST, M.D., Surgeon, 75th Regt.
Cape Town, 6th April, 1842.

A. BICKERTON, Colonial Surgeon.

[Enclosure No. 2.]

UNDER SECRETARY HOPE TO MR. P. L. CAMPBELL.

Sir,

Downing Street, 15 July, 1842.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 11th Instant reporting your arrival on Leave of Absence from your office of Police Magistrate at Parramatta, New South Wales, and stating that, before quitting the Colony.
274.

1842. 5 Aug.

Inability to grant request.

Lord Stanley desires me to acquaint you, in reply, that no Report on the subject has as yet been received from Sir George Gipps and that, in the absence of such a report, it will not be in his Lordship's power to authorize the issue to you of the Half Salary, or to Grant the Extension of Leave, for which you apply.

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

[Enclosure No. 3.]

MR. P. L. CAMPBELL TO LORD STANLEY.

My Lord, Junior United Service Club, 23rd July, 1842.

I have had the honor to receive a Letter from Mr. Hope, informing me that your Lordship could not authorize the issue of Half Salary to me, no report of my permission to leave Sydney having been received from Sir George Gipps; fully satisfied that such report had been transmitted, I endeavoured to trespass as little as possible on Your Lordship's time, and therefore in my last communication I entered but briefly on the subject.

The Printed Instructions give the Governors the power of granting leave to any of the Officers of their Government, the only class of Persons about whom there is any qualification are the Clergy. Sir George Gipps, however, did not think proper to establish a precedent in the case of Police Magistrates, and therefore declined granting me formal leave with Half Salary, but informed me that I should stand in the position I had done since I ceased to act as Police Magistrate (while acting Colonial Treasurer), retaining my claim to re-enter on my functions whenever my health permitted me to do so. And, as I find that Sir George Gipps has not addressed Your Lordship, I think it right to apprise you that the Person, at present acting in my office, is in receipt of the full salary thereof, although I offered to provide a perfectly Eligible Substitute to act for me on the usual moiety.

The Instructions of Lord Bathurst set forth that all communications to the Secretary of State are to be transmitted through the Governor; but, should he not forward them, they are to be made direct for the Secretary of State's decision. Your Lordship will perceive that I distinctly requested Sir George Gipps to forward my case in the usual manner; and, as he has failed to do so, I can only appeal to Your Lordship's sense of Justice, whether I have not done all in my power to bring this matter properly under Your Lordship's notice.

I do not at all wish to conceal from your Lordship, that I am not on terms of friendship* with Sir George Gipps, although that cannot affect the question of a Police Magistrate's claims to enjoy equal privileges with other officers of the Service to which he belongs; and I cannot conceive, however unfavorably His Excellency may have thought proper to look upon me, that he would intentionally adopt so indirect a mode of inflicting an injury, as that of withholding his report with a view to exclude me from the benefit of your Lordship's decision.

* Note 18.
I admit my Lord that my case is a novel one, and that your Lordship may naturally look for some proof of my having left the Colony without having forfeited my claim to consideration as a Civil Officer; and I confess that I must have embarked even had Sir George Gipps refused to sanction my departure; but, suppose for a moment that I had so left the Colony, I still retained my right to appeal to Your Lordship's ultimate decision, and it was therefore equally the duty of the Governor, especially as I had requested a reference to Your Lordship, long ere this to have forwarded all the Papers for your consideration.

I can only repeat that the Grounds, upon which His Excellency founded his refusal, were those which I have stated, and which I answered at the time in the following terms:—

"Upon what grounds, it has been determined that Police Magistrates are not of the class of officers, to whom shall be extended the General Regulations of the Service, with regard to leave of Absence, I am altogether unaware, but I beg to submit that to exclude them from the right of claiming it is to degrade them below the level to which they are entitled by their position in Society, and which the Interests of the Service and of the Public indispensably require them to retain.

"If it be that Police Magistrates are commonly appointed in the Colony and are therefore supposed to have less occasion to leave it than officers sent out from England, I would beg to point out that, even if this be a sufficient reason, when leave is requested on account of Private affairs, it is totally inapplicable in the case of ill health; and, with regard to myself, I beg to state that I was removed to a Regiment for the purpose of joining Sir Richard Bourke in New South Wales; that on my arrival I was appointed to the Staff, my duties being however purely of a Civil character and in the service of the Colony; had I retained that appointment, I should have returned with His Excellency to England at the expense of the Public; and, when I accepted at his hands the office of Police Magistrate, I certainly had no reason to believe that I was considered as thereby forfeiting any privilege which I had previously enjoyed, or as lowering myself in any way in the Queen's Service.

"It is scarcely necessary to detail the numerous instances of persons not strictly in the Civil service, obtaining leave of absence with Half Salary from the Colony; at that moment Dr. Polding and Dr. Uillathorne (Roman Catholic Clergymen) and Mr. Keane (of the Church of England) were also absent. The Revd. Dr. Lang had been granted leave three several times, although he failed to obtain Salary more than twice. There were many instances also in the case of Government Surveyors, and Mr. Bradley, a Clerk in the Supreme Court Office, was allowed by Sir George Gipps to proceed to England, and obtained his Half Salary under the personal Sanction of the Secretary of State, to whom the question was referred.

"These several representations and precedents will, I trust, be deemed by His Excellency sufficient to justify his so far reconsidering the claims of the Police Magistrates, as to submit my case and the papers connected with it to the Right Honble. the Secretary of State for the Colonies, and so enable me to obtain the decision of His Lordship without further reference to this Colony on my arrival in London."
As the matter now stands, I can only entreat your Lordship to consider and decide upon my case upon its own merits, which after a perusal of my Medical Certificates will reduce itself simply to this:

That I as an officer in the Army relinquished my profession for the Civil Service of a Colony, having served that Colony with zeal and (as the accompanying testimonials will shew) with credit for upwards of seven years; my constitution became so impaired that my only alternative was to forfeit my life or to proceed to Sea, and with the sanction of the Governor I adopted the former course.

Under these circumstances, and considering the enormous expense which I have necessarily incurred, I sincerely trust that Your Lordship will be pleased to order the issue to me of my Half Salary, from May, 1841, until May, 1843.

P. LAURENTZ CAMPBELL.
Lord Stanley gathers, from the correspondence now before him, that Sir George Gipps had refused your application for formal leave of absence with half salary, on the ground that such application was opposed to the principle on which stipendiary magistrates hold their offices in the Colony, and had appointed another Gentleman to perform the duties of your Office on full Salary. Lord Stanley cannot admit the claim, which you advance, to be allowed to provide what you considered a perfectly eligible substitute to act for you during your absence on half the Salary of the Office; nor can the Public be called on to pay two officers at the same time on account of one Service.

I have, &c.

JAMES STEPHEN.

Lord Stanley to Sir George Gipps.
(Despatch No. 163, per ship Hamlet.)

Sir,
Downing Street, 5 August, 1842.

On the receipt of your Despatch No. 9 of the 20th of January last, reporting the reasons which had induced you to defer the repayment into the Military Chest of New South Wales of the sum of £5,000 advanced by the Board of Treasury to the Agent on account of that Colony, I called upon Mr. Barnard to state the circumstances under which that advance was applied for, and I transmit to you, herewith, a copy of the reply which has been received from that Officer. I have also been in communication with the Lords Commissioners of the Treasury on this subject.

In the explanation of the grounds upon which you had deferred the repayment, it would appear that you consider that the Advance in question, and the order for the repayment thereof in the Colony were made on the sole authority of the Agent General.

As however the fact of the advance was communicated to you by the Secretary of State, with Instructions to repay the amount to the Commissariat Chest, you were not in any respect justified in deferring the repayment thereof, whatever explanations on the subject you might have thought it necessary to require from the Agent General for the Colony.

The Advances to the Colonial Agent from Funds in this Country are made for the convenience of the Colony, and to save it from the expense which would attend the previous transmission of the necessary Funds from New South Wales; and Her Majesty's Government cannot consent to continue that accommodation except upon the condition of the prompt repayment in the Colony of every advance, as soon as it is reported.

In reference to the observations contained in your despatch, it is necessary that you should be apprized that due precautions...
are taken by the Lords Commissioners of Audit to ascertain the state of the Balances in the Agent's hands, before any advance is made to him on account of the Colony, and the Balances of the payments made to him on account of Land orders on the Colony, issued by the Land and Emigration Commissioners, are invested in Exchequer Bills under their Lordships' orders until required for Emigration Expenditure; and, as Sums derived from that Source are applicable to Emigration Expenditure only, the Agent General is precluded by his Instructions from applying the same to the general purposes of the Colony without specific authority from Her Majesty's Government.

You will consider the foregoing observations as equally applicable to the omission on your part to direct the repayment of the further advance of Five thousand pounds which was notified to you by my Predecessor on the 16th September last, and which appears to have been likewise withheld on the ground of want of some further information respecting the Application of the money by the Agent General of the Colony. I have, &c.,

STANLEY.

[Enclosure.]

MR. E. BARNARD TO UNDER SECRETARY STEPHEN.

Sir.

5 Cannon Row. 11 July, 1842.

I have the honor to acknowledge the receipt of your letter of the 1st instant, transmitting to me the Copy of a Despatch from the Governor of New South Wales, and requesting me to report to Lord Stanley the circumstances under which the advance of Five thousand Pounds, issued to me by the Board of Treasury in the month of May, 1841, was applied for the service of that Government.

In reply I transmit herewith the Copy of the letter which I addressed to the Secretary to the Board of Treasury, sending a statement of the services for which this advance was required; and, with reference to the part of Sir George Gipps' Despatch which refers to the circumstances of the advance having been applied for, when I had in my hands a larger sum on account of the Land and Emigration Commissioners. I beg to enclose the copy of a letter which I addressed to Mr. Trevelyan, suggesting that it would be much more convenient to apply the Balance in hand on account of the Sales of Land to the general purposes of the Colony; and I also transmit a copy of Mr. Trevelyan's reply, stating that their Lordships could not concur in my suggestion.

I have, &c.,

EDWD. BARNARD.

[Sub-enclosure No. 1.]

MR. E. BARNARD TO MR. C. E. TREVELYAN.

Sir,

No. 2 Parliament St., 18 May, 1841.

Referring to my letter to you of the 1st Aug., last, I have the honor to transmit to you, for the information of the Lords Comrs. of Her Majesty's Treasury, a statement shewing that the sum of Ten thousand Pounds is required on account of the current services of the Government of New South Wales.

I have, &c.,

EDWD. BARNARD.
You will perceive that my account with the Colonial Government is now over-paid £5,260. This arises principally from advances made by me for Emigration services, for which I did not think it necessary to apply to the Treasury, as I had a considerable balance in my hands arising from deposits made here on account of the purchase of Land, under the regulations of the Land and Emigration Commissioners.

I have now an apparent balance on the Emigration account of £7,612, but from which the overpayment for New South Wales must be deducted; and, as various claims on the Colony remain unliquidated, I have to request that you will move the Lords Commissioners of Her Majesty's Treasury to give directions that a Warrant be prepared for the issue to me of the sum of £10,000, and that I may be allowed to receive immediately £5,000 on account, and the remaining £5,000 at a future period whenever the same may be required.

EDWD. BARNARD.

[Annexure.]

STATEMENT of New South Wales Agency.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance overpaid 31 Dec., 1840</td>
<td>£1,465</td>
</tr>
<tr>
<td>Advanced for Emigration Services</td>
<td>£4,620</td>
</tr>
<tr>
<td>Paid between 1 Jan. and 13 May. 1841</td>
<td>655</td>
</tr>
<tr>
<td>Deduct—</td>
<td></td>
</tr>
<tr>
<td>Incidental receipt</td>
<td>25</td>
</tr>
<tr>
<td>Balance overpaid</td>
<td>£5,260</td>
</tr>
</tbody>
</table>

Estimate of Payments to be made.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationery Office, for Stationery furnished in the Decr. Quarter, 1839</td>
<td>£324</td>
</tr>
<tr>
<td>Ordnance Department for Clothing and Accoutrements furnished for the Mounted and Border Police for the year ending 31 March, 1840</td>
<td>675</td>
</tr>
<tr>
<td>Ditto for Railway Bars, etc., furnished in 1839 for the use of the Colonial Works</td>
<td>1,367</td>
</tr>
<tr>
<td>Pensions and Salaries</td>
<td>1,000</td>
</tr>
<tr>
<td>Incidental Payments, etc.</td>
<td>1,374</td>
</tr>
<tr>
<td>Balance to be provided</td>
<td>£4,740</td>
</tr>
</tbody>
</table>

Balance to be provided for £10,000

Note.—The balance in hand on account of other Colonies are as follows:

<table>
<thead>
<tr>
<th>Colony</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape of Good Hope</td>
<td>£278</td>
</tr>
<tr>
<td>Malta</td>
<td>791</td>
</tr>
<tr>
<td>St. Helena</td>
<td>75</td>
</tr>
<tr>
<td>Swan River</td>
<td>439</td>
</tr>
<tr>
<td>which balances do not exceed the amount which will be required for the current services of the respective Colonies.</td>
<td></td>
</tr>
</tbody>
</table>

EDWARD BARNARD, Agent Genl. for Crown Colonies.

No. 2 Parliament St., 18 May, 1841.

[Sub-enclosure No. 2.]

MR. E. BARNARD TO MR. C. E. TREVELYAN.

Sir,

I have the honor to transmit to you herewith the copy of a letter, which I have received from the Secretary to the Colonial Land and Emigration Comms., enclosing an extract of a letter from the Secretary to the Comms. for auditing the Public Accounts, expressing an opinion that all balances of the deposits for the purchase of Land not required for the estimated exigencies of the service should be immediately invested in Exchequer Bills, and acquainting me that it is the intention of the Commissioners in future to issue their Warrant for investment immediately on receiving my notification of the deposit of any money; and Mr. Walcott at the same time transmit to me a Warrant for the purpose of such an amount of Exchequer Bills as, at the present rate of Premium, I may be able to purchase with the balance now in my hands, amounting to the sum of £9,192 9s. 4d.

In submitting these letters for the information of the Lords Commissioners of Her Majesty's Treasury, it is necessary that you should be apprised that the balance in my hands on this account is not sufficient to enable me to comply with...
this Instruction; for, advances having been made from the Funds of New South Wales on account of Emigration services during the years 1840 and 1841 to the extent of £4,415, to which must be added £850, being the amount of a Warrant which I have this day received for the payment of that sum to Mr. Walcott, a further advance from the funds of New S. Wales, the account of that Colony will be overpaid, if this money is to be invested, as proposed by the Commrs. of Land and Emigration, and I shall not have any funds to defray the current claims on the Colony.

I would also beg to suggest to you that, until the Balance in hand on account of the Sales of Land is required to defray the passage of Emigrants to New South Wales, it would be much more convenient to apply the amount to the general purposes of the Colony, as well as to Emigration services, instead of making frequent Requisitions for advances from the Lords Commissrs. of the Treasury; and, with reference to the concluding Instruction in Mr. Walcott's letter that every payment made to me is to be immediately invested in Exchequer Bills, and that sales are to be made to meet each demand which the Commissrs. of Land and Emigration may make upon me by their Warrants, that such a course would be attended with great obstruction to the Business of the Office without any apparent corresponding advantage.

I have therefore the honor to request that you will lay this letter before the Lords Commissioners of Her Majesty's Treasury, for their Lordships' consideration and decision.

I have, &c.,
E. BARNARD.

[Sub-enclosure No. 3.]

MR. C. E. TREVELYAN TO MR. E. BARNARD.

Sir, Treasury Chambers, 13 August, 1841.

With reference to your letter of the 26th June last relative to the investment of the balances of deposits for the purchase of Land in the Colonies, I have it in command from the Lords Commissrs. of Her Majesty's Treasury to acquaint you that, having communicated with the Commissrs. of Audit and the Land and Emigration Commissrs. on the subject, my Lords are of opinion that, with regard to the investment in Exchequer Bills of the balances now in your hands of the Deposits for the purchase of Land, the amount of the advances from the general Funds of New South Wales should be repaid, and therefore be deducted from the amount of the Balances before any such investment be made.

Their Lordships cannot concur in your suggestion that the Money deposited for the sale of Land should be used for the general purposes of the Colony, until it may be wanted to defray the passage of Emigrants; but, in order to obviate the inconvenience which you anticipate, as the consequence of the immediate investment of every payment made to you on account of deposits for the purchase of Land and the sales of Exchequer Bills, on the occasion of every demand which the Commissrs. may have to make upon you, their Lordships have instructed the Commrs. to leave a Cash Balance in your hands equivalent to the probable amount of Emigration expenditure for a period of from three to six months, and to direct the investment of the Balance only which may remain after providing for such Expenditure.

I have, &c.,
C. E. TREVELYAN.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 164, per ship Hamlet.)

Sir,
Downing Street, 5th August, 1842.

I have received your Despatch of the 20th August last No. 164, in which you forward the report of the Committee of the Legislative Council of New South Wales on Immigration for the year 1841.

Having communicated that Despatch and its Enclosure to the Colonial Land and Emigration Commissioners, I transmit to you herewith, for your information, a Copy of the observations which they have furnished on the subject of it.
STANLEY TO GIPPS.

193

The general question of the Funds available for Emigration has been fully adverted to in my recent Communications, and I do not perceive that your Despatch, now under acknowledgment, requires any further special observations.

I have however to acquaint you that, if the present opportunity should be taken of selling the Land in the Neighbourhood of the late Convict Settlement of Moreton Bay, Her Majesty’s Government are prepared to sanction a simultaneous Sale of the large quantity of Stock belonging to the Government, which is pastured in that Neighbourhood. The proceeds of that Sale would of course be carried to the Credit of the Military Chest.

I have, &c.,

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir, 9 Park St., Westminster, 7 May, 1842.

With reference to your Letter of the 20th Utto. enclosing a copy of the Report of the Committee of Legislative Council of New South Wales on Immigration for the year 1841, we have the honor to state for Lord Stanley’s information that we have duly perused and considered the contents of this Document.

We do not find that there are at the present moment any practical questions on which it is necessary that we should submit any remarks to Lord Stanley with reference to this Report. We will merely state in general terms that, with regard to the mode in which Emigrants should be sent out by the aid of Public funds, we entirely agree with the Council in thinking that the sole object to be arrived at is the promotion of that method or of that Combination of methods, which may be found most conducive on the whole to the welfare of the Emigrants and of the Colony.

In regard to the kind of persons who may be with benefit admitted into the number of free Emigrants, we shall not fail to bear in mind, on any future occasion in which we may have to act upon the subject, the additional information supplied by the Committee of Council in their present report.

Upon the important question of encouraging the Immigration of Hill Coolies, it has been very gratifying to us to observe the firm, and as we believe the sound conclusion of the Committee, notwithstanding the force of the temporary motives that might have been felt to expend upon this object some part of the Public Funds available for obtaining a supply of Labor.

With reference to the nature and the extent of our Superintendence of the Emigration upon Bounty, we have had much pleasure in perceiving that our course of action has accorded with the opinions expressed by the Committee. A right was reserved to our Board of ascertaining that persons going out by the aid of Public Funds were not induced to Emigrate by misrepresentations; and we made use of the power to prevent the circulation on behalf of any one Colony of tracts or advertisments containing passages in

1842.
5 Aug.

Proposed sale of live stock at Moreton bay.

Objects of free immigration.

Approval of objections to Indian coolies.

Supervision of emigration on bounty.
disparagement of others; but we in no case caused the institution of inquiries among individual Emigrants in the nature of those, which the Committee of Council justly point out would be so little suited to practical purposes, and might be attended with so much inconvenience. We have never interfered with applicants for a free Passage upon the ground of personal unfitness under the Colonial Regulations, but we think it desirable that the Certificates to the character of the Emigrants, and to the correctness of the Statements which they make respecting themselves, should continue to be examined at this Office, first, because we have means of examining into their authenticity, which could not be possessed by a Board sitting in the Colony, and next because experience has proved that our Inspection is useful in detecting forgeries. No evils on the other hand, so far as we are aware, have resulted from these Documents being submitted to us. Amongst the 18,000 Emigrants who left the United Kingdom last year under our general supervision, whilst there are several cases in which we have the satisfaction of believing that we interposed with advantage to the Passengers, and to the place for which they were destined, we are not aware of one instance in which a complaint was preferred of our having interfered unduly or with harshness; nor can we call to mind any case in which it could be alleged that the interference was to the detriment of the Colony to which the Emigrants were going.

We have only to add, with reference to the concluding passage of the Committee's report, that the question of the Religious Creed of intending Emigrants is one which is never raised at Our Board; and that we fear that the Ports of the United Kingdom, which the Committee indicate as desirable Ports of Embarkation, would not be found well suited to the filling up and despatching of large Emigrant Ships. But, as the question does not at the present time arise in a practical form, it would probably be superfluous that we should enter into any detailed explanation of the subject in this Communication.

We ought not perhaps to conclude, without drawing your attention to the Circumstance, that, in his Despatch enclosing the Report, Sir Geo. Gipps again adverts to the question of the repayment of the advances made from New South Wales to the Colonies of New Zealand and South Australia, and also expresses his hope that, in the event of any actual deficiency, he may be allowed to look for relief to the Military Chest.

In answer to Sir George Gipps's request for information on the Sales effected by this Board, we have the honor to state that the former enquiry, to which Sir Geo. Gipps refers, was not forwarded to our Board. The Agent of the Colony in London has been cognizant of any Sales that were made, and Returns of them were sent to Mr. La Trobe at Port Phillip, in which District the Lands sold have been almost exclusively situated. We now beg to transmit, for the Governor's information, a return of all Sales from the beginning. The Public has not shewn much disposition to effect purchases in this Country of Colonial Lands; but, at any time at which further Sales may take place, we shall not fail to take measures for duly apprising the Colonial Government.

We have, &c.,

T. FREDK. ELLIOT.
EDWD. E. VILLIERS.
GIPPS TO STANLEY.

[Sub-enclosure.]

RETURN shewing the quantity of Land in New South Wales, for the purchase of which money has been deposited to the Account of the Colonial Land and Emigration Commissioners in England, with the date of Deposit, the name of the purchasers, the price per Acre, the District in which such Lands were situated and the total amount realized.

<table>
<thead>
<tr>
<th>Date</th>
<th>Name of Purchaser</th>
<th>District</th>
<th>No. of Acres</th>
<th>Price per Acre</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840</td>
<td>Barker</td>
<td>Pt. Phillip</td>
<td>5,120</td>
<td>£1</td>
<td>5,120</td>
</tr>
<tr>
<td>April</td>
<td>Child</td>
<td>N. S. Wales</td>
<td>640</td>
<td>1</td>
<td>640</td>
</tr>
<tr>
<td>May</td>
<td>Dendy</td>
<td>Pt. Phillip</td>
<td>640</td>
<td>1</td>
<td>640</td>
</tr>
<tr>
<td>Sept.</td>
<td>Cross</td>
<td>do</td>
<td>640</td>
<td>1</td>
<td>640</td>
</tr>
<tr>
<td>1841</td>
<td>Wood</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
<tr>
<td>Oct.</td>
<td>Officer</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
<tr>
<td>Nov.</td>
<td>Mackenzie</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
<tr>
<td>Jan.</td>
<td>Bunbury</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
<tr>
<td>Feb.</td>
<td>Goldsmith</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
<tr>
<td>April</td>
<td>Lindsay</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
<tr>
<td>May</td>
<td>Payns</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
<tr>
<td>June</td>
<td>Campion</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
<tr>
<td>Dec.</td>
<td>Spencer</td>
<td>do</td>
<td>320</td>
<td>1</td>
<td>320</td>
</tr>
</tbody>
</table>

Total amount realized £9,760.

Total number of acres 8,960, exclusive of the number purchased by Mr. Barker, Mr. Child, and Mr. Spencer, after their arrival by virtue of their respective Deposits.

SIR GEORGE GIPPS TO LORD STANLEY.

(My Lord, Government House, 5th Augt., 1842.)

With reference to Lord J. Russell’s Despatch, No. 312 of the 21st July, 1841, and the prior correspondence which had taken place on the subject of the proposed incorporation of the Towns of Sydney and Melbourne, I have the honor to report to Your Lordship that the Corporation Bill of Sydney passed on the 20th ulto., though,not without considerable opposition. The Bill to incorporate the Town of Melbourne has also been read a second time, and will pass without further difficulty.

I regret however to say that the Bill, which I introduced for the purpose of providing by local assessments for a portion of the expenses of Police and Public Works in each District of the Colony, was thrown out on the second reading.

The Corporation Acts will shortly be forwarded by me in the usual manner for the gracious allowance of Her Majesty.

I have, &c.,

GEO. GIPPS.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 140, per ship Honduras.)

My Lord,
Government House, 8th August, 1842.

I have the honor to forward herewith a Copy of the Estimates for the year 1843, which I presented on the 26th Ulto. to the Legislative Council of this Colony, together with a Copy of the Financial Minute which accompanied them.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 165, per ship Hamlet; acknowledged by Sir George Gipps, 27th January, 1843.)

Sir, Downing Street, 10 August, 1842.

I have received your Despatch No. 208 of the 15th of October, 1841, with the estimates of Revenue and Expenditure of New South Wales for the year 1842, and a Copy of the annual Act for the appropriation of the Local Revenue. Her Majesty has been pleased to allow and confirm that Act.

I have also received your Despatch No. 159, 20 Augt., 1841, in which you report that, on the passing of the Estimates, a Motion was made by one of the unofficial Members of the Council, Mr. James MacArthur, for reducing the items for Police and Gaols by one half of the proposed amount, but that the Motion was lost on a Division; of the Unofficial Members, five having voted in favor of the Motion and two against it.

With reference to that Point, I have to observe that, in the event of the Council withholding the necessary appropriation from the General Revenue Fund for defraying the charge of the Police, or of any other Local Establishment, the only alternatives open to you, until the new Act shall come into full operation, would be either the immediate reduction of the Establishment unprotected for, or, should the Service be one of emergency, the appropriation to the purpose, subject to the subsequent approval of Her Majesty's Government, of a portion of the Crown Land Fund which might otherwise be applicable to the promotion of Immigration or remain at the disposal of the Legislative Authority in aid of the General Revenue.

Under the head of Pensions, there is a new charge of £200 a year to Mr. Nicholson on his retiring from the office of Harbour Master at Sydney; the arrangement under which that Pension has been assigned to Mr. Nicholson arises in some degree out of the appointment of a Water Police Magistrate under a recent Act of the Local Legislature.
GIPPS TO STANLEY.

That Act is still under the consideration of the Lords of the Committee of Privy Council for Trade to whom it was referred, and, when I shall have received their Lordships' opinion in regard to the general provisions of the Act, shall be better prepared to address you further on the subject of the appointment created by it, and the arrangement under which Mr. Nicholson retired from the service.

In the meantime however, Her Majesty's Government consider the exercise by Colonial Governments of any discretionary power in granting Pensions or Allowances to Parties retiring from Office, without the specific control and sanction of the superior authority in this Country, to be liable to much objection; and it must be understood that the Allowance of the Appropriation Act does not imply confirmation of the Grant to Mr. Nicholson. You will also furnish in the usual form more explicit information as to Mr. Nicholson's Age, his Services under the Colonial Government, and his incapacity for further employment, than is afforded by your Dispatch, or the accompanying Certificate.

Her Majesty's Government do not object to the appropriation of the proceeds of Land Sales or of the other Branches of the Crown Revenue, subject of course to the provisions of the New Land Bill, in the manner proposed in your Minute to the Legislative Council of 6th July; and, adverting to the remarks in that Minute regarding the Expenditure for the Post Office, I would observe that the privilege of Official Franking should be strictly confined to Communications on the Public Service, and that a Penalty should attach to any infraction of such regulation, as may be laid down in that respect.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 11th Augt., 1842.

I have the honor to receive Your Lordship's Dispatch No. 66 of the 21st Feb., 1842, enclosing the Copy of one from the Governor of South Australia representing to your Lordship the hostile attitude which had been assumed by the Aborigines in the Neighbourhood of the Murray River about a year ago, and proposing that, in order to guard against a recurrence of acts of outrage and Murder on the line of Communication between Adelaide and Sydney, measures should be taken by the respective Governors of New South Wales and South Australia, to prevent the passage of any parties from one Colony to the other, except under a competent escort to be provided by the Government, but paid for by the parties escorted.
Having been called upon by Your Lordship to express my opinion of the proposal thus made by the Governor of South Australia, I feel bound to state to Your Lordship that, though I entirely concur with the Governor of South Australia in thinking it to be the duty of the Governors of all Her Majesty's Australian Colonies to repress, to the utmost extent of their power, any hostile aggressions either by or on the Aborigines, I can see no reason why this should be done more in one part of this Colony than in another, or upon one line of communication rather than upon all. It certainly happened that, in the course of the year 1841, the collisions near the Murray River were more serious than in any other part of either this Colony or South Australia; but their sanguinary nature was I believe rather to be attributed to accidental than permanent causes; and, in the history of New South Wales, it has rarely happened for any one District to remain in a troubled state a considerable length of time.

It certainly does not appear to me that the intervention of any superior authority is more necessary in respect to the communication between South Australia and New South Wales, than to those between many of the Districts lying wholly within the Territory of New South Wales, as for instance between the Districts on Rivers falling into the Darling (and ultimately into the Murray), and the Districts of the River Clarence or Moreton Bay, between any of the same Districts and the Country of Corner Inlet, otherwise called Gipps' Land, or even between Sydney and Port Phillip. A reference to my Despatches of the year 1838, and especially to the one marked in the margin,* will shew that the Port Phillip Road was, for the first two years after it was opened, extremely unsafe, and that some sanguinary collisions took place on it; but Posts, with Mounted Policemen, having been established at intervals along the road, travelling thenceforth became perfectly safe; and, during the last three years, no aggressions of a serious nature have been committed.

Any general regulation, forbidding persons to move Sheep or Cattle from one part of this Colony to another, without being provided with an escort from Government, would be felt, I can have no hesitation in saying, as a grievous hardship; and it would have, I fear, a very bad effect in leading people habitually to disregard the regulations of Government or even the Law itself.

The necessity of moving Sheep or Cattle (on account of Drought or want of Pasturage) is often most urgent; and, even within the last twelve months, very extensive losses have been sustained in the District of Liverpool Plains (North West of Sydney) from the inability of parties to remove their Stock in

* Marginal note.—No. 115, 21st July, 1838.
GIPPS TO STANLEY.

1842.

Not less than ten thousand head of horned cattle and thirty thousand sheep are supposed to have perished in this District; yet, so great is the abundance of stock in the Colony, that these losses have only been felt as individual calamities.

I consider it to be quite within my own power to issue an Order, such as Governor Grey did in July, 1841, forbidding communication on any particular line of road except under escort; and, if occasion required it, I should not hesitate to issue such an order, in the same way as I have issued orders that no Squatters shall be Licenced, or allowed to occupy stations, beyond the limits of protection; such special orders can be enforced, whilst general measures prohibiting the removal of cattle could not.

In the course of the year 1841, it was suggested to me by Governor Grey that I should issue an official Notice, informing the Public of the disasters which had befallen some of the parties, travelling overland from New South Wales to South Australia, and warning them that they should not in future attempt to pass from one Colony to the other without being well armed; such notices however it did not seem to me expedient to issue, first, because full information respecting the conflicts on the Murray had already been given to the Public through the ordinary channels of information, and secondly, because I could not but apprehend that any invitation to parties to arm themselves, proceeding from me, would have been construed into a general permission to take the business of defending, and of avenging themselves too, into their own hands.

I have, &c,
GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 142, per ship Honduras.)

My Lord,
Government House, 15th August, 1842.

With reference to my Despatch respecting Norfolk Island of the 26th May last, No. 97, and especially to the latter part of it, and to the enclosure No. 9, which accompanied it, I have been requested by Captn. Maconochie to transmit the enclosed Paper to your Lordship.

The enclosure No. 9, above alluded to, was a Memorandum from Captn. Maconochie of the establishment which he thinks will be necessary, whenever he may be fully authorized to carry out his own system at Norfolk Island; and the object of the Paper, which I now forward at his request, is to combat the opinion expressed by me, equally to Captn. Maconochie and to your Lordship, that the additions and alterations, which he
proposes, would, exclusive of the charge of maintaining the Convicts, increase the expenditure of the Island by a sum which may be roughly estimated at from £12,000 to £17,000 per annum.

I regret to be forced to state that Captn. Maconochie's Paper has not had the effect of altering the opinions which I previously expressed, nor has it worked any greater conviction on the Deputy Commissary General. Having submitted it to the perusal of that Officer, I have received from him a communication on the subject of it, of which I enclose a Copy. I have, &c.

GEO. GIPPS.

[Enclosures.]

[Copies of these papers, dated 20th June and 26th July, 1842, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 143, per ship Honduras.)

My Lord, Government House, 15th Augt., 1842.

I have the honor to report to Your Lordship that the last arrival from Norfolk Island brought to me official accounts of a desperate attempt made by a party of Prisoners at that Island to capture the Brig "Governor Phillip," the vessel which is employed in keeping up the ordinary communication between the Settlement and Sydney.

There being, as Your Lordship is aware, no harbour at Norfolk Island, vessels, when discharging cargo there, are generally obliged to "lie off and on," as sailors term it, during the night; and the "Governor Phillip" had thus laid off and on, during the whole night between the 20th and the 21st June last, the following being the number of persons then on board:—

The Master and a full crew of Petty Officers and Sailors, in all eighteen persons; A Guard of the 96th Regt. consisting of a Serjeant, a Corporal, and nine men, all fully armed;

And a Party of twelve Prisoners, who had been put on board to assist in unloading the Brig.

Not long after daylight on the morning of the 21st June, the 12 Prisoners, being on deck in a body and preparing to go to work, suddenly turned on the Sentries, pinioned them, and threw them overboard, at the same time severely wounding the Serjeant, and knocking him, as well as another Soldier, into the hold of the vessel. The Mutineers then remained in possession of the Deck for nearly half an hour; but, a charge being made from below, the vessel was recovered, though not until five of the Mutineers had been killed and two wounded, one soldier drowned, and the Serjeant and Corporal each severely wounded.
GIPPS TO STANLEY.

It is perhaps scarcely possible to acquit the Guard of some want of proper precaution; but, when the unexpected nature and extreme audacity of the attempt are considered, the Brig being within sight of and indeed close to the Island, I cannot pronounce any severe censure upon them; and, after recovering from their surprise, the conduct of all, Soldiers as well as Captain and Crew, was such as to merit my entire approbation.

The seven surviving Mutineers are in custody, and will be brought to Sydney to be tried. It was my desire to have sent a special Commission to try them at Norfolk Island under the provisions of the 4th and 5th Wm. IV, C. 65, and the Local Act,* 5th Wm. IV, No. 23; but I regret to say, I could not find a competent person to act at the head of the Commission.

It was certified to me by the Chief Justice that the State of business in the Supreme Court rendered it impossible for any of the three Judges to undertake the duty; and, though under the provisions of the Acts above mentioned, I might have appointed a temporary Judge (being a Barrister of three years standing), I could not find any person to undertake the office, whom I considered properly qualified for it.

A Copy of the official Account of this daring attempt, made to me by Captn. Maconochie, is transmitted herewith; and it is right for me to point out to Your Lordship that all the Prisoners, engaged in it, belonged to the old, or doubly convicted establishment of the Island, there being none of Captn. Maconochie's own establishment concerned in it.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 23rd June, 1842, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 144, per ship Honduras.)

My Lord,

Government House, 15th Augt., 1842.

In my Despatch No. 97 of the 26th May last, I reported the measures which I had adopted for carrying into effect the instructions conveyed to me by Lord J. Russell, in respect to the issuing of Tickets of Leave at Norfolk Island; and I have in continuation now to state that I find Captn. Maconochie has issued Tickets to nearly all of the men, who were sent direct from England to Norfolk Island, and that he has put them on the following footing:

To each man are allowed eleven Marks a day, in lieu of the rations and clothing which he formerly received from the

* Note 19.
Government, and these eleven Marks are credited to him, whether he work for the Government or not; and to every man who works for the Government, an additional number is allowed, which may on the average be taken as equal to 25, so that each man on the average, who works for Government, receives 36 Marks a day. Of these 36 Marks, he is expected to put by 10 per diem to accumulate as the price of his entire freedom; and the other 26 he is supposed to spend for his daily maintenance, being allowed to purchase with them food, provisions, or in fact anything that he stands in need of, the Marks forming an Island Currency equal, as nearly as possible, to English pence.

In the Paper which is transmitted with my Despatch of this day's date, No. 142, Capt'n. Maconochie labours to shew that the introduction of these Marks will not cause any additional expense to the Government. In this reasoning, I have stated however that I cannot concur; and consequently, though I have sanctioned their convertibility on the Island into food or provisions, I have not promised that they shall be ultimately convertible into money, which is a part of Captain Maconochie's project.

Capt'n. Maconochie's system of Marks may perhaps be best explained by an example.

Let us suppose a Prisoner, after having been two years or more on Norfolk Island, to receive a Ticket of Leave; and that the price, which he is to pay for the further boon of entire freedom and removal from the Island, be at the same time fixed at 5,000 Marks. For every day in the year, whether he work or not, he will be credited 11 marks, and 25 additional for every day that he may work; so that, supposing him to work 300 days in the year, his total receipts in Marks for the year will be 11,515 Marks; it is therefore evident that, by saving somewhat less than half his marks, he may get his entire freedom in a year; and, during the course of the same year, supposing him to save 5,000 Marks, he will have had 6,515 to spend, which, if valued at 1d. each, will amount to £27 2s. 11d.; and, as the cost of a Convict, under ordinary circumstances, at Norfolk Island is about £17 per annum, it follows that the cost of each Ticket of Leave Holder will be £10 per annum more than it was before he received his Ticket.

If however, instead of saving his Marks and obtaining with them his freedom in a year, he spend them idly or in present indulgences, his cost instead of being less to the Government may be more.

Supposing him to work as already stated 300 days in the year, but to save only 2,500 Marks instead of 5,000, he will of course be two years in obtaining his freedom instead of one; during
these two years, he will have received 23,080 Marks, and, having out of them saved only 5,000, he will have spent 18,080, which at the rate of 1d. each will amount to £75 2s. 6d.; and consequently his maintenance will have cost the Government £37 3s. 11d. per Annum instead of £17.

It may of course be said that the Man of supposed inferior character will not earn as many Marks as the man of good character; that he will not work so many days in the year; and that he will be made to forfeit Marks for misconduct; all of which will reduce the cost of his Maintenance; and this undoubtedly will be the case, if the system be well and economically administered; but it is the extreme difficulty of administering it economically, and the very great tendency to profusion in the distribution of Marks already visible, which lead me to conclude that a very considerable increase in the expenditure of the Island must result from it.

The prices, at which Captn. Maconochie proposes to allow or indeed now does allow men to purchase articles from the Government, are the following:

Pork or Beef, 6 Marks Per lb.; Maize Meal, 3; Tobacco, 24; Sugar, 5;
and as he further proposes that Men, on leaving the Island, shall be allowed to convert any surplus number of Marks they may have into an equal number of pence, it seems to me quite impossible to contend with any shew of reason that Marks will not be Money. The Marks which a man has to accumulate for his Pardon will not be money, but the others unquestionably will.

Captn. Maconochie further proposes to build houses for his Ticket holders, and to allot them land to cultivate. He also proposes to buy from the men the produce they raise, though at a price considerably lower than that at which he sells to them.

He has issued a number of Breeding Sows to them, charging each Sow by weight at six Marks a pound; and he proposes to buy back Pork from them, when they raise any, at 3d. a pound. This arrangement having been greatly objected to by the Commissariat, a reference was made to me on the subject, and I have given it my opinion that it was within Captn. Maconochie's competency to make the arrangement, and to issue the Sows, though I have reserved my opinion as to the discretion of the measure. The arrangement, as above stated, was for the men to buy in marks, but to sell for money; and consequently some of the men tendered back at 3d. a pound the identical Pigs (or Sows) which they had purchased at six Marks; upon such traffic however, I have placed my veto.
1842.
15 Aug.
Public opinion re issue of tickets of leave.
System to be fairly tested.
Documents transmitted.

So novel an arrangement as the issue of Tickets of Leave at Norfolk Island, and the conversion into small farmers or Cottiers of several hundred Convicts, has created a great sensation in the confined society of the place; and the whole proceeding is condemned and ridiculed, in an almost unqualified manner, by persons accustomed only to the old system of Convict Discipline.

The experiment having been sanctioned by Her Majesty's Government (especially the experiment of allowing the Convicts to spend money) and Capt. Maconochie having not only eagerly adopted it, but appearing also to consider it well adapted to work out his peculiar principles, it is my intention to allow it sufficient time for a fair trial, though I shall feel it my duty to check as far as possible any unnecessary expenditure.

I enclose for Your Lordship's information, the following documents in illustration of Capt'n Maconochie's Ticket of Leave system:

1. Copy of a letter from Capt'n. Maconochie, explaining the nature of his Mark and Ticket system.
2. Copy of a letter from the Colonial Secretary in reply.
3. Copy of a letter from the Deputy Commissary General respecting the issue of Pigs and Maize to the Prisoners.
4. Copy of a letter from the Colonial Secretary in reply, and enclosing a copy of the answer returned to Captain Maconochie's letter of the 2nd June, 1842, No. 42/38.
5. Copy of a letter from Capt'n. Maconochie, enclosing his correspondence on the issue of Pigs, etc., with Mr. Smith, the Deputy Assistant Commissary General. I have, &c., Geo. Gipps.

[Enclosures.]
Copies of these letters will be found in a volume in series III.

Sir GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 145, per ship Honduras.)

My Lord,
Government House, 15th Augt., 1842.

In describing, in my Despatch of this day's date No. 144, the Tickets of Leave System which has been established by Captn. Maconochie at Norfolk Island, I have incidentally mentioned that a disagreement sprung up between Captn. Maconochie and the Commissariat officer (Mr. Smith) on the subject of the issue by Captn. Maconochie of a number of breeding Sows to the Ticket of Leave Holders. The matter was disposed of by me in the way I have already mentioned in the Despatch referred to; but I have now to report to Your Lordship that Mr. Miller, the Deputy Commissary General and Head of the Department in
Sydney, produced to me, in connexion with this subject, a letter from Mr. Smith, of which, on account of the very serious allegations contained in it against Capt'n Maconochie, I think it right to forward a copy to Your Lordship.

Mr. Smith's letter is of the class commonly called demiofficial; and it contains a general commentary on the whole of the proceedings which are going on at Norfolk Island.

On my stating to Mr. Miller that I could not be in possession of such information without using it officially, he immediately replied that he was aware I could not, and that he desired the letter to be used officially.

Mr. Smith is an Officer who bears a high character in his Department for regularity and discretion; and he did not go to Norfolk Island in any greater degree prejudiced against Capt'n Maconochie's system than persons living in this Community usually are.

Among the gravest of the matters contained in Mr. Smith's letter, is the allegation that a man, who had robbed the Commissariat Store, was allowed to go unpunished; and, as similar reports of the impunity of crime had reached me from other quarters, I thought it right to confer with the Attorney General on the subject; and which I did first personally, and afterwards by letter.

I enclose a Copy of the answer returned to my communication by the Attorney General; and also a Copy of the letter, which was written by my direction, and with the approval of the Attorney General, to Capt'n Maconochie. I have, &c.

GEO. GIPPS.

Enclosures.

Copies of these letters will be found in a volume in series III.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 146, per ship Honduras; acknowledged by Lord Stanley, 20th April, 1843.)

My Lord,

Government House, 15th Augt., 1842.

Connected with my several Despatches of this day's date on the subject of Norfolk Island, I enclose herewith a Copy of a letter from Lieutt. Colonel Barney, the Commanding Engineer, reporting the great increase in actual, and still more in the projected expenditure in the Department of Public Works at Norfolk Island.

I have, &c.

Geo. GIPPS.

Enclosure.

[A copy of this letter, dated 26th July, 1842, will be found in a volume in series III.]

1842.
15 Aug.
Serious allegations against A. Maconochie.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 147, per ship Honduras.)

My Lord,

Government House, 15th Augt., 1842.

In my Despatches of this day's date, numbered as in the margin,* I have brought before Your Lordship numerous details respecting Norfolk Island, which collectively I think must lead to the conclusion that the time is nearly arrived, when it will be proper to remove from the Island the Prisoners, who, during the last two years and a half, have been there placed under the experimental system introduced by Capt'n Maconochie.

Having been empowered by Lord J. Russell's instructions of the 10th Septt. and 12th Novr., 1840, to put a termination to Capt'n Maconochie's experiment, whenever the public good might appear to me to require such an exertion of authority, the contents of some of my Despatches of this day's date may perhaps suggest the enquiry, why I have not ere this acted on the authority thus confided to me; other however of these Despatches will shew, as well as numerous ones which preceded them, that Capt'n Maconochie has never ceased to express himself satisfied with the success of his system, and that he even now states himself to be astonished at his own success, and more than ever convinced of the truth and applicability of his principles. The contrast indeed ever has been, and still continues to be so great, between Capt'n Maconochie's official statements, and the accounts which reach me through other authentic channels, that, even with the utmost allowance for partiality on one side and prejudice on the other, it is difficult to form any definite opinion of the working of Capt'n Maconochie's system, except in so far as the expenditure of the public money is concerned, upon which point it must be allowed that the authority of the Deputy Commissary General is superior to any other.

Feeling it however necessary to give, to the best of my power, a summary account of the present state of the Island, I will do it in the following words:—

The men are all (or nearly all) personally attached to Capt'n Maconochie; he has much influence over them, and they greatly desire to please him, though some will occasionally turn him into ridicule; and, in their communications to their old associates in this Colony, they not unfrequently complain that the least deserving men are most in his confidence.

Punishment is rare on the Island, and hardly ever severe. Attempts are frequently made to produce striking effects on even the worst men, by unexpected acts of leniency, forgiveness, or

* Marginal note.—Nos. 142, 143, 144, 145 and 146.
confidence, calculated to awaken and call into play the good feel-
ing implanted in them by nature, but which may long have lain
dormant; and such attempts are not unfrequently successful.

'Petty crimes however abound, and perhaps are even on the
increase.

Acts of overt or combined violence seldom occur; and heinous
acts of atrocity, such as the unprovoked infliction on each other
of bodily injuries, are less frequent than they formerly were.

Unnatural offences it is to be feared are on the increase.

The labour of the Prisoners is turned less to account than it
was under the management of former Commandants; conse-
quently the produce of the Island is falling off, and the expence
of supplying it with provisions from Sydney rapidly increasing;  
there is reason to fear too that the timber and firewood of the
Island (articles of the highest importance) are diminishing; and
the waste of these latter may be expected to become more rapid,
now that the Holders of Tickets of Leave are allowed to disperse
themselves about the Island.

Task work is generally introduced, but the tasks apparently are
light.

Depredations on the growing crops and other property of Gov-
ernment are more general than they formerly were, and will
probably increase, in proportion as the livestock increases, which
Ticket holders are allowed to have of their own, the feeding of
their stock being one of the chief inducements which they have
to commit such depredations.

Finally, the Prisoners on the new establishment are quiet and
careful in their demeanour, but idle and listless; those on the
old, or doubly convicted establishment uneasy and scheming.

No apprehension is entertained, either by Capt'n. Maconochie
or Colonel Hulme (the Military Commandant), of a serious out-
break by either class; and no feelings of fellowship seem to
exist between the Soldiers and the Convicts.

The late attempt to take the Government Brig, reported in my
Despatch No. 143, was I believe only a solitary act of despera-
tion. The original intention of the parties engaged in it was
to seize a small schooner, called the "Coquette," which visited
the Island for the purpose of delivering some Commissariat
stores or Provisions from Sydney; and it was only in a fit of
rage or despair, at seeing themselves disappointed of the prey,
which they had expected would prove an easy one, that they
turned upon an object altogether beyond their strength. The
attempt however may serve to shew, as may some other recent
1842.
15 Aug.

Doubt re maintenance of establishment.

Difficulty of disposal of convicts under system of A. Maconoehie.

Intended removal of convicts to Norfolk island.

attempts at escape, that Norfolk Island, notwithstanding the relaxed nature of the discipline to which the Prisoners are now subject, is still a place of very irksome restraint, and that the most desperate means, which seem to hold out the prospect of escape from it, are still caught at as eagerly as ever.

When Captn. Maconoehie was sent to Norfolk Island (now two and a half years ago), it was intended by Her Majesty's Government that large additional numbers of Prisoners should be despatched from England to join his establishment, but none such have hitherto been sent, a fact which of itself would seem to indicate that Her Majesty's Government entertain some doubt of the propriety of keeping up his establishment; and such doubt must I think have been suggested by the general tenor of my Despatches, especially by the contents of those of the 27th June, 1840, and 27th Augt., 1841. Moreover Captain Maconoehie himself neither seems to desire nor to expect to be continued at Norfolk Island, but, on the contrary, constantly expresses a hope and expectation of being removed to some other locality.

The difficulty of disposing in Van Diemen's Land or elsewhere of the Prisoners, who have been the subjects of his experiments, has hitherto chiefly operated on me as an inducement to keep them at Norfolk Island. To have sent them to Van Diemen's Land, in the condition of ordinary Convicts, would have been grievous to them, and might not perhaps unjustly have been looked on as a breach of promise; whilst on the other hand, to have sent them as Ticket of Leave Holders, would have been to exhibit them to the whole Convict population of Van Diemen's Land in the invidious light of persons, in whose favor the grossest and most undeserved partiality had been practised; and any hasty measure of such a nature might not improbably have produced serious discontent on that Island. By the month of March in 1843, they will however have been three complete years at Norfolk Island, and the greater portion will by that time, or shortly afterwards, have held Island Tickets of Leave for one year; to remove them therefore in a body may not then appear open to the same objections either way. The great majority of them will go as Ticket Holders; and those only in the condition of ordinary Convicts, who, on account of their bad conduct, may be deemed unworthy of any indulgence.

The principal object of this Despatch is therefore to report to your Lordship that, unless I receive in the mean time any directions, rendering a different course of proceeding necessary, it is my intention, in the course of the month of March or April
next, to cause the whole of the Prisoners, who form what is
called Captn. Maconochie's new or English establishment, to be
removed to Van Diemen's Land.

Several ulterior questions will of course remain, on which I
shall hope, with as little delay as possible, to be honored with
your Lordship's commands.

Captn. Maconochie will of course not admit that his system
has had a fair trial; and it is only just towards him to bear in
mind that he always objected to its being tried at Norfolk Island.
The old establishment of doubly convicted, which it was impos­
sible to get rid of, has doubtless been a disadvantage to him; and,
under any circumstances, there must have been difficulty in
carrying on two systems of management, essentially different,
on so small a surface as that which Norfolk Island presents.
Nevertheless, I cannot but consider that the two establishments
might have been kept more separate than they have been; and
I see no reason to change the opinion, I long ago entertained,
that the error, committed by Captain Maconochie, in putting
the two establishments under the same system of management
(reported in my Despatch of the 27th June, 1840) was a fatal
one, as far as regarded the trial of his system at Norfolk Island,
or in any place within the Government of New South Wales.

Though further removed at Norfolk Island from the observa­
tion of hostile parties than in any other spot which could have
been selected, within the civilized parts of this Government, and
consequently more at liberty to pursue his own experiments, un­
molested by clamour, so greatly and so justly were the appre­
hensions of the Colonists of New South Wales excited by this
proceeding, that the storm of public opinion reached him, even
in the isolated position of Norfolk Island, and deadened the
energies of his Agents, even if it did not stir up in them opposi­
tion to his plans.

The only communication between Norfolk Island and the rest
of the world was kept up through Sydney; and, in Sydney
thenceforth, and indeed throughout New South Wales, with very
few exceptions, every man was against him; every man derided
his system, and nearly every one dreaded the effects of the evil
example, which it was supposed would be presented by it to our
own Convict population. These were great disadvantages to
labour under, and they should be taken into consideration in
judging of the effects which Captn. Maconochie has produced.
The feeling in fact against him, though not so intense, and far
more justifiable, was analogous to that, which a dozen years ago
manifested itself in the West Indies against any attempt to
ameliorate the condition of Slavery.
Your Lordship may have observed by my correspondence that some of the principal Officers of this Government are among those, who by Captn. Maconochie are charged with having thrown impediments in his way. So long as the remonstrances of these Officers were directed only against Captn. Maconochee's habitual disregard of forms, regulations, or what may be styled Departmental observances, I thought it my duty, in a very great degree, to overrule them, considering that, in the very novel and difficult position in which he was placed, all impediments should, as far as possible, be moved out of his way; but the evidence lately brought by the same Officers before me, of a rapidly increasing expenditure, has become so convincing (the good to be derived from it being still as problematical as ever) that the point seems to me to be attained, at which I ought to take a responsibility in another direction on myself.

Whether Captn. Maconochee shall still pursue his experiments in another locality is of course a matter for the decision of Her Majesty's Government. If he be permitted to do so, I would strongly advise that it should be neither at Tasman's Peninsula, nor King's Island, nor indeed in the neighbourhood of any of the Penal Colonies, but rather in some older settlement, and in the neighbourhood of a more dense and advanced Society; and this is what I believe he would himself prefer.

I have still to draw your Lordship's attention to the fact that, after the Convicts, whom I propose to send to Van Diemen's Land in March or April next, shall have been removed, there will still remain at Norfolk Island the old establishment of doubly convicted Prisoners, unless indeed I receive in the mean time any instructions from Your Lordship for their removal, in consequence of the various representations which have at different times been made by me respecting them.

There will, however, at any rate remain the question, as to how the Island itself is to be disposed of.

On this subject, the only decided opinion I can offer is that, whilst the Island is admirably adapted to the purposes of a strictly penal Station, it is scarcely adapted to any other.

Whether a place of strict discipline, for doubly convicted or other heinous offenders, will still be required in these regions, distinct from any establishment in Van Diemen's Land, is undoubtedly itself a question; but, when I look at the rapidity with which a British Population is collecting, and British Interests increasing throughout the wide extent of the Australasian Colonies, it seems to me that it might be hasty to conclude that such a place will not be wanted, even assuming, which perhaps
we may not be justified in doing, that Van Diemen's Land may for an indefinite number of years be exclusively reserved for the purposes to which it is now dedicated.

The small extent of Norfolk Island, its extreme isolation and want of safe anchorage, unfit it (fertile as it is) for any purpose of Colonization, worthy the consideration of Government; and all the labour, which has been expended in bringing portions of it into cultivation and in erecting many very commodious buildings, will of course have been thrown away, if it be abandoned.

Persons might, I doubt not, be found to settle on it, and even to pay a price for its fertile lands; and the Island might be made a place of refreshment for Whalers; but, if the land were sold, the purchasers might expect to be protected, and thus the Island become a burthen on this Government.

That a system of far too great severity once existed at Norfolk Island is now, I believe, fully admitted; but the state, to which it had attained under Major Anderson towards the close of Sir Richard Bourke's Government, and perhaps still more under Major Bunbury in 1839, was not, I am disposed to think, far different from what the condition of such an establishment ought to be; and we might safely trust, I think, to the progress of public opinion and the advancing knowledge of the age, to prevent its ever being again laid open to the reproach of undue severity.

I append to this Despatch a Return of the number of doubly convicted Prisoners on the 1st day of January in each of the last seven years, and the number actually on the Island on the 1st June, 1842; also a Return of the number of Prisoners brought back to New South Wales, since the Local Act, 2d Vict., No. 1, was passed, the object of which Act was explained in my Despatch, No. 22 of the 26th Jan'y., 1839.

I cannot conclude without once again adverting to the difficulties, which I have so frequently in former Despatches alluded to, of disposing of the doubly convicted Prisoners (amounting to upwards of 1,000) still on the Island; or without reminding your Lordship that there must, for a considerable time to come, be a large number of doubly convicted Prisoners annually to be disposed of from New South Wales, notwithstanding that Transportation from Europe to this Colony has ceased.

These considerations lead me, I must avow, to the opinion that the best thing to do with Norfolk Island will be to let it revert to what it was, prior to the year 1840. I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these returns are not available.]
HISTORICAL RECORDS OF AUSTRALIA.

1842.

17 Aug.

Letters of denization for H. Isler approved.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 166, per ship Hamlet.)

Sir, Downing Street, 17 August, 1842.

I have to acknowledge the receipt of your Despatch No. 46 of the 6th March last, forwarding an Application from Mr. Henry Isler, a Native of Switzerland, praying that he may be admitted to the privileges of a Free Denizen.

I am to convey to you Her Majesty's Authority to issue to Mr. Isler Letters of Denization under the Local Act of the Colony, 9 Geo. 4, No. 6.

STANLEY.

18 Aug.

Despatch acknowledged.

Decision re claims of Revd. J. Allan.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 167, per ship Hamlet.)

Sir, Downing Street, 18 August, 1842.

I have to acknowledge the receipt of your Despatch No. 38 of the 20th February last, forwarding a Letter from the Eevd. James Allan, a Presbyterian Clergyman of New South Wales, complaining of various proceedings of the Synod of Australia, under which his Appointment has been cancelled.

In reply, it is only necessary for me to refer you to the Despatch which I addressed to you on the 3d Instant, No. 159, stating that the Committee of the General Assembly of the Church of Scotland concurred with me in approving the Proceedings, which, in your Despatch No. 168 of 31st August, 1841, you reported having adopted in Mr. Allan's case.

I have, &c.,

STANLEY.

21 Aug.

Despatch acknowledged.

Further report on claims of H. G. Douglass to land.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 149, per ship Honduras.)

My Lord, Government House, 21st Augt., 1842.

Recurring to the subject of Dr. Douglass' claims to land in this Colony, and to my Despatches No. 187 of the 13th Decr., 1840, and No. 11 of the 23d Jany., 1842, I have now the honor to acknowledge the receipt of a further Despatch from Lord J. Russell, No. 349 of the 1st Sept., 1841, enclosing a Copy of another letter from Dr. Douglass in support of his claims.

In this letter, Dr. Douglass asserts that his authority to take possession of his Grant, "was extant in Mr. Oxley's (the Surveyor General's) Office; that Mr. Oxley wrote to Mr. Hoddle, the Assistant Surveyor, to lay down the lines in a rough way, which
Mr. Hoddle did, and, if the record is not to be found in the Surveyor General's Department, it has been mislaid by Mr. Oxley, or made away with to gratify private malevolence."

Mr. Surveyor Hoddle being still in the service of this Government, I have been able to communicate with him on the subject of Dr. Douglass' letter, though, in consequence of his being employed in the District of Port Phillip and the letter relating to circumstances which occurred fifteen years ago, a considerable delay has taken place in obtaining satisfactory answers to the queries which I have had to put to him.

I forward however herewith Copies of two letters from Mr. Hoddle to the Surveyor General; and Your Lordship will perceive that, in the one dated the 22nd July, 1842, Mr. Hoddle expressly states that, though he went to Narriga in 1827 to measure land for Dr. Douglass and Mr. Galbraith, he had *express orders not to put either party into possession.*

Mr. Hoddle has no recollection of the dispute which then existed between Dr. Douglass and Mr. Galbraith respecting their boundaries; but that such a dispute did exist is beyond all doubt, a very long correspondence being on record regarding it, as stated in my Despatch of the 13th Decr., 1840. The dispute was moreover brought before Governor Darling by a letter from the Surveyor General (Oxley), from which I formerly extracted the passage most favorable to Dr. Douglass, but of which I now however send a full Copy, accompanied by the Plan alluded to in it, as well as a Copy of the Minute endorsed on it in General Darling's own writing.

These documents sufficiently prove that which I have always admitted, namely, that Dr. Douglass was in the year 1827 in possession of a considerable tract of land at Narriga; and that, if he had proceeded regularly and properly, he might have secured a legal title to the whole of it; he might, for example, have obtained secure possession, and a legal title to two portions of land, one of 4,000 acres, the other of 5,060 acres, by paying to the Government the price which he had agreed to pay for them; but he left the Colony without paying for them, and consequently he forfeited all claim to either.

In the same way, he might have obtained a secure title to another portion of 2,000 acres, without paying anything, if he had taken the measures, which the regulations of Government then in force required, that is to say, if he had procured a description of these 2,000 acres (separate from the rest) to be entered on the records of the Colony (or in the technical language of the Colony, if he had caused his selection to be recorded), and had
further obtained permission to take possession of the 2,000 acres of land so separately selected, specified, and recorded. These things however he never did; and the fault of not doing them, or seeing that they were done, was entirely his own; it is evident, from Mr. Oxley's report and plan, that there was no recorded distinction between Dr. Douglass' grant, and the other portions of land which he held under promises to pay for them. All his land therefore formed but one holding; and, when he left the Colony, the whole of it was, and I must say, in my opinion, very properly, considered to be abandoned; indeed under the regulations then in force, and which are referred to in my Despatch of the 23rd Jan., 1842, any other course of proceeding would evidently have been improper, especially as Dr. Douglass had left the Colony, not only without paying for the land which he had agreed to purchase, but also otherwise in debt to the amount of £363 to the Government.

I think it right to add that, since I last reported on this subject, an entry to the following effect has been accidentally fallen on in a Memorandum book, which appears to have belonged to a Mr. O'Hara, formerly a Clerk in the Survey office in Sydney, but who has been dead many years;

"Dr. Douglass to have 2,000 acres (now a reserve) in a place called Nevella Narragon in the Country of Antrim, by permission of the Surveyor General."

P.O'H.

(Philip O'Hara.)

This Memorandum however only goes to prove that which is sufficiently admitted, namely, that Dr. Douglass had permission to obtain 2,000 acres as a Grant; and that he might have got them had he proceeded in a proper Manner.

I have, &c.,

Geo. Gipps.

[Enclosures.]

[Copies of these papers are not available.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 169, per ship Hamlet.)

Sir,

Downing Street, 22 August, 1842.

I have to acquaint you that I have extended the Leave of Absence granted to the Revd. J. E. Keane for the period of two years from the 20th March, 1841, the commencement of his original Leave, and that, under the circumstances of his case, I have consented to free him from the operation of the general
rule, which prevents Colonial Officers from receiving their Salary due for the last period of their Leave, until their return to the Colony.

I have therefore authorized the Colonial Agent to pay to Mr. Keane half Salary during his absence, on his giving sufficient assurance that he is about to resume his duties in New South Wales.

Mr. Barnard has been directed to inform you of the period to which Mr. Keane may receive his half Salary in this Country.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 170, per ship Hamlet.)

Sir, Downing Street, 23 August, 1842.

A question having arisen in the Colony of Van Diemen's Land in regard to the payment to be made for Work performed by Convict Labor, I transmit to you herewith for your information and guidance, as far as may be applicable to your Government, a Copy of an Instruction, which I have, with the concurrence of the Board of Treasury, addressed to the Lieutenant Governor of the Colony in regard to payments to be charged for work performed as well for the Colonial Government as for Individuals at any of the Penal Settlements or Probationary Stations, or by the Marine or any other Establishments connected with the Convict Departments, as are maintained at the expense of the Home Government.

I have, &c.,

STANLEY.

[Enclosure.]

LORD STANLEY TO SIR JOHN FRANKLIN.

Sir, Downing Street, 23rd August, 1842.

I have received your Despatch No. 6 of the 15th February last, containing an explanation of the Circumstances attending the Construction of a Steam Boat for the Derwent Company by the Government of Van Diemen's Land by Convict Labor.

I have fully considered in communication with the Board of Treasury the explanations which you have given; and, although I do not doubt that you were influenced in the course pursued by you on this occasion by a desire to promote the public good, the transaction in question appears to be open to very grave objection.

The Hull of a Steam Boat was built by the Convicts at the Penal Settlement of Port Arthur in 1838 and 1839, and was transferred to a body of proprietors, who are described, in the letter of the Acting Colonial Secretary to the Assistant Commissary General, dated 6th Octr., 1840, as a "Company of Gentlemen interested in the establishment of a regular conveyance between Hobart Town and New Norfolk."
The Sum charged to the Company was £352 10s. 10d., of which £335 2s. 11d. was for rations of the Convict Shipwrights and Laborers employed, and the remaining £17 7s. 11d. was for Copper bolts, and Iron rods and bars. The value of the rations was calculated according to a rate at that time charged for Convicts in the employ of the local Government, but which was considerably less than their actual cost; and no allowance was made for the other expenses of the Convicts.

The same number of workmen, employed for the same number of days, would have cost, according to the then current rate of wages in the Colony, about £2,500; but, on the other hand, it may be fairly admitted that Convict Labor is not worth so much as free labor. No charge is made for the Superintendence of the Master Shipwright, nor for the value of the timber, which appears to have been cut and prepared by the Convicts.

After the Hull had been so built and transferred, it was fitted up as a Steam Vessel at Hobart Town, at the expense of the Company, and shortly after sold by them to a private individual for about £7,000.

You state that you considered it of importance to give every encouragement to the undertaking; that there was at that time no private Yard at which the Hull could have been properly built; and that you ascertained that the work could be performed by the Convicts at Port Arthur, without detriment to other demands upon the Shipwrights' yard there.

On considering these circumstances, it appears to Her Majesty's Government that the utmost assistance, which you would have been justified in affording to the parties, was to have authorized the construction in the Government Yard by the Artificers and Laborers maintained at the Public expense, and the Sale of it to the Company when built at a fair estimated value, or to have required the Company to pay for the full value of the maintenance of the Convict Artificers and Laborers employed on the work, and for the timber and Stores supplied by the Government Establishment for the purpose at the full market value in the Colony at the time. In either of these cases, the assistances to the undertaking would have been very considerable, and would have fully warranted the Government in requiring the Company to engage for the fulfilment of the object, with a view to which it was afforded, by running the vessel on the proposed line of communication during some stipulated period.

Although however it would appear that, in the transaction now in question, an undue advantage was taken by the Company of the aid granted by Government at the expense of the Convict Department, it would not probably now be productive of any advantage to direct proceedings to be taken, with a view to the recovery of the full value of the Hull of the vessel from any of the parties concerned. But at the same time, advertizing to the justification apparently advanced in your Despatch for the proceeding which you had sanctioned, as well as to the increased number of Convicts likely now to remain at the Public charge at the Probationary and Penal Stations, Her Majesty's Government have considered it advisable that some distinct rules should be laid down in regard to payment for work performed, as well for the Colonial Government as for Individuals, at any of the Penal or Probationary Stations, or by the Marine or any other Establishment connected with the Convict Department which are maintained at the expense of the Home Government.
With this view it has been determined that the following regulations should be adopted:

1st. As regards work performed for Individuals.

That it should on all occasions be paid for at rates settled with reference to the Customary charges for similar work done at private establishments by private artificers. That any materials procured by Convict labor, such as timber, stone, and so forth, should be paid for at the ordinary market rates, as well as any other articles, such as iron work, etc., that may be furnished from the Government stores, though it is desirable that any such application of public stores should as far as possible be avoided, and that articles of that description should be procured elsewhere at the expense of the party for whom the work is performed.

2ndly. As regards work performed at these Establishments for the Colonial Government.

The charges for such work should be proportioned to the full expense of maintaining the Convict artificers or labourers employed therein, and the charges for materials consumed or appropriated for the work, should be settled with reference to the same principle, but without in either case including the expenses of superintending lodging or clothing the convicts, or of wear and tear of tools, and the value of any article of iron work, etc., which it may be required to furnish from the Convict or ordnance stores, should be charged to the Colonial Governors at the original invoice price, with the addition of 15 per cent. for transport and other expenses.

Payment of all sums, that may be claimable under these regulations, should be uniformly required from private parties immediately on completion of the work, either to the officer in charge of the Establishment by which it has been performed, or direct to the Commissariat chest, and regular periodical adjustments should be made of claims against the Colonial Government; and it would be the duty of the officers in charge of the Commissariat Department to attend to and arrange these adjustments, and to exercise a careful check over the charges against private persons.

In order to this, it will be requisite that the Commissary of accounts shall be furnished, in addition to the Commissariat and ordnance store accounts, with regular returns from the officers in charge of each of the Establishments now in question, or of all work done by the convicts under their supervision, and with accounts of the receipts and issues of all stores of every description entrusted to their charge or placed at their disposal, and of all materials acquired by convict labor.

You will at the same time understand that the regulations, now proposed, are not intended to interfere with the arrangements under which convicts, undergoing Penal discipline in chain gangs and employed on the Public Roads or works of that description, although for Colonial purposes, are maintained at the expense of the Home Funds, or under which the Colonial Government is chargeable with the full value of the maintenance and clothing of any convicts retained in the Colonial Service.

The necessary instructions for carrying these regulations into effect will be conveyed to the Officers of the Commissariat and Commissariat of Accounts and the Ordnance stores Department.

I have, &c.,

STANLEY.
1842.
24 Aug.

Report required re T. Deen.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 171, per ship Hamlet; acknowledged by Sir George Gipps, 13th January, 1843.)

Sir, Downing Street, 24 August, 1842.

I have received an application from Captain Barnett, R.N., Mayor of Hereford, making enquiry respecting a person named Thomas Deen, who, it is supposed, was transferred from the 28th Regt. to the Mounted Police of New South Wales in June, 1841.

I have to direct that you will furnish me with any information in your power respecting this person. I have, &c.,

STANLEY.

Despatch acknowledged.

Transmission of reports re printing establishment.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 150, per ship Honduras.)

My Lord, Government House, 24th Augt., 1842.

I have had the honor to receive Your Lordship's Despatch, No. 69 of the 24th Feby., 1842, wherein I am desired, at the suggestion of the Lords of the Treasury, to report fully on all the circumstances which led to the establishment in this Colony of a Government Printing Press; and also to report annually the expense incurred for the Government Printing, and the charge for which the same might have been executed, according to the terms of the last subsisting Contract.

As the means of affording the information required, I enclose the following Papers:—

1. A Memorandum drawn up by the Colonial Secretary in Jan., 1841, wherein the reasons are set forth, which led to the formation of the Establishment;

2. A Copy of a letter from the Auditor General, shewing the comparative expense of printing for this Government during the three years preceding the establishment of the Government Press, and during the year 1841, the only complete year, in which the Press has been in use.

With respect to the decrease in expense, which appears to have occurred in the year 1840, the last year that the contract system was in force, I should explain that this decrease was occasioned principally by the great difficulty which existed of getting any work done by the Contractor. The proceedings of the Legislative Council, during the greater part of its Session, were retarded on account of the delays of the Printer; and the Government Gazette very seldom made its appearance until a week after the proper day of publication.

During the last and present Sessions of the Council, no delays on the Printer's account have occurred; and the Gazette is
published regularly twice a week, whereas, under the Contract
system, it was only published once.

On the whole, the convenience to the Government and to the
Public, afforded by the establishment of the Printing Press, has
been very great indeed; and the reduction in expense by no
means inconsiderable.

A letter from the Government Printer is appended to the
Auditor General’s report, containing further particulars in ex­
planation of the business of his office, and especially in regard
to the increase of revenue derived from advertizements, etc.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

PROPOSAL FOR PRINTING ESTABLISHMENT.

In consequence of the great delay and inconvenience which have
attended the system of providing Printing for the Colonial Service
by Contract, it appears desirable to adopt some other arrangement.

At present, from the quantity of Work required, no one Printing
Office is capable of performing the whole in any satisfactory way;
and it is therefore necessary to divide it among two or more of
them. There is more than reason to believe that the Minor Offices
have been bought off; and the remainder are engaged in the more
lucrative employment of printing Newspapers. The result is that
the Contracts amount virtually to a Monopoly; the Government
Work becomes a matter of secondary consideration; and it is put
aside whenever it interferes with the private concerns of the Con­
tractors. The Government Gazette, notwithstanding every exertion,
frequently does not appear until a Week after the proper day of
publication; the Council has been often kept sitting for a consider­
able period, waiting for the printing of Bills and other Papers; and
the General Business of the Government has been retarded from
the want of proper Forms. In fact, although bound in the usual
way with Sureties, the Contractors, through the absence of com­
petition, do not feel themselves obliged to fulfil their engagements,
and it is found impossible to compel them.

It is therefore proposed, as the most effective remedy for these
several inconveniences, as well as to provide the means of perform­
ing the additional work which any modification of the Legislative
Council may render necessary, to establish a Printing Office under
the exclusive orders and control of the Government.

A portion of the Buildings in Bent Street appropriated to Emi­
grants on their first arrival will afford a most convenient site for
such an Establishment, and may be rendered fit for its immediate
reception by the expenditure of about one Hundred Pounds.

A sufficient quantity of Types,Presses, and other Materials for
the commencement, may be obtained from Mr. Stokes the present
Contractor, and Mr. Jones who is retiring from business; and it is
ascertained that, valuing such of the articles as have been in use
at the London Invoice prices, and those which are new at 50 per
Cent. advance, in order to cover freight, commission and other
charges, the price of the whole will not exceed Fourteen Hundred
Pounds.
The services of a practical Printer, who has been for some time conducting the largest Printing Establishment in Sydney, including the Government Gazette and the general Contract for Colonial Printing, and who has satisfactory testimonials of capacity and respectability, can be obtained for a Salary of £300 a year, the same that he now receives, and he is willing to engage himself for two years certain.

He will require under him two Free Assistants, one with a Salary of £200 and another of £150 a year; and capable persons can be procured at once on these terms. But it is proposed that the remainder of the Establishment shall consist entirely of Convicts; and it is estimated that about Twenty Men and Boys, only a portion of whom need be Printers, will be sufficient.

The Cost of new Materials, Ink, and other Incidental Expenses will probably amount in future years to about Four Hundred Pounds a year.

The Expenses, immediate and prospective of the proposed Establishment, may therefore be Stated thus, viz.:

<table>
<thead>
<tr>
<th>Immediate Expense</th>
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</thead>
<tbody>
<tr>
<td>Alterations and Repairs of Building</td>
</tr>
<tr>
<td>Purchase of Types and other materials</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Future Annual Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Printer, Salary</td>
</tr>
<tr>
<td>Assistant</td>
</tr>
<tr>
<td>Overseer</td>
</tr>
<tr>
<td>Rations and Clothing of 20 Prisoners of the Crown at 1s. 3d. each per diem</td>
</tr>
<tr>
<td>Gratuities to ditto for overhours</td>
</tr>
<tr>
<td>Cost of new materials, Ink, and other Incidental Expenses</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

From this must be deducted about £500, being the estimated amount which will be received for advertisements, and as Subscriptions to the Government Gazette, making the annual Expense of the Establishment about £1,206 5s.

By the annexed Return, obtained from the Auditor General, it appears that the Expense of Printing defrayed from the Treasury of New South Wales in 1838 and 1839 was in 1838, £1,534 12s. 4d.; and in 1839, £2,010 6s. 1d. There is ground therefore for believing that a considerable saving of Money will be effected by the new arrangement, so long as it may be possible to obtain Convict labor, and that, even with free labor, there will be no excess of expense over that which is necessary according to the System by Contract. But it is confidently hoped that, independently of any consideration of expense, the advantages, derived in the economy of time and the accuracy and despatch of Public Business, will be such as fully to justify the measure, and render evident its utility and importance.

1st January, 1841.

N.B.—It has been found possible to conduct the Establishment without the appointment of an Assistant at £200 a year, which is consequently saved on the above Estimate; but the contingencies have somewhat exceeded the amount therein put down.

1st August, 1842.
GIPPS TO STANLEY.

[Enclosure No. 2.]

MR. W. LITHGOW TO COLONIAL SECRETARY THOMSON.

Sir,

Audit Office, Sydney, 20th July, 1842.

In compliance with the request contained in your letter of the 13th Instant, No. 418, I have the honor of transmitting herewith, "An Account of the Comparative Expense of the Government of New South Wales, for Printing for three years preceding, and one year subsequent to the Establishment of a Government Printing Press."

In this Account, it is assumed that twenty per cent. on the original outlay for fitting up the Premises, and providing suitable Presses, Utensils and Printing Materials, will cover the Interest of Capital, as well as the expense of renewing Type, and keeping up the Establishment, an Estimate which is considered to be borne out by the enclosed letter from the Government Printer, in which, it will be perceived he states, that ten per cent. per annum on the Capital expended will be sufficient for providing Printing Ink, Brass Rule, Printers' Furniture and other articles, necessary for keeping the Establishment in a state of efficiency.

I have, &c.,
WM. LITHGOW, Aud. Genl.

[Sub-enclosure No. 1.]

ACCOUNT of the Comparative Expense of the Government of New South Wales, for Printing for three years, preceding (from 1st January, 1838, to 31st December, 1840) and one year subsequent to the establishment of a Government Printing Press (from 1st January to 31st December, 1841).

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount paid for Printing for the several Departments in the year 1838</td>
<td>1,518</td>
<td>17</td>
<td>104</td>
</tr>
<tr>
<td>Ditto Ditto 1839</td>
<td>1,966</td>
<td>17</td>
<td>7</td>
</tr>
<tr>
<td>Ditto Ditto 1840</td>
<td>1,624</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Average Annual Expense of three years</td>
<td>1,703</td>
<td>8</td>
<td>4½</td>
</tr>
<tr>
<td>Expense of the Government Printing Establishment for the year 1841, as per Statements laid before the Legislative Council, viz., Salaries and Contingencies</td>
<td>1,624</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Twenty per cent. on £1,913 10s. 6d. disbursed in 1841, for Printing Materials, and Expenses of forming the Establishment, being the Estimated charge for Interest on the Outlay and for replacing the Wear of Types and Materials</td>
<td>382</td>
<td>14</td>
<td>0½</td>
</tr>
<tr>
<td>Less The amount collected by the Government Printer, for Advertisements inserted in the Gazette, during the year 1841</td>
<td>406</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td>£1,600</td>
<td>3</td>
<td>8½</td>
<td></td>
</tr>
</tbody>
</table>

WM. LITHGOW, Aud. Genl.

[Sub-enclosure No. 2.]

Mr. W. J. Row to Mr. W. Lithgow.

Sir,


With reference to the subject of my conversation with you this morning, regarding the probable annual amount of Expense on the original outlay for wear renewals, etc. and tear of the Printing Materials in this Office, I have made a calculation on that point, and find that (including the new Type authorised by His Excellency the...
1842.
24 Aug.

Increase of revenue and production in printing establishment.

Governor last month) Ten per cent. per annum on the Capital will keep up the efficiency of the Office in every point, and in that amount I also include Stores, such as Printing Ink, Brass Rule, Printers' Furniture, etc.

I beg, whilst on this subject, to request you will be pleased to draw the Governor's attention to two (in my opinion) very important points, viz.: 1st. The great increase of work in my Department, and 2ndly. The increase of its Revenue.

As an illustration of the former, I would respectfully refer him to the Government Gazette, which made as follows:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
<td>1,155</td>
</tr>
<tr>
<td>1839</td>
<td>1,483</td>
</tr>
<tr>
<td>1840</td>
<td>1,483</td>
</tr>
<tr>
<td>1841</td>
<td>1,815</td>
</tr>
</tbody>
</table>

being an increase of 278 pages in the year 1841, and also to more than double the Press work in that Publication only, it being now published twice a week, with 750 impressions of each publication, instead of once a week with only 500 impressions, as it was prior to the year 1841.

In proof of the latter Statement, I beg to annex an extract from the Quarterly Returns of Revenue, as published in the Government Gazette, as follows:—

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collected</td>
<td></td>
<td>321</td>
<td>12</td>
</tr>
</tbody>
</table>

being a progressive increase of £85 4s. 6d. on the last half year, which it is more than probable will continue to increase, rather than otherwise.

WILLIAM JNO. ROW, Government Printer.

25 Aug.

Transmission of papers re application from W. P. Greene.

Sir,

I transmit to you herewith a copy of a communication, which I have received from Mr. Lefroy, M.P., with an application from Lieutt. W. Greene, R.N., to be allowed to receive Credit to the value of £300 in Land on account of a deposit, which he had made in this Country for the purchase of Land, but for which he could not from the peculiar circumstances of the case be allowed the benefit in the Importation of Emigrants.

I also transmit a Report on the case from the Land and Emigration Commissioners, who had previously been in communication with Mr. Greene, and I have to request that you will acquaint him that, although I regret that he should suffer any inconvenience in this transaction, yet that I feel it necessary to adhere to the general regulations and cannot sanction a compliance with his application.

I have, &c.,

STANLEY.

[Enclosure No. 1.]

MR. LEFROY TO LORD STANLEY.

MR. LEFROY presents his compts. to Lord Stanley, and as he is engaged on the Ipswich Committee begs to enclose a letter he has just received from Lord Lorton for Lord Stanley's consideration.

Committee Room, Saturday morning.
STANLEY TO GIPPS.

LORD LORTON TO MR. LEFROY.

My dear Anthony,

Rockingham, 27th July, 1842.

I shall be very much obliged to you to call upon Lord Stanley and to lay the enclosed before him, stating that I shall esteem it as a particular favor if he can attend to Mr. Green's wishes; in great haste to catch the Post. Yours, &c.,

LORTON.

STATEMENT OF CASE OF LIEUTENANT GREENE.

Lieutenant William Pomeroy Greene of the Royal Navy, being obliged from ill health to leave Ireland and give up a valuable Agency, is about to Emigrate with a Wife and seven children to Port Phillip. Mr. Greene has paid into the Office for Emigrants £400, expecting to take Emigrants to that amount, and also to receive Land on his arrival at Port Phillip. After the money had been paid he was informed that the Vessel, which he had engaged for his family and the Emigrants, was not of the class in which Government gave a free passage to Emigrants, and now he is obliged to pay £300 to the Master of the Vessel for taking them.

Mr. Greene desires to make an application to Lord Stanley to endeavour to procure from his Lordship a Land Order for the £300 in case the Emigrants are landed safely at Port Phillip. He grounds his plea on the circumstance of his having paid the money into the Emigrant Office in total ignorance of an objection being liable to be made to the Vessel in which the Emigrants were to sail; and, being bound to the Captain for a certain number of passengers, he is involved in the loss of the above sum, which to a man in his circumstances will be most material.

The Vessel, in which he is going, is the Sarah and will sail in a few days. If Lord Stanley is kind enough to grant the above order for the Land, a Letter with the order enclosed will reach Mr. Greene if directed to Post Office, Plymouth.

Further particulars connected with Mr. Greene's case sent to Lord Stanley by Lord Lorton.

The Ship (Sarah), in which Mr. Greene and his family were to sail, was up to the 1st of July a first class; but, in consequence of not being able to comply with some formalities on Lloyd's Survey, she was degraded. Mr. Greene has paid his £400 for his Land Order, his chief inducement to do so being thereby enabled to get some Emigrants a free passage. The Insurance office has insured the cargo at the same rate as a first class Vessel, which Mr. Greene humbly submits to be a good proof there is no real ground for her degradation in Lloyd's List, to which she would not have been subjected had she not been prevented sailing the 1st of July by some accidental and unexpected delay. Mr. Greene feels it a great hardship that the Commissioners should retain his £400 if they feel obliged to adopt any course which deprives him of the advantage, for the sake of which alone he advanced his £400.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration office,

Sir, 9 Park Street, Westminster, 9 August, 1842.

We have the honor to acknowledge your letter of the 5 Instant, forwarding to us, by Lord Stanley's directions, an application from Lieut. W. Greene, R.N., for a Land Order for Three hundred pounds on account of certain Emigrants whom he is taking to New South Wales.

We have the honor to state that we are well aware that Mr. Greene is a settler of respectability, and that we had several interviews with him and his friends on the circumstances that have given rise to the present application, and were anxious to give him every assistance in our power, but that we are compelled to report we do not see any means of assenting to his wishes, without establishing an objectionable precedent.

Mr. Greene deposited Four hundred pounds (£400) for the purchase of Land in New South Wales. He has accordingly received his certificate of the payment of £400 or in other words his Land Order for that amount; and on reaching the Colony he will enjoy
1842. 23 Aug.


the benefit of it in the purchase of Land; in short, he will receive back the value of his payment. But he was further entitled to name a corresponding number of laborers for a free passage to be given by our Board, and he was naturally anxious that they should go by the same opportunity with himself. Here again we were prepared to meet his wishes. The first object which is strictly matter of engagement, it is needless to say that we have all along been ready to execute; and we think it due to Land purchases to endeavour to send their Emigrants by the same Vessel as themselves. But we do not bind ourselves to this last object, because for obvious reasons it is necessary that we should reserve to ourselves a control over the fitness of the Ship and the price. In the present case, acting on our usual practice, we had gone so far as to take the preliminary steps for engaging the people's passage by the "Sarah," when we learned that she was no longer within the class of Vessels, by which alone the established rules admit of any Emigrants being taken at the public expense, and not only that she was not within this classification, but that she had been recently removed from it in consequence of the owners declining to undergo the very part which Lloyd's Rules required under the circumstances. We therefore immediately refused to have any dealings for her, unless the proper steps were taken to restore her to her former class.

We took such steps as we thought gave any chance that the parties might be led to reconsider their determination; although, as Mr. Greene had already concluded an agreement with them on his own behalf, and as the vessel was not to clear under the Passengers Act, we knew that it was not likely any measures of ours would affect their course. We made the attempt however because we thought it our duty, and it did not succeed. We also entered into immediate communication with Mr. Greene to ascertain if his own agreement could not be rescinded from, and to offer him every assistance and information in our power. But we found that he had finally bound himself, and moreover that he was quite satisfied on his own part with the fitness of the Vessel.

Thus we did all we could either to procure a removal of the objection to this ship, or to assist Mr. Greene, had we found that his circumstances admitted of it in availing himself of another opportunity. When neither proved practicable, we do not see that any other proceeding remains open for Mr. Greene's benefit.

He is aware that he cannot ask for the return of the money, which has been paid into the public Revenue for a specific object, that will be duly fulfilled on his reaching the Colony. And he admitted to us, that he could not expect we should agree for the conveyance of Emigrants by a Vessel which our Rules declared to be ineligible. But he now proposes as a third course that, if the passengers arrive safe, he may be allowed, in addition to Land for the Four Hundred pounds which we have mentioned, another credit to the amount of Three hundred pounds for the people whom he will have introduced at his own expense. There is no general Rule that would admit of this; but, even if there were, or if an exception were made in Mr. Greene's favor, still we must observe that, with every association or every Bounty Agent who may have been allowed to take out their own Emigrants, it is an indispensable condition that the ships should be of approved description, otherwise the securities taken would be only against the waste of public money, and not against the hazarding of human life.
STANLEY TO GIPPS.

While therefore we are very sorry for the inconvenience to which Mr. Greene is exposed, and have no doubt that all his transactions have been of a bona fide character, and that he believed in the fitness of the Vessel he selected for the conveyance of himself as well as his Laborers, we fear that we could not with propriety recommend Lord Stanley to comply with the measure which he has proposed for his relief.

We have, &c.,

T. FREDK. ELLIOT.
J. G. SHAW LEFEBRE.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Hamlet.)

Sir, Downing Street, 26th August, 1842.

I have the honor to transmit to you, for publication in the Colony under your Government, a copy of an Order of Her Majesty in Council, establishing a reduced rate of Fees in Appeals heard by the Judicial Committee of the Privy Council, together with the Copy of an Order made by that Committee, transferring the Taxation of Costs from the Masters of Her Majesty's Courts at Westminster to the Clerk of Appeals of the Privy Council Office.

I have, &c.,

STANLEY.

[Enclosure.]

[This order-in-council, dated 11th August, 1842, will be found in a volume in series IV.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 175, per ship Hamlet.)

Sir, Downing Street, 26th Augt., 1842.

I have had under my consideration your Despatches of the Numbers and Dates specified in the Margin,* relative to the arrangement of Legal Departments of your Government.

I am not at this moment prepared to intimate to you the decision of Her Majesty's Government in regard to the general arrangements which may be adopted; but I have to acquaint you that I have selected Mr. S. F. Milford, who will be the Bearer of this Despatch, to fill the Office of Master in Equity with the salary, which you proposed to assign to that Office, of £1,000 a year.

I have also to authorize you to offer to Mr. Carter, now acting under your nomination as Master in Equity, the Office of Registrar, which it is intended to separate from the Registrarship of the Supreme Court, with a Salary of £650 a year.

* Marginal note.—No. 4, 1 Jan., 1841; No. 238, 28 Decr., 1841; No. 6, 16 Jan., 1842; No. 7, 16 Jan., 1842.
1842.
26 Aug.

Instructions re 
appointment of 
S. F. Milford.

1842.
27 Aug.

Transmission 
of letter 
from judges.

Disputes 
between 
judges and 
J. W. Willis.

Removal 
of H. N. 
Carrington 
from roll of 
atornies by 
J. W. Willis.

Application by 
J. W. Willis 
for leave 
of absence.

As the Local Act, under which the Office of Master in Equity is revived, authorizes "the Governor of the Colony subject to the approval of Her Majesty to appoint" the person selected to perform the duties of that Office, it will be proper that Mr. Milford should be appointed by you, and the Appointment submitted for Her Majesty's Approval; Mr. Milford will according to the usual practice receive half Salary from the date of Em­barkation.

I shall communicate with you fully on the question of these Legal Arrangements generally at an early opportunity.

I have, &c.,
STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 151, per ship Honduras.)

My Lord, Government House, 27th Augt., 1842.

I have the honor herewith to enclose a letter which has been handed to me by the Judges of the Supreme Court of this Colony for transmission to Your Lordship, and an appendix which is attached to it.

Your Lordship will regret, I am sure, to perceive, by these documents, that differences have again arisen between their Honors and Mr. Justice Willis; and I am sorry to have to add that still more serious differences have occurred in a distinct case, which I have been already called on by Mr. Justice Willis to bring under Your Lordship's notice, though I at present cannot do so, the documents on which Mr. Willis' case is founded not being yet in my possession.

The latter case is that of a Mr. Carrington, who, having been struck off the Roll of Attornies by Mr. Justice Willis, appealed to the Judges in Sydney. The Judges admitted his appeal, but Mr. Willis denies that they had power to do so.

The case has led to some most extraordinary proceedings at Port Phillip (especially in the Police Court), in which, I regret to say, Mr. Justice Willis appears to have placed himself in a very undignified position.

Mr. Willis has applied to me for Leave to proceed to England, which I have promised to grant, provided his duites can be satisfactorily performed during his absence without expence to the Government; but I have declined to do so on any other terms, permission to proceed to England on private business having been refused to the Chief Justice by Lord J. Russell's Despatch, No. 23 of the 26th Octr., 1841.

I have, &c.,
GEO. GIPPS.

[Enclosures.]

[Copies of these papers are not available.]
GIPPS TO STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 177, per ship Hamlet.)

Sir,
Downing Street, 28th August, 1842.

I have to acknowledge the receipt of your Despatch No. 45 of the 4th of March last, forwarding a Letter addressed to me by Mr. Lyon Campbell of the Port Philip District of New South Wales, requesting that, in the event of that District being placed under a separate Government, he may be allowed to offer himself as a Candidate for an Appointment under that Government.

I have noted Mr. La Trobe's recommendation in favor of that Gentleman, but you will now be aware that there is no intention of erecting the Port Philip District into a separate Government.

I have, &c,
STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 176, per ship Hamlet.)

Sir,
Downing Street, 30 August, 1842.

I have to acquaint you that I have extended the Leave of Absence granted to the Reverend Dr. Polding and the Reverend Mr. Gregory for the period of two years from the commencement of their original Leave, but on the understanding that Dr. Polding should receive Half Salary only during the period of his extended Leave; and that, under the circumstances of the case, I have consented to free them from the operation of the general rule, which prevents Colonial Officers from receiving their Salary due for the last period of their Leave, until their return to the Colony.

I have therefore authorized the Colonial Agent to pay to these Gentlemen their Absent Allowance, upon their giving sufficient assurance that they are about to resume their duties in New South Wales.

Mr. Barnard has been directed to inform you of the period to which they may receive Salary in this Country.

I have, &c,
STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 152, per ship Honduras; acknowledged by Lord Stanley, 12th May, 1843.)

My Lord, Government House, 30th Augt., 1842.

I have the honor herewith to forward to Your Lordship, a Memorial which has been addressed to the Lords of the Treasury by Mr. Hutchinson Hothersall Browne, Water Police Magistrate of Port Jackson.

Transmission of memorial from H. H. Browne.
This Memorial arises out of the following circumstances:—

When the Act of Council for establishing a Water Police (4th Vict., No. 17) was passed, and Mr. Browne appointed Water Police Magistrate of Port Jackson under it, as reported in my Despatches, Nos. 1 and 5 of the 1st Jan., 1841, it was deemed proper that he should hold a Deputation from the Customs, in consequence of the peculiar facilities, which the command of the Water Police afforded him for the suppression of Smuggling.

This Deputation was given to him by the Collector of Customs in general terms, and was not specifically confined to the Waters of Port Jackson; but the Collector of Customs insists that, though not specifically confined to the Waters of the Port, it must have been understood as being so confined, because it was given to Mr. Browne in his capacity of Water Police Magistrate, in which capacity he had no jurisdiction beyond the Port, though, in consequence of being included in the general Commission of the Peace, he had as an ordinary Magistrate jurisdiction (as all Magistrates have) throughout the whole of the Territory.

Mr. Browne made a very valuable seizure (by far the most valuable and important ever made in the Colony); but, as it was made at a place called Broken Bay, fourteen miles beyond the Heads of Port Jackson, the Collector declared that he had no right to make the seizure, and, to use the technical language of the Customs, seized over Mr. Browne’s head.

The whole matter seems to turn on the question, whether or not Mr. Browne had, under the Deputation which he held, a right to make the seizure. The Deputation was given to him certainly in his capacity of Water Police Magistrate, and addressed to him as such; but, on the other hand, it was general in its nature, no limits whatever, within which it was to be in force, being specified in the instrument.

Both parties consented to leave their dispute to my arbitration; but I declined to act as Arbitrator, first, because I did not feel sufficiently acquainted with the Laws of the Customs to take on myself the office, and, secondly, because I understood that no division of the proceeds of the seizure could be made, until the case had been before the Commissioners of Customs and that any decision, I might give, would be subject to reversal by the Commissioners.

Looking only to the protection of the Revenue, I feel it a duty to state to Your Lordship that I think it very desirable that the Water Police Magistrate should hold a Deputation, and that such Deputation should confer upon him the amplest powers which the Laws of the Customs will admit of.
GIPPS TO STANLEY.

The value of the Spirits, seized by Mr. Browne, is said to be £3,000. They had been shipped in a vessel called the “Fair Barbarian” at Sydney for Manilla, and Bonds were entered into by the Shippers, I believe to the amount of nearly £10,000, that they should not be relanded in New South Wales. These Bonds have been put in suit and of course, if judgment on them be obtained, the value of the seizure will be greatly enhanced.

I have, &c.,
Geo. Gipps.

[Enclosure.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 178, per ship Hamlet.)

Sir,
Downing Street, 1st September, 1842.

With reference to my Despatch No. 116 of the 26th of May last, I have to acquaint you that I have received the Queen’s Commands to signify to you Her Majesty’s confirmation of the Act of the Governor and Council of New South Wales (No. 9 of 1841) entitled “An Act for the further amendment of the Law, and for the better advancement of Justice.”

I have, &c.,
Stanley.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 153, per ship Honduras; acknowledged by lord Stanley, 27th May, 1843.)

My Lord,
Government House, 1st Septt., 1842.

With reference to my Despatch, No. 111 of the 26th June last, wherein I reported the reasons why no Bounties had been paid on the Emigrants by the ship “Sir Charles Napier,” I have the honor to forward herewith the Original Certificates of the persons, on whom Bounty would at any rate have been disallowed, even though the Bounties had not been withheld altogether.

The reasons why these persons would under any circumstances have been ineligible for Bounty, will be gathered from the Report of the Board; and, for facility of reference, an explanation is appended to the Certificates, shewing the reasons for the disallowance of each of them.

I have, &c.,
Geo. Gipps.
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 179, per ship Hamlet.)

Sir, Downing Street, 2nd September, 1842.

I transmit to you herewith a copy of an application which I have received from Mr. W. G. Whicker with reference to the purchase of a portion of 20,000 Acres of Land in New South Wales under the provisions of the 15th Section of the Australian Land Sales Act. I also transmit for your information a copy of the reply, which has been returned by my direction to that application.

I have not thought it necessary to furnish you with any specific instruction on a point on which the Act appeared to be so clear.

I have, &c,

STANLEY.

[Enclosure No. 1.]

MR. W. G. WHICKER TO LORD STANLEY.

19 Dorset Street, Portman Square, 27th August, 1842.

My Lord Stanley and being desirous of purchasing Land there, conjointly with some friends, my attention has been directed to Clause 15 of the Act V and VI of Victoria, Chap. 36, by which I find 20,000 Acres or more can be purchased in one block at not less than 20s. per Acre by private Contract from the Governor of the Colony "on such terms and conditions as to him shall seem meet."

My object in now addressing your Lordship is to thoroughly understand from you, as Her Majesty’s Colonial Secretary, if, on my depositing Twenty thousand pounds Sterling in this Country with the Lords of the Treasury, I would be entitled to select for myself on my arrival in the Colony a block of Land, such as is described in the Act of Twenty thousand Acres, and to obtain my title to the same, or if the Governor has it in his power to refuse my right of selection, and oblige me to take the Land in any locality he chooses.

In the event of your Lordship assuring me that I am entitled myself to make the selection, I am ready to enter into a negotiation for the purchase of such a quantity of Land; but, if on the other hand it is your Lordship’s opinion that I am to be controlled in my selection by the Governor, I must decline (as every Man would) submitting to such control, as the Governor may oblige me to take land, which both from situation and inferiority of soil is really not worth a shilling Per Acre; and if such is the interpretation of the Act, instead of promoting, it will tend to prevent altogether the private Sale of Land in the Colony, and thus retard its improvement and ultimate prosperity.

I have, &c,

W. GILCHRIST WHICKER.
GIPPS TO STANLEY. 231

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO MR. W. G. WHICKER.

Sir,
Downing Street, 2d September, 1842.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 27th Ulto. and to acquaint you in reply that, under the provisions of the Act to which you refer, the payment of £20,000 will clearly not entitle you to the purchase of 20,000 Acres of Land in Australia, but that, if you should apply for 20,000 Acres, the Governor is empowered to allow you to purchase the Land by private Contract at a Sum to be fixed by him of not less than 20s. Per Acre.

I am, &c.,

J. STEPHEN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 154, per ship Lady Raffles.)

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

The accompanying Minute of the Executive Council of this Colony will explain to Your Lordship the circumstances under which, with the advice of the Council and for the sake of preserving the credit of the New Zealand Government, I have taken up a Bill for £5,000, drawn by Governor Hobson on the Lords of the Treasury.

The first of the Bills is herewith enclosed; and I have to submit to your Lordship that it may be taken in acquittance of the proposed sum of £5,000, which I was directed by Lord J. Russell’s Despatch of the 2nd June, 1841, No. 281, to pay into the Military Chest, but which payment, for reasons stated in my Despatches dated and numbered as in the margin,* has not yet been made.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

EXTRACT from Minute No. 20 of the year 1841 of the Proceedings of the Executive Council, dated 25 August, 1841, relative to the negotiation of a Bill drawn by the Governor of New Zealand on the Lords of the Treasury.

PRESENT:—His Excellency the Governor; His Excellency the Commander of the Forces; The Right Rev. the Lord Bishop of Australia; The Honorable the Colonial Secretary; The Honorable the Colonial Treasurer.

The Council having met pursuant to summons, His Excellency the Governor informed them that it had come to his knowledge that Bills to the Amount of Four thousand five hundred pounds, drawn by the Governor of New Zealand on the Bank of Australasia in Sydney, had been dishonored, and were (after having been protested) about to be returned to Auckland, and he requested the advice of the Council as to whether or not it would be proper for him in any way to interfere in order to support the credit of the

* Marginal note.—1842: 20th Jany., No. 9; 4th July, No. 114.
New Zealand Government, and prevent the serious inconvenience which he had reason to suppose would arise in New Zealand from the return of these Bills.

The circumstances, under which the Bills alluded to had been dishonored by the Bank of Australasia, would be stated to the Council by the Deputy Commissary General.

His Excellency observed that, highly desirable as he considered it to be to support the credit of the New Zealand Government, he felt it right to point out to the Council that, the Land Fund of this Colony being exhausted, he had no funds at his command which he could legally make use of without a vote of the Legislative Council; also that the Debentures issued by this Government in the early part of the present year being still unredeemed, the advance of any money to the Government of New Zealand, instead of the application of it to the paying off of Debentures, must occasion to this Government a direct loss equal to Eight per cent. per annum on the sum advanced for the time it may remain unpaid.

His Excellency at the same time laid before the Council a Despatch No. 57 from the Secretary of State, dated the 24th January, 1842, by which he was directed not to draw on the Lords of the Treasury, without their Lordships' special authority, for the sums which were advanced by their Lordships' own order for the service of New Zealand in the year 1840 and 1841.

The Governor also stated that a short time ago he was informed by Governor Hobson that He (Governor Hobson) had authority to draw on the Lords of the Treasury for Twenty thousand pounds, and that the Bill of Five thousand Pounds now in the hands of the Bank of Australasia was drawn under that authority. This information, however, was contained in a private letter only from Governor Hobson, which His Excellency regretted that he could not then find. It might even have been destroyed, but he shewed it to Mr. Miller at the time he received it.

The Governor further stated that the Government of New South Wales was at the present time indebted to the Lords of the Treasury to the amount of more than Ten thousand pounds, and that he had orders to pay two distinct sums of Five thousand pounds each into the Military Chest.

William Miller, Esqre., Deputy Commissary General, and Charles Falconer, Esqre., Manager of the Bank of Australasia, were then severally called in and examined.

From the statements of these gentlemen, it was evident to the Council that, unless some preventive course were adopted by His Excellency, the Bill for Five thousand pounds drawn by Governor Hobson upon the Lords of the Treasury must either remain unsold, or be negotiated at a Discount of Ten per Cent. at a time when the Deputy Commissary General would expect for his Bills Five per cent. premium; and that, if the Bill were not immediately sold, Bills drawn by the Governor of New Zealand on the Bank of Australasia in Sydney to the amount of Four thousand five hundred pounds dependent on its sale for their payment, and now lying overdue and protested in the Commercial Bank at Sydney, would be returned dishonoured; and that not only the Government of New Zealand would thus be involved in serious embarrassment, but the Bank of New Zealand also, by which these Bills have been honored and accepted.

The evidence of these Gentlemen also removed any doubt which might have been entertained by the Council, as to the accuracy to its full extent of the statement made from recollection by His
GIPPS TO STANLEY. 233

Excellency, that Governor Hobson had distinctly stated in a private note that he had authority to draw on the Lords of the Treasury for Twenty thousand pounds.

The Council finding that the Bill was not negotiable solely for want of an official statement of the authority under which it was drawn, and feeling satisfied of the existence of such an authority, and deeming it right therefore to prevent the sale of the Bill on such disadvantageous terms as those proposed, recommended that His Excellency should purchase the Bill at par for transmission to the Lords of the Treasury in part payment of the sum stated by His Excellency to be due to their Lordships from this Government.

FRANCIS L. S. MEREWETHER,
Clerk of Councils.

[Enclosure A 1 to Minute No. 20 of 1842.]

WILLIAM MILLER, Esquire, Deputy Commissary-General introduced and requested to state the circumstances which had come to his knowledge, respecting certain Bills drawn by the Governor of New Zealand on the Bank of Australasia.

The first information, which I received of the circumstances connected with these Bills, was from a note from His Excellency, enclosing a note from Captain Hobson stating that he had drawn a Bill upon the Lords of the Treasury, and requesting a certificate from me of the rate at which the Bill was sold. The Bill was drawn in favor of the Treasurer of New Zealand, and by him endorsed to the Manager of the Bank of Australasia. The Bill was shewn to me by the Manager of the Bank of Australasia, who at the same time informed me that the Bank had received no certain information that the Bill was drawn under the authority of the Lords of the Treasury, and that they had in consequence declined to receive or negotiate it. He further stated that considerable inconvenience would probably arise, as the Governor of New Zealand had drawn several Bills on the supposed that his Bill on the Lords of the Treasury for £5,000 would have been negotiated here. These Bills were drawn through the Commercial Bank, the Manager of which called upon me in consequence of my name being mentioned in the correspondence, and stated that he had received them through the New Zealand Bank at Auckland to the amount of £4,500. He also stated that the Bills were drawn at 30 days' sight, that they had been noted as not accepted, and that, if not paid at the end of the 30 days, they would be returned protested. The 30 days expired yesterday, when the Managers of the two Banks waited on me to ask my opinion as to the most expedient mode of procedure in the matter. The Bank of Australasia continued to decline having anything to do with the Bill on the Treasury. After some consultation, the Manager of the Commercial Bank stated that he was well aware of the very great difficulties which would be occasioned by the Return of Governor Hobson's Bills unpaid, and that, in order to prevent these difficulties, he would on the part of the Commercial Bank undertake to negotiate the Treasury Bill at a Discount of 10 per cent. The present rate of Exchange is from 3 to 5 per cent, premium. I myself should expect 5 per cent. The reason given by the Manager of the Commercial Bank for charging a Discount of ten per cent, was that, owing to the uncertainty of payment by the Lords of the Treasury, the Bank could not venture to draw against the remittance of it, and that the money must therefore remain unemployed for nearly 12 months, and the loss of Interest during this time would be about equal to what they would gain by the Discount proposed. Upon this ground, the offer appeared fair and reasonable, and I promised to refer it to His Excellency the Governor for his decision.

I have incidentally heard, since the Bills came up, that, if they were returned unpaid, great consternation in New Zealand would be created, their amounts having been paid away to various individuals in New Zealand for labour done, articles purchased, and for the general expenses of the Government: and, if such a sum in dishonoured Bills were returned at one time, the consequences would be very disastrous, as, the Bank having commenced their operations on a paid up Capital of only about £2,000, there would be no money in the possession either of the Bank or the Government to pay the amount. They would be totally without funds. I have heard this at various times and from several credible informants, not merely Managers of Banks, but private individuals. I have been made aware that there are Bills drawn by Governor Hobson in the hands of private individuals as well as those in the Commercial Bank. It is within my knowledge that one Individual holds Bills for £650. This amount is included in the £4,500 which I have before mentioned.

1. Are you aware whether the Bank of New Zealand is in any way responsible for the Bills presented by the Commercial Bank?—The Bills have all passed through
1842.  
2 Sept.

Examination of W. Hobson re bill drawn by W. Hobson.

by W. Hobson.

the Bank of New Zealand, and the Commercial Bank here has recourse upon that Bank. When I say all the Bills, I would correct myself as I am not aware that the £500, to which I referred, have passed through any Bank.

2. Have you any grounds whereon to form an opinion, whether the Bills would be paid by the Lords of the Treasury?—I have not.

3. Are you aware whether there is on record any instance of Bills drawn by the Governor of a regularly constituted Colony being refused by their Lordships?—I am not possessed of any information as to whether any Bills have been paid or refused under such circumstances.

4. Are you aware whether there exists any authority from the Treasury permitting Captain Hobson to draw such a Bill?—I am not aware of any such authority. I have heard from Mr. Duguid, and seen in his hands part of a correspondence regarding an authority said to be held by Governor Hobson to draw on the Lords of the Treasury; but it is contradictory and unsatisfactory on the point.

5. If the negotiation of this Bill were approved by the Governor of this Colony, would the intrinsic value of it in a mercantile point of view be thereby increased?—The approval sought for from the Governor has reference merely to the terms of the negotiation for the Bill, and such approval would therefore have no effect whatever on its value. The approval required would fix the value of the Bill at the rate offered, and it is asked for merely for the purpose of relieving the Bank of Australasia from the responsibility of negotiating the Bill at a Discount.

6. Do you think then it would be better to accept the terms offered for disposal of Bill than to urge it to be returned dishonored to suffer it to be returned unpaid?—Not only would great inconvenience arise if the Bills were returned unpaid, but a considerable loss probably not less than £300 would be occasioned in the way of Interest, re-exchange and other charges of various kinds, and the object would be defeated after all.

7. On the supposition that the Bill should not be honoured by the Lords of the Treasury, what consequences might be expected to result?—The Bill would be returned to the Commercial Bank, and if endorsed without recourse by the Bank of Australasia, the Commercial Bank would have to recover the sum from the Governor of New Zealand. The re-exchange, in the event of the Bill being so returned from London, would alone amount to £1,000.

8. Then the pecuniary loss in that case would be more serious than would even now arise if the Bill were to be dishonored?—The eventual loss would be much greater and the inconvenience to the New Zealand Government would be postponed by the Commercial Bank advancing the money in the meantime.

9. What, in your opinion, would be the effect on any future Drafts which you yourself may have occasion to make upon the Lords of the Treasury, or would it have any effect?—It would have no effect whatever.

10. Do you recollect having seen a private note from Governor Hobson to Sir George Gipps, stating that he had an authority to draw upon the Lords of the Treasury?—I remember it distinctly. I remember remarking that the sum for which Governor Hobson stated he had authority to draw was Twenty pounds (in words). He added that the £5,000 then drawn for by him was his second Bill of that amount.

[Enclosure A 2 to Minute No. 20 of 1842.]
5. Would the Governor's endorsement of the Bill under the advice of this Council be considered a sufficient guarantee?—The Bill being already endorsed, a formal guarantee would be requisite; a simple endorsement would be insufficient.

6. What do you suppose would be the effect of returning the Drafts of Captain Hobson held by the Commercial Bank?—It would be injurious in the extreme. The Governor has in fact no other means of meeting his expenses.

7. On whom would the immediate loss fall?—It would fall ultimately on the Government, but immediately on the New Zealand Bank, which, having drawn upon the Commercial Bank here, would be called upon in the first instance to make good the sum. Drafts of the Treasurer of New Zealand payable to the New Zealand Bank were sent up at the same time with Governor Hobson's Bill upon the Lords of the Treasury, by which it was intended that these Drafts should be met.

8. Do you recollect having seen a private note from Captain Hobson to His Excellency the Governor stating that he was authorised to draw upon the Lords of the Treasury?—I do. It was put into my hands by Mr. Miller at Government House.

9. Did the note state that he had express authority to draw, or merely that it was his intention to draw?—The note stated that he had authority to draw.

Lord Stanley to Sir George Gipps.

(Despatch No. 180, per ship Hamlet; acknowledged by Sir George Gipps, 7th February, 1843.)

Sir, Downing Street, 3rd September, 1842.

I transmit to you, herewith, the Copy of a Letter from the Secretary to the Lords Commissioners of the Treasury, enclosing the Copy of a Report from the Commissioners of Audit, calling their Lordships' attention to the apparent neglect at New South Wales of that part of the instructions to the Governor, which points out the mode in which the Balances in the hands of the Colonial Treasurer are to be verified.

I have to call your particular attention to the Instructions referred to, and to direct that you will furnish me with the explanation required by the concluding Paragraph of the Letter from the Board of Treasury.

I have, &c,

STANLEY.

[Enclosure.]

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


I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you, in order that it may be submitted for the consideration of Lord Stanley, a copy of a Report from the Commissioners of Audit, dated the 29th Ult., calling their Lordships' attention to the apparent neglect at New South Wales of those Articles in the Instructions to the Governor, which point out the mode in which the Balances in the hands of the Colonial Treasurer are to be verified; and I am to request you will suggest to his Lordship that the attention of the Governor of New South Wales should be called to the Instructions referred to by the Commissioners, and that explanation should be required of the apparent non-compliance with those Instructions, and as to the unsatisfactory nature of the Certificate quoted by the Auditors.

I am, &c,

C. E. TREVELYAN.
1842.
3 Sept.

Balances in colonial treasury.

Instructions to examine treasury chest.

Neglect to make examinations.

Certificate re contents of treasury chest.

Transmission of report from Port Essington.

COMMISSIONERS OF AUDIT TO LORDS COMMISSIONERS OF TREASURY.

My Lords,

We have the honor to represent to Your Lordships that, upon a cursory inspection of the Accounts of C. D. Riddell, Esq., as Colonial Treasurer in New South Wales for the years 1836, 1837, and 1838, which have been recently received in this Office, we observe that very large Public Balances have been in his hands for the whole period of the Service.

The Balance on 31 Dec., 1836, being £325,231
" " " 1837, " 350,404
" " " " 1838, " 271,871

The Governor is directed by the 50th Article of his Instructions to cause the actual contents of the Treasury Chest to be examined, counted and reported, at least four times in the Year; and, by the 7th Article of the Instructions, he is also directed to order a further similar investigation, without any previous intimation of his intention to do so.

Upon the face of the Accounts however, it appears to us that but one examination into the contents of the Treasury Chest took place within the Three Years referred to, viz., on 17th Feb., 1837, and it is not shewn whether the Treasurer had or had not any previous knowledge of this investigation.

At this time there was reputed to be in the Chest £198,630, besides considerable balances in the local Banks.

We likewise beg leave to draw the attention of your Lordships to the terms of the Report, in which the verification is described in these words: "with regard to the monies in the vault, we satisfied ourselves by inspection and by counting what we considered as necessary, that it now contains in British money, etc., £198,630."

We do not mean to contend that the contents of this Chest may not have been satisfactorily ascertained by other means than actual counting, and the mention of the particular course pursued on this occasion, its not being the usual course, appears to us to have been commendable; but we have nevertheless thought it right to notice the terms of the Certificate.

The monied circumstances of the Colony are now, as we are aware, much altered, and the balance in the hands of the Treasurer much reduced in amount; but, as balances may again accumulate, and as the regulations ought to be strictly adhered to, we beg leave to suggest whether some communication ought not to be made to the Lieutenant Governor of the Colony, referring to the circumstances above mentioned, and desiring to be informed how far the regulations are now observed.

We have, &c.,

H. F. LUTTRELL.
HENRY ARBUTHNOT.
W. L. HERRIES.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 155, per ship Lady Raffles.)

My Lord,

Government House, 3rd Septt., 1842.

With reference to my Despatch No. 80 of the 5th May last, relating to the state of the Settlement at Port Essington, I have now the honor to enclose a copy of a report from Capt. Macarthur, which, though dated the 3rd Septt., 1841, reached me only on the 7th Augt., 1842.

This report appears to me on the whole satisfactory, and strengthens my opinion that the Settlement should not be abandoned.

Appended to the Report is a Copy of a letter from Mr. George Windsor Earl, giving an account of an excursion made by that gentleman in Her Majesty’s Brig “Britomart,” to various Islands in the sea of Banda, lying to the north of the Settlement.
GIPPS TO STANLEY.

I have further the honor to enclose a List of Supplies, which, agreeably to the intention expressed in my Despatch of the 5th May, were forwarded to the Settlement by the Schooner "Lynher," which sailed from Sydney on the 21st Augt. last.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 156, per ship Lady Raffles.)

My Lord,

Government House, 4th Sept., 1842.

I have had the honor to receive your Lordship's Despatch No. 54 of the 18th Jany., 1842, enclosing a Memorial from Mr. H. F. White, formerly an Assistant Surveyor in this Colony; and desiring me to report on the complaint made by Mr. White of his not having been allowed an opportunity of proving certain charges, which he preferred against the Police Magistrate of Port Macquarie, and into which I was desired to institute an enquiry by Lord Glenelg's Despatch, No. 196 of the 28th Augt., 1838.

Having, in my despatch to Lord Normanby of the 17th Septt., 1839, No. 128, fully reported on the case between Mr. White and Mr. Gray, and furnished the whole proceedings of the Court of Enquiry, holden at Port Macquarie, in obedience to Lord Glenelg's instructions, it is out of my power to meet Mr. White's complaint in any other way than by positively asserting, and (if necessary) pledging my honor to Your Lordship that Mr. White had every facility of proving his charges, which could have been afforded to him without running the Government into expenses which would have been quite unwarrantable, and altogether useless, even to Mr. White.

Mr. White, acting under the advice of a low Attorney, and, as I verily believe, for no other purpose than to give trouble, required to have no less than thirty five Witnesses brought at the expense of Government to Port Macquarie, Many of them from very distant parts of the Colony; and, although 15 of these Witnesses were assembled at Port Macquarie, and the Commissioners of Inquiry had my authority to summon at the expense of Government any other Witnesses whose evidence they might think necessary, Mr. White refused to go into his case; and now has the effrontery to declare that a fair opportunity of proving his charges was not afforded him.
Three years have elapsed, since Mr. White's frivolous and unfounded charges were preferred against Mr. Gray; and I feel it my duty to certify to Your Lordship that my further experience of Mr. Gray has confirmed me in the belief that he is one of the best officers of this Government; so high an opinion indeed have I of his intelligence and of the correctness of his conduct, that I was anxious, on the opening of Moreton Bay, to have the advantage of his services in that Settlement, as chief Agent of the Government; he however, I regret to say for reasons of a private nature, declined the offer which I made to him.

It may be scarcely necessary for me to remind Your Lordship that Mr. White's removal from the Surveyor General's Department was the act, not of myself, but of Colonel Snodgrass, who administered this Government for a short period intervening between the departure of Sir Richard Bourke and my own arrival. I have no personal knowledge of Mr. White, and no cause whatever to bear illwill towards him; I have moreover stated that his character in the Department of the Surveyor General was good, prior to the contumacy which he exhibited in his difference with Colonel Snodgrass; and I believe his misconduct before the Commissioners was principally to be attributed to his connexions with the person to whom I have already alluded.

I have, &c.,

Geo. Gipps.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 181, per ship Hamlet.)

Sir,

Downing Street, 5th September, 1842.

It is with great satisfaction that I have now to announce to you the final completion of a measure, which has long been in the contemplation of successive Governments, but which has been, from various causes, repeatedly postponed from year to year, and that I am now enabled to transmit to you for your guidance a copy of the Bill for the Government of New South Wales, which has been submitted to Parliament by Her Majesty's Government, and has now passed into a law.

The long period* during which this measure has engaged the anxious attention of Government, and the publication by my predecessor, during a former Session of Parliament, of the Bill,* which was then in contemplation, and on which the present Act has been in a great degree founded, have tended to secure to the measure, during its progress, the full consideration of all parties.

I have great satisfaction in stating that the general provisions of the Act have met with the concurrence of those persons in

* Note 20.
this country, who may be regarded as chiefly representing the
different interests in the Colony; and I am also glad to perceive
that the leading principles of the Bill are consonant with your
own views, as expressed in your Despatch No. 13 of the 13th
January, 1841; and that, when you had an opportunity of re-
viewing the statements on which the Government had proceeded
in framing their proposed measure, you did not dissent from
the correctness of the facts, or the conclusions on which it was
founded. I have also gladly availed myself of the presence in
this country of the Attorney-General of New South Wales, to
obtain the benefit of his local knowledge and experience in the
arrangement of many points of detail. Under these circum-
cstances the Bill has passed without a dissentient voice through
both Houses of Parliament.

I shall now proceed to point out to you the duties, which, under
this Act, will immediately devolve on the Executive Government
and the existing Council; and I need scarcely point out to you
that the execution of those duties will require their utmost care
and vigilance.

The 55th clause enacts that the Act “shall be proclaimed by Proclamation
the Governor of New South Wales, within six weeks after a
of act.
copy of it shall have been received by him, and shall take effect
within the said Colony from the day of the Proclamation
thereof.”

The 22nd clause enacts that the first writs for the election of
the Members of the new Council shall issue at some period not
later than twelve calendar months after the Proclamation of the
Act within the Colony.

Although that latitude of time is allowed by the Act in order
to provide against unforeseen contingencies, it will be desirable
that no unnecessary delay should be permitted to take place in
that respect; and that the first Legislative Council, constituted
under its provisions, should be assembled at as early a period
as may be consistent with the due Legislative and other pre-
liminaries to their election and appointment.

The 2nd clause gives the power to the existing Council, under
certain provisos, by ordinances to be made by them for that
purpose, to make the necessary provision for dividing the parts
of the Colony within the Boundaries of Location into con-
venient Electoral Districts, and for declaring the number of
Members to be elected for each District.

Although I have no wish to fetter the discretion of the Council
in this respect, I should suggest that, in distributing the Repre-
sentatives, they should adhere as far as possible to the existing
boundaries, rather than adopt new divisions of the Colony with
1842.
3 Sept.

Members for district of Port Phillip and town of Melbourne.

Boundaries for towns.

Power to vary electorates and number of members.

Problem of franchise for leaseholders.

a view of equalizing the area; and that they should content
themselves, with apportioning the representation in each case,
not with mathematical accuracy, but with a general reference
to the joint considerations of amount of population and extent
of territory. Two small or thinly peopled Counties might per­
haps be united, and, in the larger and more populous Districts,
the representation might be advantageously increased.

Out-of the twenty-four Members to be elected under the Act,
it is provided that not less than six would be allotted to the
District of Port Phillip, including the Town of Melbourne. On
the distribution of the Members within that District, you will
probably consult Mr. La Trobe. From the representations I
have received respectively from the Colonists of the Sydney and
the Port Phillip Districts, and also from the communications
which I have had with those parties in this Country connected
with the interests of both those Districts, I am lead to believe
that the divisional boundaries laid down in the Act are such as
will meet the general feelings of the Colonists.

In fixing, under the 3rd clause of this Act, the boundaries of
the Towns to be taken out of the adjoining District for repre­
sentative purposes, you will be careful not to include more of
such District than may be reasonably expected to be occupied for
building purposes within a limited period.

The 4th clause gives to the Governor and Legislative Council,
the power, by any Act or Acts to be hereafter passed, to alter,
not only the boundaries of divisions, but the number of such
divisions, and consequently the total number of the elective
Members, subject to a proportionate increase in the number of
the Members nominated by the Crown.

You will observe, however, that such power is reserved entirely
to the future Legislative Council, and you will not assent to any
Bill which may be passed by them for altering in any way the
composition of the Council without a suspending clause.

I have felt some doubt as to the propriety of permitting a quali­
fication in the Country Districts to be derived from leasehold as
well as from freehold property, nor am I possessed of sufficient
information to enable me to decide on the expediency or neces­
sity of such an addition to the franchise conferred by the present
Act. It would not of course be competent to the Legislative
Council to make such an alteration in the principle of the quali­
fication; but I should be glad to receive your opinion on the
subject; and if, being convinced of the advantage of such a mea­
sure, you should hereafter think fit to submit the question to the
newly constituted Council, you are authorised to do so; and, on
receiving an intimation, in the shape of an address to the Crown,
of the concurrence of that body in your views, I shall feel warranted in submitting to Parliament an amendment of the Act in that respect; you would, however, carefully consider what term of lease should be deemed a sufficient permanency to confer the franchise; and you must bear in mind that the annual interest possessed by the leaseholder, over and above any rent to which he may be subject, must be at the least equal in amount to the annual value of freehold property required in order to give the qualification.

Subject to this question, there appears sufficient reason to believe that the freehold qualification in the Country Districts, and the household qualification in the Towns, will admit all who have the least claim to exercise that function.

Looking at the great increase of the free population, and the cessation of Transportation, Her Majesty's Government have not thought it necessary to introduce into the Act any exceptional provision in reference to the Emancipist class.

You will observe that an unusual power is conferred on you, by the 30th clause, of returning to the Council, with any amendments which you may think desirable, any laws presented to you for Her Majesty's assent. This power is intended to counteract the inconvenience which might result from the absence of reconsideration of such measures in a second Chamber, and from the necessity which might possibly arise, in consequence, for disallowing laws transmitted from so great a distance to the Secretary of State.

You will observe, however, that the rejection of any amendments which you may propose will not entail the loss of the Bill.

I transmit herewith Instructions under the Royal Sign Manual, which, it is provided under the 40th clause, shall be issued to the Governor for his guidance in the exercise of the powers vested in him by the Act, of assenting to or dissenting from, or reserving for the signification of Her Majesty's pleasure Bills to be passed by the Council. The effect of these Instructions is to confirm so much of those under which you are now acting, as relate to the subject.

The 34th clause is for the appropriation of the Taxes and Duties, etc., levied in the Colony. I have especially to call your attention to the provision of that clause, which enacts that it shall not be lawful for the Council to pass, or for the Governor to assent to, any Bill appropriating to the Public Service any sums or sum of money arising from such sources, unless the Governor, on Her Majesty's behalf, shall first have recommended to the Council to make provision for the specific Public Service towards which such money is to be appropriated.

SEP. I. VOL. XXII—Q
It will be your duty, through an official Member of the Council, to submit annually to the Council, a Budget or Financial Statement, accompanied by a detailed estimate of all sums required to be voted; and you will adhere rigidly to the practice of Parliament, which does not permit any question to be put for the insertion of any new head of expenditure, or for the increase of any single item submitted in such estimates. This will not, of course, preclude you from submitting supplementary estimates.

The clauses 37 to 39 inclusive, respecting the Civil List, require no further explanation, with the exception of the provision of £30,000 for Public Worship, which will form the subject of a separate communication. I transmit, however, Instructions to the Local Treasurer, which have been prepared by the Lords Commissioners of the Treasury, in conformity with the provisions of the 37th clause.

Large as are the Revenues of New South Wales, and comparatively light its taxation, it is thought desirable that the objects to which mainly the public expenditure should be limited, ought to be such as are of general and not of purely local interest, and that these latter objects should be in the main provided for by local taxation, and managed on the spot by local boards, chosen from among the inhabitants out of whose means the expenditure is to be defrayed. It is with this view that the clauses from 41 to 47 inclusive have been framed, chiefly on the model of those recently adopted in reference to Canada. In a matter however of such purely local application, it has been thought right to give the amplest Legislative power to the Legislative Council of the Colony; and the object, in the first instance, of delegating to the Governor the power of establishing the District Municipal Courts, is to secure beyond doubt that the system shall be set on foot. You will observe that, when once established, ample powers are given by the 46th clause for securing its continuance; you will observe also that those provisions apply to the Towns, as well as to the Country Districts. It may probably hereafter be necessary to make different regulations for the Government of these very different bodies; and it will be necessary for you to exercise, in the first instance, a very careful discretion in assigning the limits of different Districts, so as not to impose upon the Inhabitants of a Country or Town District the burthen of local taxation, for purposes of which they do not respectively derive a fair share of advantage.

The clauses relating to expenditure on account of the Police will, I apprehend, be sufficiently explanatory of themselves.

This being a charge partly of a general and partly of a local character, it has been thought equitable to apportion the expense equally between the Colony at large and the several Districts;
and while motives of economy connected with the general expenditure will be sufficient check against the Legislative Council unduly raising the total amount to be levied, it has been thought right to guard, by the interposition of compulsory powers, against the possibility of the District Councils, from motives of ill understood self interest, seeking to avoid the necessary expenditure in so important an object, or to transfer the whole burthen to the general Funds of the Colony. It has been thought absolutely necessary, for the present, at all events, to vest the control of the Police in the Governor.

In conclusion, I have only to express my anxious, but confident hope, that the Act which I now transmit to you, conferring upon the Inhabitants of New South Wales powers so extensive for the Administration of their own local affairs, will be received by them with feelings corresponding with those which have induced Her Majesty, by my advice, to divest Herself of so large a portion of Her authority over the internal management of the Colony, and, with the aid of Parliament to grant so large a measure of self-government; that the powers thus vested in the Local Legislature will be wisely and temperately exercised; and that Her Majesty may have the high satisfaction of witnessing, as the result of Her gracious boon to the Colony, its continued advance in religion and morality; its steady progress in wealth and social improvement; and the permanent happiness and contentment of Her people. I have, &c.,

STANLEY.

[Enclosures.]

[Copies of these instructions* are not available.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 182, per ship Hamlet.)

Sir,
Downing Street, 5th September, 1842.

There is one point connected with the Act for the Government of New South Wales, to which I have not referred in my Despatch No. 181 of this day’s date, I allude to the provision made in the Schedule for the Civil and Judicial Establishments at the rate of £1,500 a year for the Salary of the Superintendent at Port Phillip.

In fixing the Salary of the Superintendent at that rate, I have been guided by the recommendation contained in your Despatch No. 102 of the 28th of April, 1841, and you are authorized without delay to take the necessary measures for giving Mr. La Trobe the benefit of that encrease of Salary. I have, &c.,

STANLEY.

* Note 21.
Transmission of warrant for appointment of nominee members.

LORD STANLEY TO SIR GEORGE GIPPS.
(A separate despatch, per ship Hamlet.)

Sir, Downing Street, 5th September, 1842.

With reference to my Dispatch No. 181 of this day's date, I transmit to you a Warrant under the Royal Sign Manual delegating to the Governor of New South Wales the power of nominating and designating the non elective Members of the Legislative Council under the 1st and 12th Clauses of the Act for the Government of New South Wales and Van Diemen's Land.

I have, &c.,

STANLEY.

[Enclosure.]

[A copy of this warrant* is not available.]

LORD STANLEY TO SIR GEORGE GIPPS.
(A private despatch, per ship Hamlet.)

Sir, Downing Street, 5th September, 1842.

There is one point, with reference to the operation of the new Act for the Government of New South Wales, which I have not touched upon in my public Despatch of this day's date, thinking it better to reserve it as the subject of a private Communication.

You will observe by the 12th Clause that, of the twelve non Elective Members, not more than Six are to hold Offices of Emolument under the Crown; but there is no restriction as to the numbers of such Officers, who may hold seats in the Council by Election; and, with a view to facilitate the arrangements of the Government in this respect, it is provided that the Non Elective Members shall not be appointed until all the Writs are returned. It will be of course desirable that some of the Officers of Government should owe their Seats to popular Election. With respect to others again, I should conceive it unadvisable that they should be dependent on particular constituencies, and appear to represent particular interests. Of this latter class are the Chief Justice, the General Commanding the Forces, The Bishop and the Colonial Secretary. I own that I entertain great doubts how far it may be advantageous to the Colony, and to the Interests of Religion, that the Bishop should continue to hold a Seat in a Council thus in part popularly constructed; but my sincere respect for the present Bishop forbids my taking any step in reference to him, which should appear to intimate any slight upon him, and I am therefore prepared to leave this matter.

* Note 22.
to his discretion, and to authorize you to appoint him to the Council, or not, according to his own wish and feeling on the subject.

Should he still adhere to the opinions expressed by him in his Letter* to Lord Glenelg of the 29 Feb., 1836, his resignation would be accepted by me with regret, on account of the loss of his personal Services, but with respect for the feeling of public duty which might lead him to divest himself of the authority attaching to a Seat in the Council. Should he have seen reason to alter his opinion, I shall not be the less prepared to acquiesce in his decision, nor to attribute it to any other motive than an altered sense of what is best for the interests of the public and especially of the Church committed to his care.

In addition to those whom I have named, I think it expedient that the Collector of Customs, the Attorney or Solicitor General (or both), The Treasurer, or the Auditor, should have Seats in the Council; but there is no reason why these Functionaries should not be returned by election, A non-Elective Seat being disposable in case of their failure. It will be necessary to intimate to all the existing Un-official Members that, with regard to each of them, you must hold yourself entirely unfettered until the Elections shall have taken place under the Act. Most of them will probably be returned without difficulty by some of the new Constituencies.

I have, &c.,

Stanley.

Sir George Gipps to Lord Stanley.
(Despatch No. 157, per ship Lady Raffles; acknowledged by lord Stanley, 1st April, 1843.)

My Lord,

Government House, 5th Sept., 1842.

I have the honor herewith to transmit a Memorial, which has been addressed to Your Lordship by Mr. Heneage Finch, whose case is as follows:—

Mr. Finch, after having been employed about ten years in the Department of the Surveyor General, resigned his situation in 1837, under circumstances which might have been considered such as to disqualify him for any future employment under Government. He however was, by Sir Richard Bourke, at the intercession of the Deputy Surveyor General (the Surveyor General being then absent from the Colony) allowed to resume his rank in the Department; and shortly afterwards he was appointed to conduct a Survey in the Northern part of the Colony. In this appointment he gave so little satisfaction that the Deputy Surveyor General reported, on the 21st Feby., 1839, "that the survey of a few farms by Mr. Finch, in the neighbourhood of the

* Note 23.
Hastings, and two lines of road of no very considerable length, is nearly all the work that has resulted from an expenditure of probably sixteen hundred pounds."

The correspondence between Mr. Finch and the Deputy Surveyor General respecting this survey, and the several disasters which had happened in the course of it to the party under Mr. Finch's guidance, having been submitted to me, I found it so marked with a spirit of insubordination, and of absolute contempt for the orders of his Department, that I caused, on the 27th Feb'y., 1839, a communication to be made to Mr. Finch, through the Deputy Surveyor General, that any repetition on his part of such querulousness or flippancy would be followed by the severest punishment that I could inflict. Mr. Finch on this again tendered his resignation, which was accepted, and he ceased to receive pay in the Department on the 1st May, 1839.

From that time, I have constantly and steadily refused to admit Mr. Finch to any employment under this Government; and Your Lordship will observe that this refusal forms the groundwork of Mr. Finch's Memorial.

It is not improbable that Mr. Finch may have been (as he states he was) encouraged to hope for employment by Mr. Mayne, a Commissioner of Crown Lands, or even by Captn. Perry, the Deputy Surveyor General, who, I am disposed to think, both in 1837 and 1839, treated Mr. Finch with unmerited lenity; but neither of these officers was in any way authorized by me to hold out such expectations to Mr. Finch; on the contrary, I find that, on a letter from Mr. Finch to Mr. Mayne, I made, on the 12th Dec'r., 1840, the following Minute:—

"As Mr. Finch has thought it right to bring this letter under my notice, I shall record on it (which otherwise I should not have thought it necessary to do) that the circumstances, under which Mr. Finch quitted the Surveyor General's Department, render it not in my opinion desirable that he should be employed again in any service under the Surveyor General's direction."

The letter, with this Minute on it, was forwarded to Mr. Mayne; and I find that, on four different occasions, I caused Mr. Finch to be very explicitly informed that I would not again employ him in any manner.

I trust Your Lordship will consider that, after having twice resigned, and having been always one of the most insubordinate of a Department by no means remarkable for its regularity, Mr. Finch can have no just cause of complaint against this Government, if he now find himself in pecuniary distress.

I have, &c.,

GEO. GIPPS.
MR. HENAGE FINCH TO SECRETARY OF STATE.

Bent Street, Sydney,

My Lord,

New South Wales, 27th June, 1842.

I have the honor to submit for your Lordship's consideration as Her Majesty's Secretary of State a correspondence with the Government of this Colony, a copy of which according to the enclosed List I have solicited His Excellency the Governor to transmit to your Lordship accompanied by this Letter.

I have been employed as a Surveyor under the orders of the Deputy Surveyor General during Sir Thomas Mitchell's recent absence in England. Having reason to complain of the insufficiency of the means afforded me for discharging very arduous duties, far more than those assigned to the generality of Surveyors and Assistant Surveyors, I solicited in the first place facilities which had been afforded to other officers, but withheld from me, and respectfully pointed out that the difficulties of my Situation were such as prevented my acting up to what I conceived to be my duty; at the same time suggesting means for meeting those difficulties, but in vain. I then assumed a more decided tone, and resolved either to obtain the Co-operation of the Government or to quit the Service (my only means of subsistence). I briefly represented in several instances the obstacles to the execution of the Deputy Surveyor General's orders; and, having thus as I conceived relieved myself of the responsibility, prepared for the undertaking with the same resolution I should have done if confident of success. I persevered in my operation till, from exposure to Swamps under a vertical Sun and from the effect of unwholesome provisions, it became literally impossible for me to proceed. My men too threw down their Tools, declaring they were unable to work. I went to Sydney, having drawn up a Statement of what I considered absolutely necessary in order to render my exertions effective.

All my applications procured only evasive answers. The answer of the Deputy Surveyor General to my statement was puerile in the extreme. My remonstrances were met with offensive and insulting language.

At length finding that nothing was to be done, I tendered my resignation. I could not even get an answer to this; and addressed the enclosed letter (No. 12) on the subject to the Colonial Secretary. But all my efforts to place the circumstances which had compelled me to resign in a true light, so as to prevent their being misrepresented, were unavailing.

Having after my resignation twice made my way to the Clarence river (I was the first person who reached that river from the Table land of New England and also the first to make it from the McLeay), I took an interest in the survey of a large tract which formed a blank in the map of Australia. At that time, I received the enclosed letter from Mr. Edward Mayne, the Commissioner of Crown lands appointed to the District of New England (No. 30). On receiving it I laid it before Captain Perry, Deputy Surveyor General, and also before the Colonial Secretary; and was induced by them to tender for the performance of the Survey required, which Tender I was surprised under the circumstances to find rejected by the Governor.
1842.
5 Sept.

Allegations against Sir G. Gipps.

Request for inquiry.

I wrote to Mr. Mayne, and, as I had received his letter through the Colonial Secretary's office, requested mine might be transmitted by the same channel. His Excellency then shewed (No. 20) what were the motives for having previously withheld from me all explanation and for opposing my attempts to clear up the mystery with which his Officers had sedulously invested these transactions. He made use of my letter to insinuate to Mr. Mayne and through him to the public that I had been guilty either of neglect of duty or dishonorable conduct while in Office; in order I suppose that he might conceal the true cause of my retiring, viz., the want of cooperation on the part of the Government. I adopted the only course then in my power and wrote the enclosed letter (No. 21). A long correspondence (on two occasions) took place, throughout the whole of which there appears a determination on the part of the Governor to keep out of view the real question, and a very awkward attempt to appear to misunderstand my object and to suppose me desirous of returning to the public service instead of being resolved to counteract, if possible, the system of calumny and misrepresentation to which I was exposed. I believe it will be found that in no instance has any letter of mine been fairly met and answered, and I am almost willing to limit my request on the present occasion to asking for answers to my letters instead of the evasive attempts to put me off to which I have hitherto been obliged to submit.

When I left England to assume the duties of a Government Surveyor, I had strong recommendations to the Colonial Government. These recommendations it was my constant endeavour to deserve. And I had the flattering testimony of Sir Thomas Mitchell to my having succeeded. And, though my exertions procured me nothing but the hardest lot among the working Surveyors, I look upon it as the most honorable one as shewing that I did not shrink from my duty. I conceived, however, that I had a right to the co-operation of the Government; and, when I made known my wants in this respect and found that all attention to them was denied, I surely had a claim to have the cause which rendered it necessary for me to retire made apparent in order to secure my conduct from misrepresentation. This was not only refused, but the obscurity, in which the circumstances were thus involved, was made use of to calumniate me in order to vindicate the apathy or neglect of the Government. I was unwillingly forced into a correspondence which I conducted in haste, secure as I imagined in the integrity of my motives. I took every precaution however to avoid giving offence; and, when charged with disrespectful language (though the expressions were not pointed out to me and I now submit the charge cannot be maintained) I offered to retract (No. 8). But can any insconsiderateness on my part justify the machinations resorted to and the gross unmanly injury attempted to be inflicted on me in the Governor's minute affixed to my letter to Mr. Mayne (No. 20). From such injury, I claim the protection of Her Majesty's Ministers. I complain not of neglected Services. The wrongs I resent are such as strike at the efficiency of Government as well as the welfare of the Governed. A Free, fair, and open Enquiry is all that I solicit, conducted so as to prevent the sacred power entrusted to Her Majesty's Representative being abused to suppress the Truth.

I have, &c.

HENEAEB FINCH.
STANLEY TO GIPPS.

[Sub-enclosure No. 1.]

MR. E. MAYNE TO MR. H. FINCH.

Sir, A Club, 3d October, 1840.

It has been suggested to me by Captain Perry that you might be a person likely to undertake the following employment:—

I therefore take the liberty to address you on the subject and to request that, if entertained by you, you would state the terms upon which you would be likely to act.

It is found desirable to determine by a skeleton survey the Boundaries assigned to the Commissioners of New England, Bligh and Liverpool Plains District, respectively. These boundaries to be fixed by prominent and well defined mountain ranges wherever practicable. The apices of the principal ranges being fixed by Trigonometrical observations upon an assumed base, as the proximate scale can be given when the work is in a sufficient state of forwardness to render it necessary. The size, general course and points of confluence of the several rivers will be all the detail requisite in the work. The several squatters' stations should be fixed as accurately as possible, it being of importance to the Commissioners to be acquainted with their exact locality.

I am, &c,

EDWARD MAYNE.

[Sub-enclosure No. 2.]

COPY CERTIFICATE OF MR. TOZER, APOTHECARY.

Sir, Medical Depot, 31st May, 1839.

I herewith furnish your little w/c for the operation on your foot, etc.

You have requested me to state my opinion of the case. I beg to add that from statement by your diet and the distance you had ridden to obtain medical advice that the inflammatory action was so increased that, had you not followed the treatment recommended, you would in all probability have been obliged to resort to amputation. In prescribing for you, I did so knowing there was no practising medical man on the settlement at that time; otherwise I would have referred you to him.

I am, Sir, &c,

HORATIO TOZER, Chemist and Druggist.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 184, per ship Victoria.)

Sir, Downing Street, 6th September, 1842.

I transmit to you herewith Copies of a Correspondence with the Revd. Dr. Polding relative to an application, which he has made for an Allowance of £50 each for the passage of four Clergymen, who are about to accompany him to Australia to be employed in the Civilization and Instruction of the Aborigines in New South Wales. You will observe that I did not feel justified in sanctioning a compliance with Dr. Polding's application. At the same time, I have informed Dr. Polding that I would recommend these Gentlemen to your protection, although it must be clearly understood that they are not to be chargeable on the Revenues of the Colony.

I have, &c,

STANLEY.

[Enclosure No. 1.]

REVD. DR. POLDING TO LORD STANLEY.

My Lord, 63 Paternoster Row, 23rd Aug., 1842.

I have the honor to inform Your Lordship that four Clergymen of the highest character are prepared to accompany me to Australia for the purpose of devoting themselves entirely and exclusively to the Civilizing and instructing of the Aborigines.

As the funds I have at command applicable to this object are extremely slender, I earnestly solicit Your Lordship to sanction the payment of £50 each to assist in defraying the expenses of Outfit.
1842.
6 Sept.

and passage. I beg most respectfully to suggest that the sanction of H.M.'s Govt, thus expressed would place them in a position, which would materially assist in the accomplishment of the highly meritorious object they propose to themselves. I trust Your Lordship will judge the case favorably, as not contemplated by the regulation made respecting the Outfit and passage of Clergymen in consequence of the application of Governor Sir Geo. Gipps.

I have, &c.,

J. B. POLDING.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO REVD. DR. POLDING.

Sir, Downing Street, 1st Sept., 1842.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 23rd Ulto. in which you solicit His Lordship's sanction for the payment of £50 each to 4 Clergymen, who are about to accompany you to Australia to devote themselves to the civilization and Instruction of the Aborigines; and I am to refer you in reply to my letter to you of the 6 October last, in which you were informed that H.M.'s Govt, were not prepared to sanction the measures which you proposed for establishing a Mission for the instruction of the Aborigines, and to acquaint you that His Lordship must therefore decline to sanction the payment of the Allowance in question.

I have, &c.,

JAS. STEPHEN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 158, per ship Lady Raffles; acknowledged by lord Stanley, 15th April, 1843.)

My Lord,

Government House, 6th Septt., 1842.

I have the honor herewith to forward a Memorial addressed to Your Lordship by Mr. Terence Aubrey Murray, on behalf of his Sister, Mrs. Bunn, the Widow of Mr. G. Bunn, formerly a Merchant of Sydney.

In the year 1830, Mr. Bunn obtained permission from Governor Darling to select ten acres of land on the shores of Port Jackson for the purpose of forming a Whaling establishment, and accordingly selected ten acres in Lane Cove, one of the very numerous coves or inlets, which are to be found in the Harbour of Sydney, distant however by water about ten miles from that Town.

The terms, on which Mr. Bunn was authorized to take possession of these ten acres, are very clearly defined in a letter to him from the Colonial Secretary, dated the 13th Octt., 1831, of which a copy is herewith enclosed; and they were as follows:—

1. That there should be no prior claimant to the land;
2. That the grant of the land to him should be confirmed within two years by the Secretary of State;
3. That he should immediately apply it to the purpose for which he wanted it, and not convert it to any other purpose whatsoever.

Very shortly after the date of this letter, another claimant for the same ten acres of land appeared in the person of a
Mr. William Gore; consequently Mr. Bunn never obtained the land, nor were any of the conditions, on which he was to have possession of it, fulfilled.

Mr. Gore's claim extended not only to the ten acres which had been selected by Mr. Bunn, but to a great deal more land in the neighbourhood; and, being founded on vague and old documents, issued before regular records were kept in the Colony, the investigation of his case lasted for several years; and it was only in 1837 that, on the report of Commissioners, appointed under a local Act of Council (5th Wm. IV, No. 21) to investigate claims to Grants of land, Mr. Gore's right to eight acres out of the ten, which Mr. Bunn had selected, was confirmed by the Commissioners, who, in reporting in Mr. Gore's favor, recommended that Mr. Bunn should be "compensated elsewhere."

It might be difficult to imagine the grounds, on which the Commissioners made such a recommendation. Sir Richard Bourke, however, by a Minute, dated the 22nd May, 1837, approved their report, and added to his approval the following words:—

"It will be as easy to compensate Bunn’s representative for the whole ten, as for eight acres, as I understand Bunn was never in possession of any."

Shortly after my arrival in the Colony, the representatives of Mr. Bunn (Mr. Bunn being dead) applied to me for the compensation, which had been thus promised to them; and I allowed them compensation at the rate of £10 per acre, or £100, for the ten acres, being the full value put upon the land by the Surveyor General, as will be seen by the enclosed Copy of a letter from the Deputy Surveyor General, dated the 24th August, 1839.

Instead of £100, Mr. Murray asked, on the 10th Octt., 1839, £2,000, a sum altogether preposterous; and I beg in conclusion to state that the greatest doubt, which presents itself to me in this case, is whether I may not have been wrong in granting to Mrs. Bunn any compensation at all.

GEO. GIPPS.

[Enclosure No. 1.]

The Memorial of Terence Aubrey Murray, of Yarrowlumla, in the Colony of New South Wales, most respectfully sheweth,

To the Right Honourable Lord Stanley, Her Majesty's Secretary of State for the Colonial Department, etc., etc., etc.,

That your Memorialist is Executor to the Will of the late George Bunn, a merchant of Sydney, who died in 1834; that that Gentleman received from Governor Darling in 1833 a Grant of ten acres of land on the North Shore of Port Jackson; that this land was notwithstanding withdrawn from Mr. Bunn's family in 1836, and given to a Mr. Gore, in consideration of some right conceded by
Memorial of
T. A. Murray
as executor
for G. Bunn.

1842.
6 Sept.

Memorial of T. A. Murray as executor for G. Bunn.

Conditional approval of selection of land by G. Bunn at Lane cove.

Conditions for proposed grant.

HISTORICAL RECORDS OF AUSTRALIA.

him to the Government; and that Sir Richard Bourke, in doing this, ordered compensation to be made to Mr. Bunn's estate. That your Memorialist accordingly applied to His Excellency Sir George Gipps soon after his arrival in the Colony, and was offered by him a remission of one hundred pounds in the purchase of land elsewhere; and that, this being wholly disproportionate to the loss sustained, he has since made different applications on the subject but without any better success.

Your Memorialist therefore, being the brother of Mrs. Bunn, and deeply interested in her welfare and that of her children, now most respectfully appeals to your Lordship, humbly but earnestly, soliciting your consideration for the simple merits of the case, and begging that you will be pleased either to permit the Executors to select ten acres elsewhere in the vicinity of Sydney, or allow them a remission in the purchase of land equal to the assessed value of the grant withdrawn.

And, as in duty bound, your Memorialist shall ever pray.

T. AUBREY MURRAY,
Executor of the late Geo. Bunn.

Yarrowlumla, N.S.W., 16 May, 1842.

[Enclosure No. 2.]

COLONIAL SECRETARY MACLEY TO MR. G. BURN.
Colonial Secretary's Office,
Sydney, 13th October, 1831.

The Surveyor General having stated in his Report for 1/15 November, 1830, No. 30/315, that, in pursuance of the authority given to you by His Excellency the Governor, you have selected Ten acres of Land situated in the County of Cumberland, Parish of Willoughby at Gore's Wharf, in the Bay North of Point Salamander, commencing at the Chimney of a Hut and extending Northerly, bounded on the south East by the Water, and on the West by a Road reserving the Wharf and road to it for Public use, for the purpose of a Whaling Establishment and the erection of a Residence; I am directed to communicate to you His Excellency's sanction to take possession of the said Ten acres of Land, and to retain the same (if it has been surveyed) for two years from the present date or until His Majesty's pleasure shall be made known on the subject. Provided that you apply it immediately to the purpose stated and do not convert any part of it to any other purpose whatsoever. But, if the selection which you have made be in an unsurveyed part of the Country, it will not be possible to determine at present whether there are any prior claims or other objections to your obtaining the precise spot applied for, or not. It is presumed, however, that there will be a sufficiency of Land for all purposes, and the Government will not interfere with your selection if it can be avoided.

If it be found at the end of Two years that you have failed to carry into effect the purpose above stated, the land will be immediately resumed and granted to another applicant. But, if during that time you shall fully and bona fide comply with the intention of this Reserve, and if the same shall be approved by His Majesty, you will be allowed a grant of the Land in free and common socage on the following conditions, viz.:

1st. You will have to pay a Quit Rent to the Crown of Five per cent. per annum, on the value of the Land as it may be hereafter
affixed by the Commissioners, appointed for that purpose or by order of His Majesty's Government.

2nd. The payment of the Quit Rent will not commence until the end of Seven years from 13th July, 1830, the date of my former Letter; but, within that period, you must expend in improvements on the Land a Sum equal to its full value, estimated as above, under the penalty of forfeiting the Grant.

3rd. The Quit Rent will be redeemable at your option on a payment to the Colonial Treasury of a sum equal to Twenty years' purchase, provided such payment be made within Twenty Years from the present date.

4th. The land will not be alienable under any pretence whatever before the expiration of seven years from this date, nor until the sum above stipulated to be laid out in improvements shall have been actually expended on it; and you will not be put in possession of the Title Deeds until the end of that period.

5th. The Crown reserves to itself all mines of Gold, Silver and Coals, the right of making and constructing all Roads and Bridges which may be necessary for Public purposes, and such Stone, Indigenous Timber and other materials, the produce of the Land, as may be required at any time for the construction of the said Roads and Bridges, for naval purposes and for Public Works.

6th. You must apply it to the purpose above stated and never convert any part of it to any other purpose whatever under penalty of forfeiture.

I have, &c,
ALEXR. MCLEAY.

[Enclosure No. 3.]

DEP. SURVEYOR-GENERAL PERRY TO COLONIAL SECRETARY THOMSON.

Surveyor General's Office, Sydney, 24th August, 1830.

In attention to your Letter of the 17th instant No. 39/346, Valuation of referring to an application received from Mr. T. A. Murray, claiming on behalf of the Estate of the late Mr. Bunn compensation for the ten acres of Land in the Parish of Willoughby promised to that Gentleman by General Darling, but recently granted to Mr. William Gore, and requesting my report as to what might have been the value of the Ten acres of Land in the Year 1829 and its present value, I have the honor to report for the information of His Excellency the Governor that, according to the private Sales which took place in 1829, I consider the value of the Ten acres in question to have been about Twenty Pounds (£20) and that its present value (taking the medium between the maximum of Public Sales in 1837 and those in the present year) is about One hundred Pounds (£100).

I have, &c,
S. A. PERRY, Dy. S. Gl.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 185, per ship Victoria.)

Sir,
Downing Street, 7th September, 1842.

With reference to my dispatch No. 116 of the 26th May last, I have now to acquaint you that The Queen has been graciously pleased to allow and confirm the Act of Your Government,
HISTORICAL RECORDS OF AUSTRALIA.

No. 1 of the 29th June, 1841, entitled, "An Act further to restrain the unauthorized occupation of Crown Lands, and to provide the means of defraying the expense of a Border Police."

I have, &c,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(A separate despatch, per ship Victoria; acknowledged by Sir George Gipps, 18th April, 1843.)

Sir, Downing Street, 7th September, 1842.

With reference to my Dispatch No. 185 of this day's date, I transmit to you herewith a copy of a letter from the Colonial Land and Emigration Commissioners relative to the effect, which may result to the Land Revenue of New South Wales from the authorized temporary occupation of Land beyond the boundaries of Location.

I should wish you to consider the question raised by the Commissioners in the enclosed letter, and report to me fully your opinion on the subject at Your earliest convenience.

I have, &c,

STANLEY.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

9 Park St., Westminster, 21st July, 1842.

Sir, With reference to our other letter of this day's date in which we have reported for Lord Stanley's information that we see no objection to the New South Wales Act for the maintenance of order beyond the limits of location, we feel that it might be an improper omission on our part not to take the opportunity of alluding to a more general question that may be expected to arise respecting the Lands beyond the boundaries. We have indeed on a former occasion, in a letter dated the 24th of March last, mentioned the future disposal of those Lands as a subject on which it might be deemed expedient to request the Governor's opinion. But, since the date of the letter, the Report of the Council on the Immigration of 1841 has reached us, and, besides containing some Evidence of an important tendency on this subject, has also led us to refer to the information transmitted on former occasions by Sir George Gipps upon the same matter. By the latest Return, which is appended to the Council's Report for 1840, it appears that the number of Stations beyond the Boundaries was 973, and that they comprised Runs extending over 3,022,560 acres, of which no less than 6,663 were actually in cultivation. The Stock upon those Runs was returned as follows:—Horses, 6,734; Cattle, 352,126; Sheep, 1,204,470. It is impossible, we apprehend, to consider these Statements without feeling what serious difficulties may arise whenever the progress of settlement may give reason to wish that the Lands beyond the limits of location should be offered to sale. On the other hand, the recent Report of the Committee of Council on the Debenture Bill, appended to
Sir George Gipps' Despatch of the 23d Decr., 1841, points out the scarcity of such Land as settlers will choose at the established prices, within the old limits of the Sydney District of New South Wales. Sir Thomas Mitchell also, in his evidence before the Committee on Immigration for 1841, while he expresses himself aware of the evils which might result from disturbing the licensed holders of Lands beyond the boundaries, nevertheless remarks that it will become expedient to bring those Lands to sale, if the Crown Revenues are to be kept up. And again Mr. Laurentz Campbell, the Acting Colonial Treasurer, in his evidence before the Council in 1840, also gives an opinion that the Sale of Lands within the limits of location will be insufficient for the purpose of raising a Revenue, although he is strongly adverse to putting an end to, or even restricting, the system of licensed occupation.

Adverting to these various circumstances, while we offer no opinion of our own on the subject, it appears evident that the manner of dealing with Lands beyond the boundaries is likely to become a topic that may require the most mature and deliberate consideration on the part of the Government; and we have therefore thought that it would not be misplaced, on the occasion of recommending the confirmation of the Bill required for the maintenance of order beyond the boundaries, to bring the foregoing facts under Lord Stanley's notice, as grounds for securing in time the benefit of the Governor's views upon a question of so much growing importance.

We have, &c.,

T. FREDK. ELLIOT.
EDWARD E. VILLIERS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 159, per ship Lady Raffles.)

My Lord,
Government House, 7th Septt., 1842.

I have had the honor to receive your Lordship's Despatch, No. 63 of the 5th Feby., 1842, transmitting to me a Copy of a letter which had been addressed to the Secretary of State for the Home Department by Mrs. Ann Hornby, on the subject of a Power of Attorney, which she alleges to have been sent out by her, in the year 1840, for the purpose of receiving from the Supreme Court of New South Wales the produce of the effects of the late David Hornby, who died in New South Wales an Emancipist.

I herewith enclose a Copy of a letter and other documents, which I have received from the Chief Justice of this Colony on the subject of Mrs. Hornby's Complaint, from which it will appear that the Power of Attorney cannot be traced, but that there is a sum in the Savings Bank of New South Wales, which amounted, on the 31st Decr. last, with Interest to £132 13s. 7d., which will be payable to any person authorized to receive it in the manner pointed out by the Chief Justice.

I have, &c.,
GEO. GIPPS.
1842. 7 Sept.

Letter acknowledged.

Inability to trace power of attorney of A. Hornby.

Money in savings bank in estate of D. Hornby.

HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure.]

SIR JAMES DOWLING TO SIR GEORGE GIPPS.

Supreme Court House, Sydney, 15th Augt., 1842.

Sir,

I have the honor to acknowledge the receipt of the Colonial Secretary’s Letter of the 15th July with its enclosures, written by Your Excellency’s direction, respecting an application made by Mrs. Ann Hornby, touching a power of Attorney, said to have been sent out to this Colony in 1840, with a view to receiving from the Supreme Court the balance of the produce of the effects of the late David Hornby her husband, a prisoner of the Crown, who died an Emancipist in this Colony intestate.

In reply, I have the honor to state that, after diligent enquiry, no such power of Attorney as is mentioned by Mrs. Hornby can be found, if it has ever reached its destination.

Enclosed I have the honor to transmit the correspondence which Mr. Macpherson, the present Registrar of the Supreme Court, has had on the Subject with Mr. Manning, the late Registrar. I have the satisfaction of stating that the balance arising from the estate of the Intestate Hornby is safely lodged at Interest in the New South Wales Savings Bank, subject to be paid out upon due proof that Mrs. Ann Hornby is legally entitled to receive it. The late Registrar’s letter of the 6th August, 1839, addressed to the Revd. J. Slade of Bolton-le-Moors, enumerates the necessary documents to enable Mrs. Hornby to obtain payment of the money, which, when supplied, and a power of Attorney sent out therewith to some responsible person in this Colony to enable him to take out letters of administration, will authorise the Supreme Court in directing the money to be paid to her legal representative.

I have, &c,

JAMES DOWLING, C.J.

[Sub-enclosure No. 1.]

MR. W. MACPHERSON TO MR. E. MANNING.

Sir, Registry Office, Supreme Court, Sydney, 11th July, 1842.

I am directed by their Honors the Judges to inform you that the Colonial Secretary has transmitted to them a Copy of a Petition (dated 30th January, 1842) addressed to the Right Honorable the Secretary of State for the Home Department by Ann Hornby (of Sweet Green, Bolton-le-Moors, Lancashire), widow of Daniel Hornby, who died here Intestate some years ago, and at the credit of whose estate there is a deposit in the Savings Bank, amounting, with Interest to 31st December last, to the sum of one hundred and thirty two pounds 13s. 7d., to which Petition is annexed a Copy of your father’s letter, dated 6th August, 1839, to the Revd. J. Slade, Vicar of Bolton, and the Petition states that, on the 23d of April, 1840, a Power of Attorney from the Petitioner had been dispatched for New South Wales, but no answer had been received; and praying that His Lordship would direct enquiry into the matter to be made.

The Judges request to be informed whether you ever received the Power of Attorney alluded to in Ann Hornby’s Petition, or know whether your father or any other person received it; and, if you have received such a Power, or can give any information in respect to it, they request that you will attend at their Honors’ Chambers in the Court House at ten o’clock tomorrow, or on as early a date as convenient to receive their instructions on the subject.

I have, &c,

WM. MACPHERSON, Regr., Supreme Court.
MR. E. MANNING TO MR. W. MACPHERSON.

Sydney, 16 July, 1842.

Sir, 7 Sept.

I have the honor to acknowledge the receipt of your letter on the subject of the Petition of Ann Hornby, bearing reference to an amount claimable by virtue of a Power of Attorney.

In reply to which, I beg to state that I never even heard of the name before, but will by this day's post address a letter to Mr. Manning on the subject and enclose him your communication to me, and, on receipt of his reply, will immediately wait upon you.

I have, &c,

E. E. MANNING.

MR. M. J. MANNING TO MR. W. MACPHERSON.

Vermont, Camden, 22d July, 1842.

My dear Sir, Statement

At the request of Mr. Manning, who is confined to his bed from Erysipelas, I write to acknowledge the receipt of your letter to Edye of the 15th, on the subject of Hornby's estate; it could not reach Vermont till last night. The particulars you mention make Mr. Manning almost certain that he has such a power of Attorney by him for some years.

Mr. Edye Manning will look for it in a bundle of powers to which he refers him, and, if he finds it, will send it to you for examination. Mr. Manning never acted under the power by Administering, and therefore the money remains in the Savings Bank.

Mr. Manning thinks that this and some other power or powers reached the Colony soon after one of their Honors the Judges had suggested the inexpediency of the Registrar's administering to an Intestate estate. If the testimonials of kindred should be found sufficiently regular to support the claim for Administration, and there should be found a Power of substitution, Mr. Manning feels that his course would have been, in order to prevent disappointment to the Widow from delay, to have exercised that power; but he is quite ignorant on the subject: very probably it will be found that he should have sent back the Power to England.

I remain, &c,

M. J. MANNING.

MR. J. E. MANNING TO MR. W. MACPHERSON.

Vermont, Camden, 8 August, 1842.

My dear Sir, Trace power of attorney

During my confinement to bed, I have done my best to trace out the Power of Attorney alleged to have been sent to me by Mrs. Hornby, but without avail. It seems I have it not, nor has Turner or Norton received any such from me to proceed to Administration upon. At all events, it is clear I have not done anything in it; the money is in the Savings Bank; and the poor Widow must now send out a power to some one upon Stamps in the well known form; supported by documentary evidence of her right to Administration as the lawful Widow, Certificate of her Marriage, Affidavits in proof of the identity of the Hornby whom she married with the Hornby tried at ... and in such a year, and transported, and since alleged to be deceased in this Colony.

Yrs., My dear Sir,

J. E. MANNING.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 186, per ship Victoria; acknowledged by Sir George Gipps, 9th February, 1843.)

Sir, Downing Street, 8 September, 1842.

I have received your Dispatch of the 16th of March last, No. 57, forwarding certain Rules and Orders of the Supreme Court of New South Wales (in the District of Port Phillip).

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

I have, &c,

STANLEY.
1842.
8 Sept.

Gratuity to Sir T. Mitchell for services in exploration.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 160, per ship Lady Raffles.)

My Lord, Government House, 8th Sept., 1842.

Having brought your Lordship's Despatch of the 6th Dee., 1841, No. 37, and the several papers which accompanied it, before the Legislative Council of this Colony, I have the honor to report that, agreeably to your Lordship's suggestion, the sum of £1,061 6s. 4d. has been voted by the Council to Lieutt. Colonel Sir Thomas Mitchell, the Surveyor General of this Colony, the only person entitled to a gratuity under the instructions of Your Lordship.

I have, &c.

GEO. GIPPS

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Victoria; acknowledged by Sir George Gipps, 31st March, 1843.)

9 Sept.

Sir, Downing Street, 9th September, 1842.

A Petition having been recently addressed to Her Majesty by the Directors of the Union Bank of Australia, praying that a Royal Charter of Incorporation may be granted to that Bank, I have to request that you will, at your earliest convenience, report to me your opinion as to the propriety of granting such a Charter, with reference both to the wants of the Community and the condition of any Banking Establishments that may be already in operation in the Colony under your Government.

I have, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 161, per ship Lady Raffles; acknowledged by Lord Stanley, 25th March, 1843.)

My Lord, Government House, 9th Septt., 1842.

With my Despatch of the 16th May last No. 91, I brought under your Lordship's notice various documents tending to prove the inefficiency of the Department, which was organized in 1839 for the Protection of the Aborigines in the District of Port Phillip; and, recurring to the same subject, I have now the honor to inform Your Lordship that I found it necessary to issue, on the 3rd June last, an order for the suspension of Mr. Sievewright, one of the four Assistant Protectors, who were sent from England in the year above mentioned to be employed under Mr. Robinson.

Inefficiency of department for protection of aborigines.

Suspension of C. W. Sievewright.
I regret to say that my reasons for suspending Mr. Sievewright are not founded solely on his general inefficiency as an Officer, but on certain reports injurious to his moral character, which have long prevailed at Port Phillip, and the truth of which he has taken no steps to disprove.

In respect to these rumours, I transmit to Your Lordship a Copy of a Confidential Paper, which I have received from Mr. La Trobe.

I also transmit a Copy of a letter from Mr. La Trobe, by which Your Lordship will perceive that Mr. La Trobe has, with my sanction, appointed to succeed Mr. Sievewright (though upon a different footing) a Medical gentleman, named in the margin,* protector of the state of the Aborigines in the District of Portland Bay, where the Station called Mount Rouse is situated, being such as very urgently to require Medical assistance.

I shall of course transmit to Your Lordship any remonstrance which may be made by Mr. Sievewright against his removal from Office.

I hope my proceedings in this matter will meet your Lordship's approval.

GEO. GIPPS.

[Enclosures.]

[Copies of these letters, dated 2nd and 6th August, 1842, will be found in a volume in series III.]

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 162, per ship Lady Raffles.)

My Lord,

Government House, 9th Sept., 1842.

In connexion with the subject of My Despatch of this day's date, No. 161, reporting the suspension of Mr. Assistant Protector Sievewright, as well as in further exemplification of the general inefficiency of the officers employed in the Port Phillip District for the protection of the Aborigines, I enclose herewith a Copy of a letter which I have received from Mr. La Trobe, reporting that the salary of the Chief Protector has been suspended since the month of May last. I have, &c,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 6th September, 1842, will be found in a volume in series III.]

* Marginal note.—Mr. John Walton.
LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 157, per ship Victoria; acknowledged by Sir George Gipps, 1st January, 1844.)

Sir,

Downing Street, 10 September, 1842.

With reference to my Dispatches of the Nos. and Dates specified in the margin,* I have now to acquaint you that Her Majesty's Government have had fully under their consideration the Act of your Government, No. 17 of the 6th October, 1840, "for the further and better Regulation and Government of Seamen within the Colony of New South Wales, and for establishing a Water Police."

The Act embraces three principal subjects:
1st. The prevention of the departure of persons secretly from the Colony.
2nd. The desertion and misbehaviour of Seamen.
3rd. The Police of the Port.

With regard to so much of the Act as relates to the first and third of these subjects, there appears to be no reason to disapprove of its provisions.

With respect to the Enactments relating to Seamen, Her Majesty's Government do not object to the regulations respecting their Certificates of Discharge and Registry thereof, which are in accordance with and furtherance of the Imperial Act respecting merchant Seamen. It is necessary, however, to advert particularly to the 8th, 9th and 25th Sections of the Act, which appear to require amendment.

The 8th Section provides that, on complaint of a Master of a Ship or Vessel, or any Merchant, Merchant's Clerk or other person on behalf of such Master, that any other Ship or Vessel, proceeding to sea, hath on board any Seaman or Mariner, who hath deserted from, or is in any way indebted to the said master, or to the owner of such first mentioned Ship or Vessel, it shall be lawful for any Superintendent of Water Police, Inspector of Police, Officer of Customs, or Constable to detain such seaman or Mariner and lodge him in safe custody until he shall be dealt with as by Law is provided.

It seems to me that this summary power rests on too slight a foundation, and that a seaman should not be thus apprehended and detained upon a complaint of any indifferent person on behalf of a Master of a Vessel; but that the power of originating such detainer should be confined to the Master and Mate of the Vessel, and the Owner or his Correspondent Merchant, and that Provision should be made to prevent the seaman being in custody beyond such reasonable time as may be necessary to deal with him according to Law.

* Marginal note.—No. 116, 26 May, 1842; No. 165, 10 Aug., 1842.
There do not, moreover, appear sufficient grounds to justify the exercise of this summary power of detention to the cases of Seamen, who have not deserted, but are only indebted to a Master or Owner of the Vessel, to which they previously belonged. Such a power might be unfairly and oppressively exercised upon a seaman in relation to such Debts, which are by no means necessarily incidental to the relation of Master and Seaman.

The 19th Section imposes a severe punishment (namely) not exceeding three months' imprisonment with or without hard labour, upon seamen for insubordination, or a refusal to work whilst in Port, or inciting others to such misconduct.

This Enactment is in fact an extension of a similar Enactment in the New South Wales Act, 2nd Will. 4th, Cap. 10, imposing a Penalty of seven days' imprisonment for refusal or neglect to work whilst in Port.

These Enactments affect in an important manner the relation of Master and Seaman whilst in Port. In this Country, the Law does not secure the obedience of the Seaman to the Commands of the Master by legal process leading to penalties and imprisonments; but it concedes to the Master himself the power of enforcing obedience, which a Master can exercise over his apprentice, or a Parent over his child.

This power is obviously essential at sea, and in some cases even in Harbour; as occasions will arise, in which, without such a power of immediate coercion on the part of the Master, the safety of the Vessel and Crew might be placed in jeopardy.

It is no doubt a question well deserving consideration whether, under ordinary circumstances, when a Vessel is in Port, the summary power of coercion and punishment might not be transferred from the Master to the Magistrate with advantage both to the Master and to the Seaman; but this appears a question of principle, which as respects the Merchant Seamen of this Country should be decided by Parliament; and, until it be found desirable to place the relation of Master and Seaman upon this footing in British Ports, it is scarcely advisable to adopt that course in Colonial Ports, with respect to the Merchant Seamen of the Mother Country. I have not, therefore, felt justified in advising Her Majesty definitely to sanction this Act, until the Enactment now under consideration, as well as the corresponding Enactment in the New South Wales, 2nd Will. 4th, Cap. 10, shall have been amended in the Provisions which I have pointed out.

The 25th Section of the Act authorizes the Superintendent of Water Police, or any parties on complaint upon Oath that any runaway Seaman is harboured or concealed in any Ship or Place,
to issue a warrant directing such Ship or Place to be searched, and that such Seaman or any other Seaman who shall be found concealed there, and also the Master or person in charge of the Vessel, or the occupier of the House, to be lodged in the Watch House, and detained there until brought before the Justice.

Upon this I have to observe that, as respects the Seaman not mentioned in the Complaint, this power of apprehension is not grounded upon any evidence whatever, but may be exercised upon the mere suspicion of the Constable. I think that the powers in this clause are objectionable, both on account of their vagueness and extent.

The apprehension of the runaway Seaman is not, as in the Imperial Act, to be founded on the information of the Master, Mate or Owner, but of any person whatever. It is not confined to the seaman informed against, but may be exercised on any seaman whom the Constable may conceive to be harboured in the Vessel or House which he is searching; it extends moreover not to seamen only, but to the Master of the Vessel, and even the Occupier, and without reference to his knowledge of the concealment.

Under these powers, innocent persons might be exposed to such serious inconvenience and hardship from ill founded or vexatious arrests as to render it absolutely necessary that the Enactment should be mitigated, before it can receive Her Majesty's Sanction.

Considering that a principal object of this Act is the preservation of good order, and the maintenance of security in the Ports of New South Wales, Her Majesty's Government do not object to the Expenses incidental to it, being defrayed by a charge upon the Shipping by Way of Tonnage Duty.

I have to confirm the appointment notified in your Dispatch No. 5 of the 1st of January, 1841, of Mr. H. H. Browne to be Superintendent of the Water Police with a Salary of £400 a year.

I shall shortly notify to you the nomination of a Successor to Mr. Nicholson in the office of Harbour Master with the reduced salary of £300 per annum, which appointment you stated, in your Dispatch No. 208 of the 15th October, 1841, that Mr. Nicholson had been obliged to resign in consequence of infirmities arising out of advanced age, and lengthened services.

The confirmation of Mr. Nicholson's Pension forms a separate question, and will, as I have already informed you,* depend upon your forwarding the necessary certificate of his age, services, and incapacity for further employment.

I have, &c.,

STANLEY.

* Note 24.
STANLEY TO GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 163, per ship Lady Raffles.)

My Lord,

Government House, 10th Sept., 1842.

With my Despatch No. 151 of the 27th Augst. last, I transmitted a letter addressed to Your Lordship by the Judges of the Supreme Court resident in Sydney, complaining of the conduct of Mr. Justice Willis, in some matters connected with the Will of a person deceased, of the name of Batman; and I have now the honor, at the request of Mr. Justice Willis, to transmit to your Lordship a Copy of a letter, which was addressed to me by Mr. Justice Willis himself on the 23rd Augt. last, relating to the same proceedings.

I have, &c.,

GEO. GIPPS.

[Enclosure.

[A copy of this letter, dated 23rd August, 1842, will be found in a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 188, per ship Victoria; acknowledged by Sir George Gipps, 23rd April, 1843.)

Sir,
Downing Street, 13 September, 1842.

I transmit to you, herewith, for your information, copies of a correspondence with the Foreign Department and the Emigration Commissioners, relative to the condition in which the Emigrant Ship "Theresa" had put into the Port of Pernambuco, and the measures which had been taken by the British Consul for purifying the Vessel, and facilitating its progress on its Voyage.

I am, &c.,

STANLEY.

[Enclosure No. 1.

VISCOUNT CANNING TO UNDER SECRETARY HOPE.

Sir,
Foreign Office, 13th June, 1842.

I am directed by the Earl of Aberdeen to transmit to you for the Information of Lord Stanley, and for such steps as His Lordship may think proper to take thereon, copies of Despatches from Her Majesty's Consul at Pernambuco, relative to the arrival of the British Emigrant Ship "Theresa" at that Port in distress.

I am, &c.,

CANNING.

[Sub-enclosure No. 1.

MR. H. A. COWPER TO EARL OF ABERDEEN.

My Lord,
British Consulate, Pernambuco, 5th March, 1842.

It is with feelings of the most poignant distress that I have the honor to report re transmit to your Lordship the case of the Emigrant Ship "Theresa," now at anchor arrival of ship off this Port, where she arrived on the 21st Ultimo, having upwards of 300 Souls on board.

I cannot convey to your Lordship a statement of the sufferings of these wretched persons in a better manner than to enclose you Copies of Captn. Driscoll's letters to me, and I beg to assure your Lordship that I fully sympathize in his condemnation of the treatment, which he has received from the authorities, of whose proceedings I shall now inform Your Lordship.
Upon receipt of Capt. Driscoll's first letter dated the 21st Ultimo, I immediately called upon the President, and requested him to fix some place as a Lazaretto for the reception of my unhappy Countrymen and Women, and I suggested the Island of Nogueira, commonly known as Coconaut Island, as a fitting place. His Excellency requested 24 hours to consider upon a subject which threw so great a responsibility upon him. Not receiving an answer at the time fixed by the President, I again called upon him. He then stated that the Municipality had the charge of the public health, and he would refer the case to them, and the Municipal Chamber meets only once a week; I therefore urged upon him the necessity of calling an immediate meeting, as my people were daily dying, and numbers were hourly added to the sick list. He promised to effect this, but after all I had promised to effect this, but after all I had

The President has pledged me his word that, in the event of no case occurring on board the Schooner or Hulk for one week, they shall be admitted to Pratique. I shall wait that time, and then protest against the proceedings of the Provincial Government, which I am sure your Lordship will admit with me have been marked rather as the rulers of Savages than of persons professing to be civilized, by an utter want of feeling, and such a disregard for humanity as to stamp them rather as the rulers of Savages than of persons professing to be civilized.

I have written down the Coast for any British Man of War that can be found. I regret to state that the French Officer (Capt. Petion) was not the only person who refused me assistance in getting out the Hulk. Joseph Gunton, Master of the English Brig "London" of London, and Anthony Dodson, the Master of the "Emilia" of Guernsey, also did so; but I cannot refrain from mentioning to Your Lordship the noble conduct of Mr. W. May, a British Surgeon, in the enjoyment of his practice worth, I am confident, £800 per Ann.; he alone, of all the Medical Men in this City, has volunteered to place himself in the infected ship without remuneration, solely from an innate benevolent feeling. He will be obliged to leave his practice and remain on board until she obtains Pratique.

This really heroic offer shall not be accepted unless in extreme necessity, but I fear that necessity approaches.

The Surgeon of the "Theresa" is so reduced from weakness that he can scarcely speak too highly; he did, and is still doing all that lays in his power; after numberless vexations from the exorbitant charges demanded by persons for their Vessels, I took a large old hulk, and through remaining on board1 myself, succeeded in getting her out, if I dismissed all other persons from her. Having 25 Englishmen from the different Merchant Ships, I declined his assistance! and I am happy to inform your Lordship that the people of the "Theresa" took possession of the Hulk yesterday.

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STANLEY TO GIPPS.

Your Lordship will perceive the deplorable condition of these our unfortunate Countrymen, and you will readily imagine how my limited means to afford them relief must add to my distress; but no exertion shall be neglected by me to increase those means, and to aid and succour them in their misery. My personal services and my private purse are alike at their disposal.

Two bodies have been washed on shore. I shall continue to inform your Lordship of the "Theresa's" condition.

H. AUGUSTUS COWPER, Consul.

[Sub-enclosure No. 2.]

MR. W. H. DRISCOLL TO MR. H. A. COWPER.


I have the honor to report to you my arrival here in command of the Arrival of ship "Theresa" of London, 495 Tons burthen, bound to Sydney, with about 310 Emigrants and Passengers on board.

I sailed from Plymouth on the 6th of January, and shortly afterwards experienced a succession of very bad weather, in consequence of which and the confined state in which we were obliged to keep the between decks, the Emigrants became very unhealthy, and on the 13th Inst. in Lat. 0° 45' S. Long. 51° W. the Surgeon Superintendent represented to me that, having had three fatal cases of fever and five deaths among the Children from other causes, and having then on the sick list about sixty cases, of whom the majority were attacked by a species of typhus fever, and which was daily assuming a more virulent character, it was absolutely necessary to proceed to the nearest port. I accordingly determined to make this place. Since I came to this resolution, I am happy to have it to say that the weather has been fine, which has enabled to bring our invalids on deck, and, the spirits of the Emigrants having been cheered by the near approach to Land, there has been a great amelioration in the state of the sick. We now number 27 cases of a serious character. Our convalescents amount to 7.

It is nevertheless absolutely necessary, in order that the progress of the disease may be further stayed and the Ship freed from infection, that the whole of the Emigrants should be landed; and, as I presume that under the circumstances I have stated the Quarantine regulations will be enforced against us, I have to request your intercession with the authorities of the Port to have a Fort or some other Building placed at our disposal, in which there may -be facilities for keeping the healthy apart from the sick, in which the Emigrants may remain in Quarantine until they are sufficiently recovered to admit of their being re-embarked.

My Cuddy passengers are six in number with five Children and four servants; and, as they have been wholly free from any sickness, I trust that, if it be deemed necessary to place them in quarantine, permission may be granted to them to reside in some building apart from the Emigrants, and that the same indulgence may be extended to myself, it being considered most advisable, in order to the complete purification of the Ship, that all should be landed.

I have further to state that my Medical officer has been severely tried with the harrassing duties which lately devolved upon him, and will require, if such can be procured, some professional assistance in his hospital.

On these points, I venture to solicit your assistance and the exertion of your influence with the local authorities; and, being altogether a stranger at this Port, I shall also feel very thankful for any information and facilities which you may be pleased to afford us in procuring fresh provisions for the great number of people I have on board, and in supplying my other wants before I again put to Sea.

Anxiously awaiting your reply. I have, &c.,

WM. HENRY DRISCOLL,
Commr. Ship "Theresa."

[Sub-enclosure No. 3.]

MR. W. H. DRISCOLL TO MR. H. A. COWPER.

Sir, Ship Theresa, Pernambuca Roads, 1st March, 1842.

I did myself the honor to address you on the 21st ulto. reporting my arrival Delay in at this Port with upwards of 300 Souls on board, and reporting that, having been obtaining comfort from a Typhus fever having broken out to an alarming extent among the Emigrants, an absolute necessity existed to get landed immediately as the only means of staying the disease. With this view, I requested you to obtain from the authorities of this place to our being permitted to occupy some Fort or other building on Shore, where our Sick would be debarred from all intercourse with the Inhabitants; they and the healthy would be in the enjoyment of fresh air and refreshments, which can only be procured on shore.

On these points, I venture to solicit your assistance and the exertion of your influence with the local authorities; and, being altogether a stranger at this Port, I shall also feel very thankful for any information and facilities which you may be pleased to afford us in procuring fresh provisions for the great number of people I have on board, and in supplying my other wants before I again put to Sea.

Anxiously awaiting your reply.

I have, &c.,

WM. HENRY DRISCOLL,
Commr. Ship "Theresa."
Delay in obtaining relief.

Conditions on board ship Theresa.

1842.

13 Sept.

Political: 26G HISTORICAL RECORDS OF AUSTRALIA.

Sir,

I began this as ended my last with the offer of my heartfelt gratitude for which you have done, as also for all you have attempted to do on our behalf. I more particularly pleaded, vizt., Mrs. Hart and her young family of five children; grateful should I have been, could I have at once taken them on board; but I was obliged to announce to her that there was not a hole in her which could shelter her young children from the scorching rays of a vertical sun, or the heavy showers which we have experienced, and to which they would have been exposed, and for which the comfort and luxury they had until this hour been enjoying had fitted them. What was the exclamation of the distressed and afflicted mother? "I have supported myself from day to day by hope, that has now forsaken me; we have nothing left but to remain here and die." Fruitless were the efforts of her afflicted husband and myself to restore her to composure by pointing to those who were around her, and to whom she had given life, and for whose sake it was her duty to reserve it, and not to sacrifice herself by yielding herself up to despair, and by assuring her that by tomorrow something more might be done. Her agonized reply was "We are murdered! one of our family is preceding us, probably by a few hours only, to her watery grave; three days since being and hope were hers; she now lies a thing loathsome to approach, and such surely will be the fate of those more precious to me than life, horrible, maddening thoughts." We are indeed murdered! For I neither by the poisoned cup alone, nor the concealed weapons of the assassin that murder is committed. Murder has been done by those who, with a Coast line of upwards of 2,000 miles, denied and continue to deny the occupation of as many hundred as possible of the healthy and unsickly of the population, and through the government to be upwards of 300 Souls in so distressing a situation! ! I did not expect much, but I did expect that, from being designated a Man of War, there would have been some place in her, into which I could have put those on whose behalf I more particularly pleaded, vizt., Mrs. Hart and her young family of five children; grateful should I have been, could I have at once taken them on board; but I was obliged to announce to her that there was not a hole in her which could shelter her young children from the scorching rays of a vertical sun, or the heavy showers which we have experienced, and to which they would have been exposed, and for which the comfort and luxury they had until this hour been enjoying had fitted them. What was the exclamation of the distressed and afflicted mother? "I have supported myself from day to day by hope, that has now forsaken me; we have nothing left but to remain here and die." Fruitless were the efforts of her afflicted husband and myself to restore her to composure by pointing to those who were around her, and to whom she had given life, and for whose sake it was her duty to reserve it, and not to sacrifice herself by yielding herself up to despair, and by assuring her that by tomorrow something more might be done. Her agonized reply was "We are murdered! one of our family is preceding us, probably by a few hours only, to her watery grave; three days since being and hope were hers; she now lies a thing loathsome to approach, and such surely will be the fate of those more precious to me than life, horrible, maddening thoughts." We are indeed murdered! For I neither by the poisoned cup alone, nor the concealed weapons of the assassin that murder is committed. Murder has been done by those who, with a Coast line of upwards of 2,000 miles, denied and continue to deny the occupation of as many hundred Asylums to those who are hourly falling victims to an atmosphere tainted by a most loathsome disease, from which there can be no escape as long as they are crowded together in so small a space, and in numbers which precluded the possibility of separating the healthy from the sick. Murder will have added fearfully to its victims, and that the Vessel will be a charnel house from which our only relief is death. ! Our Surgeon too is worn out with his incessant duties, never having been in bed for many nights, and we may shortly expect that we shall be deprived of his invaluable services, and thus the only barrier between the disease and its victims will be removed.

Protest against neglect of authorities.

I doubt not, Sir, that you have done the best you power to avert this most fearful sacrifice of life; but I feel it my duty, being deeply sensible of the responsibility which attaches to me as Commander of this Ship, to protest, to protest against the barbarous and inhuman neglect with which we have been treated by the authorities of Pernambuco, and praying that the Almighty Judge and Disposer of all may be pleased to vouchsafe to us that relief which is here denied us.

I have, &c.,

WM. HENRY DRISCOLL, Commander Ship Theresa.

[Sub-enclosure No. 4.]

MR. W. H. DRISCOLL TO MR. H. A. COWPER.

Sir,


I doubt not, Sir, that you have done the best you power to avert this most fearful sacrifice of life; but I feel it my duty, being deeply sensible of the responsibility which attaches to me as Commander of this Ship, to protest, to protest against the barbarous and inhuman neglect with which we have been treated by the authorities of Pernambuco, and praying that the Almighty Judge and Disposer of all may be pleased to vouchsafe to us that relief which is here denied us.

I have, &c.,

WM. HENRY DRISCOLL, Commander Ship Theresa.

26G HISTORICAL RECORDS OF AUSTRALIA.

1842.
hope, nay the probability of another vessel being sent us, their reply was, "The savages will again throw obstacles in the way, and our hopes and expectations will be for the moment raised to be as they have before been, the more cruelly blasted." That such barbarity may be known in the quarter to which every Briton appeals with confidence, I must entreat of you to take the earliest opportunity to place before His Excellency the Envoy Extraordinary and Minister Plenipotentiary at the Court of this Empire, as also Her Majesty's Secretary for Foreign affairs the particulars of our unhappy case, accompanied, if you please, with copies of our correspondence. To His Excellency the Commander in Chief on this Station, I will myself transmit copies; as we are prohibited from using the Schooner as an Hospital, as which she would have been extremely useful to us, I am placing in her with much the same hope of relief as a drowning man would catch at a Straw, as many of our healthy Emigrants as her scanty deck will accommodate. God in his great mercy grant these few may escape.

Of myself I have not spoken, scarcely have thought, for which those around can vouch; but it will be by little less than a miracle if I am enabled to stand up much longer as the advocate of others; anxiety of mind, more distressing infinitely than fatigues of body has begun to tell on me. I pray that I may be spared, as much to assist others as from any feeling for self. But, while anything is to be done, I cannot attend to the advice or listen to the exhortations of my valuable friend and Medical officer. Last night, I never left the deck, having reason to apprehend a desperate attempt on the part of desperate men, on whose brows I have long seen written despair.

As I began, so I end, with the tender of my gratitude to you and to all who have assisted us or would have assisted us, had it been in their power to have done so, and subscribe myself, Yours, &c.,

WM. HENRY DISCOLL,
Commr. of E.I. Ship Theresa.

[Sub-enclosure No. 5.]

MR. H. A. COWPER TO EARL OF ABERDEEN.

My Lord, British Consulate, Pernambuco, 17th March, 1842.

I have the honor and satisfaction to inform your Lordship that the Emigrants on board the "Theresa" have derived the greatest benefit from my arrangements in Cessation of removing a portion into other Vessels; the fever on board has now ceased, and only epidemic one case remains; fourteen persons have been its victims, amongst whom a Miss Bell, a highly accomplished young Lady, who was accompanying the family of Mr. and Mrs. Hart to Sydney.

The Emigrants, whom I had removed to the "Science" and "Perepama," are all well and were admitted to pratique on Saturday; and I am now engaged in landing emigrants from them at a spot situated about three miles from the city. When this is accomplished, the people remaining on board the "Theresa" will be placed in the "Science," whilst the former is undergoing purification preparatory to the re-embarkation of the whole. The expenses will be borne by the Owners.

The causes, which led to the existence of Typhus, were:

First, the crowded state of the Vessel and the great preponderance of children, two being calculated for one adult, whereas from quicker respiration a child consumes more air than an adult; and, as the Theresa encountered ten days of bad typhus fever. weather in the Bay of Biscay, during which time the hatches were battened down, the consequences of this arrangement were unhappily those which we have seen;

Secondly, the defective state of the Water closets. Indeed Mr. Hart, who is a relation of mine, feels astonished that the Emigration Agent at Plymouth could ever have passed the Ship in the state she was.

I am gratified to be enabled to add that the authorities are now assisting me in the promptest and most effective manner. I have, &c.,

H. AUGUSTUS COWPER, Consul.

[Sub-enclosure No. 6.]

MR. H. A. COWPER TO EARL OF ABERDEEN.

My Lord, British Consulate, Pernambuco, 5th Apr., 1842.

I have the honor and satisfaction of informing your Lordship that the whole Convalescence of the Emigrants belonging to the "Theresa" are convalescent, and are now of all patients landed near the City, until the Vessel shall be purified preparatory to their re-embarkation. We have however to deplore the loss of Twenty persons, amongst others of Miss Jane Bell, a young Lady of high accomplishments and education, who deaths was accompanying the family of Mr. W. H. Hart, the Director of the Australasian Bank to Sydney.

It is, I trust, with a feeling of pardonable pride that I take the liberty of enclosing to your Lordship a translation of His Excellency the Barao Boa Vista's reply to my despatch announcing the above satisfactory intelligence.

I have, &c.,

H. AUGUSTUS COWPER, Consul.
1842.
13 Sept.

Commendation
of services of
H. A. Cowper.

THE BARAO DA BOA VISTA TO MR. H. A. COWPER.

Most Illustrious Sir,

I beg to acknowledge the receipt of the despatch which you addressed to me on the 16th instant, informing me that the sick, belonging to the English Barque "Theresa," were almost entirely re-established; and in reply I beg to assure that this announcement is most grateful and satisfactory to this Presidency, which deeply deplored the state of disease in which they arrived. I have now the pleasure to congratulate you particularly upon a result entirely due to those measures and that untiring zeal by which you have put to flight and extinguished the pest, by which they were afflicted.

I avail myself, &c.,

BARAO DA BOA VISTA.


Transmission
of report re
ship Theresa.

UNDER SECRETARY STEPHEN TO VISCOUNT CANNING.

My Lord, Downing Street, 13th July, 1842.

With reference to your Lordship's letter of the 13th Ultimo, forwarding copies of Dispatches from Her Majesty's Consul at Pernambuco relative to the sickness and mortality on board the British Emigrant Ship "Theresa," which had put into that Port in distress,

I am directed by Lord Stanley to transmit to you, for the information of the Earl of Aberdeen, the enclosed copy of a report from the Commissioners of Colonial Land and Emigration to whom the subject was referred. And I am to observe that, notwithstanding the unfortunate results, it does not appear to Lord Stanley that any blame attaches to the owners of the Vessel, or to the Agent appointed by Government to inspect Ships conveying Emigrants to the British Colonies from the Port of Plymouth. I have, &c.,

JAS. STEPHEN.

[Enclosure No. 2.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.


With reference to your Letter of the 18th Instant, forwarding the intelligence that had been received from Her Majesty's Consul at Pernambuco respecting the sickness and mortality on board the ship "Theresa" bound to New South Wales with Emigrants on Bounty. We have the honor to state, for Lord Stanley's information, that we have made such inquiry as was in our power as to the condition in which this Vessel left England.

Lord Stanley is aware that the Ship was not chartered by Government, but that on the other hand a general superintendence has been exercised by the Agents for Emigration over ships carrying Passengers on Bounty. With reference therefore to the causes to which the existence of the disease was ascribed in Mr. Cowper's letter of the 17 March last, viz., the crowded condition of the Vessel including a preponderance of children, and the defective state of the Water closets, we proceeded to require reports respectively from the Officer subject to whose inspection the ship was fitted at London, and the Officer who was present on the embarkation of the Passengers at Plymouth. The nature of the remark that Mr. Hart, a Cabin Passenger, had been "astonished the Emigration Agent at Plymouth could ever have passed the ship in the state she was," was too indefinite to admit of any specific answer; but we thought it right to communicate it to that Officer, with the other information, in order to give him an opportunity of making any general observations he might wish to offer.

Of the Reports now received in answer to our inquiries, We beg leave to enclose copies.

It will be seen that the number of Steerage Passengers embarked fell within the Law, and that the proportion of children to adults was moderate, not exceeding two to every six adults; on which it is remarked with justice by the Inspecting
Office at Plymouth that, supposing all the adults to have been married (against which there is no Law), it would have left 1/3rd of them without any child, and the remaining 2/3rds with only one child for each couple.

We are bound to say that it has been quite common to send ships to Australia filled to the utmost limits allowed by the Passengers Act, and that the voyage has been made under those circumstances healthily, and with success. We find no reason therefore to suppose that, in an excess of the numbers embarked, resides the cause of the misfortune on board the "Theresa."

With respect to the alleged defective state of the Water Closets, it is affirmed in both the enclosed Reports that they were fitted according to custom in Bounty ships, and we are enabled to state that we know Lieutenant Lean to have established a to enforce a very strict usage on this point allowing no expense to be spared. It seems reasonable, therefore, to conclude that, as the officers represent, any faults under this head must have been owing to other causes than defects existing at the time of departure.

Upon the general stricture of Mr. Hart not being definite, it is not possible to collect definite evidence. Mr. Francis Lean, the Officer whom it involves, represents that the ship left Plymouth in a condition strictly complying with the Passengers Act; that he inquired, as is his custom amongst the Passengers, and received no complaint; and that Mr. Hart had a great stake in the Vessel and was on the spot at the time she was preparing for sea, but also made no complaint until the misfortunes that have since occurred. As a proof that he had not been inattentive to the interests of the Passengers, Mr. Francis Lean mentions that, in order to keep the Upper Deck clean, he had refused to allow two young Bulls to be shipped, notwithstanding the earnest application of the Managers for permission.

On the whole, we have the honor to report that we do not think there is reason to suppose that the Officers have been guilty of neglect of duty in this case. It appears sufficient evident that the ship sailed in conformity with the provisions of the Law, and in accordance with the established usage of the Australian Passenger Trade, being one in which happily the voyage is usually accomplished with comparatively little suffering or mortality. And when we see it mentioned that, for 10 days together at the commencement of the voyage, it was considered necessary from stress of weather that the ship should be battened down, we confess that, in the situation of between two and three hundred people, confined for so long a period under Hatches, there seems to us but too much reason to account for the sickness that ensued, without supposing any disregard at home of the ordinary Rules and Precautions suited to any average requirements of the Passage.

In conclusion, it has been gratifying to us to observe the activity with which Her Majesty's Consul at Pernambuco appears to have exerted himself for the distressed Emigrants, and that, while we have explained the grounds of our conclusion that there was no neglect of the duties of Inspection upon the ship sailed. We always feel indebted for an opportunity of inquiring into any such occurrence that seems to afford a prima facie case for investigation.

We have, &c,
T. FREDK. ELLIOT.
EDWARD E. VILLIERS.

[Sub-enclosure No. 2.]

LIEUTENANT LEAN TO MR. S. WALCOTT.

Sir, Plymouth, 24th June, 1842.

I have the honor to acknowledge the receipt of your letter of the 23 Inst. Report by acquitting me that the Ship "Theresa" arrived at Pernambuco on the 21st of February in a state of considerable distress from the prevalence of Typhus Fever, calling my attention to the Consul's report that the ship had upwards of 300 Souls on board, and, as the Bounty Emigrants did not exceed 230, requesting I would state how far I was aware whether the number of other persons on board would have completed the total above mentioned, enclosing also an extract of the Despatch from the Consul to Her Majesty's Secretary of State for Foreign Affairs, remarking upon the crowded state of the Vessel and upon the defective state of the Water Closets.

In reply, I beg leave to state, for the information of the Commissioners, that including the crew of the "Theresa" and Cabin Passengers, the total number of souls on board to the best of my knowledge amounted to 292.

Secondly, with reference to the remark of the Consul's on the crowded state of the Vessel, I have to observe that this ship sailed with less than the Act of Parliament authorized, and therefore, had the Managers desired to have put more on board, I could not have hindered; my impression however was that she berthed her people well, and, with respect to the preponderance of children, they did not average more than two to six adults, which supposing all the adults to have been married (against which there is no law) would have left one third without any child, and the remainder two thirds, only one child each couple; and if this was too large a
Thirdly, the defective state of the Water Closets. The Commissioners are aware that the "Theresa" was fitted in London under the inspection of the Governor.

13 Sept. if I had agreed with the Consul in his theory respecting the consumption of air that the "Theresa" was fitted in London under the inspection of the Government, might mean the defective plan of the Water Closets, instead of the "defective state," which would then leave it as a difference of judgment on the mode of fitting.

F. Lean

ship Theresa.

1842. proportion in Mr. Cowper's judgment, the Act of Parliament does not so judge it; and, if I had agreed with the Consul in his theory respecting the consumption of air, that the "Theresa" was fitted in London under the inspection of the Government, might mean the defective plan of the Water Closets, instead of the "defective state," which would then leave it as a difference of judgment on the mode of fitting.

Report by F. Lean, R.N.

ship Theresa.
STANLEY TO GIPPS.

[Sub-enclosure No. 3.]

LIEUTENANT LEAN TO MR. S. WALCOTT.


I have the honor to acknowledge your letter of the 22nd Instant, communicating to me the circumstance that the Commissioners of Land and Emigration have with regret received accounts of the prevalence of Fever and Mortality on board ship Theresa. Report by

the ship "Theresa" on her Voyage to New South Wales with Bounty Emigrants, and transmitting to me the copy of a Letter addressed by the Board to the Inspecting Officer at Plymouth from which Port that vessel had last sailed, together with an extract of a letter from Her Majesty's Consul at Pernambuco. In reporting upon this case, it would appear that there are only two points which afford matter of complaint on the part of Her Majesty's Consul, First, the alleged crowded state of the ship, and, secondly, the defective state of the Water Closets. With reference to the first point, the return of names and numbers embarked on board the "Theresa" at Plymouth, furnished me by the Brokers, when the ship sailed from thence (part of whom had proceeded from London in the "Mangles") is as follows:—

<table>
<thead>
<tr>
<th>Class</th>
<th>Number</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steerage</td>
<td>250</td>
<td>208 Statute adults</td>
</tr>
<tr>
<td>Intermediate</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Cabin</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>261</td>
<td>217</td>
</tr>
</tbody>
</table>

The Ship was measured by me to carry 208 Statute adults in the between decks, which the Board will observe is the precise number here given, the Cabin passengers being in the Poop; and, as the Vessel was a good height, well ventilated, and had only 61 children to 186 Adults, being a very moderate proportion, I consider she was less crowded than most Emigrant ships proceeding to the Australian Colonies: it is almost needless for me to remark to the Commissioners that, provided the number of Statute adults on board did not exceed what was allowed by the second section of the Passengers Act, that neither myself nor the Officer at Plymouth were justified in interfering to restrict the number of children, however great in proportion that number might have been. With reference to the 2nd point, the alleged defective state of the Water closets, I can only state that, when the ship left London (having been fitted for the accommodation of the people here) she was in, this respect fitted quite as well as any of the Bounty Emigrant ships that had preceded her, and, as this is a point upon which my special attention is at all times directed, I am inclined to believe that the defect complained of may be mainly attributed to a want of watchful care in looking after them, rather than to any original defect in their fitting. In conclusion, I may venture respectfully to remind the Board that only a partial control could be by the existing Regulations exercised over ships proceeding with Emigrants on Bounty very unlike to that of the Government Emigrant ships, where the management is placed under my direct and immediate superintendence, which I consider involves my personal responsibility that all the arrangements should be satisfactory to the Board. I have, &c,

JAS. S. LEAN.

[Enclosure No. 3.]

VISCOUNT CANNING TO UNDER SECRETARY HOPE.


With reference to my letter of the 13th Instant, transmitting for the consideration of Lord Stanley copies of Dispatches from Mr. Cowper, Her Majesty's Consul at Pernambuco, relative to the state in which the British Emigrant ship "Theresa" had arrived at that Port, I send to you the copy of a further Dispatch with its enclosures in original from Consul Cowper detailing the steps, which he had taken to enable the "Theresa" to proceed with the Emigrants to New South Wales; and I am directed by Lord Aberdeen to request you will move Lord Stanley to give such directions thereon, and to make such communications to the Admiralty as his Lordship sees fit.

I am, &c,

CANNING.

[Sub-enclosure.]

MR. H. A. COWPER TO EARL OF ABERDEEN.

My Lord,

Pernambuco, 30th April, 1842.

The Typhus fever having entirely disappeared from amongst the Emigrants belonging to the Barque "Theresa," I recommended their immediate reembarkation, and the last person was received on board yesterday, preparatory to the vessels
sailing tomorrow morning; The total number of deaths have been 22, vizt., 9 at sea, 7 in this Roadstead, and 6 on shore, one of the latter in my house; a subscription has been raised by our Countrymen to place a Stone in the British Cemetery as a commemoration of this sad event.

Financial assistance granted to W. H. Driscoll.

Difficulties seemed to have beset this illfated vessel; for some days ago the consignees, Messrs. Deane, Youle and Co., suddenly threw up the Agency of the Ship, announcing that, in the event of their claim not being paid, they would seize her. The Captain addressed me upon this subject, enclosing to me a copy of a letter from Mr. Hamilton and other Documents clearly supporting his claim to Public assistance; indeed, entirely occupied as I had been for upwards of two months with the vessel, it was impossible to blind myself to the necessities of her situation, and to the consequences in the shape of expense to Her Majesty's Government, should so unfortunate a contingency arise as that of the vessel's seizure, and of course the abandonment and destitution of upwards of 300 persons, who must have been provided for from the Public Purse; perfectly alive to the difficulty of my position, and of the responsibility which attached to me, but supported in my course by a letter from Mr. Hamilton and the opinion of the Honorable Captain Cary, I complied with Captain Driscoll's request, upon the sole condition that Her Majesty's Government should be secured in the repayment of any advance. The security, which I have obtained, appears to me to be undoubted, and I earnestly trust will prove to be so, vizt., Bills upon the Owner, Mr. T. Ward, who has vessels constantly employed in the service of Her Majesty as Transports, Emigrant, and Convict Ships, and a hypothecation of the Ship and Freight, the latter being due in the shape of Bounty by Her Majesty's Government itself upon the arrival of the Vessel at Sydney; and I have taken measures that it may be retained by His Excellency the Governor, and remitted to the Lords of the Admiralty in the manner specified by Mr. Ward himself, a copy of whose Instructions to his Agents I have transmitted to Sir George Gipps and to their Lordships; as the Hypothecation is taken as Collateral Security, I could not charge Maritime Interest, which, according to the legal authorities I possess, would have nullified it.

I enclose Your Lordship the Bills which I have paid on account of the Vessel, amounting to £1,864 4s. lid., for which I have drawn upon the Accountant General of the Navy; and I have transmitted to the Lords Commissioners of the Admiralty to meet my Draft Three Bills drawn by the Captain upon the Owner in favor of their Lordships for £1,954 15s. 3d., the difference being made up by Interest and Insurance. I am so impressed with the desire of placing my position clearly before Your Lordship, that I must risk being deemed prolix by shewing the effects of a refusal to assist W. H. Driscoll.

1. She would have been unable to proceed.
2. If she could not have proceeded, she would have been sold at an immense loss to pay her debts, in which case the Emigrants and Crew would have been thrown upon this Consulate as distressed British Subjects and Seamen, who could not have been sent home at the very lowest calculation under £3,500, to say nothing of the object of the voyage being entirely defeated.
3. The Owner would have lost £3,845, the amount of Bounty due to him on the arrival of the Vessel at Sydney, together with an incalculable sum upon the Sale of the Vessel here, and withal retaining most probably his liability to Her Majesty's Government for the expense of the Emigrants.

On the other hand by enabling her to sail:
1. The object of the voyage will be accomplished.
2. Her Majesty's Government escapes the burthen of a permanent expense; an advance is made it is true, but secured beyond a doubt as, whatever may be the fate of the Bills, the money is already in the hands of the Government at Sydney; and 3rd. The owner is greatly benefited for, by being enabled to accomplish his voyage, he earns a Bounty of £3,845, which will leave him, after paying Her Majesty's Government their advance, nearly £2,000.

I have only now to add, that I trust I shall have been deemed by Your Lordship to have acted with discretion under very difficult and extraordinary circumstances.

I have only now to add, that I trust I shall have been deemed by Your Lordship to have acted with discretion under very difficult and extraordinary circumstances.

H. AUGUSTUS COWPER.

I take the liberty of enclosing to your Lordship Capt. Driscoll's farewell letter.

[Enclosure No. 4.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,
9 Park Street, Westminster, 18th August, 1842.

With reference to your letter of the 4th ultimo, transmitting by Lord Stanley's direction one from the Under Secretary of State for the Foreign Department containing a further communication
from the Consul at Pernambuco respecting the "Theresa," we have the honor to report that we have made the necessary enquiries into the subject to which the papers relate.

The further communication now received from the Consul reports his having drawn Bills on the Lords Commissioners of the Admiralty to the amount of £1,864 4s. 11d. on account of the ship "Theresa," and transmits copy of a letter from the Surgeon in which we found some additional particulars respecting the alleged defectiveness in the fitting of the Ship.

With regard to the Bills, we conclude that they will have been a subject of communication between the Foreign Department and the Admiralty, and that it will not be necessary we should offer many remarks on the subject. There can be no doubt, we apprehend, that, in drawing them, Her Majesty's Consul fell into a certain degree of Error, inasmuch as the Ship was not chartered by any department of the Government, and the Admiralty had no connexion with her Voyage at all. It was an Error however into which the very peculiar nature of the interest of the Government in Emigration on Bounty was much calculated to lead any officer at a distance from England. And, on the other hand, it was one from which we are glad to believe that no substantial evil could result. For Mr. Cowper is quite correct in assuming the large amount of Passage Money due from the Colonial Government at the end of the voyage, which he took measures to get remitted to the Lords of the Admiralty, is security for the value of the Bills drawn on them. And as Mr. Ward, the owner of the "Theresa," is one of the principal Ship Owners of the City of London, we feel no doubt that in point of fact the Bills drawn upon himself, against those upon the Admiralty, will have been at once duly paid, and put an end to the transaction. The alternative of the Ship's being prevented from proceeding to her destination would unquestionably have been attended, as the Consul represents, with the most serious loss and inconvenience to all parties.

Observing in the letter from the Surgeon some rather more detailed account than before of the defects complained of in the fitting of the Vessel, we thought it proper to call on Lieut. Lean for a further report, of which we beg leave to enclose a copy for Lord Stanley's information. It will be seen by Lieut. Lean's report that, altho' the Water closets in the "Theresa" were not of the very best and most expensive description, such as those of which the use is customary in Vessels directly chartered under this Board, they were of the kind usually supplied by the private Merchants in Bounty Ships, which, as Lord Stanley is aware, have carried over a great succession of numerous parties of Emigrants to Australia healthily and with comfort. Taking this circumstance in connection with the more detailed information furnished by Lieut. Lean, we adhere to the opinion which we submitted in our former communication on this subject, that the evils complained of may be considered principally attributable to want of good management, rather than to original faults of construction at the time the Vessel sailed.

We have, &c,

T. FREDK. ELLIOT.
JOHN GEORGE SHAW LEFEVRE.
Reply by J. S. Lean to allegations re ship Theresa.

Sir,  

I have the honor to acknowledge your letter of the 20th Ult, referring to your communication of the 22nd June on the barque "Theresa," and transmitting, by direction of the Commissioners of Land and Emigration, a further statement on the same subject, consisting of extracts of a letter from the Surgeon Superintendent of the Ship to H.M. Consul at Pernambuco, representing that the Ports were in a bad state, and that the Water Closets were deficient in valves or anything to supply their place. The Water Closets of the "Theresa" were fitted in the common usual mode pursued in all Bounty Ships including those of Mr. Marshall, Constable and Bonus, etc. I am free to confess that this plan of fitting never met with my entire approval; but, as no regular complaint had ever been made to me respecting them, I could offer no well-founded objection, nor did I possess the authority to insist upon a different plan; but I may remark that to show that such was my opinion, the first ship fitted by the Board (the "Orion") under my sole direction, and which met with their approbation, was quite as well fitted as any of the Bounty Ships that had preceded her, and I am of opinion that, if the Master of the Ship had used the common precaution of seeing that a proper leather or stout canvas hose was nailed outside the scupperhole of the closet, and which had probably been washed off, much of the evil complained of would have been avoided, as the Ship being fitted with a Pump purposely to fill the cisterns, an abundance of water could always be supplied to carry off the soil without any trouble or difficulty.

The Surgeon's statement that the holes were attempted to be plugged up securely from within, but could not be accomplished until the Ship got to Madeira to plug them from without, appears to me a most extraordinary one, for a round plug driven into a round hole with tallow, oakum, and pitch, all of which would be on board, must securely stop any hole from within, no matter how large: it may not be necessary to remark that there were two places of convenience built on deck for the use of the Men and boys, one at least of which could have been appropriated under the circumstances stated for the exclusive use of the females. With respect to the alleged bad state of the Ports, I conclude that the complaint here made refers to the half-ports of the Ship and not of the scuttles cut since in her sides; the Ports referred to could not be bad, the hull being only 8 years old, built of teak; they might not have been quite tight when shut, but certainly this would have been easily remedied by the carpenter of the Ship fresh lining the cells with fearnought; which, having been done in the first place, had probably by continual opening and shutting got worn, and thus caused some leakage, which with the Ports properly barred in could not possibly be great; and therefore the statement of the Decks being constantly flooded and the beds as well as the general clothing of the Emigrants kept wet through appears to me to involve much want of common care and attention, for it would seem either that the Ports were not properly closed, or that they had been left open at improper times or in doubtful uncertain weather; and it may be important to state that the sleeping berths were built and boarded with head-boards, two inches from the side of the ship, for the express purpose of preventing any drain of wet (that might arise) from falling into them. In conclusion, I would beg respectfully to remark that in my humble opinion, judging from the whole statement, that a prima facie case would appear that, if due watchfulness and attention had been shewn by the Master and Surgeon, evils of such magnitude as are here represented would never have happened, and this I think is also further exemplified in the alleged filthy habits of the Emigrants, which, without question the statement that they might have had such habits on embarkation, the allowing or continuance of them implies a want of system and management without which neither health or comfort can be expected to prevail on board Ship.

I have, &c.,  

Jas. S. Lean.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 166, per ship Lady Raffles; acknowledged by lord Stanley, 20th April, 1843.)

My Lord,
Governor, Government House, 13th Sept., 1842.

I have the honor herewith to forward the Annual Estimate of Works and Repairs required for Convict services in this Colony and at Norfolk Island, during the year 1843-4, as prepared by Lieutt. Colonel Barney, the Commanding Royal Engineer.

Item No. 7 I have caused to be struck out, the expense, amounting to £26 3s. 11d., being one which in my opinion should be borne by the Colony.

Items from 16 to 35, both inclusive, and also Item 37, have been introduced by Lieutt. Colonel Barney on the special application of Capt. Maconochie, and are the Items which are alluded to in the letter from the Lieutt. Colonel, which was forwarded with my Despatch, No. 146 of the 15th Augt. last.

To that Despatch, as well as to the one which succeeded it, No. 147 of the same date, I beg to draw attention, before any expenditure be sanctioned for Norfolk Island.

Should the views developed in the last mentioned Despatch be approved and acted on, the whole of the above Items, namely from No. 16 to No. 35 (both inclusive) and also No. 37, may be struck out; and the amount of the estimate (exclusive of Convict Labour) will then be £3,909 10s. 2d.

GEO. GIPPS.

[Enclosure.]
[These estimates have been omitted.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 167, per ship Lady Raffles; acknowledged by lord Stanley, 19th April, 1843.)

My Lord,
Governor, Government House, 14th Sept., 1842.

I have the honor herewith to enclose a Petition, which has been addressed to the Lords of the Treasury by Mr. R. G. Dunlop of Sydney, complaining that the sufferance, which he lately held for a Wharf in Sydney, has been withdrawn by the Collector of the Customs.

Mr. Dunlop is the head of the firm of "Dunlop and Ross," from which a Petition to the Lords of the Treasury was forwarded with my Despatch, No. 117 of the 10th July last; and, from the contents of that Despatch, Your Lordship will already

1842.
13 Sept.
14 Sept.

Transmission of petition from R. G. Dunlop.
have gathered that I consider Mr. Dunlop to be entitled to no favor whatever from any Department of Her Majesty's Government.

I subjoin a Memorandum by the Collector of Customs, shewing his reason for withdrawing the sufferance which Mr. Dunlop had been allowed to hold for the Wharf, known by the name of "Cox's Wharf" in Sydney.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

Petition from R. G. Dunlop, re withdrawal of sufferance from Cox's wharf.

PETITION to the Lords Commissioners of Her Majesty's Treasury.

May it please Your Lordships,

The humble petition of Robert Glasgow Dunlop, Sheweth,

That your Lordships' Petitioner is a Merchant and Ship Owner and has been for many years resident in Sydney.

That, in March, One thousand eight hundred and forty one, Your Lordships' Petitioner, being in want of extensive premises to conduct his business, agreed with the Owner to lease the Wharf known as Cox's Wharf and the Premises there unto attached, provided permission could be obtained from the Colonial Government for landing Goods at the said Wharf.

That, your Lordships' Petitioner having for that purpose made application to the Colonial Government on the fifth of March, an answer was returned by the Colonial Secretary granting a Sufferance to land goods on the said Wharf.

Upon receipt of which answer, Your Lordships' Petitioner agreed with Charles Wentworth, proprietor of the said Wharf and Premises, for Six years' lease at a rent of five hundred Pounds Sterling pr. annum, agreeing further to pay One thousand pounds gratuity to the former Occupier. And your Lordships' Petitioner Subsequently, upon the faith of possessing the said sufferance for landing Goods on the said Wharf, expended a large Sum of Money in erecting buildings and improving the said Wharf. That, on the twenty-fourth day of June, One thousand, eight hundred and forty two, the sufferance for landing Goods on the said Wharf was cancelled by a Notice in the Government Gazette, signed by the Collector of Customs, without any notice having been given to Your Lordships' Petitioners.

Dunlop and Co., Merchants, in whose Firm your Lordships' Petitioner is a Partner, having on the eleventh of July made special application to the Collector of Customs for leave to land British Goods not liable to duty at the said Wharf, the same was refused, and an application for a renewal of the Sufferance of Cox's Wharf made to the Colonial Government was also refused.

The Governor refusing in reply to a subsequent application to state the Circumstances which lead to such refusal.

The large Sums laid out on the said Wharf and premises by Your Lordships' Petitioner, which, had the Sufferance been retained, would have realized a return to Your Lordships' Petitioner, are consequently lost and Your Lordships' Petitioner is still compelled to pay a heavy rent for a Wharf and Premises which are nearly valueless since the Sufferance for landing Goods has been cancelled.

Your Lordships' Petitioner begs to forward the accompanying plan of the Wharfs in Sydney, by reference to which or the Government
Surveys Your Lordships will see that there are seventeen private sufferance wharves in Sydney, besides one Government Wharf in use, and one partly finished, and that Cox's Wharf is nearer the Custom House than any private Wharf except Campbell's and the Liverpool Wharves, and also nearer than the new Government Wharf; Cox's Wharf being only nine hundred yds. distant from the Custom House, while many other Wharves enjoying the benefits of a Sufferance for landing Goods are upwards of a Mile distant; and the said Wharf, of which Your Lordships' Petitioner is lessee, being nearer the principal business part of Sydney, the entrance shorter and the wharf more open and accessible than any other Wharf in Sydney. Your Lordships' Petitioner would humbly beg to point out to your Lordships that the only Government Wharf in Sydney is incapable of accommodating one tenth of the Vessels discharging Cargoes at one time in the Port of Sydney, and that the Vessels belonging to or consigned to Your Lordships' Petitioner must often be detained for many weeks before they can obtain permission to land their Cargoes at the Government Wharf or at any private Wharf not a very great distance from their Stores and the business part of Sydney. And as Your Lordships' Petitioner, during the time he held the Sufferance for Cox's Wharf, afforded every facility for the Custom House Officers to visit his Wharf, and even at their desire furnished them with Scales, Weights and Laborers for weighing all Goods landed on Cox's Wharf, Your Lordships' Petitioner is at a loss to conceive the reasons which could have lead to a proceeding so unparalleled in this Colony and so ruinous to him.

And Your Lordships' Petitioner humbly Prays that Your Lordships may be pleased to direct the sufferance for landing Goods on Cox's Wharf to be restored, and Such remuneration to be Made to Your Lordships' Petitioner as Your Lordships may See proper.

R. G. DUNLOP.

Dated in Sydney New South Wales, the twenty ninth day of July, One thousand eight hundred and forty two.

[Sub-enclosure No. 1.]

COPY of Advertisement in the Government Gazette of 24th June, 1842.

Notice.

Custom House, Sydney, 22nd June, 1842.

MUCH inconvenience having been experienced in the discharging of Vessels at the Notice of Wharf occupied by Messrs. Dunlop and Co., known as Cox's Wharf, and it being expedient to discontinue the landing of goods there, Notice is hereby given that the Sufferance granted for that Wharf is from this time revoked; and any goods, arriving from Parts beyond Sea which may be landed there, will henceforward be liable to Confiscation.

J. GIBBES, Collr.

[Sub-enclosure No. 2.]

MESSRS. DUNLOP AND CO. TO MR. J. GIBBES.

Sir,

Observing a paragraph in one of the public journals, purporting to be signed by you, to the effect that the license for landing goods on Cox’s Wharf, which was confirmed, was cancelled. We having received no notice on the subject, and not being aware of any reason which could possibly lead to such an act, this Wharf being nearer the Custom House than most others in Sydney, and we as Lessees having always afforded every reasonable assistance to your Officers to inspect goods landed on it, We beg to request that you will be pleased to inform us if the license is actually cancelled by your authority.

We have, &c.,

DUNLOP & Co.
HISTORICAL RECORDS OF AUSTRALIA.

1842.
14 Sept.

Confirmation of notice.

[Sub-enclosure No. 3.]

Gentlemen, Customs, Sydney, 25th June, 1842.

In reply to your letter of this day's date on the subject of the sufferance granted for the wharf occupied by you, I beg to say that that sufferance is cancelled by authority and notice given in the Government Gazette to that effect.

I am, &c.,

J. GIBBES, Collr.

[Sub-enclosure No. 4.]

Sir, Sydney, 18th July, 1842.

On the 11th of this month, we did ourselves the honor of addressing you, requesting leave to land forty Casks of (English) Blacking on Cox's Wharf of which we are the Lessees. Not having been favored with any reply to this application, we take the liberty of again addressing you to request the favor of an answer before making application to the Government.

We remain, &c.

DUNLOP & Co.

[Sub-enclosure No. 5.]

Sir, Customs, Sydney, 18th July, 1842.

Having given a verbal answer to your former application to the person who called from you, I did not consider it necessary to write; but I now beg to say in reply to your letter of this morning that, as the sufferance for Cox's Wharf has been withdrawn, no goods can be landed there, which have not been first discharged at a Sufferance Wharf.

I am, &c.,

J. GIBBES, Collr.

[Sub-enclosure No. 6.]

Sir, Colonial Secretary's Office, Sydney, 25th July, 1842.

Having laid before the Governor your letter of the 22nd Instant, I am directed to inform you that He regrets to have to state, in reply to your application to be allowed to continue to land Goods at the place known as Cox's Wharf, that Circumstances have recently occurred to satisfy His Excellency that the Collector of Customs acted improperly in withdrawing the sufferance for that Wharf.

I have, &c.,

for the Colonial Secretary,

WM. ELYARD, Junr.
STANLEY TO GIPPS.

[Sub-enclosure No. 8.]

MR. R. G. DUNLOP TO COLONIAL SECRETARY THOMSON.

Sir, Sydney, 26th July, 1842.

As, in your reply to my representation regarding the withdrawal of the Request for Sufferance for Cox's wharf dated 25th July, 1842, You state that Circumstances have recently occurred to satisfy His Excellency the Governor that the Collector of Customs acted properly in withdrawing the said Sufferance, I shall esteem it a favor if you will request His Excellency to favor me with a statement of the Circumstances referred to, as certain malicious Vagabonds have done to use His Excellency's name as their authority for certain anonymous aspersions on my character, which, though without the least shadow of foundation, are calculated to injure me in public opinion.

I have, &c.,

R. G. DUNLOP.

[Sub-enclosure No. 9.]

MR. W. ELYAED TO MR. R. G. DUNLOP.

Sir, Colonial Secretary's Office, Sydney, 29th July, 1842.

In acknowledging the receipt of your letter of the 26th Instant, I am Refusal to give reasons.

... directed by His Excellency the Governor to inform you with reference to my former communication, that He sees no occasion to say more in reply to it than that He is satisfied with the reasons which led the Collector of Customs to withdraw the license which he had given to Cox's Wharf. I have, &c.,

for the Colonial Secretary,

WM. ELYAED, Junr.

[Sub-enclosure No. 10.]

[This was a map showing the different wharves at Sydney. Cox's wharf was erected at the head of Sydney cove.]

[Enclosure No. 2.]

MEMORANDUM REFERRED TO ABOVE.

"I think it is only necessary to say that Mr. Dunlop was lately fined £200 for attempting to defraud the Revenue; that he is the person who imported the colored spirits, under the denomination of Mececaro Wine, which has been condemned in the Court of Vice Admiralty, and that his Bond for £5,000 is now being prosecuted for having been accessory to relanding, in an unfrequented part of the Colony, the cargo of spirits exported by himself in the 'Fair Barbarian' for Lombock, to shew that he is not a proper person to have a Sufferance Wharf.

"Indeed this Wharf is in itself rather objectionable, as, notwithstanding the Jetty which has been run out, vessels of any size cannot lie within several yards of the landing place, by which means it was that the Coffee was removed to the Port Phillip Steamer, without the knowledge of the Officer, for which Mr. Dunlop was fined."

Sth Sept., 1842. J. GIBBES, Collr.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 191, per ship Victoria.)

Sir, Downing Street, 15 September, 1842.

I transmit to you an Act passed in the present Session of Parliament for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies. It is, I trust, drawn with such accuracy and clearness as fully to convey its own meaning, and as to indicate completely the duty which will devolve on

* Note 25.
1842.
15 Sept.

Reasons for passing of act.

You are well aware of the protracted discussions, which have taken place respecting the settlement of Waste Lands in the Australian Colonies, of the frequency with which the system has been changed, and of the complaints to which this mutability of purpose has given rise. Perhaps it may to a considerable extent have been unavoidable thus repeatedly to alter the Land Instructions issued under the Royal authority. With the gradual progress of experience, errors demanding correction were brought to light, and, when the principles of the question first attracted general attention and public debate, more than one experiment may have been not imprudently hazarded, even though in the result such experiments were found to disappoint the hopes of their authors. The result, however, has been to accumulate a large body both of theoretical and of practical knowledge, of which we now propose to gather the fruits.

In the Session of 1841, the subject was carefully investigated by a Committee* of the House of Commons.

Early in the present Session of Parliament, I introduced into that House a Bill for giving effect to the views of the Committee, aided and matured by all such additional information and suggestions as it was in my power to collect from the various sources of intelligence at my command. That Bill has been passed into a Law, with scarcely a dissentient voice in either House of Parliament, nor have I any reason to suppose that the general propriety of the provisions of it is disputed by any persons in this Country to whose judgment on such topics any peculiar authority is due. It is therefore, I trust, with no unreasonable confidence that I anticipate important advantages from this enactment, both as it respects the general interests of the Empire at large, and the local interests of the Australian Provinces of the British Crown.

Of those advantages not the least important will be found in the guarantee at length given for stability and consistency of purpose in the administration of the Land and the Land Revenues of the Crown in New Holland and the adjacent Islands. It is, of course, impossible that the system now established should be changed by any authority but that of Parliament. Her Majesty's Government have had no difficulty in advising the Queen thus to relinquish a power which experience has shewn not to be unattended with the risk of immature and precipitate resolutions.

* Note 26.
Another material advantage, which I should anticipate from the enactment of this Law, is that it will place on a fixed basis the question hitherto so much agitated regarding the expenditure of the Land Revenue. You will see that the first appropriation of that Fund is to the expense of management. Subject to this charge, for which however you will observe that, by the 18th Section, the Local Legislature is empowered, if it should be thought desirable, to make separate provision, the proceeds of all Land Sales are to be divided into two equal moieties. To the disposal of one of these moieties, Her Majesty has been graciously pleased to intimate Her willingness to surrender Her rights, and it is accordingly appropriated by Parliament exclusively to the purposes of Emigration. But it is by no means intended by this provision to enact that the other moiety or any part of it may not likewise be so applied; although on this point it has been deemed expedient to reserve a discretion to the Crown. Should the circumstances of the Colony be such as to render a larger outlay on Emigration desirable, and the means from other sources adequate to meet the current expenditure, there is no reason why a sum equal to the whole gross amount of the proceeds of the Land Sales should not be directed to that object.

There are, however, certain Items of Expenditure legitimately falling upon the Land Revenue, which I think it desirable that the Crown should retain in its own hands. The first of these is the application of such sums, and in such manner as you may judge most expedient, not exceeding in the whole 15 per cent. of the gross proceeds of the Land Sales, for the benefit, civilisation and protection of the Aborigines; the next is intimately connected with, though perhaps not strictly included in the terms of the reservation in the 18th Section, being an expenditure in Roads, Bridges, etc., for the purpose of opening and making more easily available Lands, which it may be in your contemplation to bring into the Market. The discretionary power thus given to you to incur expenditure in opening Roads applies of course to main Lines of communication only, and the Funds thus placed at your disposal are on no account to be diverted to purposes of partial, Local or Individual interest.

The two objects to which I have thus referred, you would consider as those to which in the first instance you would apply the proceeds of so much of the Land Sales as are not specifically appropriated to Emigration. Of all your expenditure of these proceeds, you will lay before the Legislature periodical and detailed accounts; and you will pay over to the general account of the Colony any sums which may remain, after making in your judgment adequate provision for these objects, to be appropriated...
by the Legislature in aid of the ordinary and current services. At the same time, it must be distinctly understood that this appropriation is to be made, subject to the right which Her Majesty reserves to Herself of making any other disposition, which circumstances may hereafter appear to require, of the moiety which is not specifically appropriated to the object of Emigration.

The main principle of this Act is, however, that which Her Majesty's Government for many years past have invariably maintained, the principle that the Waste Lands of the Crown shall never be alienated except by Sale. All gratuitous Grants of Land will, henceforward, be absolutely illegal and void. The only exception to this rule (if indeed it can properly be described as an exception) will arise in the case of the reservation of Lands for purposes in which the public at large have a direct interest. They are minutely enumerated in the 3d section of the Act.

The Royal Commission,* authorizing you to alienate Waste Lands on behalf of Her Majesty, and the Royal Instructions* prescribing in detail how that power is to be exercised, are superseded by this Act. The power of Sale and Conveyance will henceforth be vested in you by the authority of Parliament, and by the same authority you will be guided in the exercise of that power. Among the regulations to which it will thus be your duty to adhere, the most important are those which relate to the Division of the Colony under your Government into any number of Territorial Districts, not exceeding 4, for the purposes of the Act. Should you be of opinion that it is expedient to adopt different sums respectively as the minimum for the upset price of Land in different parts, the distinction of the Lands to be sold into three separate classes, the fixing a minimum price on the Lands of each class, the sale of Lands of the more valuable class by auction only, and the sale of Country Lots by private contract after they shall have been put up to auction. I do not enter into any minute explanation of the motives of these Regulations because your own experience will enable you to anticipate any such statement. It may be enough to say that the principle of Sales by Auction appears more applicable to the case of Lands likely to be occupied for Building, or for Gardens, or as pleasure grounds, than to the case of Lands only fit to be occupied for the purpose of Agriculture or pasturage. In the one case, there is an accidental Local value which will best be ascertained by public competition. In the other case, when it has been ascertained by an ineffectual auction that no such competition can be raised, there appears to be no good reason why the Lands should not be sold at the upset price of the time. This distinction you will therefore find established in this Act.

* Note 27
The most important general principle of the Law, which remains to be noticed, is that which determines that no waste Land of the Crown shall ever be sold at less than 20 shillings an acre.

In fixing this sum, Her Majesty's Government have not proceeded on the assumption that the whole of the Land in the Colony under your Government, which may be profitably occupied, would, if offered for sale, realize or is worth at the present moment that price; they are aware that there are large Tracts now occupied for grazing purposes of a value inferior to the Standard thus adopted; and, by the provisions of the 17th Section, care has been taken to relieve you from the necessity of attempting to force sales of such Land by enabling you to draw a Revenue from its permissive occupation. Nor is it to such Tracts only that Her Majesty's Government are aware the price of 20s. per acre is at present inapplicable. They are conscious that the same observation would apply to many portions of the more settled and richer districts. These circumstances, however, do not appear to them to militate against the course they have taken on this subject. On the contrary, they consider it desirable that the more fertile and valuable portions of Land in the Colony should be first brought into cultivation, trusting to the operation of progressive settlement to render saleable hereafter many qualities of Land not at present of a marketable value.

Having thus stated the views which have led to the adoption of so high a minimum price for the sale of Waste Lands, as that fixed by the Bill, I must also advert to the power which is reserved to you by the 9th Section of the Act of raising that price; and I do so merely to impress upon you the necessity of exercising it with great caution. The inconvenience, which must result from its being found requisite to advise Her Majesty to disallow acts done by you for that purpose, being too obvious to require to be dwelt upon.

You will perceive that it remains for you to issue the proclama-
tions* mentioned in the 6th, 7th, 11th, and 21st Sections of the Act, and (in the event of your considering the same minimum upset price as inapplicable to the whole Colony) also that specified in the 14th Section. The terms of those proclamations you will of course prepare with the assistance of your Legal advisers, and with the advice of your Executive Council.

I enclose an Instrument under Her Majesty's Signet and Sign Manual, prescribing the forms and solemnities to be used in pursuance of the third clause in the Conveyance of the Waste Lands of the Crown. To prevent as far as possible any error on this subject, Her Majesty has for the present directed the use of the Forms and Solemnities hitherto employed in the Colony.

* Note 28.
1842.
15 Sept.
Order re receipt for purchase money in England.

under your Government. Additional Instructions will hereafter be issued, authorizing the employment of any other Forms and Solemnities, which experience may point out as being more convenient, and the adoption of which may be recommended by the proper Local Authorities.

I also enclose an order made by the Lords Commissioners of the Treasury, in pursuance of the 16th clause, for the receipt in this Country of any money which may be paid here for the purchase of Waste Lands of the Crown in any of the Australian Colonies and for issuing Certificates to the purchasers.

I also enclose an order made by the Lords of the Treasury under the nineteenth clause for the application of the Land fund.

In a separate Despatch, I shall communicate to you the Instructions which I have been commanded by Her Majesty to convey to you under the Nineteenth clause for conducting the Emigration service.

And I also enclose copies of the Instructions issued to the Colonial Land and Emigration Commissioners on the same subject.

In conclusion, I have to express my earnest hope that your reports as to the progress of this new system will be frequent and copious. It is a subject of deep interest to Her Majesty's Government and to Parliament, and it is essential that the information respecting it should be so complete and perspicuous as to enable all persons proposing to employ their capital, or to engage personally in the Settlement of the Waste Lands in the Australian Colonies, to form as correct an estimate as possible of the prospects awaiting them there.

I have, &c,

STANLEY.

[Enclosure No. 1.]

This was a copy of the statute, 5 and 6 Vict., c. xxxvi.

[Enclosure No. 2.]

ADDITIONAL Instructions to Our Trusty and Wellbeloved Sir George Gipps, Knight, Our Captain General and Governor in Chief in and over Our Colony of New South Wales and its Dependences, or, in his absence, to Our Lieutenant Governor or the Officer Administering the Government of Our said Colony and its Dependencies for the time being. Given at Our Court at Windsor, this Twenty seventh day of August, 1842, in the Sixth year of Our Reign.

Whereas, by an Act of Parliament, made and passed in this sixth year of Our Reign, Intituled, "An Act for regulating the sale of Waste Land belonging to the Crown in the Australian Colonies," it is amongst other things Enacted that, under and subject to the various provisions and regulations thereinafter contained, the Governor for the time being of each of those Colonies is thereby authorized and required in Our name and on Our behalf to convey and alienate in Fee simple or for any less Estate or Interest to the
purchaser or purchasers thereof, any Waste Lands of the Crown in any such Colony, which Conveyances or Alienations shall be made in such Forms and with such Solemnities as shall from time to time be prescribed by Us.

Now therefore, in pursuance of the said recited Act of Parliament and in exercise of the powers thereby in us vested, We do, by these Our Instructions under Our Signet and Sign Manual, declare Our Pleasure to be that for the present, and until Our further Pleasure shall be signified to you in this behalf, the Forms and Solemnities heretofore observed in the Conveyance or Alienation of the Waste Lands of the Crown in our Colony under your Government shall continue to be observed and followed in the conveyance or alienation of any such Lands as may hereafter be made in Our said Colony under the provisions of the said recited Act of Parliament.

[Enclosure No. 3.]

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

Sir, Treasury Chambers, 30th August, 1842.

The Lords Commissioners of Her Majesty's Treasury, having had under consideration the provisions of the 16th Clause of the Act of 5th and 6th Vic., Cap. 36, "for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies," are of opinion that Edward Barnard, Esq., Agent General for the Settlements and Colonies in Australia should continue to receive any payments that may be made in this Country for the purchase of waste Lands of the Crown in any of the Colonies to which the Act relates; and that, in granting certificates of such payments, or in other matters relating thereto, the Commissioners of Colonial Lands and Emigration and Agent General should conform to the Instructions from their Lordships, which accompanied the Communication from this Department to you of 22nd May, 1840. And I am to request that you will move Lord Stanley to cause the requisite directions in this respect to be conveyed to the Commissioners and to the Agent General.

I am, &c.

C. E. TREVELYAN.

[Enclosure No. 4.]

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

Sir, Treasury Chambers, 30th August, 1842.

I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you for the information of Lord Stanley that in pursuance of the provisions of the 19th Clause of the Act of the 5th and 6 Victoria, Cap. 36, "for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies." My Lords are pleased to authorize the Governors of the respective Colonies and the Commissioners of Colonial Lands and Emigration and likewise the Colonial Treasurers and Agent General acting under the directions, which the said Governors or Commissioners may be duly empowered to give, to expend and apply the proceeds of the sales of Waste Lands, to which the Act relates, in payment of the expenses and charges of survey, management and sale of the Lands, or of the conveyance of Emigrants specifically mentioned therein, or of such other expenses or services as are or may hereafter be duly authorized; and I am to request that you will move Lord Stanley to cause the requisite orders and instructions on these respects to be conveyed to the several Governors and to the Commissioners.

I am, &c.

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

Sir, Treasury Chambers, 30th August, 1842.

With reference to the 19th Clause of the Act of the 5th and 6th Vict., Cap. 36, "for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies," I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Lord Stanley, that, subject to the appropriations out of proceeds of Sales of Waste Lands for defraying charges incurred in any of the Colonies for the Survey, management and sale of the Lands or otherwise carrying the Act into effect, and for defraying expenses of the conveyance of Emigrants from the United Kingdom, which are provided for in the Act, My Lords are pleased, so far as regards the proceeds of Sales of Waste Lands of the Crown in the Colony of New South Wales, to authorize the appropriation by the Governor of the Colony of a portion not exceeding £15 out of every £100 of the said proceeds after payment of the first class of the above mentioned charges, to expenditure for the benefit, civilization and protection of Aborigines; and the application of the remainder of those proceeds, or so much thereof as the Governor of the Colony may deem proper, for the construction of Roads, Bridges or other means of communication for the purpose of opening and making more easily available Lands, which it may be desirable to offer for sale; and that My Lords are likewise pleased to authorize the transfer to the General Revenue Fund of the said Colony of any residue of those portions of the proceeds applicable to either of the last mentioned purposes which may not be expended thereon.

I have, &c.,

C. E. TREVELYAN.

LORD STANLEY TO LAND AND EMIGRATION COMMISSIONERS.

Gentlemen, Downing Street, 27th August, 1842.

The 19th Clause of the Australian Land Act, 5 and 6 Vic. Cap. 36, requires that the money to be expended in compliance with that Statute upon Emigration shall be laid out subject to such Regulations, as shall from time to time be prescribed either by Her Majesty in Council, or by one of Her Majesty's Secretaries of State regarding the selection of Emigrants, the means to be provided for their Conveyance, their superintendence during the voyage to the Colony to which they are destined, and their reception and settlement in that Colony. It therefore becomes necessary that you should receive directions founded on this Clause; and I have received Her Majesty's Commands to instruct you accordingly that you are to continue to guide yourself on all matters concerning the conduct of Emigration by such Instructions conveyed to you under authority of myself or my predecessors as are at present in force upon this subject, subject to such modifications as may at any future time be required by Instructions emanating from this Department in the usual manner, by Letters written under the direction of the Secretary of State.

I have, &c.,

STANLEY.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Victoria.)

Sir,
Downing Street, 15th Sept., 1842.

The nineteenth Clause of the Australian Land Act, 5 and 6 Vict., Cap. 36, requires that the money to be expended in compliance with that Statute upon Emigration shall be laid out subject to such Regulations as shall from time to time be prescribed either by Her Majesty in Council, or by one of Her Majesty's Secretaries of State, regarding the selection of Emigrants, the means to be provided for their conveyance, their Superintendence during the Voyage to the Colony to which they are destined, and their reception and Settlement in that Colony. It therefore becomes necessary that you should receive directions founded on this Clause; and I have received Her Majesty's Commands to instruct you accordingly, that you are to continue to guide yourself on all matters concerning the conduct of Emigration by such Instructions, either under the Royal Sign Manual, or conveyed by me or my predecessors as are at present in force upon this subject, subject to such modifications as may at any future time be required by directions either under the Sign Manual or emanating from this Department in the usual manner by Despatches from the Secretary of State. I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 168, per ship Lady Raffles.)

My Lord,
Government House, 15th Sept., 1842.

At the earnest request of Major Sullivan, formerly of the Portuguese Service, but for some years past a Settler in this Colony, I transmit to Your Lordship the accompanying Sealed Papers,* one of them addressed to Your Lordship, and the other to Sir Robert Peel, and containing a Printed Prospectus for forming a Settlement on the Island of New Caledonia.t

The position of New Caledonia is such, as to render it I think very worthy the attention of the British Government; but I feel it necessary nevertheless distinctly to disclaim any participation whatever in the projects of Major Sullivan. I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 189, per ship Victoria.)

Sir,
Downing Street, 16th September, 1842.

My attention has been called by the Lords Commissioners of Her Majesty's Treasury to a correspondence between the Colonial Secretary to your Government and A. C. G. Irvine, which

* Note 29.   † Note 30.
1842.
16 Sept.

Increased subsidies to Benevolent society.

Expenditure from annual vote.

Necessity for restriction.

Instructions re future subsidies.

took place in February and March, 1842, relative to the increasing demands on the Military Chest by the Benevolent Society at Sydney; and, with reference to that correspondence, I have to observe that, although you may have hitherto considered yourself at liberty under the arrangement respecting the expenses of the Institution in question, which was sanctioned by Lord Glenelg's Despatch No. 215 of the 6th October, 1836, to authorize issues from the Commissariat Chest for that purpose without any specific limitation, Her Majesty's Government deem it necessary, on adverting to the great increase of the charge under this head during the year 1841, and to the altered state of the Colonial Community with reference to the sources of Casual pauperism, that some restriction should now be put upon those issues.

The Annual Sum of £2,500, since 1836-7 inclusive, provided by the Parliamentary Estimate and Vote for Convict expenditure in the Australian Colonies has fully sufficed to meet the demands on account of this Asylum until the last year; but, although the votes for the last and current year have been increased to £2,800, an excess of Expenditure, amounting to £784, has been incurred in 1841; and the intentions in regard to the issues for the current year, as signified in the letter from the Secretary to the Colonial Government to the Commissary of Accounts, dated the 3d of March, would involve a further excess of £200.

Referring to the arrangement before mentioned, Her Majesty's Government are not disposed to object to the admission of these excesses, or to direct that any retrospective claim should be made upon the Institution, or upon the Colonial Funds in respect thereof; but they must at the same time refer to the discontinuance of any addition to the indigent portion of the population by further introduction of Convicts, and to the obvious presumption, afforded by the period at which the increase in the expenditure of the Asylum has occurred, that it is to be attributed to other causes; and it is to be presumed that, after the current year, the contribution from the Funds of this Country for the purposes of the Institution ought not to exceed the former amount of £2,500 per Annum, and that, hereafter, it may be subject to further diminution. You will, therefore, be at liberty to sanction the contemplated contribution of £3,000 from Convict Funds, should it be requisite, towards defraying the expenditure of the Asylum for the present year; but the annual aid hereafter is not in any case to exceed £2,500 a year. You will also bear in mind that that sum must be gradually reduced in amount, in proportion as the peculiar state of things which led to its being afforded shall cease to exist, until it be entirely discontinued.

I have, &c.,

Stanley.
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 170, per ship Lady Raffles.)

My Lord, Government House, 17th Sept., 1842.

With reference to my Despatch No. 140 of the 8th Augt. last, I have the honor to inform Your Lordship that the Estimates, which I presented to the Legislative Council for the service of the year 1843, have been voted by the Council, with such alterations only as were proposed by myself.

The Appropriation Act, and the usual Financial Papers of the year, will be forwarded with as little delay as possible.

I have, &c,
GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 171, per ship Lady Raffles.)

My Lord, Government House, 19th Sept., 1842.

I have the honor to report to Your Lordship that the Closing of Session of the Legislative Council of this Colony was closed by me on the 9th instt., the business which I had brought before it having been disposed of.

I enclose herewith a List of the Acts which have been passed; and I shall forward the Acts themselves in the usual manner, for Her Majesty's Gracious approval, with as little delay as possible.

I have, &c,
GEO. GIPPS.

[Enclosure.]

[This was a list of the titles of the acts, 5 Vict., Nos. 22 to 25, 6 Vict., Nos. 1 to 15, and private acts for the Australasian sugar company and for trustees of the will of Samuel Foster.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 172, per ship Lady Raffles; acknowledged by lord Stanley, 22nd May, 1843.)

My Lord, Government House, 19th Sept., 1842.

With reference to My Despatch of this day's date, No. 171, wherein I reported the closing of the Session of the Legislative Council of this Colony for the year 1842, I have now the honor to forward Two Private Acts which have been passed by the Council.

The first is,

"An Act for facilitating proceedings by and against a certain Australasian Joint Stock Company, called the 'Australasian Sugar Company,' and for other purposes therein mentioned."

SER. I. VOL. XXII—T
The Company, in favor of which this Act has been passed, is established for the purpose of refining Sugar; and a Clause (the 12th) is expressly introduced, prohibiting the Company from engaging in the business of Distilling Spirituous Liquors.

A Capital of, I believe, about £30,000 has been already expended by the Company in the erection of Buildings, preparation of Machinery, etc., at a place called Canterbury, distant about six miles from Sydney.

The Act is in all essential respects similar to those, which are usually passed in this Colony to enable Trading Companies to sue and be sued in the name of one of their Officers, without incorporating them or relieving the Members of the Company from individual responsibility.

The 11th Clause is framed, so as to meet the instructions contained in Lord J. Russell's Despatch, No. 332 of the 14th Augt. 1841.

The second Act is intituled, "An Act to enable the Trustees for the time being of Samuel Foster, late of Birmingham, gentleman, deceased, to grant leases of land in the Colony of New South Wales."

The object of this Act seems to be such as to require no comment from me.

As these two Acts cannot come into operation, until they have received Her Majesty's Assent, I have respectfully to request that they may be submitted for Her Majesty's Pleasure, as early as may be convenient. I have, &c.,

GEORGE GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 173, per ship Lady Raffles.)

20 Sept.

My Lord,

Government House, 20th Sept., 1842.

I have the honor to forward herewith, the Annual Report of the Committee of the Legislative Council of this Colony on the subject of Immigration, as also a copy of the Resolutions which were passed by the Council on the last day of its session (the 9th inst.) adopting and approving the Report.

Having in my Despatch, No. 88 of the 14th May last, addressed Your Lordship fully on the subject of Immigration, I feel it unnecessary to accompany the Report with many observations.

The view, taken by the Committee of the probable want of Immigrants, is I have reason to believe correct; there is not, it appears to me, any actual dearth of Labor in the Colony; but there is ground to apprehend that ere long a scarcity of it will again be felt.
With respect to the project of a Loan, I beg leave to state that I still adhere to the opinion I have often expressed, that we should endeavour, if possible, to do without one; but that, if the want of Immigrants alone stand in the way of the prosperity of the Colony, and we cannot obtain money to pay for the passage of them in any other way, we ought not to shrink from resorting to a Loan, remembering however always that we cannot raise one, without the assistance of Her Majesty's Government.

We still continue to sell but little land; but our ordinary Revenue suffices, I am happy to say, to cover all our expences.

I have, &c.,
GEO. GIPPS.

P.S.—I take the liberty of enclosing a Printed Copy of the remarks which I made in the Legislative Council, on the 9th inst., when the Report of the Committee on Immigration (which is now enclosed) was under consideration.

[Enclosures.]

[These papers will be found in the "Votes and Proceedings" of the legislative council.]

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 LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 190, per ship Victoria.)

Sir,
Downing Street, 21 September, 1842.

I referred for the report of the Colonial Land and Emigration Commissioners your Despatch No. 40 of the 24 February last, forwarding the report of the Immigration Board on the Immigrants by the Ship "Duke of Roxburgh," and stating that Bounties had been disallowed on several Females, who were not under the protection required by the Regulations.

I transmit to you herewith for your information the copy of a Report which I have received in reply from the Commissioners.

I have, &c.,
STANLEY.

Enclosure.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY HOPE.

Colonial Land and Emigration Office,

Sir,
9 Park Street, Westminster, 14 Sept., 1842.

We have the honor to acknowledge the receipt of your letter of the 20th Ultimo, transmitting to us the Copy of a Despatch from the Governor of New South Wales, mentioning the disallowance of Bounty on some of the Females comprised amongst the Immigrants by the Duke of Roxburgh.

These cases have been sent home by Sir George Gipps as an example of the way in which the working of the Bounty system is checked in New South Wales; and it appears that a proper control was exercised in respect to them by the Colonial Authorities. The Officers at home, as Lord Stanley is aware, have very little connection
21 Sept.

Report by land and emigration commissioners.

1842.

with the subject. Being desirous, however, to contend, as far as possible, with the laxity which prevails in signing written testimonials, we have to state that, on receipt of your communication, we traced out the parties who had signed the Certificates to the Bounty Agents which led to the acceptance of these Emigrants, and addressed to them a letter of which a copy is enclosed, in which we pointed out the bad consequences resulting from a want of correctness in signing such certificates. We have received from them in answer a communication, of which a copy is also enclosed, expressing the utmost regret at the intelligence which has arrived, and offering their assurance that they had no reason to suppose the Emigrants were of such character as reported, at the time they signed those documents. We are not aware that there is anything further which can be done in the matter.

We have, &c.,

T. Frederk. Elliot.

J. G. Shaw Leefve.

[Sub-enclosure No. 1.]

Mr. S. Walcott to Messrs. J. Bradley and R. Brooks.

Colonial Land and Emigration Office,

9 Park Street, Westminster, 26 August, 1842.

Sir,

In reference to some Certificates to the good character of a party of single women proposed as Emigrants, which were signed by you about July, 1841, and in consequence of which these women received a free passage to New South Wales, I am directed by the Colonial Land and Emigration Commissioners to acquaint you that they have learned with much regret from the authorities in the Colony that two of the people, named Mary Ann Forster and Jemima Hawkins, proved to be common prostitutes, and that there is every reason to believe that a third named Harriet McCrow was of the same description. The Commissioners have thought it due to you to acquaint you with this intelligence in case you should wish to afford any information or explanation on the subject.

It is always to be regretted that Certificates of this nature should prove to be incorrect, because it throws obstacles in the way of the really deserving, by bringing all such Testimonials into additional doubt and discredit.

I am, &c.,

S. Walcott, Secretary.

[Sub-enclosure No. 2.]

Messrs. R. Brooks and J. Bradley to Mr. S. Walcott.

Sir, St. Mary Newington, 6th September, 1842.

We the undersigned beg to acknowledge your Letter of the 26th Ultimo in reference to certain Certificates signed by us for Mary Ann Forster, Jemima Hawkins, and Harriet McCrow, admitted as Emigrants to New South Wales in July, 1841. We assure you it is with the utmost regret we learn that they have so misconducted themselves as to incur the displeasure of the Authorities at Sydney; in signing the Certificates we did so under the full assurance that they would prove good Members of Society. We certainly had no cause to consider either of them to be of the character reported or we would not have signed the Document.

We are, Sir, &c.,

R. Brooks.

J. Bradley.

Sir George Gipps to Lord Stanley.

(Despatch No. 174, per ship Lady Raffles; acknowledged by lord Stanley, 30th May, 1843.)

My Lord, Government House, 21st Sept., 1842.

I had the honor to receive, on the 6th July last, Your Lordship's Despatch, No. 60 of the 30th Jan., 1842, communicating to me the circumstances under which your Lordship had, on the recommendation of the Commissioners of Colonial Lands and Emigration, granted a special authority to Mr. Forsyth, to
receive Bounties on the importation of 20 Emigrants and their families into this Colony; that Bounties have accordingly been claimed, in the name of Mr. Forsyth, on 20 Adult Males, 18 adult Females, and 31 Children, who arrived at Sydney by the Ship "Earl of Durham" on the 11th July last.

I have however further to report to Your Lordship that I have not paid the Bounties thus claimed in the name of Mr. Forsyth, because it appears to me very clearly either that the Emigrants by the ship "Earl of Durham" are not those for whose importation into this Colony Your Lordship's permission was given, or that Your Lordship's permission for their importation was obtained by means of representations altogether inconsistent with the facts of the case.

Mr. Forsyth appears to have gained an advantage over other persons, who equally with himself held permissions from this Government to bring Emigrants to the Colony, by representing that the Emigrants were to be engaged for his own service; that he had lands in the Colony, which would come out of Lease in April, 1842; and that he would suffer great inconvenience and hardship, if not allowed to bring out Emigrants to be employed on them; it will therefore doubtless surprise your Lordship to learn that the Emigrants by the "Earl of Durham" appear to have been sent out by Messrs. Carter and Bonus in the ordinary way of their business; that no agent of Mr. Forsyth was ready to receive them in the Colony; that the Emigrants have in every case had to find employment for themselves; and that neither Mr. Forsyth, nor any person on his behalf, has made any application to me respecting them.

I enclose, for Your Lordship's information,
1. A Copy of the List of these Emigrants made by the Board, on whom Bounties were claimed by Messrs. Gore and Co., as agents for Messrs. Carter and Bonus, by which it will appear that, after certain disallowances on account of the ineligibility of a portion of the Emigrants, the amount of Bounties, which would have been payable on them but for the circumstances I have reported, is £861.
2. Copy of a letter from the Immigration Agent in Sydney, dated the 6th Augt., 1842, explaining, as far as was in his power, the way in which the Immigrants had been disposed of.
3. Copy of a letter which was written by my direction to Messrs. Gore and Co., dated the 20th Augt., 1842, explaining the reasons why the whole of the Bounties has been withheld.

I have, &c.,

Geo. Gipps.

[Enclosure No. 1.]

[This list has been omitted.]
[Enclosure No. 2.]

**MR. F. L. S. MEREWETHER TO COLONIAL SECRETARY THOMSON.**

Sir,

Immigration Office, Sydney, 6th August, 1842.

In answer to your letter of the 4th Instant, requesting me to state "the manner in which the Immigrants per 'Earl of Durham' had been disposed of," and "whether Mr. Forsyth had taken them into his own service."

I do myself the honor to annex a list of those of them, with whose engagements the Surgeon was made acquainted, shewing the names of the employers, and the terms on which they were hired.

The Surgeon has stated to me that he is not aware that any of those, of whose disposal he was unable to give account, were taken into the service of Mr. Forsyth.

I am aware from the man's own statement to myself, made when drawing his gratuity as overseer, that William Turner (married) is employed at the Messrs. Barker's Mills. His brother, he told me, had joined with him in taking a house, and that they were living together. He also must therefore be engaged in Sydney, but to whom I am not informed.

I have, &c.,

**FRANCIS L. S. MEREWETHER.**

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[Sub-enclosure.]

**LIST of Engagement of Immigrants from "Earl of Durham"**

(Extracted from the Surgeon's Report).

<table>
<thead>
<tr>
<th>Name</th>
<th>Calling</th>
<th>By whom Engaged</th>
<th>Wages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Ann Turner</td>
<td>Nursery Maid</td>
<td>Dr. Savage (Sydney)</td>
<td>Not stated</td>
</tr>
<tr>
<td>David Hazelwood</td>
<td>Agriculturist</td>
<td>Mr. Cook (Stanmore)</td>
<td>£25 per annum with rations</td>
</tr>
<tr>
<td>Willm. Webb and family</td>
<td>do</td>
<td>Mr. Hannam (Newtown)</td>
<td>21/- per week without rations</td>
</tr>
<tr>
<td>James Smith</td>
<td>do</td>
<td>Newnham &amp; Tooth (Cow-pastures)</td>
<td>£35 per annum with rations</td>
</tr>
<tr>
<td>Philip Nicholson</td>
<td>do</td>
<td>do do do do do do</td>
<td>£25 per annum with rations</td>
</tr>
<tr>
<td>John Robinson</td>
<td>do</td>
<td>Mr. Saunders (Sydney)</td>
<td>£30 per week without rations</td>
</tr>
<tr>
<td>Thos. Brown and family</td>
<td>Labourer</td>
<td>Mr. Lodge</td>
<td>£25 per annum with rations</td>
</tr>
<tr>
<td>Thos. Maulbury</td>
<td>Agriculturist</td>
<td>Mr. Lodge living at Campbeltown</td>
<td>£30 do do</td>
</tr>
<tr>
<td>Wm. Lodge and family</td>
<td>do</td>
<td>Newnham &amp; Tooth</td>
<td>£25 do do</td>
</tr>
<tr>
<td>John Whiteman</td>
<td>do</td>
<td>Issac Dole (Sydney)</td>
<td>30/- per week without rations</td>
</tr>
<tr>
<td>Joseph Dole and family</td>
<td>Smith</td>
<td>Mr. Dawson (Sydney)</td>
<td>£20 per annum with rations</td>
</tr>
<tr>
<td>Amelia Anderson</td>
<td>Servant</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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[Enclosure No. 3.]

**COLONIAL SECRETARY THOMSON TO MR. T. GORE.**

Colonial Secretary's Office,

Sydney, 20th August, 1842.

Sir,

I am directed by His Excellency the Governor to inform you that it has been reported by the Emigration Agent, in a letter dated 29th July last, that Bounties are claimed by you, as agent for Mr. Forsyth, on Sixty nine persons, alleged to have been brought to this Colony under a special permission from the Secretary of State.
granting in consequence of an application made by Mr. Forsyth in England to the Land and Emigration Commissioners under date of the 2nd August, 1841.

Of this application, as well as of the communications respecting it which have been received from the Secretary of State, I am directed to enclose copies, and to observe to you that you cannot fail to perceive that the representations, by means of which Mr. Forsyth obtained permission to bring out a certain number of Emigrants, are not at all borne out by the circumstances under which the Emigrants by the "Earl Durham" have been imported; and that, therefore, it is quite out of his Excellency's power to pay bounties on them.

Mr. Forsyth obtained a preference over other persons, equally with himself having claims on the local Government, by representing that these Emigrants were engaged for his own service, and that he not only had employment for them, but that he would suffer loss and inconvenience if not allowed to bring them out, whereas the Emigrants appear to have been sent out by Messrs. Carter and Bonus precisely in the way of their ordinary business; and the Emigrants have been dispersed over the Country and left to find employment for themselves, like ordinary Bounty Emigrants.

I am directed further to remark to you that, amongst the unmarried Immigrants on whom bounty is claimed, there is one person, Maria Hunkerman, so clearly ineligible for Bounty, that it is difficult to look upon her case except as an unjustifiable attempt to obtain Bounties contrary to the intention and spirit of the Regulations.

This Person, who was passed before the Board as a "Servant of All-work" is confessedly a "Music Mistress," and has already advertised to give Concerts in Sydney.

I have, &c.,

E. Deas Thomson.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 192, per ship Victoria; acknowledged by Sir George Gipps, 24th May, 1843.)

Sir,

Downing Street, 22 September, 1842.

I transmit to you herewith the Copy of a Letter from Messrs. F. Huth and Co. applying on behalf of Mr. Henry Meinertzhagen, of Sydney, for the Grant of Letters of Denization.

I have to direct that you will report to me, without delay, your opinion on the merits of this application, and that you will explain the reason that no notice has been taken (as alleged by Mess. Huth and Co.) of the application which was made to the local Government by Mr. Meinertzhagen in the month of September, 1840.

I have, &c.,

STANLEY.

MESSRS. HUTH AND CO. TO UNDER SECRETARY OF STATE.

Sir,

10 Moorgate St., City, 19th Sept., 1842.

Our friend, Mr. Henry Meinertzhagen of Sydney, New South Wales, informs us that, in September, 1840, he applied through Mr. Jas. Norton, an attorney at Sydney, for Letters of denization,
to enable him to hold land in the Colony. Up to April, 1842, no answer had been received; he therefore fears that his application must have miscarried, and now requests us to apply to you here on his behalf. Mr. Meinertzhagen was born at Bremen, in Germany, on the 19th August, 1805, and has been established as a Merchant at Sydney since January, 1838.

We hope these particulars will be sufficient to enable you to comply with Mr. Meinertzhagen's request; but, if any other information or formality should be required, we shall deem it a favor if you will acquaint us with it for our government.

We are, &c,

FREDK. HUTH AND CO,

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 175, per ship Lady Raffles; acknowledged by Lord Stanley, 30th May, 1843.)

My Lord,

Government House, 22nd Sept., 1842.

With reference to my Despatch No. 174 of yesterday's date, wherein I reported the circumstances under which I had declined paying Bounties on any of the Emigrants, said to have been sent to this Colony by Mr. Forsyth in the "Earl of Durham," I have now to request your Lordship's attention to the case of an unmarried female by that ship, named "Maria Hinckerman," on whom Bounty was peremptorily refused.

Maria Hinckerman came out as a domestic servant; and the fact of her being such is regularly certified in the Paper (an original one) which I transmit herewith, No. 1, by two persons described as respectable householders, namely, Edward James Hewitt and Henry Hays, residing at Nos. 188 and 168, Regent Street. Very shortly however after the arrival of Maria Hinckerman in the Colony, an advertisement was published by her, to which my attention was very properly drawn by the Immigration Agent. I enclose a Copy of the Immigration Agent's letter, accompanied by the "Sydney Herald" Newspaper of the 27th July last, containing the advertisement, by which Your Lordship will perceive, that Maria Hinckeman styles herself "Professor of Music, and Sostenente Pianiste to His late Majesty."

I have also further to report that I have myself seen Miss Hinckerman, who has stated to me that she never was a domestic servant; but that, before she was reduced by unexpected misfortunes, the nature of which she did not explain, she considers that she held a high place among the professional performers and teachers of Music in London, and that she kept her own carriage; and she further stated to me that, when she applied for a free passage to New South Wales, she was accompanied by a gentleman, who explained to Messrs. Carter and Bonus all the circumstances under which she desired to emigrate.
If this statement be true, and from the air, manner, and appearance of Miss Hinckerman, I see no reason to doubt that it is so, it must be evident to Your Lordship that an imposition or, more properly speaking, a gross fraud has been attempted on this Government; and I would respectfully suggest that the case should be enquired into by the Commissioners of Colonial Lands and Emigration.

I have, &c,

[Enclosure No. 1.]

[Enclosure No. 2.]

Mr. F. L. S. Merewether to Colonial Secretary Thomson.

Sir, Immigration Office, Sydney, 29th July, 1842.

With reference to the Report of the Immigration Board on the Immigrants per "Earl of Durham," in which was recommended the payment of Bounty on Maria Hinckerman, an unmarried female who arrived in that Ship. I do myself the honor to submit for His Excellency’s perusal an advertisement which appeared in the "Sydney Herald" of the 27th Instant enclosed, from which it appears that Maria Hinckerman or Miss Hinckerman is an accomplished Musician, and that she intends shortly to give an Evening Concert; Miss Hinckerman has also advertised for musical pupils.

As the recommendation that Bounty should be paid on account of this Lady was made on the supposition that she was, as she represented herself to be, a general servant, I do not think it necessary to bring the case before the Board for reconsideration, but will at once beg to request that the recommendation may not be acted upon.

I enclose the Certificate produced in favor of Miss Hinckerman.

I have, &c,

FRANCIS L. S. MEREWETHER.

Lord Stanley to Sir George Gipps.

(A confidential despatch, per ship Stratheden; acknowledged by Sir George Gipps, 19th June, 1843.)

Sir, Downing Street, 23rd Sept., 1842.

I transmit to you, herewith, for your information, the enclosed Copies of several Communications from the Foreign Department, on the subject of the proceedings of the French Expedition which has recently proceeded to the South Seas.

I am, &c,

STANLEY.

Viscount Canning to Under Secretary Stephen.

Sir, Foreign Office, 3rd May, 1842.

I am directed by the Earl of Aberdeen to transmit to you, for the information of Lord Stanley, a Copy of a Despatch which has been received from Her Majesty’s Minister at Rio de Janeiro.

* Note 31.
announcing the arrival at that place of the French Frigate "La Reine Blanche," with 300 Troops on board on her way to New Zealand, and also stating that five other French Vessels with Troops on board sailed from Brest at the same time with the "Reine Blanche," destined also for New Zealand.

I am, &c.,

CANNING.

[Sub-enclosure.]

MR. HAMILTON TO EARL OF ABERDEEN.

My Lord,  Rio de Janeiro, 22d February, 1842.

I have the honor to acquaint Your Lordship that the French Frigate "La Reine Blanche" arrived here some weeks ago on her way to the Pacific by Cape Howe, and that I am very credibly informed she had on board near 300 Soldiers; it is stated also that five other Vessels sailed from Brest at the same time with her, also having Troops on board; and that the destination of all six Vessels is understood to be New Zealand. The Troops, however, on board the "Reine Blanche," were clothed in a manner so similar to the Sailors comprising the Crew that it was not easy to ascertain their number.

I have, &c.,

HAMILTON HAMILTON.

[Enclosure No. 2.]

VISCOUNT CANNING TO UNDER SECRETARY STEPHEN.

Sir, Foreign Office, 12th May, 1842.

With reference to my letter of the 3rd Instant, enclosing a copy of a Dispatch from Her Majesty's Minister in Brazil, reporting the arrival at Rio de Janeiro of the French Frigate "La Reine Blanche" with Troops on board on her way to New Zealand, I am directed by the Earl of Aberdeen to transmit to you for the information of Lord Stanley a copy of a further dispatch from Mr. Hamilton announcing the arrival at Rio of two French Corvettes the "Embuscade" and "Boussole" with Troops on board.

I am, &c.,

CANNING.

[Sub-enclosure.]

MR. HAMILTON TO EARL OF ABERDEEN.

My Lord,  Rio de Janeiro, 11th March, 1842.

Two French Corvettes the "Embuscade" and "Boussole" arrived here on the 9th Instant from Cadiz in 38 days.

In answer to inquiries I made on the subject, the French Minister informed me yesterday that he believed their destination to be Isle Bourbon. Reports here, however, mention China as their real destination. They mount about 30 Guns each, appear of a Light Draft of Water, and have Troops on board. This arrival, together with others which I had occasion to report to your Lordship some short time ago, and single Vessels of War arriving and departing from time to time, evince a more than common activity in the French Navy at present.

One of the Corvettes above mentioned suffered a very severe collision with one of our large Mediterranean Steamers near Gibraltar, and was compelled to enter Cadiz Harbour to repair her damages.

The American Frigate "United States" mounting 50 guns and bearing the broad Pendent of Commodore Jones, arrived here on the 8th Inst., on her way to the Pacific.

I have, &c.,

HAMILTON HAMILTON.

[Enclosure No. 3.]

MR. H. U. ADDINGTON TO UNDER SECRETARY STEPHEN.

Sir, Foreign Office, 14th May, 1842.

I have laid before the Earl of Aberdeen your letter of the 11th Instant, respecting the arrival at Rio de Janeiro of a French Frigate with 300 Troops on board, reported to be on her way to New Zealand; and I am directed by His Lordship to transmit to you, for the information of Lord Stanley, Copies of a correspondence, as marked in the margin,* between the Earl of Aberdeen and

* Marginal note.—To Lord Cowley, Nov. 23, 1841, No. 6; from do., Nov. 26, 1841, No. 19; From do., Nov. 29, 1841, No. 26.
Her Majesty's Ambassador at Paris, in the month of November last, when information had reached Her Majesty's Government that an Expedition was fitting out in French Ports destined for New Zealand.

It will be seen from Lord Cowley's despatch of the 29th of Nov., that Mr. Guizot, the French Minister for Foreign Affairs, distinctly stated to Lord Cowley that there was not the slightest foundation for such a report; and Lord Aberdeen presumes that the French Naval force, which is stated to have arrived at Rio de Janeiro on its way to New Zealand, is the same that gave rise to the original report, which has been thus contradicted by the French Minister.

I am, &c.,

H. U. ADDINGTON.

[Sub-enclosure No. 1.]

EARL OF ABERDEEN TO LORD COWLEY.

My Lord, Foreign Office, 23rd November, 1841.

Her Majesty's Government have received information that an Expedition, consisting of a Naval Force of about twelve hundred men, has for some time been preparing in the French Ports, and that it is now on the point of departure. They are assured that this expedition is destined for New Zealand.

Notwithstanding the sources from which this information is derived, I hesitate to give it that implicit belief which it appears to deserve; for it is difficult to imagine that the French Government should gratuitously adopt a measure calculated to lead to a serious misunderstanding between the two Countries.

Your Excellency is aware that Her Majesty had commanded the Secretary of State to notify in the London Gazette of October 2nd, 1840, the acquisition of the Territory of New Zealand to the Crown of Great Britain.

In the London Gazette of Nov. 24th, 1840, a further notification appeared, stating that Her Majesty had by Letters patent under the Great Seal erected the Islands of New Zealand into a distinct and separate Colony, and in the same gazette was notified the appointment of Captain Hobson as Governor and Commander in Chief of the Colony.

The French settlers in New Zealand are now living under British Jurisdiction; and a correspondence has taken place between M. de Bourqueney and my Predecessor in this office, respecting their Rights and interests, without any intimation on the part of the French minister that the Sovereignty of Her Majesty was not fully recognised.

Under these circumstances, the approach of a force similar to that which I have described could only be regarded as a hostile invasion by the Governor and Inhabitants of the Colony.

I am to instruct your Excellency to ascertain if the information received by Her Majesty's Government upon this subject be correct. I indulge the hope that satisfactory explanations may be given. But, should it be confirmed, you will not hesitate to remonstrate in the strongest terms against an act which must greatly endanger the friendly Relations of the two Governments.

I am, &c.,

ABERDEEN.

[Sub-enclosure No. 2.]

LORD COWLEY TO EARL OF ABERDEEN.

My Lord, Paris, 26th November, 1841.

I have the honour to acknowledge the receipt of your Lordship's dispatch, No. 6 of the 23rd Instant, respecting the reported French Expedition to New Zealand.

I have made every possible enquiry upon the subject, of which the shortness of the time would admit, and I am strongly impressed with the belief that no such expedition is in the contemplation of this Government.

I have therefore thought it advisable to abstain from the present of speaking to M. Guizot upon the subject; but, should I upon further enquiry see reason to alter the opinion I have formed, I shall not fail to make the necessary representation to that minister.

I have, &c.,

COWLEY.

[Sub-enclosure No. 3.]

LORD COWLEY TO EARL OF ABERDEEN.

My Lord, Paris, 29th November, 1841.

While M. Guizot was remarking upon the exaggerated reports which were circulated respecting the extent of the Reinforcements sent to the Frontiers, I took occasion to observe that there was another report still more absurd, to which I had
300

HISTORICAL RECORDS OF AUSTRALIA.

1842.
23 Sept.

Transmission of despatch.

Arrival of French frigate at Santiago.

Denial of report by French minister.

never attached the smallest credit, viz., that a squadron was being fitted out in one of the French ports which was to convey twelve hundred men to New Zealand. He answered without hesitation, "You did well not to give credit to such a report as I give my honour there is not the slightest foundation for it."

I am, &c.,
COWLEY.

[Enclosure No. 4.]

VISCOUNT CANNING TO UNDER SECRETARY STEPHEN.

Sir, Foreign Office, 5th August, 1842.

I am directed by the Earl of Aberdeen to transmit to you for the information of Lord Stanley a copy of a Despatch from Her Majesty's Charge d'Affaires in Chili, reporting the arrival of a French Frigate at Valparaiso, with several Officers and Troops on board, the destination of which unknown.

I am, &c.,
CANNING.

[Sub-enclosure.]

Mr. JOHN WALPOLE TO EARL OF ABERDEEN.

My Lord,
Santiago, 30th March, 1842.

On the 7th instant and after an unusually favorable Passage of seventy seven days from Brest, ten of which had been passed in the Harbour of Rio de Janeiro, arrived at Valparaiso the French Frigate "Reine Blanche," commanded by Captain Alix and bearing the Flag of Rear Admiral Du Petit Thouars.

This Frigate carries sixty guns, some of which are of a heavy Calibre (80 Pounders) on the Plan of General Paixhaus.

Admiral Du Petit Thouars, when Captain de Vaisseau, and in command of the "Venus" Frigate, returned about two years ago to France, having then, though at various intervals, passed several years on these Coasts and among the various Islands spread over the Pacific, with which he had become familiarly acquainted, and the result of his investigation he has given to the World.

It having been rumoured that the Admiral had left the Coast of France for Valparaiso, thence to proceed with sealed Orders not to be opened until he had reached a specific point in the Pacific Ocean, I instituted an enquiry into the correctness of this report, the result of which was its confirmation, together with intelligence of the "Reine Blanche" having been accompanied as far as the Canary Islands by a Corvette de Charge "La Triomphante," but which proving a heavy Sailer had separated in that Latitude.

It was also stated that the "Reine Blanche" had on board two Governors with their Staff, together with from 100 to 150 Soldiers Supplementary to that Portion generally forming the Crew of Vessels of her class; that these were all chosen Mechanics and Artificers, and carried with them Tools and every article required for the construction of buildings, including Lead for Roofing; that the Frigate had been provisioned at Valparaiso for eight months and drew daily Rations for 700 Men.

I subsequently learnt that three additional Corvettes were shortly expected on this Coast on their Passage to the same destination; that a French Merchant Vessel had been chartered to follow the Admiral as a Storeship, in the Cargo of which had been already expended the sum of $40,000, consisting of Stores and Provisions of all kinds, and in Cattle and Horses for breeding, Sheep, etc., etc., while "La Thetis" Frigate, the Return of which to France had been expected on the arrival of Admiral Du Petit Thouars, had been ordered to remain until that Officer reappeared at Valparaiso.

Together with the original Notice were united conjectures as to the destination of the Squadron being the Coast of New Zealand, and Banks's Peninsula its immediate object. To these I could give no credit. It had been long known that, although the Establishment of a French Colony had been attempted at that Point, the British Sovereignty had been proclaimed and recognized throughout those Islands; and it was difficult to believe, in the absence even of a rumour of a difference as to the right of Property in them, that the former power would undertake an operation which would bring it in immediate hostile Collision with the British Government.

I rather attributed it to an intention to profit of the influence, which the French Government had already obtained by means of the Priesthood in the Marquesas Islands, and to appropriate that Group or, and perhaps simultaneously, to form a Colony in the Northern Part of California and in the Neighbourhood of Monterey, where observation had been made of a French Officer, with the authority of the President of the Mexican Republic, taking Plans and Surveys.

However to penetrate the mystery which envelopes the movements of Admiral Du Petit Thouars, I visited M. Cazotte, the French Charge d'Affaires resident here;
I mentioned the current Reports and my own conjectures, and I requested (since possibly with the departure of the Admiral he had ceased all cause for further concealment) that he would confide to me his Point of Direction, or would authorize me at least to state that the object was not of a nature to give umbrage or to Interview with cause disquietude to the British Government for the integrity or tranquility of its French charge Colonial Possessions. M. Cazotte could give me his positive assurance that no d'affaires, purpose of an unfriendly nature to Great Britain was contemplated by this enterprise; that of its immediate object he was equally ignorant with myself: that on that subject the Admiral, though questioned by him as an old and intimate acquaintance, refused all information further than a Denial of all interference with the Islands of New Zealand or their Dependencies; that he, M. Cazotte, had also formed his opinion which entirely coincided with mine, though he declared himself ignorant of the fact above related of the employment of a French Officer, that he believed his Government are in search of some spot on which to establish a Penal Colony, and that their views for that purpose are directed to California; but that, whenever the destination of the Admiral should be assured, he would immediately and unhesitatingly communicate with me.

I have already made known to Rear Admiral Thomas now at Callao the substance of this Despatch.

I omitted to mention that Admiral Du Petit Thouars sailed from Valparaiso on the 20th instant.

[Enclosure No. 5.]

M. R. H. U. Addington to Under Secretary Stephen.


With reference to my letter of the 18 of June last. I am directed by the Earl of Aberdeen to transmit to you, for the information of Lord Stanley, a copy of a Letter from the Admiralty, inclosing a copy of a Despatch from the Admiral commanding on the West Coast of America, reporting the arrival at Valparaiso of a part of a French Expedition, the destination of which was unknown, but was suspected to be either New Zealand or California.

I am also directed to state to you that copies of these Papers having been forwarded to Her Majesty's Ambassador at Paris, Lord Aberdeen has received a Dispatch from His Excellency (copy of which is herewith transmitted) enclosing a statement respecting the real objects of this expedition.

I am, &c,

H. U. Addington.

[Sub-enclosure No. 1.]

Mr. Sidney Herbert to Viscount Canning.

My Lord, Admiralty, 28th July, 1842.

I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Aberdeen; a Copy of a Letter of the 10th April last No. 24, from Rear Admiral Thomas, and of its inclosure from Her Majesty's Charge d'Affaires at Santiago de Chili, reporting the arrival of the French Frigate "La Reine Blanche" at Valparaiso, bearing the Flag of Rear Admiral Du Petit Thouars, with 700 men on board, including a Governor and his staff, together with 130 Soldiers who are all mechanics and artificers: and further stating that it is surmised the Frigate's destination is New Zealand (Bank's Peninsula) or California.

I am, &c,

Sidney Herbert.

[Sub-enclosure No. 2.]

Rear-Admiral Thomas to Mr. Sidney Herbert.

Sir, Her Majesty's Ship Dublin at Callao, 16th April, 1842.

I transmit, for the information of the Lords Commissioners of the Admiralty, Report by the copy of a Letter I have received from Colonel The Honble. John Walpole, Her R. Thomas Majesty's Charge d'Affaires at Santiago de Chili, dated Valparaiso the 14th of March, stating the arrival of the French Frigate "La Reine Blanche" of 60 Guns, bearing the Flag of Rear Admiral du Petit Thouars, which ship has come with sealed orders, and has on board 700 Men, including a Governor and his staff together with 130 soldiers, who are all mechanics and artificers carrying with them Tools, Lead for roofing, and every article requisite for the erection of temporary buildings.
Three other Corvettes de Charge, with an additional body of soldiers and stores of all kinds, are expected from France in furtherance of the object of this secret expedition.

302 HISTORICAL RECORDS OF AUSTRALIA.

1842.
23 Sept.

I have received letters conveying the same information from Mr. Rouse, Her Majesty's Consul at Valparaiso, and from Lieutenant Hunt in command of the "Basilisk."

Rumour assigns different destinations to this Expedition, but the report of its being intended to take possession of that part of New Zealand (Bank's Peninsula) on which are already located a number of Frenchmen, is generally discredited; the more probable circumstance is that there is an intention of taking possession of some of the islands in the Pacific, or some part of the Coast of Upper California.

It will appear in the Despatch Captain Jones of the "Ouracoa," addressed to Her Majesty's Minister at Mexico, forwarded with Report of that officer's proceedings, that M. Duplot de Mossas, one of the Attaches to the French Mission at Mexico, left that City professedly to prosecute some scientific purpose in California; That he arrived at Monterey in April, 1841, remained there for about six months, during which time he visited Santa Barbara for the purpose of having an interview with the Reverend Father Narciso Duran, President of the Mission. He likewise visited Captain Valdejo of Sonora, North of St. Francisco, and the Russian Settlement at Rodega. On the 17 of September, he took his departure for the Port of San Francisco, and on the 26th sailed in the Honble. Hudson Bay Company's ship "Cowley" for the Columbia River, leaving directions for the parties to be forwarded to Mazaltan. For four months he was under the roof of Mr. Spence, an Englishman at Monterey, and he never could form any idea what his object was; but he as well as many others were satisfied that his visit to California was not for scientific purposes.

I have, &c,

RICH. THOMAS,
Rear Admiral and Commander in Chief.

P.S. April 22nd, 1842.—Since having forwarded the original of this Letter, I have received a private Despatch from Colonel Walpole, in which he makes the following observations:—

M. J. WALPOLE TO REAR-ADMIRAL THOMAS.

Sir, Valparaiso, 14th March, 1842.

On the 7th Instant, arrived the "Reine Blanche" French Frigate of 60 Guns, some of which, I am given to understand, are of very heavy Calibre, commanded by Captain Alix and bearing the Flag of Rear Admiral Du Petit Thouars. This latter Officer returned about two years ago from France from this Coast, where he was in command of the "Venus" Frigate.

The Admiral has come with sealed Orders, not to be opened until he reaches a specified point in the Pacific, and for which he leaves this Port within a very few days accompanied by the "Jules Cesar," a French ship of 400 Tons, now lying here, which has been chartered for this purpose as a Store Ship. Such is the report. But certain it is, that this ship the "Reine Blanche," sailed from Brest in company with the "Corvette de Charge," which was left behind about the Latitude of the Canaries; that she has on board a Governor, vice Governor, and a Staff, together with from 100 to 130 Soldiers supernumerary to that portion generally employed in Vessels of this Class. These Soldiers are all Mechanics and Artificers, and carry with them Tools, lead for roofing, and every article required for the construction of temporary Buildings, evidently demonstrating the intention to take possession of and establish French dominion in some of the Islands of these Seas; but of which, with the slight information of which I am present in possession, I am not prepared to hazard a conjecture; pains however are taken to induce a belief of the expedition being destined for Banks Peninsula in New Zealand, but of which I am inclined to discredit.

The Frigate is being provisioned for Eight Months' voyage, and has drawn daily rations for 700 men.

Three other "Corvettes de Charge" with an additional Body of Soldiers and stores of all kinds are expected from France in furtherance of the object of this Expedition. Under these circumstances and uncertain as to the period of our Return to this Port, I transmit this intelligence for your information, confident that you will avail yourself of the earliest opportunities, which the means at your disposal may afford, for ascertaining the real destination of these Vessels and the nature of the Projects which they are intended to promote.

I have, &c,

JOHN WALPOLE.
STANLEY TO GIPPS. 303

[Sub-enclosure No. 4.]

LORD COWLEY TO EARL OF ABERDEEN.

My Lord;

It was not without anxiety that I read the Inclosures contained in your Report by Lordship's Despatch No. 114, reporting the arrival at Valparaiso of the French British Frigate "La Reine Blanche" with 700 men on board, including a Governor and his staff, with 130 Soldiers who are all Mechanics and Artificers; although, from the repeated assurances afforded me by M. Guizot that there was no intention of sending an Expedition to New Zealand, I could not bring myself to believe that this armament was destined for that settlement.

I have however in the course of this day made every possible enquiry upon the subject, and the statement on the enclosed paper will I think satisfy your Lordship that, although the French Frigate "La Reine Blanche" may touch at some Port in New Zealand, yet that the French Government have no intention of forming a settlement upon any part of that Island, or of its Dependencies.

COWLEY.
Transmission of return re land fund.

Summary of return.

1842.
23 Sept.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 176, per ship Lady Raffles.)

My Lord,

Government House, 23rd Sept., 1842.

It having frequently been made a matter of reproach, not only to the Government of this Colony but also to Her Majesty's Government, that the Land Fund of New South Wales has been expended on purposes which do not form legitimate charges on it, I have much pleasure in forwarding to Your Lordship the enclosed authentic Return of the whole Receipts and Expenditure of the Land Fund, during the ten years and a half that the system of selling land (introduced in 1832) has been in force.

From this Return, Your Lordship will collect the following facts:

That the gross proceeds of the sales of every description of land in the Colony (including some very valuable Building Land in Sydney) have amounted to 

\[ £1,090,583 17 2 \]

That, of this sum, there has been expended on Immigration from the United Kingdom to the Colony, more than 87 per cent., or 

\[ £951,241 17 4 \]

That, during the same period, the expenses of the Survey and sale of land within the Colony have amounted to 

\[ £198,417 17 11 \]

And that there has, during the same period, been expended in protecting and civilizing the Aborigines, the sum of 

\[ £63,097 2 0 \]

That the expenditure, therefore, on the three objects which form legitimate charges on the Land Fund, namely, the Survey and sale of the land itself, the Protection of the Aborigines, and Immigration, has exceeded the whole proceeds of the lands sold by a sum (which of course has come out of the ordinary Revenue of the Colony) of 

\[ £122,173 0 1 \]

I trust this statement will satisfy your Lordship that this Government is not justly open to the reproach of having improperly expended the Land Fund of the Colony.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[This return will be found in the "Votes and Proceedings" of the legislative council.]
STANLEY TO GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(My Lord, Government House, 24th Sept., 1842.

With reference to the Despatches numbered and dated as in the margin,* on the subject of atrocities committed by or on the Aborigines in the Port Phillip District, and especially to the Murder of Mr. Codd at a place called Mount Rouse on the 19th May, 1840, I have the honor to report to Your Lordship Conviction and execution of murder of P. Codd.

that an Aboriginal Native, named Tigara, alias Alkeperte, alias Roger, having been tried before Mr. Justice Willis at Melbourne, and convicted of the Murder of Mr. Codd, was executed in pursuance of his sentence on the 5th instant.

I enclose for Your Lordship's information a Copy of the Minute, which was made by the Executive Council, when the report of the Judge on the case of the Prisoner was brought under consideration.

I have, &c.,

GEO. GIPPS.

[Enclosure.

A copy of this minute, dated 10th August, 1842, will be found in a volume in series II.]

SIR GEORGE GIPPS TO LORD STANLEY.

(My Lord, Government House, 26th Sept., 1842.

I have had the honor to receive Your Lordship’s Despatch, No. 83 of the 11th April, 1842, containing a letter for Dr. Kinchela, LL.D., late Master in Chancery of this Colony, from Mr. John Dillon of 102 Bride St., Dublin; and, having caused the latter to be delivered, I have received from Dr. Kinchela the accompanying sealed letter for Mr. Dillon, containing, as I am informed, a remittance of money. I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(My Lord, Government House, 26th Sept., 1842.

I transmit to you, herewith, the copy of a Letter addressed to me by Mr. Burton Pinsent, of Bristol, representing the serious loss which he sustains through the neglect of the Post Office Authorities at Port Phillip.

* Marginal note.—From the Secretary of State to Sir George Gipps: No. 138, 1st Sept., 1840; No. 180, 15th Decr., 1840; No. 184, 29th Decr., 1840; No. 202, 20th Febry., 1841, From Sir George Gipps to the Secretary of State: No. 140, 19th July, 1841; No. 145, 25th July, 1841; No. 186, 26th Sept., 1841.

SIR. I. Vol. XXII—U
I have to direct that you will call upon the Superintendent of that District for an explanation on the subject of the irregularities adverted to by Mr. Pinsent, and that you will communicate to me the Report which you may receive from that Officer.

I have, &c.,

STANLEY.

[Enclosure.]

MR. B. PINSENT TO LORD STANLEY.

My Lord,

Bristol, 17th Sept., 1842.

I beg leave respectfully to acquaint you that, having a correspondent at Melbourne, Port Phillip, New South Wales, I am in the habit of constantly corresponding with that Settlement and beg to complain of the serious loss I sustain through the great neglect of the Post Office Authorities there. I have scarce a Letter comes in the regular way. Within the last year, I have had two instances of original Letters and their Duplicates, although directed, one direct, and the other via Sydney, yet have been sent by the Post Office Authorities, through the same Conveyance; one of these sets of Letters had a Remittance to a considerable Amount, and the Interest alone (which would have been saved, had one Letter been forwarded as directed) was considerable, and the disappointment in not receiving it at the time was of great Injury to me.

I also received a Letter last, which had been posted at Melbourne, and yet 15 Months on the way. I have now a lot of Wool on board a Vessel, that I cannot get, which I am satisfied is owing to the Post Office not having forwarded the Letter containing the necessary Document. I am of this opinion because I seldom get a Letter regularly from Port Phillip; the Post Master does not either read the directions on them, or wilfully neglects his Duty. I trust the subject will be considered a sufficient excuse for my writing; as, if these things are suffered without complaints being made, such grievances, and there cannot be well a greater grievance in Mercantile Transactions, will never be remedied. I have before written to the English Post Office, but their reply is "they have nothing to do with the matter."

Hoping on these grounds you will excuse this liberty.

I remain, &c.,

BURTON PINSENT.

P.S.—I have just seen Mr. Hintou, one of our most respectable Solicitors here, who has a Son at Port Philip, and he complains of even worse treatment than I do; he says, a short time since, he received 6 Letters at one time, which, instead of being forwarded as directed, were kept in the Post Office and forwarded at one time; thus, entirely doing away with the use of sending Duplicates, and not only depriving us of the chances that may occur, through sending by 2 or 3 conveyances, but gives those Parties a great advantage over us, who, knowing the irregular way in which matters are conducted by the Post Office, send their Letters by private hands, and thus cheat the Revenue of its due right.
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 180, per ship Lady Raffles.)

My Lord,

Government House, 30th Sept., 1842.

I have the honor to report to Your Lordship that the Arrival of Barque "Theresa," which sailed from Plymouth with Bounty Emigrants on the 7th Jan., 1842, under a special permission from the Commissioners of Colonial Lands and Emigration, arrived here on the 23d Augt. last, after a voyage of very unusual duration, in the course of which she was detained several weeks at Pernambuco, on account of sickness* among the Emigrants.

Whilst so detained at Pernambuco, Bills to the amount of £1,954 15s. 3d. were drawn by the Master of the "Theresa," Mr. W. H. Driscoll, on the owner of the Vessel, Mr. Thomas Ward of London; but, as an additional security, a Bond or Hypothecation on the Ship, Freight, and Passage Money, was executed by the Master of the vessel at Pernambuco, under which, at the request of the Consul, Mr. Cowper, and with the advice of the Law Officers of this Government, I have kept back out of the sum withheld Bounties, due on the Emigrants by the "Theresa," the sum of £1,954 15s. 3d., to be paid in London to Mr. Thos. Ward, in the event of his having honored the Bills drawn on him by Mr. Driscoll, or, in the event of the said Bills having been dishonored, to be placed at the disposal of the Lords of the Admiralty, or of any other Department of Her Majesty's Government, by which any responsibility may have been incurred on account of the said Bills.

A Copy of a letter from the Consul at Pernambuco is forwarded herewith (together with the Original Bond and Papers alluded to in it), as also a Copy of the Report on the Immigrants by the "Theresa" made by the Immigration Board of Sydney; and I have to request that Mr. Barnard may be directed to pay on account of this Government, the sum of £1,954 15s. 3d., to the parties equitably entitled to receive the same.

The amount of the Bounties on the Emigrants £ s. d.

by the "Theresa" is .... .... .... 3,312 0 0

Amount withheld, as herein stated .... .... 1,954 15 3

£1,357 4 9

I have, &c.,

Geo. Gipps.

[Enclosure No. 1.]

MR. H. A. COWPER TO SIR GEORGE GIPPS.

Sir,

British Consulate, Pernambuco, 30th April, 1842.

I have the honor to inform your Excellency that, the Emigrant Barque "Theresa" having on her voyage from Plymouth to Sydney put into this Port with Typhus fever raging violently on

* Note 32.
1842.
30 Sept.

Advance to W. H. Driscoll.

Request for retention of bounties.

board, she has been unavoidably detained here for two months, and she would have eventually been seized and sold for the payment of her debts, if I had not, at the suggestion of Her Majesty's Minister at Rio de Janeiro, advanced her, on behalf of Her Majesty's Government, the sum of one thousand nine hundred and fifty four pounds 15s. 3d. Sterling, to enable her to prosecute her voyage.

I have done this upon Bills of Exchange drawn by the Master upon his owner, secured by a Hypothecation of the Ship, freight and passage money; and, as the latter is payable by the Colonial Government in the shape of Bounty, I have enclosed to your Excellency the Deeds of Hypothecation, the conditions of which I request your Excellency to see effected, namely, the retention of the above amount to be remitted in Treasury Bills, or Bills of the Bank of Australasia or the Union Bank of Australia to the Admiralty, to be applied by the Lords Commissioners, as the circumstances of the case may in their judgment warrant.

Your Excellency will perceive by the enclosed copy of a letter from Mr. Thos. Ward, the owner, that it was his intention to have had the Bounty money remitted to England in Bills such as I have suggested.

I have forwarded copies of this Despatch to the Earl of Aberdeen and to the Lords of the Admiralty.

I have, &c.,

H. AUGUS. COWPER, Consul.

[Enclosure No. 2.]

IMMIGRATION BOARD TO COLONIAL SECRETARY THOMSON.


We do ourselves the honor to acquaint you, for the information of His Excellency the Governor, that, at the request of Messrs. W. T. Arnold and Co. of this City, we have examined the parties enumerated in the Margin,* whose names, ages and occupations together with the amount of Bounty payable for each are inserted in the accompanying List, and who have been selected and sent to this Colony in pursuance of the unconditional authority conveyed to those Gentlemen, in your letter dated March 12th, 1840.

These Immigrants left Plymouth on the 7th January last, in the Barque “Theresa,” W. H. Driscoll, Commander, under the Medical Superintendence of George Yarnold, Esq., and arrived at Port Jackson on the 22nd Ult.

They were, on their arrival, in a healthy condition; and they have, with the single exception of Henry Wood, who embarked at Pernambuco under circumstances below stated, produced Certificates of Age, Character, etc., signed and certified in the manner prescribed by the Colonial Land and Emigration Commissioners; from a careful perusal of which as well as from personal observation, we have reason to believe that they are of the occupations of which they describe themselves to be, and are eligible as Bounty Immigrants, under the Regulations of 3rd March, 1840.

Having also satisfied ourselves by special enquiry that they were not only duly supplied with provisions and water, but were treated with praiseworthy liberality, we beg to recommend the payment of Bounties on their account, amounting to Three thousand three hundred and twelve pounds.

His Excellency will perceive, on reference to the date of the permission to import these Immigrants, that the period of two years,

* Marginal note.—41 Families; 46 Single Men; 33 Single Women.
within which they were to be introduced, expired on the 12th March last, and that consequently Messrs. Arnold and Co. are not strictly speaking entitled to Bounties on their account. Under the peculiar circumstances however which delayed the final departure of these Immigrants from England in the first instance, and the disastrous occurrences owing to which their voyage thither was protracted so much beyond the usual length, His Excellency will doubtless waive all objection to the Importers' claim on this score.

His Excellency will also perceive that these Immigrants left England some months after the time prescribed by the Commissioners. As however it appears from the Memorandum attached by the Government Agent at Plymouth to his Certificate, transmitted herewith, that the "Theresa" sailed with the approbation of the Commissioners, we conclude that the claim to Bounties will not be prejudiced.

Of the Bounties claimed on account of the following individuals, we are not able to recommend the allowance:—

1. William Barnier, who appeared to us to be much under the age of 18, or if of that age, to be so deficient in bodily strength as to be ineligible, and who proves also not to be the son of William and Mary Barnier, as stated in his Certificate, but their nephew;

2. Samuel Veale, reported by the Water Police Magistrate to be a sailor; and

3. Margaret Hunter, who appears to us not to have been under proper protection.

We would recommend that the Bounties claimed for James Cook, stated by himself to be a Farm Steward, for Thomas Chambers, stating himself to be a Coachman and Groom, and Samuel McNally, stating himself to be a Land Steward, should not be allowed, unless it can be shown that they are engaged at that Calling to which their Certificates represent them to belong, which is that of Agricultural labourers.

Henry Wood, on whose account we have recommended payment of Bounty, was a resident at Pernambuco, and embarked there with the sanction of the Consul, in the room of a man named Samuel Shickler, who refused to come on to Sydney. He was not of course, therefore, provided with a Certificate from the Commissioners or their Agent. The British Consul, however, has certified, on the back of the Certificate of Shickler whose place he supplied, to the Goodness of Wood's character, and that he was taken on board with his (the Consul's) approval. Under these circumstances and in consideration of the heavy losses to which the Importers have been subjected, we hope the Bounty may be paid according to our recommendation. The Certificate referred to, we transmit herewith.

There is an excess of eligible single males over females by this Ship to the number of thirteen, from which we have deducted eight on account of females in excess by former Ships, thus leaving five on whose account payment cannot be made for want of a corresponding number of females.

A complaint having been preferred to the Immigration Agent in a letter addressed to him by one of the Immigrants per "Theresa," named George Knox (see annexed paper C), in which he stated that he had received much ill usage from the Master, and a document being at the same time forwarded containing no less than twenty
1842.  
30 Sept.

Testimony in favour of master and surgeon.

seven specific charges against him and the Surgeon Superintendent (see also paper C), we felt it our duty to institute a formal enquiry into these and other complaints.

From our proceedings, the Minutes of which we append hereto (D), it will, we think, be evident to His Excellency that the complaints were frivolous, groundless, or referring to circumstances over which neither the Surgeon nor the Master had any control.

The almost unanimous expression of gratitude from the most respectable portion of the immigrants towards their Officers, coupled with the fair, open, and manly manner in which these Gentlemen have come forward to meet the accusations laid against them, and the readiness evinced by them to afford any explanation required, has satisfied us that their conduct throughout has been judicious, praiseworthy, and temperate. Indeed, when we consider the fearful difficulties with which they had to contend, the awful sickness which prevailed, their protracted voyage, and above all the inhumanity and opposition which they experienced at the hands of those from whom better things might have been anticipated, we can only express surprise and thankfulness that the issue was not more disastrous than it has proved; and, in recommending that the usual Gratuities should be paid to the Surgeon and Officers of this Ship, as well on account of those Immigrants for whom Bounties may be refused or withheld, as those whose eligibility is not questioned, we desire to record our unanimous approbation of the indefatigable exertions and unwearied assiduity of Mr. Driscoll the Master, and Mr. Yarnold the Surgeon of the "Theresa" in the discharge of the onerous and responsible duties which devolved upon them.

In transmitting for His Excellency's consideration the accompanying letter, with its enclosures, addressed to us by Mr. Driscoll (see annexed paper marked E), we think it due to him to express our opinion that the course he pursued throughout the passage was dictated by prudence, and pointed out to him not only by expediency, but by the absolute necessity of the case.

With reference to the application contained in this letter for payment of the Bounties to himself on behalf of the Ship owner, instead of to the Importers of the Immigrants, we do not consider that it is within our province to recommend a compliance with his request; but we shall feel satisfaction, if, under the peculiar circumstances of the case, His Excellency should be pleased to sanction some arrangement which will have the effect of relieving Mr. Driscoll from the heavy personal responsibilities which he has been obliged to incur.

We cannot omit to call His Excellency's particular attention to the copy of a letter (enclosed to us by Mr. Driscoll) from the British Consul at Pernambuco to the Secretary of State for Foreign Affairs, detailing the inhospitable conduct of the Brazilian Authorities towards those Immigrants in their distress. Such a duty has never fallen upon us before, and we trust that we may not again be called upon, on behalf of British Emigrants, to charge the subjects of a Christian State with treatment so ungenerous and unfeeling.

We have, &c.

Francis L. S. Merewether.  
J. Long Innes.  
Arthur Savage.  
H. H. Brown.
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 181, per ship Lady Raffles.)

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

With reference to my Despatch No. 106 of the 15th June, 1842, and the correspondence which has taken place respecting the delay of the Auditor General of this Colony, in transmitting his Accounts to the Commissioners of Audit, I have the honor to inform Your Lordship that the Auditor (Mr. Lithgow) has reported to me, that the accounts of the first half of the present year have been forwarded by him to the Post Office for transmission to England.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 182, per ship Lady Raffles.)

My Lord, Government House, 4 Oct., 1842.

In obedience to the instruction contained in Your Lordship’s Circular of the 1st April, 1842, I have the honor to forward herewith a Return of Steam Vessels registered in the Port of Sydney, in the Colony of New South Wales. I have, &c.,

GEO. GIPPS.

[Enclosure.]
[A copy of this return is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 183, per ship Lady Raffles; acknowledged by Lord Stanley, 18th July, 1843.)

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

I have the honor to report to Your Lordship that the payment of £5,000, directed to be made into the Military Chest by Your Lordship’s Despatch, No. 1 of the 16th Sept., 1841, has been this day effected; and, having with my Despatch, No. 154 of the 2nd Sept. last, transmitted a Bill for £5,000 drawn by the Governor of New Zealand on the Lords of the Treasury for the purpose of liquidating another sum of £5,000, due from this Government to the British Treasury, I have now the honor to report that the whole of the advances made by the Lords of the Treasury to Mr. Barnard, of which I have up to the present time had notice, are repaid, whilst there yet remains due to this Government the sum of £3,000 advanced to the Government of South Australia, as reported in my Despatch of the 12th Augt., 1841, No. 154, and approved by Your Lordship’s Despatch, No. 50 of the 5th Jany., 1842.
I beg further to report that, by the last account current received from Mr. Barnard, there appears to have been in his hands on the 31st Decr., 1841, a balance of £5,964 1s. 8d. in favor of this Government, exclusive of the large sums (as yet wholly unaccounted for), which he must have received for lands sold in England by the Commissioners of Colonial Lands and Emigration.

I have, &c,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 194, per ship Stratheden.)

Sir,

Downing Street, 8 October, 1842.

I have to acquaint you that, in consequence of an application from Mr. Plunkett, the Attorney General of New South Wales, I have acceded to that Gentleman's request, to be permitted to postpone his departure for the Colony until the first week in January next.

I am, &c,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 184, per ship Lady Raffles.)

My Lord,

Government House, 8th Octr., 1842.

I have had the honor to receive Your Lordship's Despatch, No. 91 of the 19th April, 1842, desiring me, at the request of Ann Crossley, to afford any information in my power respecting her Son, Thomas Crossley, who emigrated in the ship "Argyleshire" from Liverpool on the 14th July, 1840; and in reply, I have to report that Thomas Crossley, a Native of Ashton under Lyne, aged 28, arrived in good health in this Colony by the ship "Argyleshire," on the 12th Novr., 1840, but that nothing further can be traced respecting him.

The "Argyleshire" was a Bounty, not a Government Emigrant ship.

I have, &c,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Stratheden.)

Sir,

Downing Street, 10 Octr., 1842.

I transmit to you herewith for your information a Copy of a General Report of the Colonial Land and Emigration Commissioners, bearing date the 30 July last, of their proceedings during the preceding year.

I have, &c,

STANLEY.

[Enclosure.]

[This report was dated 30th July, 1842, and was printed in the "Parliamentary Papers" of the house of commons for August, 1842.]
STANLEY TO GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 185, per ship Lady Raffles.)

My Lord,

Government House, 10th Oct., 1842.

With reference to my Despatch No. 154 of the 2nd Septt. last, wherein I reported the circumstances, under which I had taken up a Bill for £5,000 drawn by the Governor of New Zealand on the Lords of the Treasury, I have now the honor further to report to Your Lordship that Mr. Cooper, the Collector of Customs of New Zealand, arrived in Sydney on the 29th ulto., having been sent hither by Governor Hobson, for the purpose of negotiating further Bills to the amount of £15,000, which however up to the present day he has not been able to accomplish.

I have very reluctantly felt myself forced to decline yielding any further assistance to the Government of New Zealand, as I find from Mr. Cooper that Governor Hobson had no direct authority from Her Majesty's Government to draw on the Lords of the Treasury.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 195, per ship Stratheden.)

Sir,

Downing Street, 11 Oct., 1842.

I referred to the Commissioners of Colonial Land and Emigration your Despatch No. 53, of the 13th of March last, with its Enclosures reporting the circumstances under which you had withheld one half of the Bounties claimed on the introduction of Immigrants into the Port Phillip District by the Ship "Ward Chapman"; and I transmit to you herewith the Copy of a Report, which has been received from that Board on the subject.

I concur in opinion with the Commissioners that, in the case of Bounty Orders, the final decision should rest, as it is declared to do with the Local Authorities.

I have, &c.,

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir,

9 Park St., Westminster, 29th September, 1842.

We have the honor to acknowledge your letter of the 12th Instant, accompanied by a Despatch from the Governor of New South Wales dated the 13th of March, reporting the circumstances under which he had withheld one half of the Bounties claimed on the introduction of Immigrants into the Port Phillip District by the Ship "Ward Chipman."
Before making any other remarks of the case, we would premise that we quite agree with the Officers in the Colony in thinking that the entire want of previous experience both in the Owner of the "Ward Chipman" and in her Master and officers, is much to be regretted, and we have little doubt that from this cause, more than any other, sprung most of the inconveniences complained of by the people. It is perhaps one of the strongest objections to Emigration on Bounty that, being an open Trade (and it could not be otherwise without involving grave evils of another description), it encourages the entrance into the enterprise of persons, who, with good intentions and even general respectability and knowledge in their calling, may yet be quite without the particular experience necessary to successfully carry out large bodies of people to Australia. The check relied upon is that, if they fail, they forfeit their freight. This may be a good remedy against wilful faults. But it will always be a difficult one to enforce towards such Ship Owners as may have acted in good faith and with fair intentions; and, in the mean while, the Emigrants themselves will, in each case, have undergone their sufferings already.

But, while we make this general observation, we are anxious not to be understood as expressing, or even implying any opinion on the decision adopted in the particular case. The question of payment is, by one of the most essential conditions in all orders for Bounty, made to rest entirely and solely with the Colonial Government. Independently of the delays and other inconveniences, which would attend appeals from one Authority to another upon matters of this kind, we apprehend that it would be very unadvisable, on general grounds, to deviate from the terms of a clearly defined condition, upon which a pecuniary payment is made to depend in a class of Documents that have become the subject of very extensive Mercantile transactions. Such are the grounds on which we hope that Lord Stanley will deem us right in considering that any opinion of this Board on the correctness of the decision pronounced by the proper Authorities in the present case would be superfluous and misplaced. All we would state is that we apprized the owner of the "Ward Chipman" before she sailed, and again remarked to him upon his complaining to us of the refusal of Bounties after her arrival, that the payment of them depended exclusively on the judgment of the Authorities in the Colony. To them accordingly, we believe that the Owner has forwarded such further evidence as he was anxious to tender of the fitness of his preparations for the Voyage; and we have no doubt that whatever testimony, he may have been able to send out, will be duly weighed by the Governor, and such conclusion arrived at as may appear just on a review of all the facts brought within his Knowledge.

Without entering, therefore, into the propriety of the refusal of the Bounties, we believe that the points, on which Lord Stanley will probably desire a report from us, are those involving the responsibility of the Officer whom we employed at Bristol. Part of the long detention of the Ship before sailing has been ascribed to a delay in the arrival of the Government Officer to visit her; and again, if the provisions were of bad quality, that officer ought not to have granted his Certificate that the Vessel was properly furnished in that and other respects. But, immediately on first hearing of this case through the Owner, we called on Mr. Bromehead, who had visited the Ship, for an explanation; and, on the 15th June last, we forwarded his report" to the Colonial Department. We would
request a reference to it, as it supplies Mr. Bromehead’s answer by anticipation to the questions that suggest themselves on the present papers.

On the first of the two points above referred to, the statement of the Master is described to have been that the Stores and Provisions could not be shipped until after they had been inspected on shore by the Government Officer, but that, although expected from London for that purpose about the 1st of August, he did not reach Bristol until the 15th or 19th of that Month. It is to be observed that there being no resident Agent at Bristol, it was necessary to despatch some competent person expressly for the inspection of the "Ward Chipman"; and, as his employment must be attended with expense, it was proper that he should not go till he was wanted. Now we find that, on the 7th August, the owner wrote to inform this Office that the Ship would sail on the 14th and for the first time asked on what day the Inspecting Officer would be at Bristol. This letter we received on Monday, the 9th of August. On the 10th, we appointed Mr. Bromehead to the duty, and directed him to repair to Bristol forthwith, and, on the 11th, he went there accordingly. But, on the 16th, he stated that the Ship was not yet prepared for the reception of Emigrants, and it was not till the 26th that he was able to report her ready for Sea with the Emigrants on board. No complaint was made that the Shipment of the Stores had been kept back for the arrival of Mr. Bromehead, and it will be seen that this officer was appointed and actually at Bristol, within two days after receiving notice from the owner that his presence was required. The representation of the Master, therefore, on this point does not seem well founded.

The true cause of delay may probably be gathered from Mr. Bromehead’s explanatory Report above referred to. He notices there the owner’s entire want of acquaintance with the routine of despatching large bodies of Emigrants, and says that, had not himself or some one else practically conversant with the subject reached the spot, the delay would have been greater still. Mr. Bromehead, it will be observed, does not here refer to the Office which it was his duty to discharge, but to the casual assistance he was able to give as a person acquainted with the subject of the owner’s undertaking. With regard to the hardship of the detention to the Emigrants, which appears to have been included in the considerations for inflicting the Mulct on the Owner, justice requires us to draw attention to the distinct assertion made by Mr. Bromehead, that he refused to grant his general Certificate of approval, until the provisions of the Act in such cases were complied with; that, before their embarkation, he told the Emigrants, in the presence of the Owner, to apply to a Magistrate if not contented, and he would accompany them; and that he did not give his Certificate until he satisfied himself at the last moment by questioning the parties separately, that there was no complaint remaining.

With respect to the quality of the Provisions, the evidence, as might be expected, is more conflicting. Those of the Emigrants, who appeared before the Board of Inquiry, complained of them altogether. The Master and a Mate of the Ship said that the Soup and Bouilli had not answered, but that they had not been conversant with the use of such articles before; and they spoke of the bulk of the provisions as not being of the first quality, but for the most part of a fair average description. On the other hand, Mr. Bromehead, in his explanatory Report of the 14th June, asserted that he
had strictly examined all of the provisions, and had remarked at the time that he had scarcely ever seen better for such service; and that he had made this remark not from their appearance alone, but took home a sample of each article, and had it cooked for his own use, thereby satisfying himself as well as some other persons of the correctness of his first observation. It is remarkable that in this report, written before the present papers arrived, Mr. Bromehead added that the Preserved Meats and Soup often became a subject of complaint, not from their quality, but from a defect in the manner in which they were prepared for use. And the Owner has since transmitted some papers, of which we beg to enclose Copies, containing the account of an Examination of the Bouilli and Soup of the Manufacturer, from whom he bought his supply, before several persons of the first eminence at Edinburgh. These articles, said to be taken at random from a large stock prepared 18 months ago, were sworn to be of the same quality furnished to the "Ward Chipman," and also to a great number of other Ships, by the same Manufacturer and the result of the examination was entirely favourable to them.

With regard to his qualifications, it may be stated that Mr. Bromehead was long a Surgeon at Sea; he was employed on several Voyages to India in charge of Troops for the East India Company, and, for about a year and a half, he acted as Surgeon Superintendant of Emigrant Ships for the South Australian Board in this Country, and from time to time made the voyage in the Vessels from London to Plymouth or Cork in order to observe the working of the arrangements, and to instruct the Surgeon of the Ship in the routine of management. When the Emigration to South Australia stopped, his appointment ceased; but, from his acquaintance with the subject, he has been occasionally employed in any case such as that of the despatch of the "Ward Chipman," where the temporary services of some one of experience, and known to the office, were required.

Such is the information, which we have to offer on the circumstances connected with the "Ward Chipman," so far as concerns the inspection of her before she left England. Into the more general question of the fitness of granting or refusing the Bounties, on which the Governor thought that an appeal might possibly be made in this Country, we have already submitted the grounds on which we believe that it is not desirable to enter.

We have, &c.

T. FREDK. ELLIOT.
J. G. S. LEFEVRE.

[Sub-enclosure No. 1.]

Dear Sir,
6 Quality Street, Leith, 23rd May, 1842.

Mr. R. Lewis to Mr. John Gillon.

The cases of Soup and Bouilli, that I took from your Store this morning, were opened in the Housekeeper's room at the Royal Infirmary, in presence of Doct. Graham, President of the Royal College of Physicians, and found in excellent condition, The Meat being quite fresh, and the Vegetables perfectly succulent, and of the same flavour, as the day they were put up. The proper quantity of water was added, and the whole subjected to the heat as directed; the result was a mess that was pronounced very savoury and nutritious by the whole Staff of Physicians and the Apothecary of the Hospital, who will give you a Testimonial to that effect.

There was accidentally a Meeting of the Managers of the Infirmary to day, consisting of Lord Medwyn, Sir Henry Jardine, Mr. Commissary Wemyss, Mr. Henry Legis and Mr. James Hope, who assembled in the Housekeeper's room, and, after partaking of the Soup and Bouilli referred to, declared it to be capital. These philanthropic and scientific Gentlemen will, I have no doubt, willingly testify to
that effect. As an individual referred to, I most cheerfully express my decided opinion of the excellence of the Soup and Bouille in question, as well as of the prime condition of all the preserved provisions, I have had frequent opportunities of seeing in your large Establishment here. But the most conclusive Testimonial I can give is the statement of the fact that I have, once and again, sent supplies from your abundant Stores to my Sons in the West Indies, as the most acceptable and wholesome Articles of diet, I could send to them from this Country.

I am, &c.,

ROBT. LEWIS.

[Sub-enclosure No. 2.]

SUPPLIED by John Gillon and Co., Leith.

"Daintless," from Greenock to New South Wales, Jany., 1840, 3,000 lbs. Soup and Bouille.

"Bucephalus," London to India with Troops, June, 1840, 2,000 lbs. Soup and Bouille.

"Robert Small," London to India with Troops, July, 1840, 2,400 lbs. Soup and Bouille.

"Seaton," London to India with Troops, July, 1840, 1,800 lbs. Soup and Bouille.

"Duke of Argyll," London to India with Troops, Augt., 1840, 3,000 lbs. Soup and Bouille.

"Susan," London to New South Wales, Sept., 1840, 4,482 lbs. Soup and Bouille.

"Amelia," Greenock to New South Wales, Jany., 1841, 4,002 lbs. Soup and Bouille.

"Catherine Jamieson," Leith to New South Wales, May, 1841, 3,600 lbs. Soup and Bouille.

"Ward Chipman," Bristol to New South Wales, June, 1841, 6,798 lbs. Soup and Bouille.

"Calder," Greenock to New South Wales, Jany., 1840, 2,604 lbs. Soup and Bouille.

Total, 33,886 lbs. Soup and Bouille.

The above is a true and correct List, so far as it goes; but, in 1840, we sent out upwards of 100,000 lbs. weight and, in 1841, 128,400 lbs. weight of 6 lb. Soup and Bouille and we never had a solitary complaint.

Leith, 15th June, 1842.

[Sub-enclosure No. 3.]

AFFIDAVIT BY JOHN GILLON.

AT Leith, on the 15th June, 1842, compared before Provost James Reoch, one of Affidavit by Her Majesty's Justices of Peace, John Gillon, sole Partner of the Firm of John J. Gillon.

Gillon and Co., preserved provision Manufacturers, Leith, who, being solemnly sworn, deposes:

That the two six pound cases of Soup and Bouille, alluded to in the accompanying Certificate, opened in the presence of Lord Medwyn (J. H. Forbes), Sir Henry Jardine, Dr. Robert Graham, M.D., David Craigie, M.D., and the elite of the Medical School of Edinburgh, Managers of the Royal Infirmary there, was of the very same quality in every particular as that furnished to the ship Ward Chipman and many other Ships from London to India with Troops, besides many other ships' names unknown to deponent, supplied thro' Customers; That indeed and in truth deponent's 6 lb. Soup and Bouille has given such general satisfaction from the first that he has uniformly put up the same quality and that supplied the Ward Chipman must have been and was neither better nor worse than that supplied others and deponent never in one instance had that article complained on. All which is truth as deponent shall answer to God.

Sworn before:—JAMES REOCH, J.P.

John Gillon.

[Sub-enclosure No. 4.]

CERTIFICATE.

Royal Infirmary, Edinh., 23rd May, 1842.

It is hereby certified that a Six pounds weight Case of Soup and Bouille, taken re Certificate re understand at random from a large parcel prepared upwards of eighteen months examination of sgo by Mr. John Gillon of Leith, was this day opened in our presence and found in most excellent condition.

We have no hesitation in stating that the use of animal and vegetable food so preserved must prove highly salutary during long Voyages, and in climates and situations where fresh animal and vegetable food cannot be otherwise obtained, And a powerful prevention of those diseases which have so frequently been disastrous to Sailors at Sea and Soldiers on foreign service.

ROBERT GRAHAM, M.D.  G. FAYMAN, M.D.

DAVID CRAWIE, M.D.  WM. M. HENDERSON, M.D.

DAVID MCLAGAN, M.D.  A. MCDONOUGH, SURGEON.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 186, per ship Lady Raffles.)

My Lord,

Government House, 11th Octr., 1842.

With my Despatch, No. 39 of the 22nd Feby., 1842, I forwarded various Returns, called for by Lord J. Russell's Circular of the 29th May, 1841, of which Returns one (relating to Immigration) was necessarily forwarded in an incomplete state; I have consequently now to request that the Return forwarded herewith may be substituted for the one in question.

I forward with the Return a Copy of a letter from the Immigration Agent explaining the nature of it. I have, &c,

GEO. GIPPS.

[Enclosure.]

MR. F. L. S. MEREWETHER TO COLONIAL SECRETARY THOMSON.

Sir,

Immigration Office, Sydney, 13th May, 1842.

With reference to my letter of 14th of February last, enclosing a Return of the Bounty Immigration to Sydney, during the year 1841, in the form required by the Colonial Land and Emigration Commissioners, and Stating that I was unable at that time from want of the requisite information to include in the Columns of that Return the number of Immigrants landed at Port Phillip, I now do myself the honor to enclose a complete Return of the Bounty Immigration to New South Wales during the year 1841.

In transmitting this document, I beg to observe that (the numbers inserted in the Columns respecting trade, etc., are compiled from the Statements made by the Immigrants when examined by the Board, and that, having had no means of obtaining a satisfactory record of their engagements in the Colony, by which to test the accuracy of their own representations of themselves, I do not consider that the information given in those columns can be depended upon as a correct account of the distribution of the labour which has arrived.

His Excellency will at once see that, the number of agricultural labourers being 5,317 and the number of Shepherds being only 328, a vast proportion of those represented to belong to the former calling must be actually employed in the latter. It is not improbable also that, in addition to the number who have been detected by the Board and have not in consequence been paid for, some few individuals not belonging to the class of Agricultural labourers may have been passed as such, and so be entered under a heading which does not apply to them.

In my former Return above alluded to, the total number of Bounty Immigrants was stated to be 19,711, being in excess of that now given by 188; this difference is occasioned by disallowances of Bounty of which I was not at that time aware.

I have, &c,

FRANCIS L. S. MEREWETHER.

[Sub-enclosure.]

[A copy of this return is not available.]
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 187, per ship Lady Raffles.)

My Lord,

Government House, 12th Oct., 1842.

I have the honor to forward herewith to Your Lordship five Returns, marked respectively A, B, C, D and E, shewing the progress of Immigration into this Colony during the half year ended the 30th June, 1842.

I should explain that these Returns have been made by the Immigration Agent for the satisfaction of this Government, and are independent altogether of those which the Agent is required to make for transmission to Your Lordship, on the application of the Commissioners of Colonial Lands and Emigration.

I have, &c,

GEO. GIPPS.

[Enclosures.]

[Copies of these returns will be found in a volume in series II.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 188. per ship Lady Raffles: acknowledged by Lord Stanley, 1st May, 1843.)

My Lord,

Government House, 13th Octr., 1842.

I have the honor to transmit herewith Lists of Immigrants, who have been landed at Port Phillip from the ships “Earl Durham,” and “Platina,” on account of Mr. Dendy, who was the purchaser of a special Survey in that District.

No Bounty has been paid on these Immigrants in the Colony, and I am not informed of the precise terms on which they have been sent out; I have however caused the Bounties to be calculated, which would have been payable on them, if they had come out on the regular Bounty system; and I beg to suggest that these documents be referred to the Commissioners of Colonial Lands and Emigration.

Your Lordship will perceive that, among the Emigrants by the “Earl of Durham,” there are several who are not eligible under the Bounty regulations.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these returns will be found in a volume in series III.]
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 191, per ship Lady Raffles.)

My Lord,

Government House, 13th October, 1842.

Your Lordship will, I am sure, have perceived with regret by my Despatches dated and numbered as in the margin, that differences have again broken out between Mr. J. Walpole Willis, the Resident Judge of the Port Phillip District, and the Judges of the Supreme Court in Sydney.

Differences, relating merely to the extent to which the Court in Sydney can exercise appellate jurisdiction over the Court at Melbourne, need not have led to any expression of acrimonious feelings between the Judges of the respective Courts; and I feel it a duty to say that I believe the Judges in Sydney have carefully abstained from the use of any expressions, either from the Bench or in their official correspondence, that could reasonably be deemed offensive to Mr. Justice Willis; but it is with very great regret I feel I cannot certify to Your Lordship that an equal degree of caution or forbearance has been exercised by Mr. Justice Willis, whose letters alone (some of them too written expressly for Your Lordship’s eye) afford, I would venture to submit, internal evidence that Mr. Willis is afflicted with an infirmity of temper, which, notwithstanding his varied acquirements and acknowledged talents, goes far to unfit him for the calm and dispassionate administration of Justice.

The occasions, on which the irritability of Mr. Willis’ temper has brought him into collision with his own colleagues on the Bench, with the Practitioners in or Officers of his own Court, and with the Public Press, are so numerous, that it would be scarcely possible for me to notice them in a single Despatch; and for many months past, I regret to say, the Town of Melbourne has been kept in a state of continued excitement by the proceedings of Mr. Justice Willis, and the extraordinary nature of the harangues, which he is in the habit of delivering from the Bench.

In my Despatch of the 3d Jany., 1841, No. 7, to Lord J. Russell, I reported at considerable length on the differences which then existed between Mr. Willis and his colleagues, differences which were comprised, rather than accommodated, by his removal to Port Phillip.

With my Despatch, No. 93 of the 18 May last, I reported the circumstances, under which I had, on the recommendation of the Law Officers of the Crown, and with the advice of my Executive Council, remitted a sentence of fine and imprisonment, pronounced by Mr. Willis on Mr. George Arden, the Editor of a Newspaper at Melbourne, for a Libel on himself; whilst my Despatches, already referred to of the 27th Augt., and 10th Sept.

*Marginal note.—No. 151, 27th Augt., 1842; No. 163, 10th Sept., 1842.*
GIPPS TO STANLEY.

last, have brought before Your Lordship the complaints of the Sydney Judges, in the case arising out of the Will of a Mr. Batman, and partially also the complicated cases, which have grown out of the insolvency of a Mr. Snodgrass. In these latter proceedings, a question arose whether a Mr. Carrington, an Attorney practising at Melbourne, had in certain transactions, wherein he had been engaged with the Insolvent, acted for him in the capacity of an Attorney or as a Partner. Mr. Justice Willis, considering that Mr. Carrington and Mr. Snodgrass had in these transactions stood to each other in the relation of Attorney and Client, ordered Mr. Carrington to bring certain accounts into Court, and, on his failing to do so, put in force the authority against him, which the Law allows a Judge to exercise over a contumacious Officer of his Court, that is to say, he imprisoned him, attached his property, and struck him off the Roll of Attornies. Mr. Carrington appealed to the Court in Sydney; the Court entertained his appeal, and ordered him to serve notice of the same on the Resident Judge. Mr. Carrington, in serving this Notice on the Judge (being at the time out on bail), was again sent to Prison by the Judge for an alleged assault on his person, as also was a gentleman of high respectability, named Ebden, who accompanied Mr. Carrington on the occasion; the two prisoners (Messrs. Carrington and Ebden) being brought before a Bench of Magistrates, Mr. Justice Willis swore to Mr. Carrington's having assaulted him, and to Mr. Ebden's being aiding in the assault; but he subsequently withdrew his charge against Mr. Ebden, and the charge against Mr. Carrington was dismissed by the Magistrates.

In the matter of the appeal, the Judges in Sydney decided in favor of Mr. Carrington, and against the Resident Judge; but the latter denies that they had any right to entertain the appeal, and thus the matter at present rests.

Mr. Ebden has been advised that he has just cause of action against the Judge for false imprisonment; but it is evident that his action cannot be tried in the Port Phillip District, where Mr. Justice Willis himself is sole Judge.

Mr. Justice Willis has called on the Sydney Judges to forward to me the whole proceedings in Mr. Carrington's case, in order that I may transmit them to Your Lordship; but the Judges have, I believe, declined to do so on his demand; they would doubtless furnish me with a report of the case, were I to call upon them to do so; but, in the actual and unfinished state of the proceedings in which Mr. Carrington is engaged, it appears to me that the time is not arrived, at which it would be proper for me to call on the Judges for any report respecting them.
In the mean time, I brought two specific applications, one from Mr. Carrington, the other from Mr. Ebden, before my Executive Council, the nature of which will be seen by the enclosed Minutes of the Proceedings of the Council.

Your Lordship will, I trust, perceive the very difficult position in which I am placed in respect to Mr. Justice Willis. Though strongly persuaded that his continuance in the Port Phillip District cannot be conducive to the peace or good government of it, I scarcely feel that I should be as yet justified in bringing his whole conduct before my Executive Council, with a view to his suspension from office. The various cases against him are also full of technicalities, in the discussion of which it would be desirable for the Council to have the advice and assistance of the other Judges; but this the Council cannot have, as the Judges are all parties against him. I am also in great measure precluded from seeking advice from the Attorney General, as he too has appeared before me as an accuser of the Judge, in a case quite distinct from any that I have alluded to, and which I am not as yet in a condition to enter on.

There is also a case of a distinct nature before me, in which Mr. Justice Willis has called on the Attorney General to prosecute the Editor of a Sydney Newspaper for Libel, but wherein the Attorney General has refused to prosecute, except it be at my express command, and another case, in which I have supported Mr. La Trobe in declining to authorize a Government prosecution (on the application of Mr. Justice Willis) against an Editor at Port Phillip; and I have further from Mr. La Trobe a complaint against Mr. Justice Willis, for having given to the Editor of another Paper (in his own interest) copies of certain documents which were transmitted officially to him by Mr. La Trobe.

Mr. Willis has applied to me for Leave of Absence, which I have promised him he shall have, if provision can be made for the due performance of his duties during his absence without expense to the Colony; but I have declined acceding to a proposal made by him that Mr. Croke shall act as Judge during his absence, for reasons which may be gathered from my Despatch to Lord J. Russell of the 28th Sept., 1841, No. 194.

In conclusion, I beg to remark that it was my intention to abstain from bringing before Your Lordship any case in which Mr. Justice Willis was concerned, until I could submit it in a complete shape; but I feel I ought no longer to delay bringing the subjects alluded to herein in a general way before Your Lordship, as I am informed that Petitions to the Queen and both Houses of Parliament are in the course of preparation at Melbourne by the partizans of Mr. Justice Willis.
I will only add that, as the Local Legislature has full power to settle any points respecting the disputed jurisdictions of the two Courts, I have it in contemplation to propose to the Legislative Council the passing of an Act to remove all doubt upon the subject; and to declare that an appeal shall lie from the Court of the Resident Judge in the Port Phillip District to the Supreme Court of the Colony, in all cases wherein it is usual to allow of an appeal from an inferior Tribunal to a superior one. The inconveniences, which have arisen from the independent action of a single Judge in that District, are, I consider, quite sufficient to justify the introduction of such a measure.

I have, &c.,

GEO. GIPPS.

P.S.—Since this Despatch was written, I have received a formal complaint against Mr. Justice Willis from the three Judges in Sydney; also, a formal complaint against him from the Attorney General; and a Petition to the Queen from parties who are favorably disposed to the Judge at Port Phillip.

I regret that time will not allow me to forward any of these documents by the present opportunity.

14th Octr., 1842.

G.G.

[Enclosures.]

[Copies of these papers will be found in a volume in Series III.]

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 197, received by ordinary post.)

Sir,

Downing Street, 14th Oct., 1842.

In my Despatch of the 10th Ultimo, No. 187, I acquainted you that I would shortly notify to you the nomination of a successor to Mr. Nicholson in the Office of Harbour Master at Sydney.

I have now to acquaint you that I have appointed Mr. Merion Moriarty to that Office.

I have, &c.,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 198, per ship Stratheden; acknowledged by Sir George Gipps, 11th June, 1843.)

Sir,

Downing Street, 17 October, 1842.

I have received an Application from Elizabeth Herbert, making enquiry respecting a person, named John Herbert, who
was transferred from the 28th Regiment of Foot to the Mounted Police of New South Wales.

I have to direct that you will furnish me with any information in your power respecting this person. I have, &c.,

STANLEY.

18 Oct.

Despatch acknowledged.

Decisions re lands for military settlers.

Approval of arrangements.

Decision in case of T. M. Perrott.

Reasons for absence of instructions.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 190, per ship Stratheden.)

Sir,

Downing Street, 18th October, 1842.

I have received your Despatch No. 54 of the 14th March last, in which you request to receive further Instructions in regard to the Claim of Mr. Perrott to Land as a Military Settler, and further observe that no reply has been returned to your Despatch No. 142 of the 1st November, 1839, in which you reported the nature of the measures you proposed, with the concurrence of your Executive Council, to follow in arranging the claims of Military Settlers, in consequence of the recent increase of the upset price of Lands from 5s. to 12s. an Acre. On referring to the former correspondence, it appears that, on the 1st April, 1839, you first stated the course which you contemplated on this subject. Your intention then was to allow Land at 5s. to those Officers, who had emigrated under Regulations issued from the Horse Guards in 1834, and to enforce the price of 12s. as to those who emigrated under the Regulations of 1838. That measure was approved by the Secretary of State. In your subsequent Despatch, to which you now refer, dated 1st November, 1839, You pointed out the difficulty of distinguishing between Officers who had bona fide come out on the strength of each set of Regulations, and the consequent necessity of establishing some definite rule; and you stated that you had resolved therefore, with the advice of the Council, that all officers, who had left England prior to the 1st of January, 1839, should receive their Land under the Regulations of 1834, and all after the 1st of January, 1839, under the next set of Regulations dated in 1838.

I have to convey to you my sanction of the general arrangement which you reported, and you will dispose of the case of Mr. Perrott, on the same principles which have been already carried into effect in respect of all other Military Settlers Emigrating at the same period.

At the same time, I have to observe that the silence of the Secretary of State, to which you advert, might in this case be fairly assumed to imply an acquiescence in a proposal which was in fact accessory to the principle which had been formerly sanctioned. I have, &c.,

STANLEY.
With reference to my Despatches of the 15th Augst. last, numbered from 142 to 147, reporting upon the state of Norfolk Island, and the measures which I had recently thought it fit to decide on, I have now the honor to forward to Your Lordship Copies of various communications which reached me from the Island on the 5th instt.:

1. Copies of two letters from Capt. Maconoehie, dated respectively the 17th and 26th Septr., 1842, replying to the complaints made of the working of his system by Mr. John W. Smith of the Commissariat Department.

2. Copy of a letter from Mr. Smith in support of his complaints; these three documents have particular reference to my Despatch, No. 145.

3. Copy of a letter from the Revd. Mr. McEncroe, respecting the state of crime on the Island, having reference particularly to the latter part of my Despatch, No. 145, and the Attorney General's letter which was enclosed in it.

4. Copy of a letter from Captain Maconoehie on the state of crime on the Island having reference also to the Attorney General's letter just mentioned.

5. Copy of a letter from Capt. Maconoehie to myself acknowledging the receipt of a Copy of my Despatch to Your Lordship, No. 147 of the 15th Augt. last, and commenting on the same.

I beg to explain to Your Lordship that I forward these various documents merely by way of information; and I have simply to add that I see nothing in them to induce me to alter the intention, which, in my Despatch No. 147, I reported I had formed of removing all the English Prisoners (as they are termed) from Norfolk Island to Van Diemen's Land in the Month of March next.

I have, &c.,

Geo. Gipps.
acquaint your Lordship that I am informed by Mr. La Trobe that he has not acted on the authority I gave him to suspend Mr. Le Soeuf, the differences between Mr. Le Soeuf and the Chief Protector, which formed the sole grounds of his suspension, being adjusted.

As Mr. La Trobe had in every other respect reported favorably of Mr. Le Soeuf, I have to request Your Lordship's permission to allow my Despatch above mentioned of the 27th July last to be cancelled.

I have, &c,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 198, per ship William Fletcher; acknowledged by lord Stanley, 16th April, 1843.)

My Lord,

Government House, 23rd Octr., 1842.

At the request of the Moderator of the Synod of Australia, I have the honor to forward herewith a Loyal Address of Congratulation on Her Majesty's escape from the atrocious attempt on Her Majesty's Life, which was committed in the month of May last; and I have, on the part of the Moderator and Synod, to request that the same may be presented to Her Most Gracious Majesty.

I have, &c,

GEO. GIPPS.

[Enclosure.]

ADDRESS.

May it please Your Majesty,

The Ministers and Elders of the Synod of Australia, being now assembled, have learned with deep concern and regret that an attempt was made in the month of May last upon the life of Your Majesty. They cannot therefore separate without expressing their abhorrence of this enormous offence, the lively solicitude they feel for Your Majesty's safety and peace, and their thankfulness to Almighty God that He has been pleased in his gracious providence to shield Your Majesty from such violence, avert threatened calamity from the nation, and vouchsafe Your Majesty great fortitude and composure under so alarming an occurrence.

They embrace this opportunity of declaring their warm attachment to Your Majesty's person and Government, and of giving utterance to the prayer that God may long spare Your Majesty in peace and in the enjoyment of every domestic blessing, to reign over a free and loyal people both in the United Kingdom and in the various colonies and dependencies of the British Crown, and that, under the benign Government of Your Majesty, He may cause godliness and righteousness to prevail, and prosperity and peace to be uninterruptedly enjoyed by all classes of Your Majesty's subjects.

In name and by authority of the Synod of Australia,

WM. HAMILTON, Moderator.

Sydney, New South Wales, 12th Oct., 1842.
SIR GEORGE GIPPS TO LORD STANLEY.

(Despach No. 199, per ship William Fletcher.)

My Lord,

Government House, 24th Octr., 1842.

I have had the honor to receive Your Lordship's Dispatch, No. 104 of the 13th May, 1842, enclosing to me a copy of a Despatch which was addressed by Your Lordship on the same day to the Governor of South Australia, on the subject of conflicts which had taken place on the Murray River between the Aborigines and a Party proceeding overland from South Australia to Sydney; also desiring me to impress upon the Colonists of New South Wales the necessity of travelling across the Districts, which have lately been the scene of so much conflict, in sufficient force to overawe the natives.

Having, in my Despatch No. 141 of the 11th Augt. last, fully reported to Your Lordship on the subject of the communication by land between this Colony and South Australia, I trust I may be permitted to refer to that Despatch, as containing a full exposition of my views on the subject. I have, &c,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 201, per ship Stratheden; acknowledged by Sir George Gipps, 9th June, 1843.)

Sir,

Downing Street, 25 Oct., 1842.

I transmit to you herewith the enclosed Copies of a Correspondence, which has passed between the Horse Guards, the Board of Ordnance and this Department, on the occasion of an Application having been addressed to the Commander in Chief by the Officer Commanding the Forces in New South Wales for two Companies of Artillery to be added to the Force in that Command, for the Service of Four Batteries which he states to be in the course of erection or repair, and for four other Works of Defence in Contemplation.

You will perceive that it is stated, in the Letter of the Secretary to the Board of Ordnance of the 15th August, that the Batteries at Pinchgut Island and Bradley’s Head were ordered by “the Governor in 1840.”

In referring you to the Despatch addressed to you by my Predecessor on the 21 April, 1840, in which you were informed that Her Majesty’s Govt. were not prepared to undertake the works of Defence proposed by the Commanding Royal Engineer, I have to request that you will furnish me with a full explanation of the circumstances, under which the erection of these Works were subsequently sanctioned by you. I have, &c,

STANLEY.
1842.

Transmission of letter from Sir M. O'Connell.

[Enclosure No. 1.]

LORD FITZROY SOMERSET TO UNDER SECRETARY STEPHEN.

Sir, Horse Guards, 4 July, 1842.

I do myself the honor, by desire of the General Commanding in Chief, to transmit to you for the consideration of Lord Stanley the copy of a Letter from Lieut. General Sir Maurice O'Connell, recommending for the reasons therein stated the addition of two Companies of Artillery to the Force allotted for the protection of N.S.W. and its Dependencies.

I have, &c,

FITZROY SOMERSET.

[Sub-enclosure.]

SIR MAURICE O'CONNELL TO THE ADJUTANT-GENERAL.

Sir, Sydney, New South Wales, 15th February, 1842.

Request by Sir M. O'Connell for detachment of artillery.

I have the honor to report for the information of the General Commanding in Chief that four Batteries, now in the course of erection or repair for the protection of this Harbour and the Town of Sydney, are approaching to completion, and are almost in a state of readiness to receive the Guns destined for them.

In addition to these four Batteries, there are four other Works in contemplation.

In laying this Report before Lord Hill, I request you will bring under his Lordship's notice the necessity of now sending a Detachment of Artillery to this Command, for, altho' I have directed that the 28th Regt., now in Garrison in Sydney, shall be instructed in the Battery and Great Gun exercises by Lieutt. Colonel Barney, Commanding Royal Engineer, who has taken a great deal of pains in teaching them, I still question much whether their fire would be very effective in case of necessity.

There is moreover no Naval force on this Station, and, as there is both an American and a French Squadron in the South Seas, we might in case of a War with either of those Powers anticipate an attempt on their part to levy contributions in Port Jackson.

I have no doubt that, even now, we could give them a sufficiently warm reception to prevent their doing us much injury; but, as manning the Batteries from the Line, even were the men efficient Gunners, would materially weaken the only Regiment I have in Garrison, I hope his Lordship will not fail to urge on the Master General of the Ordnance the necessity of embarking a Detachment of Artillery for this Command with as little delay as possible.

I should say that for V. D. Land and N. S. Wales, nearly 2 Companies would be required.

I have, &c,

M. C. O'CONNELL, M. General.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO MR. R. BYHAM.

Sir, Downing Street, 29 July, 1842.

Transmission of letters.

I am directed by Lord Stanley to transmit to you, to be laid before the Master General and Board of Ordnance, the enclosed Copy of a Letter from the Military Secretary to the General Commanding in Chief, with a copy of a Communication from Lieut. General Sir Maurice O'Connell, Commanding the Troops in N. S. Wales, recommending for the reasons therein stated that two Companies of Artillery should be added to the Force in that Command.

Referring to the former Correspondence on the subject, and especially to my Letter to you of the 22d April, 1840, it appears that the plan, which was sent home by the Commanding Royal Engineer of Military Defences, which it was proposed to construct in N. S. Wales, was not sanctioned by Lord J. Russell or by the Board of Treasury. Sir Maurice O'Connell however now reports that four Batteries are nearly completed, and that four other works of defence are in contemplation, and on that circumstance grounds the demand for two Companies of Artillery.

Lord Stanley would wish to be informed when and by whom the Batteries now referred to were authorized, what are the new
works “in contemplation,” and whether the Master General and Board are of opinion that, with the present force of the Royal Artillery, it would be desirable or possible to comply with Sir M. O’Connell’s Requisition.

I have, &c.,

JAS. STEPHEN.

[Enclosure No. 3.]

MR. G. BUTLER TO UNDER SECRETARY HOPE.

Sir,

Office of Ordnance, 15 Augt., 1842.

With reference to your Letter, dated 29th Ulto., transmitting a copy of one from the Military Secretary to the General Commanding in Chief, with a copy of a Communication from Lieut. General Sir Maurice O’Connell, Commanding the Troops in N.S.W., recommending, for the reasons therein stated, that two Companies of Artillery should be added to the Force in that Command;

I have the honor, by desire of the Master General and Board, to request you will apprize Lord Stanley that the Existing Establishment of the Artillery force of this Country will not admit of such an addition being made to the Artillery in New South Wales, as Lieut. General Sir Maurice O’Connell’s letter applies for.

With respect to that part of your Letter, wherein, in referring to the former Correspondence on the subject, and especially to your Letter of the 22d April, 1840, you signify the wish of Lord Stanley to be informed when and by whom the four Batteries, referred to by Sir Maurice O’Connell as nearly completed, were authorized, and what are the new Works “in contemplation,” I am to request you will have the goodness to state to his Lordship that the “Batteries” not being named in the correspondence, it can only be inferred that the four alluded to are:

2. Fort Macquarie Do. Do. Do.
3. Pinchgut Island Do. New Batteries ordered by the Govr. in 1840.
4. Bradley’s Head Do. The “new works in contemplation” must mean, the Master General and Board apprehend, those alluded to in my Letter, dated 5 April, 1839, and yours of 22d April, 1840, hereinbefore quoted. The plans and Estimates, which were called for on 5 April, 1839, have been received in this Country; but the Master General has found it necessary to desire that the Commanding Royal Engineer in New South Wales should be instructed to revise them.

I have, &c.,

G. BUTLER, for the Secy.

[Enclosure No. 4.]

UNDER SECRETARY STEPHEN TO LORD FITZROY SOMERSET.

My Lord,

Downing Street, 24th Oct., 1842.

I have laid before Lord Stanley your Lordship’s Letter of the 4th of July last, with the accompanying Communication from Lt. General Sir Maurice O’Connell, Commanding the Troops in N.S.W., recommending that two Companies of Artillery should be added to the Force in that Command.

I am directed by his Lordship to transmit to you, to be laid before His Grace The Commander in Chief, the enclosed Copies of
HISTORICAL RECORDS OF AUSTRALIA.

1842.

Inability to provide detachment of artillery.

Letter acknowledged.

Report required re works of defence.

a Correspondence, which has passed on the subject between this Department and the Board of Ordnance, from which you will perceive that the existing Establishment of the Artillery Force in this Country will not admit of such an addition being made to the Artillery in N. S. Wales, as Sir Maurice O'Connell applies for.

I have, &c,

JAS. STEPHEN.

[Enclosure No. 5.]

UNDER SECRETARY STEPHEN TO MR. R. BYHAM.

Sir,

Downing Street, 24 Oct., 1842.

I have laid before Lord Stanley your Letter of the 15 Augt. last, in which, by desire of the Master General and Board of Ordnance, you state that the existing establishment of the Artillery Force of this Country will not admit of such an addition being made to the Artillery in N. S. Wales as the General Commanding the Forces in that Colony has applied for.

With reference to the concluding part of your Letter, Lord Stanley would suggest to the Master General and Board the propriety of calling upon their Officers in the Colony for an explanation of the Circumstances under which the erection of the Works of defence therein alluded to have been proceeded with, in the absence of the necessary sanction on the part of H. M.'s Govt.

I have, &c,

JAS. STEPHEN.

26 Oct.

Letters of denization proposed for Revd. J. C. S. Handt.

SIR GEORGE GIPPS TO LORD STANLEY.

Government House, 26th Octr., 1842.

My Lord,

I beg leave to request permission from Your Lordship to issue Letters of Denization to the Revd. John Christian Simon Handt, a Native of Germany, who wishes to qualify himself to hold land in this Colony.

The Revd. Mr. Handt came to New South Wales as a Missionary, with the permission of the Secretary of State, in the "Eleanor" Convict ship in the year 1831, and has for some time past officiated as a Minister of the Church of England at Moreton Bay, under a Licence from the Bishop of Australia.

He is married to an English Woman, and is in my opinion in every way worthy of the favor which I now solicit on his behalf.

I have, &c,

GEO. GIPPS.

27 Oct.

Transmission of letter from R. Dixon.

SIR GEORGE GIPPS TO LORD STANLEY.

Government House, 27th Octr., 1842.

My Lord,

I have the honor herewith to forward a statement, which has been addressed to Your Lordship by Mr. Robert Dixon, who
was removed from his employment of Assistant Surveyor in this Colony under the circumstances stated in my Despatch to Lord J. Russell, No. 156 of the 16th Augt., 1841.

This statement has been drawn up by Mr. Dixon, in consequence of my having communicated to him the contents of Your Lordship's Despatch of the 28th Decr., 1841, No. 48, in the latter part of which I was informed that Your Lordship would receive any statement, which Mr. Dixon might think fit to make, in explanation of the charges which had been preferred against him.

In transmitting Mr. Dixon's statement, I feel it necessary to offer the following remarks:—

Mr. Dixon's object is to disprove his having on a certain occasion spoken disrespectfully of Lieutt. Gorman, or in a manner tending to bring his authority into contempt, in the eyes of the Soldiers serving under him; the whole of the documents merely however tend to prove that certain individuals did not hear any such expressions; and there is nothing contained in them, which in the smallest degree removes from my mind the conviction that Mr. Dixon's conduct on that occasion was (as sworn to by four soldiers of the 80th Regt.) highly indecorous and improper.

There is one part of Mr. Dixon's statement, which I regret to say is true; but, though it tends in a moral point of view to criminate Lieutt. Gorman, I cannot consider that it in any manner exculpates Mr. Dixon. It is quite true that, when I visited Moreton Bay in March last, I found that Lieutt. Gorman had for some time previously kept up an improper intercourse with a Convict woman, living in his family as a domestic servant; and that the quarrels between himself and his Wife, which this intercourse had occasioned, were matters of common conversation and reprobation in the Settlement. The woman was sent away previous to my arrival, but the fact of his connexion with her was distinctly admitted to me by Lieutt. Gorman himself; and the proof of this intercourse certainly tends to strengthen the probability of his having (as charged against him by Mr. Dixon) been previously connected with Marcella Brown, Mr. Dixon's own servant.

The knowledge, which I thus acquired of Lieutt. Gorman's immoral habits, certainly caused me to relieve him from the duties of a civil Magistrate, a few weeks sooner than I otherwise should have done; but his removal from Moreton Bay was a measure rendered necessary by the opening of the District to Location, and had been determined on before I visited the Settlement.

Without at all intending to extenuate his criminality, in respect to his connexion with his female servant, I feel it a duty
1842.
27 Oct.

Reasons for unpopularity of O. Gorman at Moreton bay.

Irregular publication of map by R. Dixon.

Statement by R. Dixon.

Cause of displeasure of Sir T. Mitchell.

to state that, in all matters of an official nature, Lieut. Gorman conducted himself greatly to my satisfaction.

There were some circumstances however, which contributed to make him unpopular in the small circle of officials residing at Moreton Bay; he had risen from the Ranks, and he is a Roman Catholic; and I greatly apprehend that to these circumstances, rather than to his immorality, is to be attributed the opposition which was manifested against his authority, not only by Mr. Dixon, but by others, and particularly by the Commissariat officer (Mr. Kent), whose insubordinate conduct, no less than that of Mr. Dixon, I had frequently occasion to reprove.

In proof of Mr. Dixon's habitual disregard of official duty, I may further mention that he has very recently published and sold in Sydney, without my knowledge or consent, a Map* of Moreton Bay, compiled entirely from Surveys or documents, which came into his hands in an official capacity, thus repeating, and as it would seem in intentional defiance of all authority, the very irregularity, which, in respect of his publication† of his Map of the Colony, led to the first complaints against him on the part of the Head of his Department.

I have, &c,

GEO. GIPPS.

[Enclosure.]

ASSISTANT SURVEYOR DIXON TO LORD STANLEY.

Sydney, New South Wales, 22nd September, 1842.

It is with a grateful sense of your Lordship's condescension in allowing me to offer any statement in explanation of the charges which have been preferred against me, that I now humbly submit the particulars of the circumstances, which have involved me in the deepest distress and deprived me of the hard earned reward of near fifteen years of diligent and faithful service in the Surveying Department of New South Wales.

I had served from July, 1826, to the period of my suspension May 31st, 1841, with an unblemished reputation.

Having however very unintentionally offended my Superior Officer by publishing a Map of New South Wales under the sanction and patronage of Lord Glenelg.§ whilst in England on leave of absence from the Colony, I had the misfortune to fall under the displeasure of the Chief of the Survey Department, and unhappily felt that I was exposed to censure without hope of mitigation by the retardment of my promotion and advancement of Junior Officers over my Head in the service.

My conduct was thus brought under the notice of His Excellency the Governor by parties more or less prejudiced against me; and, when His Excellency was pleased to express his disapprobation of my Conduct in giving expression to feelings to which I had been goaded, by what I considered great injustice, in having Junior Officers advanced to my prejudice without reference to my service,

* Note 34.
† Note 35.
‡ Marginal note.—By certificates from No. 1 to 22.
§ Marginal note.—See Mr. James McArthur's letter, No. 18.
which had hitherto obtained for me the fullest approbation of my Superiors. I carefully endeavoured to keep myself clear of every possible imputation against my character or conduct as an Officer, and exerted myself to the utmost to carry out the orders and instructions of His Excellency the Governor in completing a Trigonometrical Survey of Moreton Bay and the adjacent Districts, and in the execution of this duty I had hoped for the approbation of His Excellency and a relief from the prejudiced opinion he had been induced to form of me. It was however my misfortune to become the victim of misrepresentation to His Excellency.

Lieut. Gorman, the Military Commandant and Magistrate of the Settlement at Moreton Bay, invaded the peace of my Family by most unwarrantable and immoral intercourse with my assigned Convict Woman servant, and, to save himself from the consequences of a formal complaint to the Governor, got up a false and scandalous charge against me, of which I am perfectly innocent, and of which I would have fully proved myself innocent; and that I never in any manner sought to embroil myself in disputes with the Commandant; on the contrary, I had silently submitted to much Insult and injury by his indulging in a disgraceful Intimacy with my servant Woman.

His Excellency however too hastily condemned me upon a representation sustained by Depositions taken against me by Lieut. Gorman himself in my absence, and which would have been proved utterly false and unfounded, had I been allowed a hearing, and which I respectfully submit is at this time clearly shewn to be so by Certificates and Statements herewith attached, although obtained under all the difficulties to which I am exposed by my suspension from Office and Pay, and myself and family reduced to comparative poverty.

I will not trouble your Lordship with details of the conduct of Lieut. Gorman; but I would with great deference and respect beg to appeal to His Excellency the Governor, whether he did not on his visit to the Settlement hear such complaints from the Officers of the immoral and violent conduct of Lieutt. Gorman as to induce His Excellency to call for and accept the resignation of that Officer.

May I not then plead with your Lordship, and equally with His Excellency, upon the Evidence contained in the documents now respectfully submitted, to acquit me of the false and injurious charges preferred against me by Lieut. Gorman, which are so fully denied and contradicted by Officers of Government and other Persons who were present, when I am said to have been so guilty, and who can have no other motive than to state the Truth, seeing that both Lieutt. Gorman and myself are now unconnected with the Settlement or their interests.

Feeling assured that these unprejudiced Testimonials will prove, both to your Lordship and His Excellency, that I have been falsely and maliciously accused, I humbly submit this my explanation.

1 Marginal note.—See No. 17, Capn. Perry's certificate, Mr. Secretary Grey's Letter.

† Marginal note.—See plan of Trigonometrical Survey of Moreton Bay by R. Dixon published by order of the House of Commons, 2nd March, 1841. Parliamentary Papers No. 120.

‡ Marginal note.—Lieutt. Gorman is a married man and his Wife and family living with him at Brisbane Town.

¶ Marginal note.—See No. 6, Evidence Dr. Simpson. No. 7, Mr. Kent, Depy. Asst. Commy. General.

† Marginal note.—See No. 1 to 6.
thro' His Excellency the Governor in conformity with your Lordship's commands, trusting that I may plead my long tried and arduous services, and receive at the hands of His Excellency that favorable consideration which his after-knowledge of Lieutt. Gorman's conduct may dispose him to grant towards one who, with a young Family, is now laboring under the severest privations in the loss of Rank and pay, to which fifteen years of diligent service has given him some claim.

Submitting my case in all deference and humility to the considerate decision of your Lordship, and relying on a mitigation from His Excellency The Governor of his first Judgment in the Case, I do so in the humble hope and fervent prayer -that I may not remain the suffering victim of a malicious misrepresentation, but that I may be in Justice and mercy restored to that Service in which I have spent so many of the best years of my life.

I have, &c,

ROBERT DIXON.

[Sub-enclosure No. 1.]

CERTIFICATE BY DEP. ASSIST.-COMMISSARY-GENL. KENT.

Certificate by J. Kent.

I, John Kent, Deputy Assistant Commissary General, certify that, on the evening of the 12th of April, 1841, I was sitting in the Verandah of my Quarters at Brisbane Town, looking at the Cutter "John" moving from the wharf, when I heard a voice which I recognized as that of John Ford calling out from the Vessel to Lieutenant Gorman that he would tell the Governor of his (Lieutenant Gorman's) proceedings with that vagabond Woman in Mr. Dixon's house. On looking out from the terrace, I saw several persons on the wharf and shortly after I heard the Sentry threaten to run some one through with his bayonet, and then the voice of Mr. Dixon enquiring "Mr. Gorman do you refuse to let me have my boat?" to which an answer was returned in the negative. Mr. Gorman then gave the Sentry orders to clear the Wharf which was immediately done without any opposition being made. I saw no attempt to resist the Sentry and heard no language to incite the mutiny.

Having been applied to by Mr. Gorman, if I knew anything of the matter, I attended at the Police Office in the morning at the trial of Ford, but I was not called in evidence. I heard that given by the Soldiers, in which Mr. Dixon was charged with using mutinous language, but they were not cross examined, nor was Mr. Dixon present.

I have never known any other occasion when persons were prevented from going or remaining on the wharf, which is open to the Public.

Brisbane Town, Moreton Bay, 19th July, 1842.

JOHN KENT, D.A.C.G.

[Sub-enclosure No. 2.]

AFFIDAVIT BY MR. JOHN CHAMBERS.

Affidavit by J. Chambers.

John Chambers, then Master of the Cutter "John," being duly sworn, depoist that, on the evening of the 12th of April, 1840, while hauling off the Cutter from the Wharf at Brisbane Town, at the distance of about 35 or 40 Yards, I saw Mr. Dixon and some of his men come on the Wharf, and, on one of the men attempting to strip to swim to get Mr. Dixon's boat, the Sentry, who is placed over the Commissariat Stores, being then on the other end of the Wharf, made some objection and threatened to run the man through.

Mr. Dixon called to Lieutenant Gorman, 80th Regiment, the Commandant, and asked if he was to have his boat, and Mr. Gorman said, No; upon which Mr. Dixon made the man desist.

I did not hear or see Mr. Dixon in any way encourage his men to force the Sentry, or in any way address the Soldiers to incite them to mutiny.

Previous to Mr. Dixon's coming on the Wharf, Mr. Gorman came along side in the Ferry Boat and told Mr. Hexton, the Pilot, that, if he allowed Mr. Dixon to come on board, he would send him to Sydney by the next ship and Mr. Dixon along with him.

When Mr. Gorman made application to me to send John Ford to Sydney (the man Servant he had taken from Mr. Dixon), he wanted me to put Irons on him, when I sent him on shore at Sydney, which I declined doing. John Ford called to Mr. Gorman, when he had left the Cutter, that he would make the Governor acquainted with his proceedings with Mr. Dixon's Servant woman. Mr. Gorman

* Marginal note.—See No. 11, Revd. J. O. S. Hands.
† Note 36.
GIPPS TO STANLEY.

returned and took him out, saying that he would punish him for his insolence; this took place before Mr. Dixon came on the Wharf. I did not hear the Sentry call to Mr. Gorman to know if he was to allow Mr. Dixon to have his boat. John Ford was afterwards sent on board in Irons, under the escort of a Soldier (R. Whitmore) while the Cutter was in the Bay.

JOHN CHAMBERS.

Sworn before me, this seventh day of June, 1842:—L. N. DULHUNTY, J.P.

[Sub-enclosure No. 3.]

CERTIFICATE BY JAMES GRAHAM.

I, JAMES GRAHAM, Bullock Driver, employed on the Agricultural Establishment at Certificate by Moreton Bay, declare that, on the evening of some day in April, 1841 (about the 12th), I was on the wharf at Brisbane Town, Moreton Bay, when the Cutter "John" was hauled off the Wharf about forty yards distant, when Mr. Dixon and some of his men came on the Jetty and one of them (Wm. Crabb) attempted to swim off for the boat belonging to Mr. Dixon, then moored in the river. The Sentry, Robert Whitmore, who was then on the end of the Jetty, threatened to run Wm. Crabb through with his bayonet, if he attempted to go into the water to swim for the boat. Mr. Dixon or the Sentry, I cannot say which, called out to Mr. Gorman, the Commandant, who was alongside the Cutter, to know if he was to have the boat, and Mr. Gorman replied, No; upon which Mr. Dixon immediately ordered his men to desist from any attempt to get the boat, and said to the Sentry, "I don't blame you, Bob"; but did not hear Mr. Dixon call Mr. Gorman either a Brute or a Cowardly Scoundrel. I did not hear Mr. Dixon tell Whitmore he might fire as fast as he liked, nor did I hear Mr. Dixon address language to the Soldiers, or encourage his men to force the Sentry. I was on the Jetty the whole time and not more than four or five yards from Mr. Dixon.

Moreton Bay, 5th August, 1842. JAMES GRAHAM.

[Sub-enclosure No. 4.]

CERTIFICATE BY PILOT HEXTON.

I JAMES HEXTON, Pilot, certify that, on the evening of the 12th of April, 1841, by J. Hexton; while on board of the Cutter "John" at a short distance from the Wharf, I saw Mr. Dixon (Surveyor) and some of his men come on the Wharf, and on one of the men attempting to strip to swim for Mr. Dixon's boat, which was moored in the river, the Sentry over the Commissariat Stores, then on the Wharf, threatened to run the man through, if he attempted to go into the water. Mr. Dixon immediately called out to Mr. Gorman to know if he was to have his boat, and Mr. Gorman said, No. I did not see or hear Mr. Dixon in any way encourage his men to force the Sentry or incite the Soldiers to mutiny. JAMES HEXTON, Pilot.

[Sub-enclosure No. 5.]

CERTIFICATE BY P. NICOL.

I (PATRICK NICOL, Overseer of the Colonial Hospital), hereby certify that I saw by P. Nicol; Mr. Dixon and some of his men at the wharf on the evening of the 12th of April, 1841; when the Cutter "John" was leaving the Wharf, one of Mr. Dixon's men made an attempt to swim for the boat belonging to the Survey Department; the boat was moored in the river; The Sentry over the Commissariat Store was then on the Wharf, who brought his bayonet to the charge and stopped the man from going for the boat. What the Sentry said I am not positive. Mr. Dixon immediately stopped the man himself, and then called to Mr. Gorman, if he was to have his boat. Mr. Gorman said, No. I saw no attempt made to go to the boat after that. I did not hear the Soldier call to Mr. Gorman. I did not hear Mr. Dixon tell the Sentry to fire away, nor address language to the Soldiers to incite them to mutiny, nor did I see Mr. Dixon's men in any way force the Sentry.

Brisbane Town, Moreton Bay, 20th July, 1842. PATRICK NICOL.

[Sub-enclosure No. 6.]

CERTIFICATE BY DR. SIMPSON.

I (STEPHEN SIMPSON, M.D., Acting Colonial Surgeon) certify that I attended and by the Court held on the 13th of April, when John Ford was tried for Insolence to S. Simpson. Mr. Gorman, the Commandant, and Mr. Gorman being the only Magistrate tried his own case and sentenced the prisoner to one hundred lashes. Mr. Gorman acted his own Clerk, did not read the depositions over to the Court, nor get them signed by the deponent.

Moreton Bay, 25th Sept., 1841. STEPHEN SIMPSON, M.D.

*Marginal note.—Now Commissioner of Crown Lands.

MEMORANDUM:—I (John Kent, Deputy Assistant Commissary General) on the 13th April last attended the Police Court at Brisbane during the examination of a man named John Ford, charged with Insolence and Insubordination to the Commandant on the previous evening, that the Commandant, Mr. Gorman, presided as the Magistrate, there being no other, and wrote down the depositions of the Witnesses, which I did not hear read over to them, nor were they signed by them to my knowledge.

Brisbane Town, Moreton Bay, 24th September, 1841. JOHN KENT, D.A.C.G.

AFFIDAVIT by J. Ford.

JOHN FORD, free by mitigation of Colonial Sentence, being duly sworn, deposeth, That, when I was Servant to Mr. Robert Dixon, Surveyor, at Moreton Bay, Mr. Gorman, the Commandant, used to make a practice of coming after Mr. Dixon's Servant woman, Marcella Brown, a prisoner of the Crown, on the dark Nights; and I have frequently seen Mr. Gorman coming out of this woman's bedroom in the mornings, both when Mr. Dixon was at home and more frequently when Mr. Dixon was from home surveying in the Country. When this woman was in the family-way, she made no secret to say Mr. Gorman was the Father of the child. When Mr. Gorman took me from Mr. Dixon without giving or making any charge against me, and put me on board of the Cutter "John" and wanted the Captain to put Irons on me, I felt convinced this was to get me from the place, being a witness to his immoral proceedings. Mr. Gorman came alongside of the Cutter and told the Pilot, Mr. Hexton, that, if he allowed Mr. Dixon to come on board or alongside, he would send them both to Sydney. My feelings got the better of me, and I told Mr. Gorman I would make the Governor acquainted with his proceedings with Mr. Dixon's servant woman; for which I was immediately brought on shore and put into the G'aol. I was brought into the Court the next day (the 13th of April, 1841) and tried by Mr. Gorman who acted his own Clerk; he never read the depositions he had taken down to the Court, nor got them signed by the Deponents. He sentenced me to receive one hundred lashes, Seventy five of which I received. I was then put in heavy Irons and sent to Sydney under the escort of a Soldier "Robert Whitemore," where I was confined Eight weeks in the Watch House at Hyde Park Barracks and then sent to work in an Iron Gang for fourteen Months, from which I was relieved on July 27th, 1842.

Sworn before me this 26th day of September, 1842:—A. H. K. RANKEN, J.P.

CERTIFICATE.

WE, the undersigned, certify that the Prisoner, John Ford, per Ship Atlas 1819, has been known to us, during our residence at Moreton Bay, as a quiet and well behaved man and worthy of His Excellency's consideration of a remission of his sentence.

ROBERT DIXON, Surveyor. JAMES WARNER, Assist. Surveyor.


12th April, 1841.

CERTIFICATE by REVd. J. C. S. Handt.

I, the undersigned (J. C. S. Handt, Clergyman), being requested by Robert Dixon, late Government Surveyor, from the knowledge which I had of his general conduct during his stay here as Government Officer, whether I thought him guilty of causing the.

his men to force the Sentry and of addressing language to the Soldiers calculated to excite them to mutiny, I hereby certify that I believe the two said accusations preferred against Robert Dixon by Lieutenant Gorman, then Commandant of this place, viz., of causing his men to force the Sentry and of addressing language to the Soldiers calculated to excite them to mutiny, to be false, although Soldiers under Revd. J. C. S. Handt have sworn to the truth of them, for similar oaths were taken afterwards under the said Lieutenant Gorman, which were appalling to the mind of almost every person in this place, from a conviction that they were false.

I further certify that I believe Lieutenant Gorman took the Surveyor Robert Dixon's servant "John Ford" from him and brought the abovementioned charge against him from vindictive feelings, as he evinced a like spirit towards other persons here, especially when they shewed their disapprobation of his highly immoral conduct. Lieutenant Gorman's character had not been previously known; but, as soon as His Excellency The Governor was made fully acquainted with his conduct, he was removed.

Moreton Bay, 22nd June, 1842. J. C. S. Handt, Clergyman.

[Sub-enclosure No. 12.]

CERTIFICATE BY REVD. J. C. S. HANDT.

This is to certify that the undersigned did not hear of Mr. Robert Dixon's having caused his men to force a Sentry on the 12th of April last when the Cutter "John" was leaving the Wharf at Brisbane Town, nor of his having addressed language to the Soldiers to excite them to mutiny, until the return of the Vessel.*

Brisbane Town, Moreton Bay, 19th July, 1841. J. C. S. Handt, Clergyman.

[Sub-enclosure No. 13.]

CERTIFICATE BY COLOUR-SERGEANT BINNS.

I hereby certify that I did not hear any of the Soldiers say that Mr. Robert Dixon and by had caused his men to force the Sentry or had addressed language to incite them to mutiny, on the evening of the 12th April, 1841. Jos. Binns, Colour Sergeant, 80th Regiment Parramatta, 27th Augt., 1841. (with the detachment at Moreton Bay).

[Sub-enclosure No. 14.]

MR. A. PETRIE TO MR. R. DIXON.

Dear Sir, Brisbane Town, Moreton Bay, 19th July, 1841.

In answer to your note of the 17th ultimo, relative to the circumstance that Statement by occurred between you and Lieutenant O. Gorman at the Commissariat Wharf on the A. Petrie; 12th April, I beg leave to state that I never heard a word mentioned by any one whatever except Lieutenant O. Gorman that you attempted to force a Sentry or to incite them to mutiny. I am, &c,

A. Petrie, Foreman of Works.

[Sub-enclosure No. 15.]

ASSISTANT SURVEYOR WARNER TO MR. R. DIXON.

Dear Dixon, Brisbane, Moreton Bay, 24th Septr., 1841.

Referring to the mention I made to you of some indecent remarks made by J. Warner; Lieutenant Gorman to your late Servant Woman soon after your marriage, I do not precisely remember the very words he repeated to me as having addressed to her; but I recollect his taking her by the arm in a very familiar way at your door on that occasion. Enough I remember to be able to satisfy any person that it was most unfit discourse to be held between a Magistrate and a Government Woman and not fit to be written here.

I am, &c.,

James Warner, Assistant Surveyor.

[Sub-enclosure No. 16.]

STATEMENT BY MR. F. W. FORBES.

Moreton Bay, 21st September, 1841.

In consequence of the letter of the Colonial Secretary to R. Dixon, Esquire, dated and by F. W. 1st September, 1841, in which the Colonial Secretary says, "I am directed by His Excellency to state that the Evidence against Mr. Dixon being on oath and proceeding

* Marginal note.—Which was in the latter end of May, 1841.
from very credible Witnesses, he considers it conclusive against you, unless you can shew reasonable cause for doubting their veracity, and to add that, unless you do this, He cannot consider that any necessity exists for bringing your case before a Court of Enquiry.

Mr. Dixon was desirous that I should as a Justice of the Peace take the counter depositions on oath of certain persons who came before me; but, as Mr. Dixon's object was merely to obtain a Court of Enquiry and not to proceed against any one, I consider that it would be an irregular proceeding on my part to take such depositions, and on this ground I declined doing so.

At the same time, I do not think that, from the tenor of the Colonial Secretary's letter, that His Excellency insists that such evidence should be on oath, and am of opinion that the simple Statement of such persons in writing is all that is required, for I do not see how their deposition could be taken with propriety.

FRANCIS WM, FORBES, J.P.

Sir George Grey to Mr. R. Dixon.

Sir, Downing Street, 16th December, 1836.

I am directed by Lord Glenelg to acknowledge the receipt of your letter of the 8th Instant, with reference to your application to be allowed leave of absence for the period of two Years with half the Salary of Assistant Surveyor at New South Wales, I am directed to state that, in consideration of your length of Service and the testimony borne in your favor by the Deputy Surveyor General, His Lordship is induced to comply with your application, and will direct the Colonial Agent to pay you your absent allowance, when you shall have produced the usual Certificate shewing the period up to which you received your salary in the Colony. I am, &c., GEO. GREY.

Mr. James Macarthur to Mr. R. Dixon.

Dear Sir, Council Chambers, 1 August, 1842.

I have to apologise for my long delay in replying to your note which I had mislaid and only found this morning.

Having known you in your official Capacity in the Surveyor General's department for many years past, and having been a fellow passenger with you to England in 1836, I have no hesitation in stating that you are one of the last persons I should have supposed capable of exciting Soldiers to mutiny or of any improper insubordinate behaviour. Your conduct as a Crown Surveyor has, so far as I have had an opportunity of observing upon it, been eminently useful to the public and creditable to yourself.

The Map, which you compiled on the voyage to England and which, after having been submitted to Her Majesty's Secretary of State for the Colonies and to Sir John Barrow, you were encouraged to publish in London, is in itself a proof of your ability as a Surveyor and your zeal for the welfare of the Colony.

Believe me, &c.,

JAS. MACARTHUR
Member of Council.

Mr. H. H. Macarthur to Mr. R. Dixon.

Dear Sir, Vineyard, 15th Sept., 1842.

Having known you from your arrival in the Colony and first appointment to the Survey department under my late friend Surveyor General Oxley, I have much pleasure in giving my Testimony to your general Character, having always heard you highly praised for your zeal, intelligence and correctness in the execution of the duties entrusted to you; nor have I ever heard your name mentioned but to your credit, until you unwisely published your useful Chart of the Colony,* contrary I fear to the wishes of your Department and your own interests.

I shall be most happy to hear that His Excellency has been induced to mitigate the Severity of his decision in your case, and that you are again restored to a Service for which you are so well qualified by practice and experience.

I remain, &c.,

H. H. MACARTHUR
Member of Council.

* Marginal note.—In London.
[Sub-enclosure No. 20.]

COLONEL DUMARESQ TO MR. R. DIXON.

My dear Sir, Port Stephens, 25th June, 1836.

As you appear to think my testimony of your diligence and ability as a Surveyor may be of some importance to your future views, it affords me great pleasure to say that, whilst in Office as well as during the period I lived in the District where you were employed, I had opportunities of witnessing your activity, zeal and obliging attention in the performance of your official duties.

I remain, &c.,

H. DUMARESQ, Colonel

(then Commissioner for the Australian Agricultural Compy., formerly Aide-de-Camp to His Excellency the Governor, Sir Ralph Darling).

[Sub-enclosure No. 21.]

LIEUTENANT GRAVATT TO MR. R. DIXON.

My dear Dixon, Sydney Barracks, 7th June, 1842.

In answer to your letter of the 6th Instant, I beg to state that, on my being sent to Moreton Bay to relieve Major Cotton, I was directed to render every assistance to the Surveying Department; and I am happy to say that, during my stay there, I considered you a most efficient Officer and I never saw anything in your conduct unbecoming the character of a Gentleman.

Believe me, &c.,

GEO. GRAVATT (Lt., 28th Regt.), formerly Commandant of Moreton Bay.

[Sub-enclosure No. 22.]

MAJOR COTTON TO MR. R. DIXON.

Dear Sir, Parramatta, 29th November, 1841.

In reply to your letter under date the 24th instant, I beg to acquaint you that I cannot, without reference to Official documents which are now at Brisbane by S. Cotton, tell you what were the orders of Government relative to yourself and the Surveyors under your authority.

To the best of my recollection, I was ordered to afford you the requisite assistance in men and Bullocks and nothing more. The Penal Settlement of Moreton Bay, I understood, was broken up on the recall of myself and the other Officers of the Establishment to Head Quarters, although it would appear that the Settlement did not altogether lose its penal character at the same moment. Some of the penal prisoners having remained behind for the protection of the public property.

I am, &c.,

SYDNEY COTTON (Major, 28th Regt.), formerly Commandant of Moreton Bay.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 202, per ship William Fletcher; acknowledged by Lord Stanley, 22nd April, 1843.)

My Lord, Government House, 28th Octr., 1842.

I have the honor to forward herewith a Memorial, which has been addressed to Your Lordship by Mr. Thomas Scott Townsend, an Assistant in the Surveyor General's Department of this Colony, praying for promotion to the rank of Surveyor.

Mr. Townsend is a very good public Officer; and I am the more happy to bear testimony of his merits, as I have unfortunately in many cases had to bring instances of misconduct before Your Lordship, or Your Lordship's Predecessors, on the part of Officers of the Department to which he belongs.

Though only the 3rd on the List of Assistant Surveyors, I consider Mr. Townsend to have the best claim to promotion, whenever,
by a vacancy in the grade above him (that of Surveyors) or by an increase in the strength of the Department, it may be in my power to recommend him for advancement. Under present circumstances however, I regret that I cannot advise any increase in the Establishment, nor can I consider that, under the statement made in my Despatch of the 17th Octr., 1840, No. 159 any injustice was done to him by the introduction of Messrs. Rawnsley and Wade into the Department with the rank of Surveyors.

These gentlemen were appointed by Lord J. Russell, in pursuance of the demand made in my Despatch above mentioned; and their appointment was notified to me by His Lordship's Despatch, No. 267 of the 18th May, 1841.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MEMORIAL OF ASSISTANT SURVEYOR TOWNSEND.

To the Right Honorable the Secretary of State for the Colonies, the respectful Memorial of Thomas Scott Townsend, an Assistant Surveyor, in the Surveyor General's Department of New South Wales, holding that appointment together with that of Draftsman for a period of nearly twelve years, having previously learned his profession in England,

Respectfully Sheweth,

That your memorialist has been employed in various arduous duties in different parts of the Colony, has suffered innumerable privations, and undergone many hardships, and the last three years has been employed in surveying and exploring districts previously unknown, and has been consequently subjected to many dangers from the wild aborigines, also, has performed the duties of a Surveyor and had seven Officers under his direction at one time, four of them being Contractors whose work he had to check on the ground. Memorialist is now conducting a trigonometrical survey without the limits of the Colony Southward, and has to traverse mountains covered with perpetual snow. In performing his several duties, it is satisfactory for him to be able to state that his services have been uniformly approved of by the Surveyor General, from whom he has on many occasions received communications, and has now honored Memorialist by forwarding herewith his favorable recommendations that Memorialist should receive the appointment of Surveyor over the heads of Messrs. Rawnsley and Wade, who recently arrived from England with such appointments, without having undergone any of the hardships and privations to entitle them to it, which Your Memorialist has been so long and often subjected to. That Memorialist, on hearing in January last of their being placed over his head, respectfully remonstrated, and was recommended by the Surveyor General for the appointment to His Excellency the Governor who, although he refused, expressed his satisfaction at having received many favorable reports of Memorialist.

That Your Memorialist respectfully begs that you will be pleased to take his case into your consideration, and cause him to be placed Senior to Messrs. Rawnsley and Wade on the list of Surveyors.

And your Memorialist will ever pray,

THOS. TOWNSEND.
GIPPS TO STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 203, per ship Stratheden.)

Sir,
Downing Street, 29th Oct., 1842.

In the Blue Book of New South Wales for the year ended the 30th of September, 1841, I have observed the names of several Gentlemen, who have been nominated by you since the beginning of 1837 to the Office of Commissioner of Crown Lands beyond the Boundaries of Location. On referring, however, to the Records of this Department, it does not appear that these Appointments have been reported to the Secretary of State.

I have no desire to disturb the Appointments, which you have already made to the Offices in question; but you will understand that, for the future, all nominations to offices of that Class, which may be made in the Colony, will not be considered valid unless confirmed by the Secretary of State.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 203, per ship William Fletcher.)

My Lord,

I have had the honor to receive Your Lordship’s Despatch, No. 90 of the 19th April last, and have made the enquiry directed by Your Lordship into the grounds on which an accusation has been made to Your Lordship by Mr. Denistoun, the Member for Glasgow, against the authorities of Port Phillip, charging them with having unduly deprived a Mr. William Cross of the priority, to which he was entitled in the selection of land as the Bearer of a Land order from the Commissioners of Land and Emigration in England, which was dated, London, the 12th Septr., 1840, and marked No. 1; and I have to certify to Your Lordship that I have found the accusation against the authorities at Port Phillip to be grounded altogether on a misapprehension of facts.

Mr. Cross’ complaint rests entirely on the assumption that, because his Land order was marked No. 1, there could be no order entitled to take precedence of it; this assumption however is an erroneous one.

Your Lordship is aware that, when Officers of the Army or Navy settle in New South Wales, they are, under Her Majesty’s Regulations, entitled to a remission in the purchase of land, which remission is equivalent to a Land Order, and takes date, and consequently priority, from the day on which the order for the remission is granted by the Local Government.

These remission Orders, so long as the system of selling land by Auction was in force, were received as Cash at the Colonial Treasury for land purchased by the holders of them; but, when the system of selling by Auction was abolished, and that of a
fixed price established, the remission orders came, as I have already said, to be considered in every respect equivalent to Land Orders; and that they should be so considered was expressly stated in the regulations issued by me, with the advice of my Executive Council, on the 21st Jan., 1841, which regulations were transmitted by me to the Secretary of State on the 18th Feb. following.

It so happened that at the time, when sales by Auction were abolished, there were three officers holding unsatisfied remission Orders in the Port Phillip District, the names of the Officers and the dates of their Orders being as follow:—

Major St. John, 7th Augt., 1840; Capt. Reid, 2nd Sept., 1840; Lieutt. Chamberlain, 9th July, 1840.

All these Orders being dated in the Colony, prior to the 12th Sept., 1840, were clearly entitled to precedence over an Order dated in London on that day.

As to the clubbing together of the three remission orders for the purchase of a single allotment of land, there was nothing whatever irregular in it; the only provision in the regulations is that, when orders are thus clubbed together, they shall take precedence only according to the date of the latest, which, in the case under consideration, was the 2nd Septt., 1840.

I enclose, for Your Lordship's further satisfaction, a Copy of a letter, which I have received from Mr. La Trobe (with its various enclosures) dated the 3rd Oct., 1842, on the subject of the present complaint.

Having stated that Remission Orders are equivalent in all respects to Land Orders, it may be proper for me to add that there is this difference, namely, that the Deed of Grant is withheld for two years, if the land be acquired in virtue of a remission order, whilst, in all other cases, it is issued with as little delay as possible; this difference however does not bear in any manner on the case of Mr. Cross.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this letter will be found in a volume in series III.]

Sir George Gipps to Lord Stanley.

My Lord,


I have had the honor to receive Your Lordship's Despatch, No. 99 of the 30th April last, enclosing a copy of an enquiry which had been addressed to Your Lordship by Miss Mary Curtis, respecting her Brother Michael Patrick Curtis, who came to this Colony as an Emigrant by the ship "Diamond" in 1841; and I
have the honor to inform Your Lordship that I have ascertained that the said Michael Patrick Curtis is now in the employment of Dr. Jamieson, a Settler near Western Port, in the District of Port Phillip.

I have communicated to Dr. Jamieson the contents of Miss Curtis' letter to Your Lordship. I have, &c.

GEO. GIPPS.

Lord Stanley to Sir George Gipps.

(Despatch No. 205, per ship Stratheden; acknowledged by Sir George Gipps, 21st July, 1843.)

Sir, Downing Street, 1st Novr., 1842.

In transmitting to you the enclosed Copy of a Letter from Mrs. Burrowes, I have to request that you will cause enquiry to be made respecting Mr. Burrowes, and that you will report to me the result.

I have, &c.

[Enclosure.]

Mrs. S. A. Burrowes to Colonial Secretary.

Sir, 24 Oct., 1842.

I shall feel particularly obliged to you, if you can give me any information respecting Mr. M. E. L. Burrowes, who is a Surveyor under Government in Sydney, and, who was, the last time I heard from him, somewhere near Clarence River; and, not having received Letters for some time, I feel very anxious about him; and, having been informed that by applying at the Colonial Office I might hear something of him, therefore may I beg the favor of an answer and it will greatly oblige.

Your Obedt. Servt., &c,

S. A. Burrowes.

Lord Stanley to Sir George Gipps.

(Despatch No. 206, per ship Stratheden; acknowledged by Sir George Gipps, 20th June, 1843.)

Sir, Downing Street, 4 November, 1842.

At the request of Sir W. Hooker of the Royal Botanic Gardens at Kew, I forwarded to the Superintendent of the Botanic Garden at Sydney early in last year a letter from that Gentleman together with a Packet of Seeds. Sir W. Hooker has informed me that he has received no acknowledgment of his Communication. He also acquaints me with the death of the Superintendent, Mr. Anderson.

I have to request that you will impress upon Mr. Anderson’s Successor the propriety of his placing himself in communication with Sir W. Hooker, who states his anxious desire that a mutual interchange of Plants, etc., should take place between this Country and New South Wales.

You will inform me of the name of the person whom you have appointed to succeed Mr. Anderson. I have, &c.

STANLEY.
1842.
4 Nov.

Petition against appeals from judge at Port Phillip.

Disapproval of petition by C. J. La Trobe; and by Sir G. Gipps.

Submission of petition to judges of supreme court.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 207, per ship William Fletcher; acknowledged by lord Stanley, 26th April, 1843.)

My Lord, Government House, 4th Novr., 1842.

I have the honor herewith to enclose a Petition to the Queen, which has been forwarded to me by Mr. La Trobe for transmission to Your Lordship, praying that the Judges in Sydney may be restrained from interfering with the proceedings of the Supreme Court of the District of Port Phillip.

I forward also a Copy of a letter from Mr. La Trobe (with its enclosures, and containing a Copy on Paper of the Petition) wherein he observes “that he does not consider it his duty to offer any remarks, further than that he highly disapproves of the Petition, especially when he casts his eye over the names appended to it, and sees so few belonging to a class capable of forming a judgment on matters involving such grave consideration.”

I beg leave to certify to Your Lordship that I entirely concur in the opinion thus expressed by Mr. La Trobe. The persons, whose names are affixed to the Petition, constitute moreover, I feel warranted in saying, a very small minority of those whose attention has, during the last twelve months, been directed to the proceedings of the Court of the Resident Judge.

On the receipt of this Petition, I deemed it proper to submit it to the perusal of the Judges of the Supreme Court of the Colony, resident in Sydney; and I have the honor to enclose a Copy of the letter from the Colonial Secretary, transmitting it to the Judges, as also a Copy of the observations on the Petition, which have been addressed to me by their Honors in reply.

I have, &c.,
GEO. GIPPS.

[Enclosures.]

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

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 208, per ship William Fletcher.)

My Lord, Government House, 5th Nov., 1842.

I have the honor to transmit herewith a Copy of a letter, which I received on the 21st ulto. from the Acting Consul of Her Majesty at Tabiti, informing me that the Queen and Chiefs of that Island had placed themselves under the protection of His Majesty, the King of the French, in consequence of their inability to pay the sum of ten thousand dollars, demanded of them by Admiral Du Petit Thouars of the French Navy.
Her Majesty's Sloop "Favorite" being in Sydney Harbour and nearly ready for sea, when I received this letter, I communicated the contents of it to the Officer in command of her, Capt. Sullivan of the Royal Navy; and I subsequently addressed to him the letter, of which I subjoin a Copy.

I beg to add that, in my personal communications with Capt'n Sullivan, I strongly recommended him to refrain carefully from any act, that might have the effect of compromising either Her Majesty's Government or himself in regard to the proceedings of Admiral Du Petit Thouars.

With respect to the conduct of the same Officer (then Capt'n Du Petit Thouars) at Tahiti in 1838, I beg to refer to my Despatch to Lord Glenelg of the 24th Decr. of that year No. 202.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these letters are not available.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 207, per ship Stratheden.)

Sir,
Downing Street, 6 Nov., 1842.

With reference to my Despatch No. 14 of the 8th of Oct., 1841, I have to acquaint you that, on the application of the Revd. Dr. Polding, I have sanctioned the substitution of the Revd. Mr. Cavenagh for the Revd. Mr. Burke, the latter Gentleman being prevented by ill health from proceeding to New South Wales as a Roman Catholic Chaplain.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 208, per ship Stratheden.)

Sir,
Downing Street, 8 Nov., 1842.

The Revd. Dr. Polding has reported to me the resignation by the Revd. Dr. Ullathorne of the Office of Vicar General in New South Wales, and has applied for my sanction to the allowance of £200 pr. Annum, hitherto received by Dr. Ullathorne, being paid to the Revd. Francis Murphy, who, Dr. Polding states, has discharged the duties of Vicar General during Dr. Ullathorne's absence to his own satisfaction and, he believes, to that of the local Government.
I have to convey to you my authority, in the event of your seeing no objection to the arrangement for the payment to Mr. Murphy of the Stipend heretofore allotted to his predecessor on the understanding, of course, that he resigns the situation of Roman Catholic Chaplain to the Gaols at Sydney.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 210, per ship Olinda; acknowledged by Lord Stanley, 4th June, 1843.)

My Lord,

Government House, 8th Novr., 1842.

I have the honor herewith to forward a Memorial, which has been addressed to Your Lordship by Mr. Richard Blackwell of this Colony, praying that compensation may be awarded to him for his not having obtained an allotment of land, to which he laid claim, in the Town of Liverpool in this Colony, distant about twenty miles from Sydney.

The case of Mr. Blackwell is as follows:—

More than twenty years ago, Governor Macquarie gave authority to Mr. Thomas Moore, a Magistrate residing at Liverpool, to locate persons on allotments of Building ground within the Township then about to be formed at that place, and promised to confirm the persons so located, in the possession of the lands allotted to them, provided they continued on and improved their locations.

In pursuance of these promises, many grants of lands have been made (even in my own time), whilst several applications for similar grants have been by me refused.

On the 3rd May, 1834, a claim to two allotments of land in Liverpool was preferred by a person, named John Roby Hatfield, to the Commissioners who had been appointed under an Act passed in the preceding year, 4th Wm. IV, No. 9, to investigate claims to grants of land in the Colony. The Commissioners (a Copy of whose Report is enclosed) reported against his claim to one of these portions of land, containing 3 acres, 2 roods and 14 perches, but in favor of his claim to the other portion, containing 1 acre and 2 roods; and it is this report, which the Memorialist erroneously calls a Verdict.

That this Report however had not the effect of a Verdict, is clearly shown by the concluding part of the 7th Section of the Act of Council (4th Wm. IV, No. 9) which runs thus:

"Provided however that nothing, herein contained, shall be held to oblige the Governor to make or deliver any such Grant as aforesaid, unless His Excellency shall think proper to do so."
The Governor for the time being, Sir Richard Bourke, did not in Hatfield's case think it proper to issue a Grant, because it was distinctly proved that the Commissioners had reported in error; that in fact, neither the claimant, John Roby Hatfield, nor his Father of the same name (through whom he claimed) had ever been located by Mr. Moore on any land within the Township of Liverpool; and it will be seen by the enclosed Copy of a letter from the Deputy Surveyor General, dated the 16th Jany., 1838, that the elder John Roby Hatfield had only occupied temporarily, and without any authority, a small portion of land beyond the limits of the Township, and on the said land (being a shoemaker) had established some Tan Pits.

No sooner however had the Commissioners erroneously reported in favor of John Roby Hatfield (the Son) than he sold his right and title to the land (whatever it might be) to the Memorialist, Richard Blackwell, and his Brother (since deceased).

The Blackwells evidently purchased on a bad Title, and their only plea is that they were led to do so by the knowledge, which they obtained of the Report of the Commissioners; it is alleged that they paid to John Roby Hatfield £45 for his Title to the land; and, though no proof of this is adduced, it is probable that they did so.

The Memorialist is not able even to point out the land which he claims; and that he entirely misapprehends the nature of his own case, is evident from the fact that, in his memorial to Your Lordship, he claims the land (3 a. 2 r. 14 p.), which the Commissioners reported Hatfield had no right to, instead of the acre and a half, to which the Commissioners erroneously reported that Hatfield had a claim.

It seems unnecessary for me to enter on the reasons, which led the Commissioners into error, especially as the Memorialist himself does not dispute the fact of their having been in error, but claims compensation only for having been led wrong by them.

Had the Memorialist in 1837, when the error of the Commissioners was discovered, thrown himself candidly on the Government, it is probable that, under the very liberal system which then prevailed in all matters relating to land, some compensation for his actual loss might have been made to him; but he preferred to prosecute his claim in his own way, so that, as stated in his Memorial, by the employment of Lawyers and other expenses his losses have been greatly increased, and now amount to about £70.

His case, though of old standing, first came before me on the 17th March in the present year, and I immediately decided that I could grant him no relief.
I will only further observe that, even if the elder Hatfield had been located on any land at Liverpool by Mr. Moore (which in fact he never was), he would have forfeited all claims to a grant of it by his not having continued on his location and improved it.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

MEMORIAL OF MR. R. BLACKWELL.

To the Right Honble. The Secretary of State for the Colonial Department, the Memorial of Richard Blackwell, Landholder of Woodburn, in the County of Camden, in the Colony of New South Wales,

Sheweth,

That the late William Blackwell of Sydney and your Memorialist did, sometime in the year 1835, purchase from John Roby Hatfield of Sydney all his right, title and interest in and to three acres and a half of land, more or less, in the Township of Liverpool in the Colony of N. S. Wales; and for which the said John Roby Hatfield obtained a verdict in the Court of Claims, and which verdict was recorded in Hatfield's favor.

That the late William Blackwell and your Memorialist, on the faith of the said verdict, purchased the same from J. R. Hatfield, and the verdict was ultimately recorded in favor of the late William Blackwell and your Memorialist, the amount paid to Hatfield for the land being nearly Forty six Pounds.

That, the late William Blackwell having died about the month of September, 1837, the interest in the above ground now vests in your Memorialist by right of survivorship.

That, on a survey of the land in question, it was found that no land was charted to Hatfield in the town of Liverpool; but it was proved a piece of ground outside the present boundaries of the said Township had at one period been occupied by the Father of J. R. Hatfield as a tan-pit; therefore the Commissioners refused to confirm a grant of the said land on the plea that no land exists within the present boundaries of the township of Liverpool that could be charted to Hatfield.

That, in August, 1841, your Memorialist produced a witness named King before the Court of Claims, who swore that he saw an allotment measured to Hatfield, senior; that two dollars was paid for the registry of the same, and that he saw it registered.

That, after a delay of four years, His Excellency the Governor decided that he could not allow the claim of your Memorialist.

That your Memorialist has incurred expenses connected with this Case to the amount of nearly Twenty Pounds for various fees, attorneys' attendances and witnesses' expenses; and, having taken professional advice on the subject, your Memorialist finds that he has no remedy against Hatfield, he having sold his verdict and having proved the occupation of the ground to the satisfaction of the Commissioners of the Court of Claims; and it has been conjectured that the mistake about this ground has arisen through the indistinctiveness of the town boundaries at the time Hatfield, Senior, was in possession.

That your Memorialist considers it a case of great hardship that he should be subjected to a loss of nearly Seventy Pounds (besides
the trouble of attendance on the Court and a great deal of corre-
spondence connected with the matter, owing to the erroneous ver-
dict of the Commissioners; and, having no remedy either against
the Commissioners or Hatfield, your Memorialist respectfully prays
that an equivalent may be made to him in land, or in such way
as you shall think fit.
And your Memorialist will ever pray,
Dated at Sydney, 20 Octr., 1842.
RICHD. BLACKWELL.

[Enclosure No. 2.]

REPORT.

By the Commissioners of Claims for Grants of Land.
Memorial No. 923.
Claimant's Name and Address John Roby Hatfield, of Sydney,
Shoemaker.
Name of first Possessor ...... John Roby Hatfield.
Date of Letter of Possession ....
By whom Letter granted ...... does not appear.
Situation and Description of Land claimed.
An Allotment bounded on the North by
Land, now or lately in the possession of
Thomas Moore, Esq., J.P., on the
South by Land in the possession of George Graves, on the East by
George Street, and on the West by Macquarie Street in the Town-
ship of Liverpool, Parish of Saint Luke, County of Cumberland,
containing 3 acres, 2 Roods and 14 Perches.
2nd. An Allotment situate in the Brickfields in the Township of
Liverpool, lying between the Creek, Smith's Land, Crown Land,
and the Street leading to Bullshill containing one acre and 2 Roods.
Date of Memorial ............. 5 May, 1834.
Date of Notification in 9, 16 and 23 July, 1834.
“Gazette.”
Opponent's Name and Address None.
Date of filing his claim ......
Date of taking Evidence ......
Date of determination ...... 26 January, 1835.

Commissioners' Report.

The Commissioners have the honor to report in favor of Me-
memorial for that portion of Ground, which is described in his Me-
memorial under the second head, intitled an allotment situated in the
Brickfields and in the Township of Liverpool;
With respect however to the first portion of Land claimed by him,
which claim is opposed by Memorials Nos. 414 and 915, the Com-
missioners decided that the Memorials in the latter cases, for the
reasons stated in their final report on those Memorials, had a pre-
ferrable claim to the Land in dispute between the Parties, and
accordingly rejected the claim of the present Memorialist for the
first portion of Land claimed by him, but confirm and approve of
his claim to the second portion. Since the decision of the Commis-
sioners, Memorialist has disposed of his interest in this second por-
tion of Land to Messrs. William and George Blackwell, and he
requests accordingly that the Deed of Grant do issue in their names.
Dated this 2nd day of May, 1837.
SYDNEY STEPHEN.
R. THERBY.
1842.
8 Nov.
Report by
S. A. Perry
re claims of
J. R. Hatfield.

[Enclosure No. 3.]

DEP. SURVEYOR-GENL. PERRY TO COLONIAL SECRETARY THOMSON.

Sir,
Surveyor General’s Office, 16th January, 1838,

By letter No. 1,269 of the 2nd May, 1837, the commissioners
of claims under the former Act, in pursuance of the arrangement
by which all their Final reports were passed through this office,
forwarded to me with another the report No. 923 on the memorial
of J. R. Hatfield for an allotment at Liverpool, and requested that,
as soon as the description was obtained, I would insert it and send
the report to you.

I have now, by letter dated sixth January, 1838, been informed
by Mr. Assistant Surveyor Butler that Mr. Moore, J.P., assures Wm
that Hatfield never received authority to occupy an allotment in
the town. The Chief Constable however informed him that he re­
collected Hatfield having tan pits in what is now the Common and
near the Brickfields, but that he had no title whatever to the land.
As this is, no doubt, the land alluded to in Hatfield’s memorial, I
have considered it advisable to send for the commissioners’ report
in order that the circumstances may be brought under the notice of
His Excellency the Governor and his decision obtained.

I have, &c,
S. A. PERRY.

10 Nov.
Complaint by
R. Therry
against
J. W. Willis.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 211, per ship Olinda.)

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

In my Despatch, No. 191 of the 13th Oct., 1842, I men­
tioned that the Attorney General of this Colony, Mr. Roger
Therry, had come before me as an accuser of the Resident Judge
of the Port Phillip District, in a case quite distinct from any
that I had, up to that time, had occasion to bring before Your
Lordship.

I have now the honor to submit to Your Lordship a copy of
Mr. Therry’s complaint, as also of the answer to it, which has
been addressed to myself by Mr. Justice Willis.

On these Papers, I find it extremely difficult to offer any com­
ment; and I trust it may be sufficient for me to refer to the
observations, which I made on the general conduct of Mr. Justice
Willis in my Despatch above referred to of the 13th ulto.

With respect to the alleged wish of Mr. Therry to be the Resi­
dent Judge at Port Phillip, I feel it my duty to certify to Your
Lordship that Mr. Therry some time ago distinctly intimated to
me that he did not wish to be considered a candidate for that
honor, though it is true that he once applied for it, as will appear
by Lord J. Russell’s Despatch to myself, No. 310 of the 19th
July, 1841.

I have, &c.,
GEO. GIPPS.

[Enclosures.]

[Copies of these papers, dated 13th and 25th October, 1842, will
be found in a volume in series III.]
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 212, per ship Olinda.)

My Lord,

Government House, 12th Novr., 1842.

In the Postscript to my Despatch of the 13th ulto., No. 191, I mentioned that I had received from the Judges of the Supreme Court of Sydney another formal complaint against Mr. Justice Willis, the Resident Judge in the Port Phillip District, though I could not at that moment transmit it to Your Lordship. I have now however the honor to forward it herewith, as also a Copy of a letter, which has been addressed to myself by Mr. Justice Willis in reply to it.

Your Lordship will observe that these Papers relate principally to matters, which have grown out of Mr. Carrington’s appeal to the Sydney Judges from a Judgment of Mr. Justice Willis. Of the merits of that appeal, or of the decision of the Sydney Judges, I am, for the reasons stated in my Despatch of the 13th ulto., No. 191, unable to speak with any degree of certainty. I can hardly however express too strongly my opinion that many of the speeches, delivered from the Bench by Mr. Justice Willis in this case, as well as in others, have been characterized by a want of moderation or decorum; whether the same be not apparent in some of the learned Judge’s letters, and even of those which have been written for Your Lordship’s perusal, Your Lordship will of course be better able than myself to decide.

Were Mr. Justice Willis an Executive Officer of this Government, I should have no difficulty in controlling the ebullitions of his temper, or at any rate in guarding against any evil effect which they might be calculated to produce; but, occupying, as he does, the station of a Judge, I can only look to Your Lordship for such measures, as may restore to the Administration of Justice in this Colony the calm and even dignity which always ought to characterize it.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

Copies of these two papers, dated 11th and 25th October, 1842, will be found in a volume in series III.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 213, per ship Olinda.)

My Lord,

Government House, 14th Novr., 1842.

Having recently had occasion to address numerous Despatches to Your Lordship respecting the proceedings of Mr. Justice Willis, it is with much regret that I find myself obliged
to submit to Your Lordship's notice a charge delivered by that
learned Judge at Port Phillip on the 15th Ult.

This charge is strongly illustrative of the nature of the har­
angues, which Mr. Justice Willis is in the habit of delivering
from the Bench, and which at different times have exposed him
to so much animadversion.

Though addressed to a Common Jury on the occasion of
opening an ordinary Criminal Session of his Court, his charge is
of a most discursive character. It commences with a discussion
of the causes which have produced the commercial and agricul­
tural distress now prevailing in the Colony; passes on to the
questions of Paper Money, Metallic Currency and the principles
of Banking, to the evils of excessive speculation, overtrading,
landjobbing, and domestic extravagance. It then recommends
the establishment of a Government Bank or the exclusive issue
of Paper Money by the Government; speculates on what might
be the effect of a further alteration in the Navigation Laws;
gives an historical account of the passing of an Act of Parlia­
ment in the year 1793, under which the issue of five Millions of
Exchequer Bills was authorized for the support of Commercial
credit; and concludes by recommending that a similar measure
should now be adopted in New South Wales, without in any way
alluding to the fact (which might however perhaps have been
unknown to the learned Judge) that such a measure was proposed
to me about a year ago, and that I declined to authorize it.

However foreign topics of this nature may be to the subject on
which Mr. Justice Willis might have been expected to address a
Common Jury, impanelled to try cases of Felony and Misdemea­
our, the whole would probably have passed without observation,
and certainly without any comment from me, had not Mr. Jus­
tice Willis thought it proper to introduce into his harangue a
charge against the Government of allowing 200 Convicts to be
unemployed and at large in the District of Port Phillip; a charge
against the Judges of the Supreme Court in Sydney of having
accelerated the "general ruin of the Colony" by the adoption of
certain Rules of Court relating to proceedings in Insolvency; a
charge against Government Officers, "even in very high and re­
sponsible situations," of engaging for themselves or for their
friends in speculations, which distract their attention from the
performance of their public duty; and lastly, a denunciation of
the Insolvent Act, passed in the year 1841, which he ascribes to
Mr. Justice Burton by name, and of which he recommends the
immediate modification or repeal.

This Address has not only appeared in the Public Prints in the
usual manner, but has been published also in the shape of a
STANLEY TO GIPPS.

Pamphlet (herewith enclosed); and, in consequence of the publication of it, the Judges, resident in Sydney, have addressed to me the communication, of which I enclose a Copy, with a request that I would forward it to Your Lordship.

Mr. La Trobe also, the Superintendent of Port Phillip (who up to a very recent period has managed to avoid all personal collisions with the learned Judge) has addressed to me on this occasion a letter, of which I enclose a Copy.

Mr. La Trobe denies, in the most positive manner, that there are 200 Convicts, or any Convicts at all (except perhaps a very few) illegally at large in the District; and, considering himself to have been pointed out by the learned Judge as one of the Government Officers in very high and responsible situations, who have, either for themselves "or for their friends" (the latter words being printed by Mr. Justice Willis in Italics), engaged in speculations which have diverted their attention from the performance of their public duties, denies in a high and indignant tone, the truth or justice of the accusation, and equally denies the truth of it in respect to any, except some few inferior Officers of Government in the Port Phillip District.

Mr. Justice Willis having addressed to myself a letter on the subject of his charge, I think it right also to enclose to Your Lordship a Copy of this letter. It is indeed marked Private, but the contents of it relate solely to official matters, and I therefore conceive that I am fully justified in using it officially.

I have, &c.

GEO. GIPPS.

[Enclosures.]

[Copies of these letters, one dated 14th November and two dated 24th October, 1842, will be found in a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 209, received by ordinary post; acknowledged by Sir George Gipps, 26th May, 1843.)

Sir,

Downing Street, 15th November, 1842.

I transmit to you, herewith, the enclosed Copies of a correspondence, which has passed between the Commissioners of Colonial Land and Emigration and this Department, from which you will perceive that in the month of November of last year I sanctioned the detention of the ship "Sir Charles Napier" with Bounty Emigrants, a few days before the general period fixed for the Departure of Vessels, on which Bounty was to be claimed in New South Wales.

SER. I. VOL. XXII—Z
I have accordingly to convey to you my authority, in case the claim shall not have been already liquidated, to pay all Bounties due on the Sir Charles Napier, without reference to the objection on account of the delay of his departure from this Country.

I have, &c.,

[Enclosure No. 1.]

STANLEY.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.


We have the honor to report to you, for Lord Stanley's information, the circumstances under which we have consented to an extension of time beyond the 1st of November, for the sailing of the "Sir Charles Napier" with Emigrants on Bounty from Liverpool to New South Wales.

By a Letter received from the Owners on the 18th Instant, it appeared that this Ship had been duly chartered on the 29th September, which was previous to the time limited by Lord Stanley's directions for that purpose, but that, owing to circumstances beyond the control of the Owners, and not foreseen, such as the crowded state of the Port and bad weather, the fitting out of the Vessel had been retarded so as to preclude the hope that she could be ready by the 1st of November. The Application did not come from the Charterers, who are the parties answerable to the Government as the Bounty Agents, and who might have been blamed for any want of due caution, but from the Owners of whom those charterers had hired the Ship, and who may be readily presumed, for their own sakes, not to have entered into any engagement, which involved unreasonable risk of failure. The case seemed to us altogether one for favorable consideration.

But as there were agreements of parties inter se, and as all our communications are with the Bounty Agents, to whom alone it is our part to look, we thought it more prudent to state that we could only act upon representations from the Messrs. Byrnes, who are to claim the Bounty in the Colony. And we added that some date must be named, to which the extension of time was to be limited.

The Messrs. Byrnes replied in a Letter, received on the 25th Instant, by making on their own behalf the same application that had been made by the Owners of the Ship, and by asking that the extension might reach until the 5th of November, adding that an early reply was of great consequence, as their time of action was so limited.

We confess we should anticipate that so small an increase of time can hardly meet all the chances of delay to which ships are exposed in preparing for Sea. But, seeing that the extension of time required may at any rate be assumed to be very moderate, and observing how urgent was the need of a prompt decision, the case appeared to us one on which it was our duty to act on our responsibility, and we answered on the same day on which we received the letter by acceding to the application.

It has been the spirit of the directions, we have received from Lord Stanley, that, while measures were to be taken to prevent ships from continuing to be engaged until too late, no unnecessary severity ought to be employed in regard to Vessels which had been
engaged bona fide, at a reasonable period, and which might meet with difficulties not foreseen. And, in the propriety of proceeding in that spirit, we are confirmed by finding that no excessive pressure is being created by the Charterers of Bounty Ships. All those Ships intended to proceed from the Clyde have sailed some time since. The departures from the Thames have also taken place in good time.

Such are the circumstances under which we have the honor to report, for Lord Stanley's information, the course we have adopted upon the case of the "Sir Charles Napier," and to express our hope that it may meet his Lordship's approval.

We have, &c,
T. FREDK. ELLIOT.
EDWARD E. VILLIERS.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO LAND AND EMIGRATION COMMISSIONERS.

Gentlemen, Downing Street, 6 November, 1841.

Having laid before Lord Stanley your Letter of the 29th Ultimo, reporting the circumstances under which you have consented to an extension of time beyond the 1st Instant for the Sailing of the "Sir Charles Napier" with Emigrants on Bounty from Liverpool to N. S. Wales, I am directed to convey to you his Lordship's approval of the course, which you have adopted in the case of that Vessel.

I am, &c,
J. STEPHEN.

[Enclosure No. 3.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigr. Office,
9 Park St., Westminster, 9 November, 1842.

With reference to your Letter of the 6th Novr. last year, conveying to us the sanction of the Secretary of State for the course we had adopted in consenting to the detention of "Sir Charles Napier" with Bounty Emigrants a few days beyond the 1st of November, 1841, being the general period fixed for the departure of Vessels on which Bounty was to be claimed in New South Wales, we have the honor to transmit, for Lord Stanley's information, the inclosed Copy of a Letter from Messrs. Lockett the Owners of the Vessel, from which it appears that, in consequence of the absence of any separate or special instruction to the Governor on the subject, Bounty has been refused on the Emigrants by the "Sir Charles Napier"; and we also enclose a Copy of our Reply; we authorized our Officer to issue the usual Certificate of approval notwithstanding the departure of the Vessel after the 1st of November; and it did not occur to us that any further communication to the Governor would be necessary, or any Instructions from the Secretary of State.

We would now beg leave to submit our request that Lord Stanley would furnish the Governor with directions, in case the claim shall not have been already liquidated, to pay all Bounties due on the "Sir Charles Napier" without reference to objection on account of the day of her departure.

We have, &c,
T. FREDK. ELLIOT.
EDWARD E. VILLIERS.
MESSRS. W. AND J. LOCKETT TO MR. S. WALCOTT.

Sir, Liverpool, 26 Oct., 1842.

We shall feel very much obliged if you will inform us, whether any Letter has been sent from your Office to the Governor of Sydney, N.S.W., stating the permission granted to the Emigrant Ship "Sir Charles Napier" to remain here beyond the 1st November, if sent, by what vessel, and if in duplicate, or if you have received any reply of the receipt, as it would appear, from the following extract of our Agents' letter there, Messrs. Gilchrist and Alexander, dated 3d May, 1842, that, unless such a letter has been sent that the Governor would not pay the Bounties as they state, "no papers have as yet been received from the Colonial Secretary at home, regarding the 'Sir Charles Napier,' having been allowed to remain till the 5th November, 1841, although we received the documents signed by the Agent at Liverpool, for the Commissioners regarding the Emigrants being all correct, which was dated 5th November, yet we are told, this is not enough, and the Bounties will not be paid, until it is received, so as this document, authorizing the detention of the vessel till the 5th November, may be sent out immediately. If this has been sent, a copy should be had in case the original should be lost."

Perhaps you may have more information on this subject than ourselves; and, if you have not any objection, we shall feel very much obliged if you will communicate the same to

WM. and JNO. LOCKETT,
Owners of the Ship Sir Charles Napier.

MR. S. WALCOTT TO MESSRS. W. AND J. LOCKETT.

Colonial Land and Emigr. Office,
Sir, 9 Park St., Westminster, 9th November, 1842.

Approval of I am directed by the Colonial Land and Emigration Commissioners to acknowledge the receipt of your Letter of the 26th Ultimo, and to state in reply that the detention of the "Sir Charles Napier," with Bounty Emigrants a few days later than the 1st November, 1841, did take place with the approval of this Board, subsequently sanctioned by the Secretary of State, and that the Commissioners authorized their Officer accordingly to grant the usual Certificate of approval of the Ship and her Passengers, and that it was not supposed that any further intimation to the Governor would be necessary. The Board regret to learn from your present letter that the Bounties were refused on the arrival of the Vessel, in consequence of the absence of any separate or special Instructions to the Governor on the subject; and I am to acquaint you that they have addressed a letter to the Secretary of State explaining the Circumstances and requesting that the Governor may be furnished with directions, in case the claim shall not have been already liquidated, to pay all Bounties due on the "Sir Charles Napier" without reference to the objection on account of the day of her departure.

S. WALCOTT.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 214, per ship Olinda; acknowledged by Lord Stanley, 25th May, 1843.)

My Lord, Government House, 16th Novr., 1842.

In my Despatch of the 13th Octt. last, No. 191, I informed Your Lordship that Mr. Justice Willis had applied to me for Leave of Absence to return to Europe, but that I had declined to grant such Leave, unless means could be devised for the satisfactory performance of the duties of his Office during the time he might be absent.

I have now the honor to report that I have received from Mr. Justice Willis a renewed application of which a Copy is here-with enclosed, accompanied with Certificates of ill health from two Medical Practitioners at Melbourne; and that I have in
consequence (with the advice of my Executive Council) given Mr. Willis leave to return to Europe by any ship that may leave Port Phillip after the 1st Jan'y. next.

I have further to report to Your Lordship that it being out of my power to find a gentleman qualified in my opinion and in that of the Chief Justice of the Colony, to perform the functions of a Judge, who would accept the office at half salary, it is my intention, on the recommendation of the Chief Justice, to appoint Mr. William Montagu Manning to act as Resident Judge in the Port Phillip District, with the full salary of £1,500 per annum, until Her Majesty's pleasure shall be known.

I have further promised that a passage to Melbourne for Mr. Manning shall be provided at the public expense, but with the understanding that the amount shall be refunded to the Government in the event of Mr. Manning's being confirmed in the situation of a Judge at Port Phillip. This arrangement is conformable to the intention, which I expressed in my Despatch to Your Lordship, No. 120 of the 14th July, 1842.

Whether Mr. Justice Willis is to receive any salary or allowance from this Government during his absence, or Pension in the event of his retiring from the Bench, are points for Your Lordship's decision. The Executive Council has recommended that, as Mr. Justice Willis' application for Leave of Absence is founded on Certificates of ill health, his Leave should be granted to him on the usual terms.

I have, &c,

[Enclosure]

GEO. GIPPS.

[A copy of this letter, dated 29th October, 1842, will be found in a volume in series III.]
1842.
17 Nov.

**Bushrangers act.**

5th Vict., No. 23.—“An Act to further continue for a limited time an Act, intituled ‘An Act to facilitate the apprehension of transported Felons, and Offenders illegally at large, and of persons found with Arms, and suspected to be Robbers.’”

This is to continue in force for two years the “Bushrangers” Act, which it is felt cannot yet be dispensed with. A Clause however has been added, calculated to lessen in a great degree the unconstitutional severity of its enactments, by preventing Magistrates from sending persons as Prisoners to Sydney, who may have been arrested in the country, on vague suspicion only of being Convicts illegally at large.

5th Vict., No. 24.—“An Act to amend an Act, intituled ‘An act to provide for the periodical publication of Liabilities and Assets of Banks in New South Wales and its Dependencies, and the registration of the names of the Proprietors thereof.’”

The sole purpose of this Act is to put Banks, which may have privileges granted to them by Letters Patent, on the same footing with Banks established by Charter; the Letters Patent or Charter being issued in either case by the Queen.

5th Vict., No. 25.—“An Act to further continue for a limited time an Act intituled, ‘An Act for regulating the constitution of Juries, and for the trial of Issues in certain cases in the Supreme Court of New South Wales.’”

This Act merely continues for two years the existing Jury Laws of the Colony.

The time is, it is to be hoped, fast approaching, when the Jury Laws may be made permanent.

6th Vict., No. 1.—“An Act to permit Goods, the produce or manufacture of New Zealand or Van Diemen’s Land, to be imported into the Colony of New South Wales free of duty; and to indemnify certain Officers for acts already done.”

New Zealand, when first taken possession of, having been annexed to New South Wales, the intercourse between the two Countries was of course restricted by no fiscal or Custom house regulations, except such as apply to the Coasting trade of this Colony; and indeed the trade between New Zealand and New South Wales had been carried on as a Coasting one, under the authority of a local Act of Council (5th Wm. IV, No. 15, S. 49) even before New Zealand was occupied by Her Majesty. When New Zealand however was formed into a separate Colony, it was pointed out to me that duties in each Colony must be levied on the produce of the other, unless special provision to the contrary
were made by Law. This Act was therefore passed to continue the trade on the same footing as it has been since the year 1834.

The part of the Act, which relates to Van Diemen’s Land, was inserted at the desire of the Collector of Customs, who was apprehensive that the provisions of the Act of Council, 4th Vict., No. 11, had been made so general, as to render it necessary to charge duties on the produce of Van Diemen’s Land, notwithstanding that no duties had ever been charged on the produce of that Island, since it was separated from New South Wales in 1824, and that their exemption from duty was expressly recognized in the 3rd Vict., No. 3, S. 52.

6th Vict., No. 2.—“An Act for further facilitating proceedings by and against all Banking and other Companies in the Colony, entitled to sue and be sued in the name of their Chairman, Secretary or other officer.”

The propriety of passing this Act was pointed out by Lord J. Russell’s Despatch, No. 332 of the 14th Augt., 1841.

6th Vict., No. 3.—“An Act to declare the Town of Sydney to be a City, and to Incorporate the Inhabitants thereof.”

This Act is reported on in my Despatch No. 216 of this day’s date.

6th Vict., No. 4.—“An Act to amend an Act, intituled ‘An Act to provide for the more effectual administration of Justice in New South Wales, and its Dependencies.’”

This Act was passed, in consequence of the instructions contained in Lord J. Russell’s Despatch of the 8th July, 1841, No. 304.

On the subject of other alterations in the Act of the 4th Vict., No. 22, I beg to refer to my Despatch of this day’s date, No. 217.

6th Vict., No. 5.—“An Act to appropriate for a limited time, from the general Revenue of New South Wales, certain sums in aid of the Sydney Police, and of the City Fund raised by the Corporation of Sydney.”

This Act is explained in my Despatch of this day’s date No. 216.

6th Vict., No. 6.—“An Act to facilitate proceedings by and against the Proprietors of a certain Joint Stock Company, lately carrying on business in Maitland, in the Colony of New South Wales, under the name, style, or firm, of the ‘Hunter’s River Auction Company,’ and for other purposes therein mentioned.”

This Act is precisely similar to the Acts 5th Vict., Nos. 10 and 20, which were passed to enable certain Auction Companies of Sydney and Melbourne to wind up their accounts, and which were reported in my Despatches of the 16th Octr., 1841, No. 209.
1842. 
17 Nov. 

Melbourne incorporation act.
Act for aid to Melbourne police and town fund.

City of Sydney act.
Harbours act.

Court of claims act.

and 9th March, 1842, No. 48. The Royal allowance of the Act, 5th Vict., No. 10, was communicated to me in Your Lordship's Despatch, No. 130 of the 11th June last.

6th Vict., No. 7.—"An Act to Incorporate the Inhabitants of the Town of Melbourne," and

6th Vict., No. 8.—"An Act to appropriate for a limited time, from the general Revenue of New South Wales, certain sums in aid of the Melbourne Police, and the Town Fund to be raised by the Corporation of Melbourne."

These Acts are explained in my Despatch of this day's date, No. 216.

6th Vict., No. 9.—"An Act to declare that an Act, passed in the present Session of the Governor and Legislative Council of New South Wales to Incorporate the City of Sydney, May at any time be altered, amended, or repealed."

This Act is also explained in my Despatch of this day's date, No. 216.

6th Vict., No. 10.—"An Act to amend an Act, intituled 'An Act for the better preservation of the Ports, Harbours, Havens, Roadsteads, Channels, Navigable Creeks and Rivers, in New South Wales, and the better regulation of shipping in the same.'"

This Act is altogether of a local nature, relating to the Harbour of Sydney. It was passed in consequence of the observations contained in Your Lordship's Despatch of the 3rd Novr., 1841, No. 30.

6th Vict., No. 11.—"An Act to amend Schedule C of an Act, intituled 'An Act for appointing and empowering Commissioners to examine and report upon claims to Grants of land, under the Great Seal of the Colony of New South Wales.'"

By an Act passed in the year 1835 (5th Wm. IV, No. 21), a Court was established in Sydney for the investigation (in all doubtful cases) of claims to Grants of land, in virtue of promises made by former Governors of this Colony; and, by the 9th Clause of that Act, it was provided that the three Commissioners of the Court should each receive one guinea for every case disposed of by them, and their Secretary should receive £1, making in all £4 3s. for each case heard and disposed of. By schedule C of the same Act, it was provided that, in addition to minor fees intended to cover the small expenses of the Court, there should be paid the sum of £2 by the parties in whose favor the report was made. But this sum of £2, being insufficient to cover the allowances to the Commissioners and their Secretary, it followed that each case heard by the Commissioners caused an expense to the Government of £2 3s.; and, as the delay in the issuing of the Deeds of Grant was in some degree chargeable on the Government
(arising as it did in most instances from the insufficiency of the Survey Department), this division of the expenses of the Court was, at the time the Act was passed, considered equitable. Though seven years have elapsed since the Court was established, it is not yet possible entirely to close it; but the time is considered to be arrived, at which the Government should be relieved from any part of the expense attendant on it, ample time having been given to parties to come forward and prove their claims. The object therefore of the present Act is to relieve the Government from any further expense by raising the fee payable by the party or parties interested from £2 to £4 3s.

6th Vict., No. 12.—"An Act for applying certain sums arising from the Revenue, receivable in New South Wales, to the service thereof for the year 1843, and for further appropriating the said Revenue."

This Act is reported on in my Despatch of this day's date, No. 218.

6th Vict., No. 13.—"An Act for directing the application of all fines imposed for drunkenness."

Some degree of contradiction appearing to exist in the Local Acts, 2nd Vict., No. 18, S. 80, and 2nd Vict., No. 23, S. 1, each of which might be construed as regulating the way in which fines imposed for drunkenness should be appropriated, the present Act was passed to remove all doubt on the subject.

6th Vict., No. 14.—"An Act to continue for a limited time an Act, passed in the 5th year of Her Majesty's Reign, intituled 'An Act to authorize the Governor of New South Wales to detain at hard labour any Male Offender, under a second sentence or order of transportation.'"

The reasons, which led to the passing of the Act, 5th Vict., No. 8, were fully set forth in my Despatch of the 13th Oct., 1841, No. 207.

The same reasons have led to the continuation of it for another year; and the necessity for the continuation of it may further be seen by my Despatch on the state of Norfolk Island, of the 15th Augt. last, No. 147.

6th Vict., No. 15.—"An Act to consolidate and amend the Law relating to Courts of Requests; and to extend the Jurisdiction of such Courts in the County of Cumberland."

An extension in the Jurisdiction of the Courts of Request has been long and very generally called for by the Public of New South Wales, more especially on account of the great expense of suing in the Supreme Court, which was, prior to the passing of this Act, the only Court in which sums exceeding £10 could be recovered.
A Court of Requests Act was passed by the Council in 1840 (4th Vict., No. 25), under which the number of Courts in the Colony has been increased; but the amount, which might be recovered in such Courts, was still limited to £10.

The present Act authorizes the establishment of two kinds of Courts of Request; the first (intended for the present to be limited to Sydney and the County of Cumberland) must be presided over by a Barrister, and are to have jurisdiction to the extent of £30; the second, having a jurisdiction as before of £10 only, will remain on the footing of the Courts authorized by the Act above mentioned, 4th Vict., No. 25.

It may be essential to remark that the fees, raised in the Courts of Request, have hitherto very nearly sufficed for the maintenance of the Courts; and that it is intended that this shall continue to be the case. By the 39th and 40th Clauses of the Act, the fees are to be regulated by the Commissioner of the Courts, subject to the approval of the Governor.

The Private Acts of the Session were transmitted with my Despatch, No. 172 of the 19th Sept., 1842. I have, &c.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 216, per ship Olinda.)

My Lord,

Government House, 17th Nov., 1842.

I have the honor to transmit herewith, for the Gracious approval of Her Majesty, five Acts of Council, passed in the late Session of the Legislative Council of this Colony, relating to the Incorporation of the Towns of Sydney and Melbourne.

The circumstances, under which the two principal Bills, namely, those for the Incorporation of the two Towns, have been brought forward and passed, are sufficiently explained in the Despatches referred to in the margin.* I have however to explain that, instead of a single Bill for the general Incorporation of Towns in the Colony, such as was first proposed by me in 1840, it appeared to me, after the receipt of Lord J. Russell's Despatch, No. 312 of the 21st July, 1841, that it would be more expedient to have a separate Bill for each Town, thereby following the course, which in the mean time had been pursued in Canada in respect to the Incorporation of the Towns of Quebec and Montreal.

The first Act is:

6th Vict., No. 3.—"An Act to declare the Town of Sydney to be a City, and to Incorporate the Inhabitants thereof."

* Marginal note.—Sir George Gipps To Lord J. Russell: No. 120, 26th Aug., 1840; No. 222, 8th Decr., 1841; No. 85, 10th May, 1842; No. 139, 3rd July, 1842. Lord J. Russell To Sir George Gipps: No. 312, 21st July, 1841.
This Act is very closely modelled on the English Corporation Act, 5th and 6th Wm. IV, C. 76.

The Town, which contains upwards of 30,000 Inhabitants, is divided into Six Wards, and to each Ward are allowed four Councillors, so that the number of elected Councillors is 24; and either, out of these 24, or out of persons qualified to be Councillors, the Aldermen (six in number) are as in England to be elected.

The principal departure from the English Act is in the qualification of the Electors or Burgesses. In the measure brought forward by me in 1840, the franchise was proposed to be, as in England, a £10 occupancy; but, in my Despatch of the 26th Augt., 1840, I reported that this had been raised by the Council to £30. In the discussions which took place in the present year, the qualification was at first raised to £50, but subsequently reduced to £25, at which sum it is now fixed by the Act. The reduction from £50 to £25 was occasioned by its becoming known in the Colony that, by the Bill introduced by Your Lordship into Parliament, the franchise for the elections of Representatives in the New Legislative Council was to be only £20.

I am happy to be able to inform Your Lordship that, though some warm discussions took place in the Council on the subject of this Act, and great interest was excited by it out of doors, the disputes relating to the rights of Emancipists, which caused the failure of the Bill in 1840, were not renewed. The Act is silent altogether on the subject of these rights; and the consequence is that, under the general Law of the Empire, persons, who have undergone their sentences (commonly called “Expirees”) and persons who have received Free Pardons, will, if otherwise qualified, be entitled to vote, or to be elected, but not persons serving under an actual sentence of Transportation.

6th Vict., No. 5.—“An Act to appropriate, for a limited time from the general Revenue of New South Wales, certain sums in aid of the Sydney Police, and of the City fund raised by the Corporation of Sydney.”

This Act is subsidiary to the Corporation Act, the object of it being to appropriate, for a period of five years, certain sums named therein in aid of those expences, which hitherto have been borne by the General Revenue, but which will, under the Corporation Act, be henceforth defrayed by Local Assessments in the Town of Sydney.

In my Despatch, No. 120 of the 26th Augt., 1840, I reported that, in the four previous years, sums to the amount collectively of £111,418 (very nearly £28,000 per annum) had been paid out of the Public Revenue for purposes of Police, public improvements,
1842.
17 Nov.

Reasons for annual appropriations for corporation of Sydney.

Appropriation for Sydney police.

Limitation of duration of act of council.

Act for incorporation of town of Melbourne.

etc., in the Town of Sydney, for purposes, that is to say, the expenses of which would, whenever a Corporation might be established, be thrown upon that Body; and I further reported that the prospect of having to meet so large an expenditure by means of local taxation had caused very urgent demands to be made upon me for a large endowment of land or money, in order that the Corporation might have funds to start with. In answer to these demands, I replied that an endowment of land was out of the question; and, in respect to an aid in money, I said that it could only be obtained by Annual Votes of the Legislative Council. When I brought forward however the measure a second time, it was urged upon me that the Corporation should not be left entirely to depend on Annual Votes; and accordingly I agreed to the principle of this subsidiary Act, which grants for a period of five years (or until one year after a new Constitution, founded wholly or in part on popular representation, shall be established by Act of Parliament) a sum of £5,000 per annum, in aid of the City Police, and another sum of £5,000 per annum, in aid of the general purposes of the Corporation, on condition however that in either case an equal sum at least shall be raised by Local Assessment.

These two sums are in addition to the fees to be taken at the Police Office, and to some small Revenues, amounting to about £2,000 per annum, which, by the Act of Incorporation itself, are transferred to the City Council, and of which the principal are the Market Tolls.

Your Lordship will perceive that the first aid of £5,000 per annum is expressly given on condition that the whole management and control of the Police be retained in the hands of the Government.

The expence of the Sydney Police (paid out of the General Revenue) for the year 1841 was £12,375 14s. 9d. Your Lordship will therefore perceive that the proportion of the expense hereafter to be paid out of the Revenue is very nearly the same as that, which is proposed hereafter to be contributed towards the maintenance of the Rural Police of the Colony by the Bill introduced by Your Lordship into Parliament (Sections 41 to 45).

I have only further to observe that, supposing the Bill introduced by Your Lordship into Parliament to have become Law, this Act of Council will remain but a very short time in operation, the duration of it being limited to one year after any new Legislative Body, formed wholly or in part on popular representation, shall have been established in the Colony.

6th Vict., No. 7.—"An Act to Incorporate the Inhabitants of the Town of Melbourne."
This Act is, in every essential particular, similar to No. 3, the Act by which Sydney is Incorporated. The number of Wards is however only four, instead of six; and the number of Councillors 12 instead of 24.

6th Vict., No. 8.—"An Act to appropriate for a limited time, from the General Revenue of New South Wales, certain sums in aid of the Melbourne Police, and the Town fund to be raised by the Corporation of Melbourne."

This is a subsidiary Act, similar in principle to the 6th Vict., No. 5.

It appropriates for five years, or for one year after a New Legislative Body shall have been formed, a sum of £1,500 per annum in aid of the expenses of the Melbourne Police, in addition to the fees taken at the Police Office; and a further sum of £2,000 in aid of the general purposes of the Corporation.

6th Vict., No. 9.—"An Act to declare that an Act, passed in the present Session of the Governor and Legislative Council of New South Wales, to Incorporate the City of Sydney, may at any time be altered, amended, or repealed."

A few days after the Sydney Corporation Act passed the Council, a Copy reached the Colony of Your Lordship's instruction to the Governor of South Australia, dated the 17th that an express Clause ought to have been introduced into the Corporation Act of Adelaide, declaring that the powers, privileges, etc., given to the Corporation, might at any time be altered, abridged, or entirely annulled by an Act of the Local Legislature, in consequence of which a Clause to this effect was added to the Melbourne Act (6th Vict., No. 7, S. 115), and the present declaratory Act passed in respect to the Corporation of Sydney.

I trust that these Acts may, on Your Lordship's recommendation, receive the Gracious approval of Her Majesty.

I have, &c.,

Geo. Gipps

Sir George Gipps to Lord Stanley.

(My Lord, Government House, 17th Novr., 1842.)

My Lord,

By Lord J. Russell's Despatch, No. 304 of the 8th July, 1841, I was informed of the reasons which had induced His Lordship to recommend that the Act of the Legislative Council of this Colony, 4th Vict., No. 22, should not be confirmed, until certain parts of it should be amended, and explanations in respect to other parts of it furnished from New South Wales.

* Marginal note.—Blank in original manuscript.
The Act referred to (4th Vict., No. 22) is intituled:

"An Act to provide for the more effectual administration of Justice in New South Wales, and its Dependencies."

The objections to the Act were:

1. That Her Majesty could not (since New Zealand is now separated from New South Wales) give Her consent to an Act, which directed that Justice in New Zealand should be administered by a Judge of the Supreme Court of New South Wales;

2. That sufficient reasons did not appear, why Barristers admitted to the Bar of New South Wales, without having previously been admitted either to the English or the Irish Bar, should be deemed ineligible for advancement to the Bench of New South Wales;

3. That the arrangements respecting the Equity proceedings of the Court were not free from objection;

4. That the expenses, which would be incidental to the Establishment of Circuit Courts and of the Court of a Resident Judge at Port Phillip, had not been estimated or reported on.

With respect to the first of these objections, namely, that which relates to the administration of Justice in New Zealand, I beg to point out to Your Lordship that it has been removed by the passing of an Act in the late Session of the Legislative Council, 6th Vict., No. 4, transmitted with my Despatch of this day's date, No. 215.

With respect to the second objection, or that which relates to the exclusion from the Bench in New South Wales of persons who may not have been admitted to the British Bar, I beg to report that I referred the part of Your Lordship's Despatch, which bore upon the subject, to a Committee of the Legislative Council during the course of its last Session; and I herewith enclose a Copy of the Report, which was made by that Committee (of which the Chief Justice was Chairman) to the Council.

The objections, pointed out in Lord J. Russell's Despatch to the exercise by one Judge exclusively of the Equity Jurisdiction of the Court, have it is hoped been removed by the 12th Clause of the Act, 5th Vict., No. 9, which was transmitted to Lord J. Russell with my Despatch of the 16th Octt., 1841, No. 209. On this subject, I would also refer to the Report of the Committee of the Legislative Council above mentioned.

In respect to the expenses of the Circuit Courts, I enclose a Return, made by the Auditor General, of the expenses which they have occasioned; and, when the offset against these expenses is taken into consideration, which these Courts have produced in the reduction of the charge for Crown Witnesses, as well as for the removal of Prisoners for trial, I trust Your
GIPPS TO STANLEY.

GEO. GIPPS.

[Enclosures.]

[SIR GEORGE GIPPS TO LORD STANLEY.

(Despach No. 218, per ship Olinda.)

My Lord, Government House, 17th Novr., 1842.

I have the honor to transmit herewith to Your Lordship the Financial papers for the year 1842-3, in the form in which it is usual to transmit them from this Colony.

The first document among them is the Finance Minute, which I addressed to the Legislative Council on the 26th July last, and of which a Copy was transmitted to Your Lordship with my Despatch of the 8th Augt. last, No. 140.

The Papers from Page 5 to Page 49, both inclusive, relate to the expenditure of the year 1841, and they bear out the statements 

1842. 17 Nov.

GIPPS TO STANLEY. 367

Lordship will not consider that the balance, or increase of expence occasioned by these Courts, is disproportioned to the advantages, which their Institution has conferred upon the whole People of the Colony.

In respect to the Court of the Resident Judge at Port Phillip, I have the honor to enclose a Return, shewing that the fees, taken in that Court since the creation of it, have very nearly covered the whole expenses of it, including the salaries of the Law Officers, though exclusive of the cost of Buildings.

I enclose also a Copy of a letter on the same subject from the Resident Judge to the Superintendent of the District, shewing that the receipts, arising from fees taken in the half year ending the 30th June, 1842, had more than sufficed for the whole expenses during the same period of the Judicial Department at Port Phillip, and consequently recommending an increase in the salaries of some of the Officers of the Courts. I have not however sanctioned the increase asked for; the fees may not continue to bring in so large a Revenue as they at present do; and moreover they are in many cases higher than those of the Supreme Court in Sydney.

I have to express in conclusion a hope that these several explanations may be deemed satisfactory by Your Lordship, and that the Act of Council, 4th Vict., No. 22, may consequently be recommended for the Gracious allowance of Her Majesty.

I have, &c,

GEO. GIPPS.

[Enclosures.]

[A copy of the report was printed in the "Votes and Proceedings" of the legislative council; the papers relating to Port Phillip will be found in a volume in series III.]
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 219, per ship Olinda; acknowledged by lord Stanley, 4th July, 1843.)

My Lord,

Government House, 17th Novr., 1842.

By Your Lordship's Despatch, No. 4 of the 25th Sept., 1841, I was desired to propose to the Legislative Council of this Colony certain amendments in the Act, which was passed by the Council in the year 1840 (4th Vict, No. 29) for the regulation of the Police and Gaols. The grants in aid of the Corporations of Sydney and Melbourne are fully explained in my Despatch, No. 216 of this day's date, wherewith I have transmitted the Acts Incorporating those Towns.

At Page 98 is a small supplementary Estimate for the service of the year 1842; but the reasons why it is necessary are shewn in the last paragraph of my Financial Minute (Page 3).

At Page 207 is a Protest from two Members of the Council, Sir John Jamison and Mr. Blaxland, against the appropriation of the sum of £96,144 3s. 8d., for the purpose of defraying the expenses of Police and Gaol establishments; and to this Protest, it is my duty to invite Your Lordship's attention.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these papers were printed in the "Votes and Proceedings" of the legislative council.]
of Gaols, Prisons, and Houses of Correction, the said amend­ments having been proposed in a letter addressed by the Home Inspectors of Prisons to the Secretary of State for the Home Department on the 6th Sept., 1841, and forwarded to Your Lord­ship from the Home Department in Mr. Phillipps' letter of the 9th of the same month. As among the Acts passed by the Legis­lative Council in its late Sitting, and forwarded with my Despatch of this day's date No. 215, Your Lordship may have observed that there is no Act embodying the proposals of the Home Inspectors, it becomes my duty to submit to Your Lordship the reasons why I have not proposed such a measure to the Council.

It can scarcely be necessary to call to your Lordship's recol­lection, the discontents which have existed in this Colony for the last seven or eight years, in consequence of the expence of the Police and Gaol Establishments, required chiefly for the coercion of British Criminals, being thrown upon the funds of the Colony; of the grounds of these discontents, or whether they may not be, as I believe them indeed to be in great part if not wholly, unfounded, it is not my present purpose to speak; I refer to them merely to prove to Your Lordship that, in proposing to the Council any measures tending to increase the expence of them, it is desirable to proceed with caution.

The Preamble of the Act passed in the Colony for the regula­tion of Goals (4th Vict., No. 29) starts with declaring, as the Judges in pursuance of the power given them by the 24th Sec­tion of the 9th Geo. IV, C. 83, had often declared before "that for police and the laws now in force in England for regulating Gaols, Houses of Correction, etc., are not applicable to the Colony of New South Wales"; the proposals however of the Inspectors go in every essential respect to assimilate our Laws to those of England, and this too, in matters wherein I think I shall be able to shew, that no such assimilation is necessary or desirable.

The first proposal of the Inspectors is that the Rules contained in the 4th Geo. IV, C. 64, S. 10, and the 2nd Vict., C. 56, S. 6, be inserted in the Local Act; and, in making it, the Inspectors refer to a passage in My Despatch of the 1st Jany., 1841, No. 1, wherein I stated "that the Gaols in New South Wales, being all under the immediate control of Government, it was thought unnecessary to make the Prison Rules a part of the Act, as they are in England, where the Prisons are under the control of Local Authorities," by which I intended to convey an opinion that Statutory Rules are necessary in England, because, as the Gaols are under the control of Local Authorities, it is only by the enactment of such general rules that regularity and uniformity can be secured in the management of them; but that statutory
rules are not required to secure regularity and uniformity in a country where the control of the Gaols is wholly in the hands of the Executive.

In commenting on this passage, the Inspectors say that, though in England Gaols are managed by Local Authorities, those authorities must submit their Rules to the Secretary of State for approval, and that nevertheless general statutory rules have been considered necessary. I must submit, however, that the observations of the Inspectors do not touch the true point of the question. The Secretary of State in England has not the power, which the Local Government of New South Wales has, of making rules; he has the power only of disallowing such as are proposed to him by the Magistrates, and the statutory rules are necessary, not to control the Secretary of State, but to reduce as far as possible the number of points, on which differences between the Secretary of State and the Local Authorities are likely to arise.

The obvious inconvenience of Statutory rules is that they can only be altered by Statute; the convenience of Rules made by the Executive is that they admit of easy alteration or improvement. It is also essential to bear in mind that, in framing such Rules, the Local Executive of a Colony acts under the control or correction of Her Majesty's Government, which cannot be the case, or only in a much smaller degree, if the rules be statutory.

I transmit herewith a Copy of the Regulations, which have been formed by the Executive of this Colony; and which, in the opinion of the Governor and his Council, as nearly follow the Statutory rules of Great Britain, as the circumstances of the Colony and the condition of the Gaols in it will admit of their doing.

The gaols in New South Wales were, from the foundation of the Colony in 1789* up to the year 1834, built, regulated and supported by the Home Government; and, when, in 1834, the expense of supporting them was transferred to the Local Government, there was not a single Gaol in which classification could be carried into effect, or scarcely any one of the statutory rules enforced, notwithstanding that those rules had for eleven years formed part of the Law of England. In the eight years which have elapsed since 1834, great improvements have been made in the condition of the Gaols, and others are in progress; but their condition is still very far from being such as will admit of the observance of the rules which are in force in England; and to have rules, which are habitually and even of necessity to be disregarded, can never be desirable.

The second proposal of the Inspectors has reference to the 7th Clause of the Local Act, and is to the effect that Returns,
founded on the Reports of the Visiting Magistrates, should be transmitted annually to the Secretary of State, as is required in England by the 24th Section of the 4th Geo. IV, C. 64.

It would, I apprehend, be both anomalous and improper to introduce into an Act of a Colonial Legislature a clause prescribing in any degree the nature of the correspondence, which is to be carried on between the Governor of the Colony and the Secretary of State, or to declare that any specified Returns shall be made by the one to the other. The Secretary of State has undoubted power to call for any Returns he may desire to have; and Returns of the nature spoken of by the Inspectors have long been called for, and are now annually furnished as an appendix to the Blue Book.

The next suggestion of the Inspectors has reference to the 10th Clause of the Act of Council, which declares that, in order to prevent contamination, any Prisoner may be placed in separate confinement in a cell of such a size, and so lighted and ventilated, that the Prisoner may suffer no injury to his health, to which the Inspectors desire that certain additions should be made, specifying more particularly the nature of the cell, as is enacted by the 4th Clause of the 2nd and 3d Vict., C. 56, and that no cell be used, the fitness of which for the purpose is not certified by two Magistrates.

This is in fact nothing but the proposal of an additional statutory rule. In England, it is one intended equally to guard against the undue severity of a vast number of Local Authorities.

In New South Wales, such an enactment would scarcely serve any other purpose than that of proclaiming a distrust in the Government.

The next suggestion of the Inspectors is that the appointment and of a Chaplain and Surgeon to each Gaol should be secured by statutory enactment.

The objections, which have been urged against the other proposed statutory enactments, apply of course equally to this. The Inspectors moreover are not perhaps aware that, as all religious denominations are by the Church Act of this Colony (7th Wm. IV, No. 3) on an equality, the appointment of a Chaplain of one denomination could not be made compulsory on the Government, without exciting discontent in other sects or denominations. At present in the principal Gaol of the Colony, there is a Chaplain of the Church of England, and one of the Church of Rome, paid £200 each by an annual vote of the Legislature.

In the minor Gaols, the parochial Clergy generally attend the Prisoners without being paid for so doing, and (as they all receive salaries from the Government) it is not unreasonable.
1842.
17 Nov.

Proposed regulation re employment of prisoners before trial.

that they should do so; there are however three clergymen (two Protestant and one Roman Catholic), who receive small salaries at places where it would scarcely be reasonable to require their gratuitous attendance.

Of the eight Gaols that exist in the Colony, four are attended by Surgeons who receive salaries from Government for other duties; at a fifth, the Surgeon receives a salary of £40 a year.

To enforce by Law the appointment of a Chaplain and Surgeon to every Gaol (however small) in the Colony would lead to an increased expense; for, if their appointment were rendered compulsory on the Government, they would all require salaries.

The only remaining suggestion of the Inspectors is that the provisions of the 5th Geo. IV, C. 85, S. 16 and 17, regulating the employment of Prisoners before trial, should be adopted.

The enactment in these two Sections, which forbids the placing of Prisoners on the Treadmill before conviction, would be quite useless in New South Wales, the only Treadmill in the Colony being not in a Gaol but in the House of Correction, to which no Prisoner is ever sent until after Conviction.

The portions of the same Sections, which render it unlawful to put Prisoners before trial to work of any sort, except with their own consent, are I would submit sufficiently met by the 9th Clause of the Act of Council. This Clause provides that Prisoners, after conviction, even though not sentenced to hard labour, may, if they do not maintain themselves, be put to such labour as is not severe, the obvious intention of which is that Prisoners before conviction cannot (except with their own consent) be put to labour at all.

I would in conclusion beg leave to point out to Your Lordship that the real or essential object of the Act of Council was the appointment of Visiting Magistrates.

Nearly all the other objects of it might have been attained solely by the authority of the Executive; but, in order to prevent collisions between the Visiting Magistrates and the Sheriff, who is the Officer not of the Executive Government but of the Supreme Court, an Act defining the powers and authorities of the visiting Justices was considered necessary. Their appointment has already produced very salutary effects; and I should consequently very greatly regret the loss of the Act, should Your Lordship, in consequence of the suggestions of the Inspectors, think it necessary to advise the disallowance of it.

I have, &c.,
Geo. Gipps.

[Enclosure.]

[A copy of these rules will be found in a volume in series II.]
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 220, per ship Olinda; acknowledged by Lord Stanley, 19th May, 1843.)

My Lord,

Government House, 19th Novr., 1842.

I have the honor to request Your Lordship's permission to issue Letters of Denization, under the Local Act of this Colony, 9th Geo. IV, No. 6, to Mr. Nicholas Hyeronimus, a Native of the Duchy of Luxembourg, who has been settled in this Colony since the month of March, 1840.

The Memorial, which Mr. Hyeronimus has addressed to me requesting the privileges of a free Denizen, is herewith enclosed; and it is recommended by persons of respectability in the Colony.

I have, &c.

GEO. GIPPS.

[Enclosure.]

THE Memorial of Nicholas Hieronimus of Wellington Valley in the County of Bligh, in the Territory aforesaid,

To His Excellency Sir George Gipps, Knight, Captain General and Governor in Chief of the Territory of New South Wales,

Sheweth,

That your Memorialist is a Native of Machtum in the province of Luxembourg in the Kingdom of Belgium; That he arrived in Sydney, per Ship Hope from London, in the month of March, 1840; That, since the arrival of your Memorialist in this Colony, your Memorialist has been a resident in the districts of Moreton Bay and Wellington; That your Memorialist is at present a Licensed Victualler carrying on business at Wellington Valley aforesaid; And that your Memorialist is possessed of property in Cattle and other Stock and has expended a considerable Sum of money in building a Dwelling House and premises and also a Court House for the use of the Magistrates at Wellington Valley aforesaid.

That your Memorialist is desirous of being naturalized and becoming a subject of her Majesty Queen Victoria.

Your Memorialist therefore prays your Excellency will be pleased to submit the aforesaid premises to her Majesty's gracious consideration, and that your Excellency will be pleased to recommend Her Majesty graciously to extend to your Memorialist the rights and privileges of a British subject.

And your Memorialist will ever pray, etc.,

NICHOLAS HYERONIMUS.

We hereby certify the truth of the above Memorial and the respectability of the Memorialist, Nicholas Hyeronimus—

THOS. HOOD HOOD, J.P.
JACOB L. MONTIFIORE, Sydney.
THOS. BULLOT, Sydney.
JAS. W. BLIGH, Bathurst.
1842.
20 Nov.

**Despatch acknowledged.**

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 210, per ship Stratheden; acknowledged by Sir George Gipps, 9th July, 1843.)

Sir,

Downing Street, 20th November, 1842.

I have received your Dispatch of the 30th of March last, No. 65, transmitting a Rule of the Supreme Court in the Port Phillip District.

Before taking The Queen's pleasure with regard to the disposal of this Rule, I should wish to receive a report from the Judges of the Supreme Court of their opinion of the working of the Rule after it shall have been a year in operation. I have, &c.

STANLEY.

22 Nov.

**Petition received from J. Chubb.**

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 212, per ship Stratheden.)

Sir,

Downing Street, 22d November, 1842.

I have received a Petition addressed to The Queen by John Chubb, residing at Sutton Forest, County of Camden, New South Wales, dated the 7th November, 1841, in which he prays Her Majesty to order him a Grant of Land or a passage to his native Country.

You will acquaint the Memorialist that I have laid his Petition before The Queen, who was pleased to receive it very graciously. You will also call for a Copy of the Petition, and transmit it to me with any observations which you may have to make upon it.

I have, &c.

STANLEY.

23 Nov.

**Despatch acknowledged.**

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 213, per ship Stratheden.)

Sir,

Downing Street, 23d November, 1842.

I have to acknowledge the receipt of your Dispatch No. 85 of the 10th of May last, forwarding a Copy of the Address with which you opened the Ordinary Session of the Legislative Council of New South Wales for the present year. I have, &c.

STANLEY.

(A circular despatch, per ship Stratheden.)

Sir,

Downing Street, 23rd November, 1842.

I have the honor to transmit to you, for publication in the Colony under your Government, an Order made on the 2nd Instant by Her Majesty in Council, authorising "Portuguese Ships to Import into any of the British Possessions abroad, from the
Portuguese Dominions, Goods, the produce of the Portuguese Dominions, and to Export Goods from such Possessions to be carried to any Foreign Country whatever." I have, &c.,

STANLEY.

[Enclosure.]

ORDER-IN-COUNCIL.

At the Court at Windsor, the 2nd day of November, 1842.

Whereas, by an Act passed in the Session of Parliament held in the 3rd and 4th Years of the Reign of His late Majesty King William the fourth, intituled, "An Act to regulate the Trade of the British Possessions abroad," after reciting that, by the Law of Navigation, Foreign Ships are permitted to import into any of the British Possessions Abroad, from the countries to which they belong, Goods the produce of those Countries, and to export Goods from such Possessions to be carried to any Foreign Country whatever; and that it is expedient that such permission should be subject to certain conditions, it is enacted that the privileges thereby granted to Foreign Ships shall be limited to the Ships of those Countries, which having Colonial possessions shall grant the like privileges of Trading with those possessions to British Ships, or which, not having Colonial possessions, shall place the Commerce and Navigation of this Country, and of its possessions Abroad, upon the footing of the most favoured Nation, unless His Majesty, by His Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the Ships of any Foreign Country, although the conditions aforesaid shall not, in all respects, be fulfilled by such Foreign Country; and it is thereby provided that no Foreign Country shall be deemed to have fulfilled the before mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall, by some Order or Orders, to be by Him made, by the advice of His Privy Council, have declared that such Foreign Country hath so fulfilled the said conditions, and is entitled to the said privileges.

And whereas it hath been made to appear to the satisfaction of Her Majesty in Council that the Government of Portugal hath fulfilled the conditions herein before mentioned;

Now therefore, in pursuance and exercise of the powers in Her Majesty in Council, by the said recited Act of Parliament in that behalf vested, Her Majesty, by and with the Advice of Her Privy Council, doth declare, and it is hereby declared accordingly, that the Government of Portugal hath fulfilled the conditions herein before mentioned, and that Portuguese Ships may import into any of the British Possessions abroad, from the Portuguese Dominions, Goods the produce of the Portuguese Dominions, and may export Goods from such Possessions, to be carried to any foreign Country whatever; Provided always that nothing herein contained shall be construed to prevent Portuguese Ships from Trading with any of the British Possessions in Europe, to such extent and in such manner as they Lawfully may under the Law of Navigation now in force.

And the Right Honorable the Lords Commissioners of Her Majesty's Treasury, and the Right Honorable Lord Stanley one of Her Majesty's principal Secretaries of State, are to give the necessary directions herein accordingly as to them may respectively appertain.

R. GURNER.
1842.
27 Nov.

Report required re S. Elrington.

Sir,
Downing Street, 27th November, 1842.

At the instance of Captain Elrington of the Guards, I have to request that you will furnish me with any information which you may be able to procure respecting Major Sandys Elrington, who settled in New South Wales several years ago, and resided at Mt. Elrington, County St. Vincent, but of whom no tidings have been received by his relatives in this Country for the last twelve years.

I am, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 223, per ship Olinda; acknowledged by Lord Stanley, 3rd July, 1843.)

My Lord,
Government House, 27th Novr., 1842.

I have the honor to report to Your Lordship that the first Elections of Municipal Officers under the Corporation Act of Sydney have gone off in a satisfactory manner, and that the Town Council has entered on the performance of its functions.

The number of registered Electors in each Ward is as follows, the qualification being, as Your Lordship will recollect, an occupancy of a house or building, worth £25 per annum:—

Gipps Ward, 534; Bourke do, 535; Brisbane do, 584; Macquarie do, 622; Cook do, 243; Phillip do, 684; Total, 3,202.

The persons, elected to be Councillors, are generally reputed to be good men of business, though the greater part of them had previously taken no prominent part in public affairs.

Of the Candidates (amounting in all to 43), the gentlemen most conspicuous from their wealth or station were not those on whom the choice of their fellow citizens fell.

I have further to report to Your Lordship that, some discussion having taken place as to the proper designation of the Mayor and Council, I caused the Notice to be issued in the Government Gazette, of which I enclose a Copy, sanctioning the assumption by the Mayor of the style or title of “Right Worshipful”; when the importance of the City of Sydney is considered and its prominence among the Towns of the Australian Colonies, I trust the Title, thus conferred upon its Chief Magistrate, may, on Your Lordship’s recommendation, receive the sanction of Her Majesty.

I have the honor to subjoin a list of the gentlemen who have been elected Councillors.

I have, &c.,

GEO. GIPPS.
[Enclosure No. 1.]

List of Councillors elected for the City of Sydney on the 1st Novr., 1842, under the Local Act, 6th Vict., No. 3.

James Chapman Carcase Butcher.
John Jones Merchant.
Daniel Egan Do.
John Jenkins Peacock. Do.
John Hosking Do. (Alderman and Mayor).
Ambrose Foss Dentist and Druggist.
George Allen Solicitor (Alderman).
Robert Owen Do. (Alderman).
John Rose Holden Esquire.
John Little Publican.
Thomas Smidmore Do.
Edward Hunt Cabinet Maker.
George Hill Carcase Butcher.
James Holt Merchant.
Henry McDermott Do.
Thomas Broughton Merchant Tailor (Alderman).
William Pawley Tanner.
Francis Mitchell Merchant (Alderman).
David Jones Linendraper.
Henry Hollinshed Miller.
Edward Flood Builder.
James Robert Wilshire Tanner (Alderman).
John Neal Butcher.
David Taylor Builder.

[Enclosure No. 2.]

Notice.

Style and Title of the Mayor and Council.

Colonial Secretary's Office, Sydney, 22d Novr., 1842.

It being desirable to settle the Style and Title of the Mayor and Council of the City of Sydney, and of the Town of Melbourne, His Excellency the Governor is pleased to desire it may be notified to the Public that, until the pleasure of Her Majesty (from whom all Titles of Honor must be derived) shall be known, the Mayor and Council of the City of Sydney will, in all official acts emanating from this Government, be addressed or designated as the Right Worshipful the Mayor, or the Right Worshipful the Mayor and Council; and that the Mayor and Council of Melbourne will be addressed or designated as the Worship the Mayor, or the Worshipful the Mayor and Council of the Town of Melbourne.

By His Excellency's Command,

E. Deas Thomson.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 214, per ship Stratheden.)

Sir,

Downing Street, 28 November, 1842.

Having had the honor to submit to The Queen the Congratulatory Address on the Birth of the Prince of Wales, from the Legislative Council of New South Wales, which accompanied
1842.  
28 Nov.  

your Dispatch No. 100 of the 3d of June last, I have received  

Her Majesty's Commands to signify to you the gratification  

which Her Majesty has experienced at receiving that Address.  

The Address to Prince Albert, which you also transmit, has  

been forwarded to His Royal Highness.  

I have, &c.,  

STANLEY.

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SIR GEORGE GIPPS TO LORD STANLEY.  
(Despatch No. 224, per ship Olinda.)  

My Lord,  

Government House, 29th Novr., 1842.  

In my Despatch of the 15th Augt. last, No. 143, I reported  
to Your Lordship the particulars of a daring attempt made by a  
Boat's Crew of 12 men at Norfolk Island to capture the Brig  
"Governor Phillip," in which attempt a soldier and five of the  
Mutineers were killed on the spot, and a Serjeant, one Soldier,  
and two of the Mutineers wounded.  

I have now further to report that, the seven surviving  
Mutineers having been sent up to Sydney, six of them were  
indicted before the Supreme Court on the 19th Oct. last, under  
the Statute, 1st Vict., C. 88, and, having been found guilty of  
an assault with intent to murder, whilst engaged in committing  
the crime of Piracy, were, under the 2nd Clause of that Act, all  
sentenced to suffer Death.  

The seventh man, named John Berry, was not put on his trial,  
it appearing that he had not been engaged in the attempt to take  
the Brig, but, on the contrary, had run up into the rigging of the  
vessel at the commencement of the fray.  

Of the six men who were condemned to Death, four underwent  
the extreme Penalty of the Law on the 8th inst., the punishment  
of the two others (Wolfe and Whelan) having been, by the advice  
of the Executive Council, in consequence of some circumstances  
which appeared in their favor, commuted to Transportation for  
Life.  

It is right I should state to Your Lordship that the Prisoners  
would have been tried for the Murder of the Soldier, who was  
thrown overboard and drowned, instead of for Piracy under the  
Statute above mentioned, except for some defect in the evidence  
which was transmitted from Norfolk Island.  

For the satisfaction of Your Lordship, I annex to this Despatch  
a List of the twelve men who belonged to the Boat's Crew, with  
a short account of the previous history of each of them.  

I have, &c.,  

Geo. GIPPS.  

[Enclosure.]  

[A copy of this paper is not available.]
LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 215, per ship Stratheden.)

Sir,

Downing Street, 30th November, 1842.

I have received a communication from Mr. John Hunter Patterson, dated Melbourne, 7th June, 1842, transmitting a copy of his "plan for the better treatment of the Aborigines of Australia Felix," together with Copies of the same Paper for The Duke of Wellington, the Duchess of Northumberland, and others.

I have to request that you will convey my thanks to Mr. Patterson for his communication and that you will acquaint him that I have directed the letters to be forwarded to the Parties to whom they are addressed, but that I cannot undertake in future to make this office the medium of his correspondence written or Printed.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 216, per ship Stratheden; acknowledged by Sir George Gipps, 24th July, 1843.)

Sir,

Downing Street, 1st December, 1842.

In transmitting to you the enclosed Memorandum, I have to request that you will take the necessary measures for obtaining from Port Phillip the information desired respecting Ann Sarah Kensett.

I am, &c.,

STANLEY.

[Enclosure.]

MEMORANDUM.

ANN SARAH KENSETT, aged 23 Years, sailed for Port Phillip in March, 1840, in the Ship "Mellish," Capt. Jones, and arrived there in the Month of July of the same Year. She had been engaged for a term of three Years, as Governess in the family of a Mrs. Rucker, whose husband is described as one of the principal Inhabitants of Melbourne.

The last Letter received from Ann Kensett was dated 29th Nov., 1840, about 4 Months after her arrival in the Colony. She was then at Mr. Rucker's Country house, the Hermitage near Melbourne, Port Phillip.

Mrs. Kensett, of Hampton Wick, the mother of the person above referred to, is anxious to obtain intelligence respecting her daughter. From the interval since the date of Ann Kensett's last letter, her friends cannot hope that she is still alive; but they wish to ascertain the time and manner of her death, as they have received no reply to their Letters addressed to Mrs. Rucker, requesting information on the subject.
Sir George Gipps to Lord Stanley.
(Despatch No. 225, per ship Olinda.)

My Lord,

Government House, 1st Decr., 1842.

I have had the honor to receive Your Lordship's Despatch of the 11th June last, No. 132, enclosing a Copy of a statement, which had been submitted for Your Lordship's consideration on the subject of the removal of Lieutt. R. T. Sayers, of the 80th Regt., from the Magistracy of New South Wales, and desiring me to furnish a report on the allegation contained in it.

As Lieutt. Sayers was included in the Magistracy of New South Wales solely on account of his being employed as an officer in the local Corps of Mounted Police, it is necessary that I should first call to Your Lordship's recollection that the Corps in question is one entirely organized for civil duties, maintained at the expense of the Colony, and wholly and exclusively under the control of the Governor.

Officers, belonging to Regiments in the Colony, are allowed to serve in it, but they are never required to do so; they are, whilst serving in it, lent with their own consent by the Military to the Civil Authority; and they receive extra pay from the Colony for their services.

The appointment of Officers to this service is a matter of arrangement between the Governor of the Colony and the Officer in Command of Her Majesty's Troops in it. The Governor cannot claim to select Officers, or to take any particular individuals from their Regiments; but, on the other hand, he has the unquestioned right of objecting to receive any, of whom he may not approve; also of returning any to their Regiments, who after trial may not be found well qualified for the peculiar duties they are, whilst in the Mounted Police, called on to perform.

The services of the Corps are very valuable; and it has always been the policy of the Local Government to keep it in a high state of efficiency; and, in proof of its being so kept, I may mention that the average expense of it (Officers of course included) is nearly £200 per man per annum, and I believe more than double that of the most costly Cavalry in Europe.

From this statement, two deductions may be drawn:

First, That, in such a Corps, employed (as it principally is) in the pursuit of marauders in a Colony like New South Wales, it is most essential not only to have active officers, but also to have such only, as have some peculiar fitness for the duties they are to be employed on;

Secondly, That unfitness for these peculiar duties does not of necessity imply any deficiency in those qualities, which are deemed indispensable in a British Officer.
Lieutt. Sayers of the 80th Regt. was appointed to this Corps in the year 1837, and remained in it until May, 1840. In the beginning of the year last mentioned, he had charge of the Division of the Corps stationed in what is called the Hunter River District, composed of four or five entire Counties and some portions of Counties; and it happened that, at the time mentioned, a portion of one of those counties in the North West part of his District (the County of Brisbane) was in a disturbed state, numerous acts of atrocity having been committed in it by troops of armed marauders, or as they are usually called "Bush-rangers." The accounts, which reached me from the District, were calculated to raise doubts of Lieutt. Sayers' efficiency; and these doubts were greatly increased, when I found that, even at a time when the cordial cooperation of all persons in authority was required for the suppression of the outrages above mentioned, he had engaged in some unnecessary disputes with the Stipendiary Magistrate of Muswell Brook, Mr. Day, a gentleman on whose activity, prudence and intelligence I then had, and have since continued ever to have the greatest cause to rely. One point in dispute only I will mention, which was the right (denied by Lieutt. Sayers) of the Civil Police to take up his men when they were drunk or disorderly.

Having thus cause to be dissatisfied with the state of Lieutt. Sayers' District, I sent Major Nunn, the Commandant of the Police, and consequently Lieutt. Sayers' immediate Superior, to take the temporary command of it; and, on his return to Sydney, I required him to report whether he was satisfied with the state in which he had found it, and with the conduct and exertions of Lieutt. Sayers.

From Major Nunn's Report, addressed to the Colonial Secretary on the 15th May, 1840, I extracted the following passage:

"With reference to Your enquiry as to whether I had reason to be satisfied with the state of the District under the charge of Lieutt. Sayers, and the general conduct of that officer, in my recent visit to the District of Gammon Plains, I beg leave to state that, on my arrival at Jerry's Plains, the Head Quarters of that Officer, I found he had been absent from his station for several days without leave from me (having been at Newcastle). I consider that the District under Lieutt. Sayers' charge had been much neglected, and, on my visit to Gammon Plains, I did not receive that support from Lieutt. Sayers, which as his Commanding officer I had a right to expect. I therefore beg leave to request that His Excellency the Governor will be pleased to move the Major General Commanding the Forces to call upon Lieutt. Sayers to rejoin the 80th Regt."
Immediately on the receipt of this Report, I made the necessary application to the Major General, and Lieutt. Sayers was thereupon ordered to rejoin his Regt.

A question was afterwards raised by Lieutt. Sayers, whether he could be justly said to be absent without leave, Newcastle, the place he was at, being as he alleged within his District. This question however appeared to me altogether unimportant, as, whether within his District or not, Newcastle was at least 100 miles distant from the disturbed parts of it, or from the place where he ought to have been.

From the moment that Lieutt. Sayers was ordered to join his Regiment, I ceased to exercise any authority over him; and it was not at my instance or suggestion that he was afterwards brought to a Court Martial.

That the result of that Court Martial however affected the character of Lieutt. Sayers more seriously than it is represented to have done in his statement to Your Lordship, will I think, be apparent from the correspondence, of which I annex Copies, in the course of which the very decided opinion of Lord Hill is expressed upon the case.

For the Copies of these Papers, I am indebted to the Officer in Command of Her Majesty's Troops in Australia, Lieutt. General Sir Maurice O'Connell.

Among these letters, Your Lordship will perceive one of apology, written by Lieutt. Sayers to Lord Fitzroy Somerset on the 21st Feby., 1842. The statement of Lieutt. Sayers' case, presented to Your Lordship by Lord Ashley, is without date, but would seem to have been received not long before the 11th June last, the date of Your Lordship's Despatch, and consequently some months after he had written his letter of apology.

I can have no desire to press harshly upon Lieutt. Sayers; but I cannot conclude without observing that, if Lieutt. Sayers wrote that statement, or knowingly allowed that statement to be delivered to Your Lordship after he had written his apology of the 21st Feby., he has in so doing subjected himself, in my opinion, to imputations of a graver nature than any of those for which I caused him to be removed from the Magistracy of New South Wales.

I have, &c.,

Geo. Gipps.

[Enclosure No. 1.]

Lord Fitzroy Somerset to Sir Maurice O'Connell.

Sir,

Horse Guards, 1st February, 1842.

I have the honor, by direction of the General Commanding in Chief, to transmit for your consideration and report the accompanying letters from Lieutt. Sayers of the 80th Regiment, with their several enclosures, complaining of the proceedings of the General
GIPPS TO STANLEY. 383

Court Martial by which he was tried, and of the decision of the Court.

I am at the same time to transmit the copy of a letter I have been instructed to Address to Lieut. Sayers, who has been ordered by the Adjutant General to return to his Regiment.

I have, &c.,

FITZROY SOMERSET.

[Enclosure No. 2.]

LORD FITZROY SOMERSET TO LIEUTENANT SAYERS.

Sir, Horse Guards, 31st January, 1842.

Your letter to me of the 3d instant and that to the Adjutant Letter General of the 30th ultimo, with their respective enclosures, having been duly laid before the General Commanding in Chief, I have His Lordship's commands to make the following observations upon all the circumstances of your case, as you have submitted it for His consideration.

It appears that, on the 21st May, 1840, a General order was issued signed by the Brigade Major, notifying that, "His Excellency the Governor having been pleased to dispense with your services in the Mounted Police, you will join the Head quarters of your Regiment."

It further appears that, on the 27th July, 1840, you were brought court-martial before a General Court Martial, and tried upon nine distinct Articles of Charge which had been preferred against you by Major Nunn of the 80th Regiment, and that The Court having found you guilty of part of the first, and of a part of the 5th charges, had sentenced you to be publicly reprimanded, and acquitted you of all the other Charges adduced against you; but it nowhere appears that the Court in any part of their opinion expressed the words "honorably acquitted."

In your letter addressed to the Adjutant General you have Stated statements "that you could not remain satisfied with the decision of the Court," and "that your case had been cruelly prejudiced by the Governor (Sir G. Gipps) could not be doubted:" and that for further reasons assigned both in your letter to the Adjutant General, and in your Memorial to the General Commanding in Chief, you express "your reliance upon His Lordship's justice that your case will receive that redress which its merits honestly deserve."

At the same time that you are thus demanding justice for yourself, you have not shewn yourself equally careful in your mode of dealing justice to others, in as much as it is recorded upon the face of the proceedings, "that you had no objection to any of the Members then present and sitting upon your Court Martial," while, in the paper enclosed in your letter to me, you have observed "that Colonel Wodehouse, 50th Regt., was first appointed President, but was afterwards withdrawn, and Lieut. Colonel French, 28th Regiment, Major Nunn's most intimate friend, was appointed in his stead:" and, in a subsequent part of the same paper, you have thought fit to convey more than an insinuation against his impartiality and uprightness of conduct in that situation.

The General Commanding in Chief highly disapproves of such remarks and insinuations; they will not however prejudice the Character of that absent Officer in His Lordship's opinion. You have also assigned, " in explanation of the irregular channel through which your case is now brought before the General Commanding in Chief, the reasons contained in the correspondence in paper 8, marked 1 to 5:"; and, His Lordship having had reference thereto,
I have to acquaint you that in no part of these papers, or of any other that you have transmitted, can be found anything in any manner whatever favorable to your case, or even the slightest justification for the course of the very irregular proceeding you have adopted in thus passing by the proper channel of the Military authorities under whose command you were serving, and preferring complaints at this distance of time and place direct to the General Commanding in Chief, containing strong reflections not only upon the Conduct of Major Nunn and upon the President of the Court Martial, both of whom are now in New South Wales, but also upon that of the high Civil Officer whom Her Majesty had been pleased to appoint to the Government of New South Wales, and upon whose responsible discretion there cannot be any doubt that it remained to remove you from the Civil Police under his immediate and exclusive orders, when it appeared that in His judgment you were not sufficiently competent to perform the various duties of such appointment.

As the matter now stands, and upon the best attention that The General Commanding in Chief can give to the very voluminous Papers you have submitted for his perusal, I have to acquaint you that it is His Lordship's intention to forward the whole of your letters and enclosures to the Lieut. General Commanding in New South Wales for his consideration and report, together with a copy of this letter; and I have it further in command to desire that you will be pleased to avail yourself of the earliest opportunity to return to your Regiment, and await there the final result.

I have, &c.

FITZROY SOMERSET.

[Enclosure No. 3.]

LORD FITZROY SOMERSET TO SIR MAURICE O'CONNELL.

Sir, Horse Guards, 28th February, 1842.

With reference to my letter of the 1st instant, transmitting copy of my letter to Lieut. Sayers of the 80th Regt., I have now to request your attention to the accompanying Copies of a correspondence which has more recently taken place upon this subject, viz.: Letter from me to Mr. Dale, dated 16th February, Letter from Lieut. Sayers to me dated 21st February, Answer from me, 28th February.

The object of Lord Hill in thus transmitting to you these communications is the hope that the regret therein expressed by Lieut. Sayers may be considered satisfactory to put a stop to any further proceeding upon the case; and I have to add that His Lordship will be glad to receive an assurance from you to that effect.

I have, &c.

FITZROY SOMERSET.

[Enclosure No. 4.]

LORD FITZROY SOMERSET TO MR. E. DALE.

Sir,

I have the honor to acknowledge the receipt of your letter of the 12th inst., suggesting whether, under the circumstances herein stated, the papers of your Nephew Lieut. Sayers may not be permitted to be withdrawn, and the matter set at rest, at the same time expressive of your feeling that whatever errors of judgment that officer may have committed in submitting these papers to the General commanding in Chief, there are some strong points in his favor; and, having duly laid your letter before Lord Hill, I have
to acquaint you that His Lordship sees no ground whatever for altering his opinion as conveyed in my letter to Lieut. Sayers, that in no part of the papers transmitted by him can there be found anything, in any manner whatever, favorable to his case, or even the slightest justification for the course of the very irregular proceeding he had adopted"; neither can His Lordship admit that the conduct of Lieut. Sayers in this transaction can be wholly attributed to error in his judgment, as, instead of submitting with becoming propriety to the sentence of a public reprimand which the General Court Martial most justly pronounced against him, he has advisedly, at this distance of time and place, preferred complaints to the General Commanding in Chief, containing strong reflections not only upon the conduct of Major Nunn, and upon the President of the Court Martial, both of whom are now in New South Wales, but also upon that of the high Civil Officer whom Her Majesty had been pleased to appoint to the Government of that Colony, and the consequences of which proceedings Lieut. Sayers from his Standing in the Army ought to have been fully aware of.

As the case now stands, a copy of my letter of the 1st inst. having been sent to the Lieut. General commanding in New South Wales, as notified by me at the time to Lieut. Sayers, it is not an easy matter to meet your wishes in relieving him from the disagreeable position in which he has thus voluntarily placed himself; yet, as Lord Hill is far from desirous of seeing Lieut. Sayers plunge himself into further difficulties, I am directed to inform you that, on the receipt of a Memorial from that Officer, expressive of his great regret at what has passed, and of his due sense of the error he has committed, a Copy of it will be sent to the Lieut. General commanding in New South Wales, in the hope that such apologetical expression on the part of Lieut. Sayers may be considered as sufficiently satisfactory to put a stop to any further proceedings upon his case; but it is to be distinctly understood that His Lordship does not make himself responsible for that result.

I have, &c,

FITZROY SOMERSET.

[Enclosure No. 5.]

LIEUTENANT SAYERS TO LORD FITZROY SOMERSET.

My Lord,

London, 21st February, 1842.

In reference to your Lordship’s letter of the 16th instant to E. Dale, Esq., of Barnedale, conveying Lord Hill’s kind consideration that he would permit the withdrawal of those papers laid before him on my tendering the necessary apology.

I have now the honor most respectfully to state, for the information of Lord Hill, I should not have disturbed the matter on my arrival in England by laying those Papers before His Lordship, had not my feelings dictated that some redress was my due; but, as Lord Hill has been pleased to entertain a different view of the case to what I anticipated, I beg with all due respect and submission to bow to His Lordship’s superior judgment, and to request he may be pleased to permit the withdrawal of those Papers, and to direct they be returned to my address.

I have further to express my regret that I should have permitted my pen so closely to have accompanied my feelings; and for such unguardedness I do beg to apologise to His Lordship.

I have, &c,

R. T. SAYERS, Lieut., 80th Regiment.
[Enclosure No. 6.]

LORD FITZROY SOMERSET TO LIEUTENANT SAYERS.

Horsec Guards, 28th February, 1842.

I have to acknowledge the receipt of your letter of the 21st inst., requesting, "with reference to my letter of the 16th to Mr. Dale, that Lord Hill would permit the withdrawal of the papers laid before Him, on your tendering the necessary apology," and, before entering further upon the subject, it is necessary here to correct a misapprehension into which you have no doubt inadvertently fallen.

There is not a word in my letter of the 16th inst. which relates to the withdrawal of the papers; but, on the contrary, it is distinctly stated "that, as a copy of my letter to you of the 1st inst. had been sent to the Lieut. General Commanding in New South Wales, it was not an easy matter to meet your wishes in relieving you from the disagreeable position in which you had thus voluntarily placed yourself, but that, on receipt of a Memorial from you, expressive of your great regret at what had passed, and of your due sense of the error you had committed, a copy would be sent to the Lieut. General in the hope that such apologetical expression may be considered as sufficiently satisfactory to put a stop to any further proceedings upon your case; but it is to be distinctly understood that His Lordship does not make himself responsible for that result."

Such being the recorded facts, I have now to acquaint you that the tenor of your letter of the 21st is generally satisfactory to Lord Hill; and that, acting in the full spirit of the communication above alluded to, a copy will be immediately transmitted to the Lieut. General Commanding in New South Wales, with an expression of His Lordship's hope that the regret, as stated by you, may be considered as sufficiently satisfactory to put a stop to any further proceedings, and that His Lordship would be glad to receive an assurance to that effect.

I have, &c.,

FITZROY SOMERSET.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 226, per ship Olinda.)

Government House, 2nd Decr., 1842.

I am sorry to have to report to Your Lordship that, notwithstanding the exertions of this Government, and the large expenditure now incurred on account of the Aborigines, the acts of violence, committed by or on them, continue in some parts of the Colony to increase, and especially in the neighbourhood of Portland Bay, and the country to the North of it, forming the Western and most remote part of the District of Port Phillip.

The papers, which I enclose, contain various accounts of occurrences of this nature in the course of the last few months.

I have, &c.,

Geo. Gipps.

[Enclosures.]

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

SIR GEORGE GIPPS TO LORD STANLEY. 1842.

My Lord, Government House, 3rd Decr., 1842.

I have the honor herewith to forward Copies of some further Papers, which I received on the 1st instant from Her Majesty's acting Consul at Tahiti; and, in so doing, I beg leave to refer to my Despatch of the 5th ulto., No. 208.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MR. C. B. WILSON TO SIR GEORGE GIPPS.

Sir, British Consulate, Tahiti, 23rd Octr., 1842.

I have the honor to transmit to your Excellency the enclosed Papers Copies of Documents, Marked and numbered as in the Margin, relative to the change which has lately taken place in the affairs of the Tahitian Government, officially transmitted to the Office of this Consulate.

I have also to inform your Excellency that all the Ports of Tahiti will remain free and the regulations the same as before, until the pleasure of the King of the French is known.

I have, &c.,


[Sub-enclosure No. 1.]

DECLARATION.

DU C. AMIRAL A. DU PETIT THOARS, commandeur de la légion d'honneur, Commandant en chef de la station navale de France dans l'océan Pacifique.

À sa Majesté la Reine et aux principaux chefs de l'île de Taiti.

Venu à Taiti dans l'espoir d'y rencontrer l'accueil que j'étais en droit d'attendre, d'une puissance amie, liée par des traités au gouvernement auquel j'ai l'honneur d'appartenir, gouvernement qui recemment encore a donné à la Reine Pomare des preuves de la grande lucrèvance dont il est animé universelle; je m'attendais à n'avoir à offrir à la Reine et aux chefs principaux de Taiti que des actions de grâce pour les bons traitements, dont je supposais que mes compatriotes étaient incessament l'objet. C'est avec un vif sentiment de peine que j'ai reconnu qu'il n'eu était point ainsi et qu'au lieu de la simple équité que nous reclamons et qu'on ne peut raisonnablement refuser à personne, il n'existe peut être pas un seul français a Taiti, qui n'ait à se plaindre de la conduite inique ou rigoureuse du gouvernement de la Reine à son égard.

Contrairement a vos propres lois, les domiciles du plusieurs français ont été violés pendant leur absence et leur maisons ainsi forcées, sont restées ouvertes et exposées au pillage; des spoliations de propriétés ont été violament et injustement prononcées et executées plus brutalement encore. Plusieurs de nos compatriotes ont été frappés par des agents de la police dont le devoir était de les protéger; d'autres ont été jetés en prison sans jugement préalable traités en criminels et mis au bloc comme de vils scélérats sans avoir pu se faire entendre, etc., etc. Est-ce donc là, la protection due à celle de la plus favorisée, à la quelle nous avions droit? Est-ce là le traitement garanti à nos nationaux par les traités? Non, ils ont été violés et mis de côté de la manière; le plus outrageant pour la France et malgré la promesse toute récente de la Reine au commandant de la corvette l'aube, l'infinie Moia, assassin d'un français contre la quelle elle avait rendue une sentence d'exil est encore ici et c'est pas l'impuissence d'une criminel que les témoignages de bienveillance du Roi des français seront reconnus.

Malconseillé, subissant une influence funeste a ses véritables intérêts, la Reine apprendra une seconde fois qu'on ne joue pas impunément de la bonne foi et de la loyauté d'une puissance comme la France.
Puisque nous n'avons aucune justice à attendre du gouvernement de Taiti, je ne demanderai point
la Reine ni aux chefs principaux traités, leur parole à quelle ils manquent sans cesse, ne peut plus aujourd'hui nous inspirer de confiance; des garanties matérielles seules, peuvent assurer nos droits; de nouveaux traités seraient sans doute mis en oubli comme les premiers, qui d'ailleurs sont suffisants, car nous ne demandons pas de faveurs particulières ni exceptionnelles pour nos compatriotes, mais seulement les droits naturels dont on ne peut les priver et qui leur sont acquis; tels sont, la liberté de commerçer, de résider, d'aller, de venir, de partir, d'acheter, de louer, de vendre ou de revendre et la liberté de conscience. Ces droits sont imprescriptibles et ceux de toutes les sociétés civilisées; ceux dont nous revendiquons l'usage parceque ce sont les nôtres; ceux enfin que nous obtiendrons dès que le gouvernement marchera légalement et que les lois faites pour tous, seront également

En attendant que ce résultat si vivement désiré, se réalise et de la grâce de ceux, qui me sont portés en confidentialité, de la bonne harmonie avec les gouvernements et les peuples de leurs coeurs; et de revendiquer avec eux, toutes les dispositions d'accabllement qui peuvent apaiser le juste ressentiment de ma nation si vivement excité contre eux et conduire à une sincère réconciliation entre deux peuples qui ont grandes sympathies de caractère et que l'on s'efforce malheureusement de diviser.

(Signé) A. Du PETIT-THOUARS,
Le C. amiral commandant eu chef la station navale de France dans l'Océan Pacifique.


Sub-enclosure No. 2.

A l'amiral Du Petit Thouars,
Parceque nous ne pouvons continuer à gouverner par nous-mêmes dans le présent etat de choses, de manière à conserver la bonne harmonie avec les gouvernement étrangers, sans nous exposer à perdre nos îles, notre autorité et notre liberté, nous les soussignées la Reine et les grands chefs de Taiti, vous e'erivons les présentes pour solliciter le Roi des français de nous prendre sous sa protection aux conditions suivantes.

1st. La Souveraineté de la Reine et son autorité et l'autorité des chefs sur leur peuple sera garanti.
2d. Toutes les lois et les reglements seront faits au nom de la Reine et signés par elle.
3d. La possession des terres de la Reine et du peuple leur sera agaranî, ces terres leur resteront toutes les disputes relativement au droit de propriété ou vrai proprietor des terres seront de la juridiction spéciale des tribunaux du pays.
4. Chacun sera libre dans l'exercice de son culte ou sa religion.
5. Les Eglises existantes en ce moment continueront d'être et les Missionnaires Anglais continueront leurs fonctions sans être molestés, il en sera de même pour tout autre culte personne ne pourra être molesté on contraint dans sa croyance.
A ces conditions, la Reine et les grands chefs demandent la protection du Roi des français, laissant entre les mains aux soins du gouvernement français ou à la personne nommée par lui et avec l'approbation de la Reine Pomare, la direction de toutes les affaires avec les gouvernements étrangers, de même que tout ce qui concerne les résidents étrangers, les règlements du port, etc., etc., et de prendre telle autre mesure qu'il pourra juger utile pour la conservation la bonne harmonie et la paix.

Pomare,
Paraita, Regent,
Utumi,
Hititi,
Tati.

Je sous signé déclare que le présent document est une traduction fidèle du document signé par la Reine et les Chef.

(Signé) ARULAIMAI T.,
Envoi de la Reine Pomare.

Je Sous signé conseil de france à Taiti certifie que la lettre ci dessus est la traduction conforme de celle écrite par la Reine Pomare et Chefs principaux de Taiti à Monsieur le C. Amiral Du Petit Thouars Commandant en chef de la Station de L'Ocean Pacifique, lettre qu'il a bien voulu me communiquer.

Papeiti Le 9 Septembre, 1842.

LE CONSUL DE FRANCE,
Moerenhout.

Pour copie conforme.—Le C. Amiral Commandant en chef la station navale de l'Ocean Pacifique.

A. DU PETIT THOUARS.


[Sub-enclosure No. 3.]

Rade de Papeiti, Frigiate la Reine Blanche, Le 9 Septembre, 1842.

Madam et Messieurs,

J'accepte au nom du Roi de la République et sauf ratification, la proposition Conditions que vous me faites de placer les états et le gouvernement de la Reine Pomare sous protection de S.M. Louis Philippe, Roi des Français aux conditions suivantes, protectare savoir.

1. Que la Souveraineté de la Reine, son autorité et celle des chefs principaux sur leurs peuples seront garantis.

2. Que toutes les lois et les règlements seront faits au nom de la Reine et signés par elle.

3. Que la possession des terres de la Reine et du peuple leur sera garanti; elles ne pourront leur être enlevées sans leur consentement soit par acquit ou échange; toutes les contestations relativement au droit de propriété des terres seront du ressort de la juridiction spéciale des tribunaux du pays.

4. Chacun sera libre dans l'exercice de son culte ou de sa religion.

5. Les Eglises établies en ce moment continueront d'exister et les Missionnaires Anglais continueront leurs fonctions sans être molestés; il en sera de même pour tout autre culte; personne ne pourra être moleste ou contraint dans sa croyance.

Enfin, que c'est à ces conditions que la Reine et les grands chefs demandent la protection du Roi des Français, abandonnant entre ses mains ou aux soins de son gouvernement on à la personne nommée par S.M. et agréé par la Reine Pomare, la direction de toutes les affaires avec les gouvernements Etrangers de même que tout ce qui concerne les Residants Etrangers, les règlements de port, etc., etc., et de prendre telle autre mesure qu'il pourra juger utile pour la conservation de la bonne harmonie et de la paix.

La démarche honorable pour mon gouvernement que vous venez de faire auprès de moi, Madame et Messieurs, fait disparaître jusqu'aux dernières traces du juste me contentement qu'ils avaient fait naître les mesures peu bienveillantes prises à l'égard de nos compatriotes.

Je me félicite, Madame et Messieurs de vous voir mettre un terme à nos différends, et je suis convaincu qu'une bienveillance réciproque viendra promptement resserrer les liens qui nous unissent.

Je suis avec un profond respect Madame et Messieurs,
Votre très humble et obéissant serviteur,

Le C. Amiral Commandant au chef la Station navale de france dans l'Ocean Pacifique,
signé A. DU PETIT THOUARS.

Pour copie conforme.—A. DU PETIT THOUARS, A.S.M. la Reine Pomare et aux Chefs principaux de Taiti.

A. PAPETI.

Proclamation of French protectorate over island of Tahiti.

[Sub-enclosure No. 4.]

PROCLAMATION.

AU nom de S.M. la Reine Pomare.

SA MAJESTÉ la Reine Pomare d’une part,

Et le C’Amiral Abel Du Petit Thouars, commandeur de la légion d’honneur, et

commandant en chef la Station navale de France dans l’Ocean Pacifique, de l’autre;

Prenant en consideration les stipulations sur lesquelles est fondée la protection de

Sa Majesté Louis Philippe, provisoirement accordée, sous la reserve de la sanction

du Roi, vu l’impossibilité de prendre immédiatement les ordres de Sa Majesté le Roi

des François; attendu d’ailleurs, l’absence totale de lois et de réglements qui puissent

servir de base à la société, se trouvent dans la nécessité de fonder à Taiti un

gouvernement provisoire, pour diriger les affaires en ce qui concerne les blancs et les

relations extérieures et garantir la sûreté individuelle, les propriétés et l’ordre

public.

La Reine Pomare et le C’Amiral Du Petit Thouars; arrêtent:

1. Qu’un conseil de gouvernement sera établi à Papeiti, capitale de Taiti.

2. Ce conseil est investi, conformément aux conditions du protectorat, du pouvoir

administratif et exécutif et des relations politiques extérieures des États de la Reine

Pomare.

Le conseil du gouvernement est composé de trois membres, à savoir.

Le consul de France, Commissaire du Roi, près le gouvernement de S.M. la

Reine Pomare.

Le Gouverneur Militaire de Papetti;

Le capitaine de Port de Papeite;

Les arrêts du conseil du gouvernement ne pourront être pris qu’après délibération

en conseil et ne seront exécutifs que lorsqu’ils seront prononcés à l’unanimité.

Hors du conseil chacun des membres ne conserve que la pouvoir de la spécialité

dont il est chargé. Le conseil ne pourra s’assembler que lors qu’il sera convoqué

par le consul de France, commissaire du Roi, ou par le gouverneur militaire de

Papeiti.

Toute décision qui ne réunira pas l’universalité des suffrages, sera nulle dans son

effet et sera renvoyée à la décision du gouvernement du Roi.

Des Proces-verbaux de toutes les délibérations du conseil quelque soit d’ailleurs,

leur résultat, seront dressés et enregistrés sur des registres timbrés à ce destin.

Deux exemplaires de copies conformes des procès-verbaux signé par tous les mem-

bres du conseil seront, dans les vingt quatre heures qui suivront la séance, déposés

en chancellerie du consulat de France, l’un pour être envoyé à Monsieur le Ministre

de la Marine, l’autre pour faire partie des archives du consulat et être communiqué

du besoin, aux ayant droits, on aux consuls étrangers. En cas d’appel d’un juge-

ment au conseil du gouvernement, le conseil devra s’ajoindre, comme assesseurs les

Consuls des nations intéressées, ou si l’affaire est mixte, c’est à dire, entre un blanc

et en indigène, le consul de la nation intéressée d’une part, et le gouverneur du

district de l’autre dans ce cas, le jugement pourra être rendu à la majorité des

voix.

Il n’y aura d’appel du jugement du conseil du gouvernement, au gouvernement

du Roi, qu’en matière criminelle; le conseil du gouvernement, dans aucun cas,

ne pourra prononcer la peine de mort ; les affaires de cette gravité seront renvoyées

to la décision du gouvernement du Roi.

Tout appel d’un jugement rendu sur des affaires entre les indigènes sera rejeté

par le conseil du gouvernement, a moins qu’il ne lui soit défère en vertu d’une

demande par écrit de la Reine Pomare, qui dans tous les cas et selon les conditions

du protectorat, s’est réservée l’administration et la jurisdiction entière sur les

naturels.

La justice civile sera exercée à Taiti.

1. Par des tribunaux entièrement composés d’Indigènes nommés par la Reine pour

les affaires entre les naturels, selon la costume établie.

2. Par les mêmes tribunaux au quels seront adjoints, en nombre égal au jurés

indigènes pour les tribunaux mixtes, des jurés blancs, nommés par le conseil du

gouvernement qui les choisira sur des listes triples de candidats présentés eu nombre

egal par chacun des consuls étrangers, pour les affaires entre les blancs et les

Indigènes. Enfin les blancs défereront leurs affaires aux tribunaux du pays, mais

dans ce cas tous les jurés seront nommés par le conseil du gouvernement, comme

il a été dit ci dessus pour les jurés des tribunaux mixte.

Les Consuls étrangers conserveront, jusqu’à ce que le gouvernement français et

leurs gouvernement soient informés, leur juridiction sur leurs nationaux, ils pourront

procéder eux mêmes, pour les concilier, soit par voie de persuasion, soit par voie

d’arbitrage, ou en appeler au tribunal à la formation du quel ils concourront en

nominant les candidats de leur nation parmi lequel les jurés devront être pris en

nombre proportionnel à celui des nations représentées a Taiti.
GIPPS TO STANLEY.


Tous les jugemens seront rendus d'après les lois du pays, déjà promulgées. Les indigènes et les blancs sont égaux devant la loi. La liberté des cœurs est proclamée, le gouvernement leur accordera une égale protection. Nul ne pourra être recherché pour ses opinions religieuses; ni contraint dans l'exercice de son culte.

La liberté individuelle est garantie; il ne pourra y'être porte atteinte que sur un ordre écrit et motivé du conseil après délibération et sur une décision prise à l'unanimité.

Toutes les propriétés, indistinctement, sont garanties; les contestations qui pourront s'élever à ce sujet, conformément aux réserves faites par la Reine; seront exclusivement du ressort des tribunaux indigènes nul ne pourra être contraint de vendre ou d'échanger sa propriété.

Tout blanc résident à Papeiti devra être pourvu d'un certificat de nationalité, ou reconnu par le consul de sa Nation ou encore pris sous la protection d'une de ceux qui sont accrédités à default de cette garantie, il pourra être considéré comme vaga-bond et comme tel, obligé à quitter le pays; toute fois, ce jugement ne pourra être rendu qu'après délibération du conseil du gouvernement et à l'unanimité des voix.

Tout personne qui voudra faire le commerce au détail sera terme de prendre une patente, elles seront jusqu'à décision du gouvernement, livrées gratis, par les soins du conseil du gouvernement et enregistrées sur un contrôle particulier destiné à cet usage, les patentes devront être signées par les trois membres du gouvernement.

L'interdiction sur la vente des liqueurs spiritueuses prononcée par les lois de la Reine Pomare est maintenue.

La vente des vins, bières ou autres boissons alcoolisées ne pourrnat être assimilée à celle des liqueurs spiritueuses, continuera provisoirement à être autorisée.

Le domicile des particuliers est inviolable; il ne pourra y être porte atteinte qu'autant qu'ils tienne des maisons publiques, telles qu'hôtels, auberges, cabarets, guinguettes et billards; toute fois, on ne pourra visiter ces lieux publics que sur un ordre du conseil ou seulement du gouverneur militaire.

Les maisons de jeux sont interdites, toute infractions à cette disposition sera sévèrement punie et en cas de récidive la personne qui s'en sera rendue coupable sera obligée à quitter le pays.

Tout blanc qui interviendra dans les affaires contre le gouvernement de la Reine Pomare et celui du Roi provisoirement établi, ou qui par ses clameurs ses manœuvres, ses calomnies, on ses actions cherchera à troubler l'ordre public et la bonne harmonie qui tend à s'établir, pourra sur un arrêté pris en conseil à l'unanimité des voix, être forcé à quitter le pays.

Les capitaines des bâtiments qui entreront au port de Papeiti seront tenus de faire la déclaration du motif de leur rélache, au bureau du capitaine de port et de prouver le jour de leur départ en justifiant de l'acquit des droits de pilotage et d'ancrage, fixes par la Reine Pomare. Ces droits resteront les mêmes jusqu'à décision du Roi sur l'acceptation du protectorat.

Toutes les fois que la force publique nécessaire pour faire mettre à exécution les arrêtés du conseil du gouvernement, le gouverneur indigène de Papeiti, nommé par la Reine Pomare, a la demande écrite du conseil du gouvernement prête main forte, s'il en est requis.

Sir George Gipps to Lord Stanley,

(Despatch No. 228, per ship Olinda.)

My Lord,

Government House, 4th Decr., 1842.

By Your Lordship's Despatch, No. 12 of the 5th Octbr., 1841, I was directed to institute further proceedings in a case reported in my Despatch, No. 90 of the 9th April in that year, wherein a homicide had been committed on an Aboriginal Native,
named “Mickey,” in the vicinity of the Ovens River on the road between Sydney and Port Phillip; and accordingly I have to inform Your Lordship that, under the opinion of Mr. Croke, the Crown Prosecutor of the Port Phillip District, the Chief Protector, Mr. Robinson, was, in the early part of the month of June last, directed by Mr. La Trobe to repair to the Ovens River and collect as far as possible the evidence, considered by the Crown Prosecutor necessary in order to ascertain whether any criminal proceedings could be instituted against the parties who were accessory to Mickey’s death.

Not having received any further report in the matter from Mr. La Trobe, I caused enquiry to be made in the course of October last whether Mr. Robinson had attended to the duty with which he was thus charged; and I have received from Mr. La Trobe in reply a letter, of which I have herewith the honor to enclose a Copy.

Your Lordship will perceive by this letter that Mr. Robinson had not then visited the Ovens River; and that his failing to visit it was one of the reasons for the stoppage of his salary, which was reported in my Despatch to Your Lordship, No. 162 of the 9th Sept. last.

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 25th, October, 1842, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 229, per ship Olinda.)

My Lord,

Government House, 6th Deer., 1842.

Having received Your Lordship’s Despatch of the 26th May, 1842, No. 115, reminding me that the Returns called for, by Lord J. Russell’s Circular Despatch of the 21st Decr., 1840, have not been received from New South Wales, I have the honor herewith to transmit the Returns in question, which I have caused to be continued to the 30th Septt. last, the latest period to which they can be made up.

Whilst I have to apologize to Your Lordship for the oversight which has occurred in respect to these Returns, I beg to point out that the most essential information contained in them was supplied by My Despatch, No. 176 of the 23rd Septt. last.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[These returns will be found in the “Parliamentary Papers.”]
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 219, per ship Stratheden; acknowledged by Sir George Gipps, 15th June, 1843.)

Sir,

Downing Street, 8th December, 1842.

I have to acknowledge the receipt of your Despatch, No. 63 Despatch of the 24th of March last, reporting the circumstances, under which you had dismissed from office, Mr. F. T. Rusden, one of the Assistant Surveyors of New South Wales, and forwarding a Letter addressed to me by that Gentleman, dated the 1st of January, in which he appeals against your decision.

It is with regret I observe the delay which has taken place in forwarding this Appeal, which I received privately, nearly five months before I was in possession of your Official Report.

The following appear to be the circumstances which led to Mr. Rusden's removal.

On the 14th of October, 1841, Mr. Rusden was instructed by Sir T. Mitchell, the Surveyor General, to prepare to proceed to Port Phillip, with as little delay as possible, it being determined to transfer him to that District from his own, the Hunter's River.

The Order reached Mr. Rusden on the 20th October. He then proceeded to Sydney; but, Major Mitchell being absent, he could not see him, till the 30th of that Month. The order to proceed to Port Philip was then repeated vivâ voce. Mr. Rusden does not appear to have expressed any wish to remain at Hunter's River. He, however, asked Sir T. Mitchell for a Leave of Absence before he actually removed from the North to the South of the Colony, a request which he was desired to reduce into writing.

On the 1st of November, he accordingly wrote to Sir T. Mitchell, applying for two Months' Leave of Absence to arrange his affairs at the Hunter "as the Districts are so widely separated, and the sacrifice of his property would be very great." No Answer having been received to this Letter, Mr. Rusden on the 5th of November wrote a second to the same effect, observing that he should have to part with his household furniture at ruinous prices, and to make arrangements to leave a Cattle Station in safe keeping during his absence. Still having no answer, Mr. Rusden left Sydney, having first, on the same day (the 5th Novr.), addressed another letter to the Surveyor General enquiring as to the nature of his Employment at Port Phillip. He also enquired whether the Arrangement, recently made for commuting the equipment supplied to the Surveyors for money payments, was to be applied in every case and requested that, if so, it might be dispensed with in his case, on account of the sacrifice he would have to make in the Sale of his Furniture, and in the purchase of the necessary Equipment.
Nothing further had occurred when, on the 11th Novr., the Surveyor Genl. wrote to Mr. Rusden, observing that, from the slow manner in which he had hitherto proceeded in his duty, the difficulties he now seemed disposed to throw in the way, and the great expence of which he complained, he, Sir T. Mitchell, would be compelled to employ another person at Port Philip. Sir T. Mitchell added that he would submit the Correspondence to the Governor, and Represent that Mr. Rusden's further continuance at his present Station was very inexpedient, and his removal to another, so very inconvenient to himself, that he would suggest his discontinuance in Office.

Sir Thos. Mitchell, accordingly on the same day, wrote to you, recommending Mr. Rusden's dismission. The grounds of this advice were: 1st. Mr. Rusden's application for two months' Leave of Absence; 2nd. Mr. Rusden's Statement of the losses, to which he would be subjected; 3rd. the slowness with which he had proceeded; and 4th. the difficulties he seemed disposed to throw in the way.

On receiving this Letter, you (on the 16th Novr.) authorized the dismission of Mr. Rusden at the end of three months, during which time he was to be paid, if he continued in the active duties of his Office but not otherwise. In ignorance of what was thus passing, Mr. Rusden on the 5th Nov. left Sydney, requesting two Officers of the Govt. to value his equipment. The valuation was made on the 12th and it was returned to Mr. Rusden on the 15th of November.

On the 11th Novr., Mr. Rusden, having received Sir T. Mitchell's Letter of the 11th which intimated his probable removal from Office, wrote to expostulate against it. He denied that he had attempted to raise difficulties. He insisted on his 11 Years' Services, and on all the fatigues he had undergone. He renewed his application for Leave of absence, and begged to retract any hasty expression he might have used.

On the 19th Novr., the Surveyor General wrote to announce to Mr. Rusden his dismission from Office, after he should have been employed three months more in active service.

On the 24th Novr., Mr. Rusden acknowledged the receipt of that Letter, and requested to know how he was to proceed, as the whole of his equipment was then in Sydney. On the same day, he wrote to you appealing against the decision to dismiss him from Office.

On the 30th Novr. you answered that Appeal, refusing to accede to Mr. Rusden's request, and defending his dismission on
the ground that the Surveyor General had pointed him out as an Officer, whose Retirement from the Department would increase the efficiency of it.

Mr. Rusden's appeal to you was made on the 24th Novr. The rejection of it was dated on the 30th. But on the 29th Mr. Rusden wrote to the Surveyor General to resign his Office. This proceeding is explained by Mr. Rusden, on the ground that his dismission had really taken place on the 15th, and he appears to have thought that he would prejudice his case by retaining Office on the Condition imposed of serving three months.

On the 19th Decr., Mr. Rusden wrote again to you earnestly entreating for an enquiry into his Conduct; but, on the 23rd of that month, you refused it.

On the 1st of January last, Mr. Rusden sent through you his appeal to me against your decision.

In your Despatch now before me, you vindicate Mr. Rusden's removal on the following grounds:—

1st. The necessity of Reforms in the Surveyor General's Department. 2d. Mr. Rusden's acquisition of Lands within his District. 3rd. The difficulty he made about the disposal of his property. 4th. The necessity of fulfilling the pledges you had made to the Surveyor General to remove any one whom he should report as inefficient, to which is added, 5th, the evils which would arise from a reversal of your decisions.

On this state of facts, after an attentive consideration of the case, I have to make the following observations:—

In the first place, I must remark that the absence of the Surveyor General from the duties of his Office, for nearly four years, as it sufficiently accounts for a part at least of the inefficiency complained of in his Department, renders it incumbent on him not to act harshly in proceeding to correct it.

Secondly, I do not find that the Surveyor General made any representation to you that Mr. Rusden was inefficient. The Single expression, which could be so construed, is the following:—

"From the slow manner in which this surveyor has hitherto proceeded in his duty," etc. These words do not, however, in my opinion amount to a charge of inefficiency. They are at most an imputation of slowness, but they do not allege that slowness as a general habit. Indeed Mr. Rusden states that, in answer to an enquiry from Sir T. Mitchell as to arrears in his District, he was able to report "none whatever." I consider the words to refer merely to the tardiness with which Mr. Rusden had performed the duty of changing his Abode and place of Employment.
Thirdly. As to the imputed "slowness" or reluctance of Mr. Rusden to obey those Orders, I think there is very little in proof of the charge. Mr. Rusden lost no time in proceeding to Sydney. On the day after he was desired to do so, he made his written request for a Leave of Absence. He waited four days in vain for an answer. He then left Sydney repeating his request. Six days afterwards, Sir T. Mitchell advised his removal from Office, and informed Mr. Rusden in writing that he had done so. I cannot think that there was anything in these proceedings of Mr. Rusden to justify even a rebuke. Neither can I consider that his acquisition of property at the Hunter's River, his wish for Leave of Absence to visit and dispose of his property, and his obvious dislike to change his quarters, were either offences calling for punishment, or indications of unfitness for Public Employment.

I regret to be obliged to take a step, which might tend to weaken the authority of either Governors or the Heads of Departments, but I am bound to say, in this case, strict justice requires a disapproval of the dismissal of Mr. Rusden from his Office of Assistant Surveyor.

I have accordingly to desire that you will take the earliest opportunity of restoring Mr. Rusden to the Services of the Colonial Government, and that you will communicate this decision to him, in answer to his Letter to me, dated the 1st of January last.

I have, &c.,

STANLEY.

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Lord Stanley to Sir George Gipps.
(Despatch marked Military No. 2, per ordinary post.)

Sir,
Downing Street, 8th December, 1842.

I have received your Despatch No. 104, of the 10th June last, reporting the measures you had deemed it expedient to adopt for hastening the departure of the 28th Regt. for India, in consequence of the intelligence which had reached you of the state of affairs in that Country, and I have to signify to you my approval of that proceeding.

I am, &c.,

STANLEY.

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Sir George Gipps to Lord Stanley.
(Despatch No. 230, per ship Olinda.)

My Lord,
Government House, 8th Decr., 1842.

With reference to my Despatches of the 5th ulto., No. 208, and 3rd instt., No. 227, respecting the events which have recently occurred at Tahiti, I have now the honor to forward a Copy
of a Paper, which has been handed to me by the Revd. Dr. Ross, Minister of the Congregation of Independents at Sydney, and which is stated to contain the substance of letters received by him from the Missionaries of the London Society at Tahiti.

The Revd. Dr. Ross is, I believe, the authorized correspondent at Sydney of the London Missionary Society. I have, &c.,

Geo. Gipps.

[Enclosure.]

EXTRACTS from Letters received by the Rev. Dr. Ross, Sydney, from the Missionaries belonging to the London Missionary Society in Tahiti, October, 1842.

These Islands are now virtually taken by the French; on the 1st of September, the “La Reine Blanche” commanded by Admiral De Petit Thouars dropped anchor in Papeete Bay. For a few days all appeared friendly. On the 7th the Queen and principal Chiefs were invited to dine on board; on the 8th, the Queen was then at Moorea and so near her confinement as not to be able to attend. At the same time a meeting was announced to be held between the Admirals and the Chiefs on the 9th. On the coming of the 9th, the party who had dined on board namely Frereto (the Queen’s representative), Tati, Autami and Roti, returned on shore with Mr. Morbihaut the French Consul to his house, and in the course of the night signed a document the terms of which were propounded by the Consul. During the same afternoon, the British and American Consuls received a document stating that circumstances had occurred sufficient to cause hostilities between the French and Tahitian Governments, and that, in the event of such a catastrophe, an Asylum would be granted to them and their families on board the Ship, and that the subjects of both Governments must take care of themselves and their property. On the 9th, it was announced that there would be no meeting held as the four Chiefs above named had signed a document satisfactory to the Admiral; At the same time another despatch was sent to the Tahitian Government stating that, in consequence of a breach of faith on their part and the neglect of the administration of Justice towards some French subjects, the Admiral demanded 10,000 dollars as a guarantee, to be paid by 2 o’Clock on the 10th, otherwise he would take possession of the Island and garrison the little Island at the mouth of the Harbour until the Will of the King of the French should be known. In the meantime, the document which had been signed by the four Chiefs was sent over to the Queen for her signature with the distinct understanding that, should she refuse to sign, the threat would be fully put into execution, but, on the other hand should she comply, all grievances would at once be removed. On the 10th preparations were made for the execution of the threat by arming the launch and preparing the Frigate for action if required. About one o’Clock the document was delivered on board with the Queen’s signature affixed.

Three French Officers have been appointed, who form the Supreme Council, from which there is no appeal but in cases of life and death. Troops have been landed to assist in any way their services may be required. There has been too much occasion given by the Tahitian Government not only to France but to other powers to act
in a similar way, had they been disposed to do so, justice to foreigners having been difficult to obtain at all times. They have been in the habit of promising everything to the Captains of Ships of War, and, as soon as they have left the Port, of performing nothing or as little as they possibly could; and in this case they hoped to pursue a similar course.

I feel persuaded that you will excuse the liberty I take in suggesting that it will be necessary to be very cautious in saying anything publicly on the changes, which have taken place in the Government of this Country that would in any way involve the Mission. The Admiral has more than once expressed his determination to banish any foreigner, who shall in any way interfere to the prejudice of his arrangements with the Tahitian Government. Of course, it may be easily understood who the foreigners are to whom reference is made.

The following is a copy of an address sent by us and signed by each Member of the Mission to the Admiral, that our silence might not be construed into rebellions as the other foreign residents had sent one.

To His Excellency the Admiral du Petit Thouars.

We, the undersigned Ministers of the Protestant Mission in the Islands of Tahiti and Moorea, in Committee assembled, having knowledge of the late changes which have taken place in reference to the Tahitian Government, beg to assure His Excellency that, as Ministers of the Gospel of Peace, we shall consider it our imperative duty to exhort the people to a peaceable and uniform obedience to the powers that be, conceiving that by such means their own interests will be best promoted, but more especially as such obedience is required by the Laws of God, which we have hitherto deemed it our special duty to inculcate.

Signed

9 Dec.

Report required of J. E. Manning.

Sir George Gipps to Lord Stanley.

(Despatch No. 231, per ship Olinda; acknowledged by Lord Stanley, 28th June, 1843.)

My Lord,

I had the honor to receive, on the 16th ulto., Your Lordship's Despatch No. 128 of the 11th June, 1842, wherein I was directed to call upon the Judges of the Supreme Court for some further information in respect to their knowledge of the affairs of the Registrar of their Court, Mr. John Edye Manning, whose Insolvency was reported in my Despatch to Your Lordship of the 16th Jan'y., 1842, No. 5.

Having transmitted a Copy of Your Lordship's Despatch to the Chief Justice, I have received in return a letter, addressed by the Judges to Your Lordship, which, together with the Papers appended to it, I have the honor to transmit herewith.

The only paragraphs in the communication from the Judges, on which I think it necessary to make any observation, are those from which it might be inferred that, either by the Chief Justice...
or by Mr. Manning himself, I had been informed of the state of Mr. Manning's affairs, before I received the letter from the Judges which bears the date of the 6th Decr., 1841.

On this subject, I feel it necessary to repeat in the most explicit manner the declaration contained in my Despatch, No. 5 of the 16th Jany. last, that I remained in the full assurance that Mr. Manning had complied with the order of the Judges and the law of the Colony by investing the monies belonging to Intestates Estates in the Savings Bank, up to the time that I received the Judges' letter of the 6th Decr., 1841, informing me that he had failed to invest sums amounting altogether to upwards of £9,000.

To justify the opinion entertained by their Honors that I must have had an earlier knowledge of Mr. Manning's defalcation, the Judges append to their letter (appendix E) a Copy of a private letter to the Chief Justice from Mr. Manning, dated the 5th Novr., wherein he states "that, thinking it right to make the Governor acquainted with his threatened and present actual position, he had sought, and had a very friendly interview with him yesterday."

That this letter was written by Mr. Manning with the intention of leading the Chief Justice to believe that he had made to me a full disclosure of his circumstances appears to me by no means improbable; but he does not say in distinct terms that he did make such a disclosure, and I most distinctly declare that he did not.

I have a perfect recollection of the interview, which I had with Mr. Manning on the 4th Novr., 1841. He explained to me the circumstances under which he had for a time been unable to meet a private engagement amounting to £3,000 or thereabouts; but he said not one word of the Estates of Intestates, nor in any way acknowledged that he was in a state of Insolvency.

What Mr. Manning might have intended to say, had the conversation not taken, as he says it did, another turn, I of course cannot pretend to know.

At the second interview which I had with Mr. Manning on the 11th Decr., I questioned him narrowly as to the exact state of the whole of his affairs; but this was after I received the communication from the Judges dated the 6th Decr.

I have, &c,

GEO. GIPPS.

[Enclosures.]
400

1842.
9 Dec.

Correspondence re defalcations of J. E. Manning.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 232, per ship Olinda; acknowledged by Lord Stanley, 28th June, 1843.)

My Lord,

Government House, 9th Dec., 1842.

In connexion with my Despatch of this day's date, No. 231, wherewith I have transmitted to Your Lordship a letter from the Judges on the subject of Mr. Manning's defalcation, I have the honor herewith to furnish Copies of a correspondence, which had taken place previously on the same subject between this Government and their Honors the Judges. I have, &c.,

GEO. GIPPS

[Enclosures.]

[Copies of these papers are not available.]

11 Dec.

Despatch acknowledged.

Denial of claims of R. Robison to land grants.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 233, per ship Olinda.)

My Lord,

Government House, 11th Decr., 1842.

I have had the honor to receive Your Lordship's Despatch No. 151 of the 19th July, 1842, transmitting to me an application from Captn. Robison to be allowed to retain, in the District of Port Phillip, the Grant of land which it was decided by His Late Majesty's Government should be allowed to him in New South Wales, as also a report from the Commissioners of Colonial Lands and Emigration on the subject of Captn. Robison's application.

I cannot but express my surprise that Capn. Robison should have troubled your Lordship upon this subject. He never had the slightest claim to land at Port Phillip, nor, as far as I am informed, was he ever in possession of any in that District; consequently he cannot be allowed to retain any; and whatever claim, he had upon the Government for land elsewhere, has long since been satisfied.

By a Memorandum in Sir Richard Bourke's writing, dated the 27th Novr., 1837, I find that Captu. Robison was authorized to select 2,560 acres of land, whenever he might return to the Colony; but, in the same memorandum, it is expressly stated, that it must be taken out of the lands open to selection prior to the 1st July, 1831, and the application, made by Mrs. Robison in a letter, dated the 19th Augt., 1837, for permission to select it at Port Phillip, is pointedly refused.

Subsequent instructions having been given by Lord Glenelg, releasing Captn. Robison from the obligation of returning to the Colony, Mrs. Robison was informed, by a letter dated the 9th
April, 1838, that she was authorized to select, out of lands open
to selection in 1831, whenever she chose to do so; she accordingly
did select 2,560 acres in the County of Murray, and a Deed for
this land was executed by me in favor of Capt'n Robison on the
28th May, 1839.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 221, per ship Stratheden.)

Sir,
Downing Street, 12 December, 1842.

My attention has recently been called, by the Lords Com-
missioners of Her Majesty's Treasury, to a Letter of which a
copy is enclosed, addressed to their Lordships by the Officer at
the Head of the Account Branch of the Commissariat in New
South Wales, covering copy of a Correspondence with the Colo-
nial Secretary on the subject of an arrangement for defraying
the expenses of a Boat and Crew for the prevention of the escape
of Convicts from the Colony.

It would seem that, in consequence of an arrangement sug-
gested by the Deputy Commissary General and the water Police
Magistrate, you directed that a Boat and Crew, previously em-
ployed for preventing the escape of Convicts from the Colony
and separately maintained at the expence of the Home Govern-
ment from Convict Funds, should from the commencement of the
Year 1841 be incorporated with the water Police, the Commiss-
ariat Chest being charged from the same period with an Annual
Contribution on this account of £500.

It appears from the detailed Statements of the Assistant Com-
missary General of Accounts (Enclosure No. 6 in the Corre-
spondence) that the Annual Charge upon the Commissariat Chest
for this particular Service did not exceed £466 14s. 4d. Her Ma-
jesty's Government are therefore of opinion that the demand upon
the Commissariat Chest for the purpose in question should be
limited to that Sum, and you will take care that the Contribution
from the Commissariat Chest, from the beginning of the year
1841, may be regulated accordingly.

Referring to the Enclosure No. 2 in the Correspondence, it is
to be presumed that you will of course discontinue making any
claim upon the Commissariat Chest for expences on this account,
whenever the Services of the Water Police may cease to be
directed to the particular object for which the contribution from
Convict Funds of a proportion of the expence in question has
been required.

I have, &c.,

STANLEY.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure.]

ASSIST. COMMISSARY-GENL. IRVINE TO SECRETARY TO TREASURY.

Sir, Commissariat of Accounts, Sydney, 14th June, 1842.

I have the honor to transmit, for the information of the Lords Commissioners of H.M.'s Treasury, copy of a correspondence which I have had with the Colonial Secretary on the subject of the arrangement for defraying the expences of a Boat and Crew for preventing the escape of Convicts from the Colony.

By which correspondence, it will be seen that H.E. the Governor has directed, in accordance with the recommendation of the Deputy Commissary General and Water Police Magistrate, that from the commencement of 1841 the Boat in question be incorporated with the Water Police, and the expences attending it be defrayed from the Colonial Treasury, the Military Chest contributing £500 per annum.

On being called upon to prepare a Warrant for payment, I considered it my duty to point out that the expences heretofore attending the Boat had never exceeded £466 14s. 4d. per annum, since its first Establishment in September, 1836. His Excellency however was still of opinion, for the reasons assigned in Colonial Secretary's Letter of 20th Ult., that the sum fixed upon, namely, £500 per annum, should be paid from the Military Chest for this service.

I have, &c.

I. IRVINE, A.C.G.

[Sub-enclosure No. 1.]

COLONIAL SECRETARY THOMSON TO ASSIST. COMMISSARY-GENL. OF ACCOUNTS.

Sir, Colonial Secretary's Office, Sydney, 12th May, 1841.

I have the honour to transmit to you a copy of a Letter, dated 2nd April, 1841, No. 762, from the Deputy Commissary General and the Water Police Magistrate, on the subject of the arrangement for defraying the expences of a Boat and Crew for preventing the escape of Convicts from the Colony.

By the document, you will observe that it is recommended the Boat in question should be incorporated with the Water Police, and the expences attending it defrayed from the Colonial Treasury, the Military Chest contributing Five hundred Pounds per annum towards the same from the 1st January, 1841; and I am directed by the Governor to inform you that this arrangement has been approved of by His Excellency, and is to be acted upon accordingly from the 1st of the present year.

As it appears that the Rations of the Conductor, Constables and Crew of this Boat were provided for by the Commissariat to the end of 1840, but that their pay has been issued by that Department to the 31st October only, I am further directed to inform you that the Auditor General has been requested to prepare a statement of the Pay and other expences that may be in arrear, up to the 31st Dec., 1840, in order that the amount may be obtained from the Military Chest, as suggested in the Report.

I have, &c.,

E. DEAS THOMSON.

[Sub-enclosures Nos. 2 and 3.]

[These were copies of the enclosure and sub-enclosure on pages 358 and 359, volume XXI.]

[Sub-enclosure No. 4.]

COLONIAL SECRETARY THOMSON TO ASSIST. COMMISSARY-GENL. OF ACCOUNTS.

Sir, Colonial Secretary's Office, Sydney, 5th February, 1842.

With reference to my Letter of the 12th May, 1841, No. 23, I am directed by His Excellency the Governor to transmit to you the enclosed Copy of a Communication from the Auditor General, dated 27th Ultimo, No. 23, containing an Account of the sums chargeable against the Military Chest for the maintenance of the Establishment for preventing the escape of Convicts by Sea; and to request that you will prepare a Warrant in favor of the Colonial Treasurer for the sum of Five hundred and fifty three pounds four shillings and eightpence, being the amount thereof.

I have, &c.,

E. DEAS THOMSON.
MR. W. LITHGOW TO COLONIAL SECRETARY THOMSON.

Mr. W. Lithgow, Auditor General.

Girj Audit Office, Sydney, 27th January, 1842.

I do myself the honor of submitting herewith, for the approval of His Excellency the Governor, an Account of the sums chargeable against the Military Chest for the maintenance of the Establishment for preventing the escape of Convicts by Sea, as directed by your Letter of the 12 May last, No. 318, and Copy Report by the Deputy Commissary General and Water Police Magistrate, therein referred to; and I have the honor to request that the sanction of His Excellency may be obtained for payment of the Amount to the Colonial Treasurer.

I have, &c.,

Wm. Lithgow, Auditor General.

ASSIST. COMMISSARY-GENL. IRVINE TO COLONIAL SECRETARY THOMSON.


Sir, Commissariat of Accounts, Sydney, 5th March, 1842.

I have the honor to acknowledge the receipt of your Letter of the 2d March last No. 42, submitting your remarks on the enclosed account prepared by the Auditor General of £554 12s. lid. against the Military Chest for the maintenance of the Establishment for preventing the escape of Convicts by Sea, upon which I would beg to submit the following remarks for the consideration of His Excellency the Governor.

The first charge is £500 for the year 1841, stated to be the amount agreed upon as per Report of the Deputy Commissary General and Water Police Magistrate of 2d April, 1841, which report is accompanied by a Statement shewing the expense hitherto defrayed from the Military Chest for this Service amounting to £535 3s. 1d. per Annum, upon which ground it was suggested that £100 per annum be contributed towards the new arrangement; but it will be seen by the Statement as per Margin,* that the expense of the Establishment from its commencement in Sept., 1836, amounted only to £466 14s. 4d. per Annum.

The Second charge is for Arrears from 1st November to 31st December, 1840, the Establishment having been rationed by the Commissariat for that period, but not paid; The Auditor General has charged the present Establishment instead of the old one, whereas it was proposed in the report that the new arrangement should not take effect until 1841.

Omitting the Clothing which it is conceived is included in the charge for 1841, the Arrears for 1840 according to the old Establishment would amount to £45 15s. as per Margin.† Should the foregoing Statements meet with His Excellency's approval, the Warrant will be made out accordingly.

I have, &c.,

I. Irvine, Accountant-General.

COLONIAL SECRETARY THOMSON TO ASSIST. COMMISSARY-GENL. OF ACCOUNTS.

Sir, Colonial Sec'y's Office, Sydney, 20th May, 1842.

I have the honor to acknowledge the receipt of your Letter of the 2d March last No. 42, submitting your remarks on the enclosed account prepared by the Auditor General of £554 12s. lid. against the Military Chest for the maintenance of the Establishment for preventing the escape of Convicts by Sea.

In reply, I am directed to inform you that the arrangement, under which the Refusal to above mentioned Amount is claimed by the Colony, having been recommended by a amend Board of which the Deputy Commissary General was a Member, and having also been reported to the Secretary of State. His Excellency the Governor does not see the propriety of making any alteration on it on the grounds set forth in your communication.

I have, &c.,

G. Deas Thomson.

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* Marginal note.—Annual average Cost of the Boat employed for preventing the escape of Convicts, paid from the Military Chest since 1836: Pay of Convicts @ 4s. pr. day, £73; Pay of 4 Convicts @ 5s. 3d. each pr. day, £164 5s.; Gratuity to 3 Convicts @ 8d. pr. day, £36 10s.; Rations to 8 Men @ 10d. ea. pr. day, £121 13s. 4d.; Coals, Candles, and Oil, £27; Clothing Stores, Boat and repairs, £64 6s.—£466 14s. 4d.

† Marginal note.—Arrears of pay of the Boat's Crew chargeable on the Military Chest from 1st November to 31st Decr., 1840: 1 Conductor at 4s. per day, £12 4s.; 4 Constables @ 2s. 3d. pr. day ea., £27 9s.; 3 Convicts at 8d. ea., £26 8s.—£45 15s.
Account submitted to commissariat department.

Sydney, 14th May, 1842.

The Commissariat Departmt. of New South Wales.

Dr. To the Coll. Secy.

To amount agreed to be contributed from the Mily. Chest towards the maintenance of the Establishment for preventing the escape of Convicts by See, as per Coll. Secy.'s Letter of 12th May, 1841, No. 318, and Report by the Deputy Commissary Genl. and Water Police Magistrate, therein referred to, for the period from 1st January to 31st Decr., 1841................. 500 0 0

Arrears for 1840. £  s. d.

Pay of 1 Conductor from 1st Nov. to 31st Decr., 1840. 12 4 0

Pay of 5 Constables do, do, @ 2s. 3d. 34 6 3

Pay of 4 Convicts do, do, @ 8d. 8 2 8

54 12 11

Amounting to Five hundred and fifty four pounds, twelve shillings and eleven pence.

The difference in the above Accounts prepared by the Auditor Genl. and the one referred to in No. 5 arises from certain Clerical errors which were pointed out in pencil in that Account.

The Charge for Clothing has also been left out, as suggested. I.I.

13 Dec.

Transmission of papers re complaint of W. Smith and son.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 222, per ship Stratheden.)

Downing Street, 13 December, 1842.

Sir,

I transmit to you, herewith, the copy of a communication, which I have received from Messrs. Smith and Son of Liverpool, in which they complain of deductions made by the Government of New South Wales from the Bounties upon Emigrants introduced by them into that Colony during the year 1841.

I also enclose for your information and guidance copies of the Report of the Emigration Board, and of the answer which has been returned by my direction to the representation of Messrs. Smith. I have, &c,

STANLEY.

[Enclosure No. 1.]

MR. WILLIAM SMITH AND SON TO LORD STANLEY.

My Lord,

Liverpool, 4th Novr., 1842.

We beg to submit the following statement of deductions made from the Bounties, to which we consider ourselves entitled upon Emigrants sent out by us from this Port to New South Wales by various vessels during the year 1841.

As the Board of Commissioners for Emigration was established for the purpose of enforcing proper restrictions and regulations as to the selection of Individuals and due attention to their comfort and maintenance during the voyage, we trust and expect that those, who have used all possible means to comply with the rules and regulations laid down by the Board, and by the Government of New South Wales, will receive from it that protection from Arbitrary and, as we respectfully but firmly believe, unjust proceeding of the Government of New South Wales to which they have been subjected.
During a period of 12 months, we despatched 13 Vessels conveying 3,992 Individuals to New South Wales under the Bounty system, and we subjoin a list of the Vessels in order that, by a reference to the published Report, you may draw your own conclusion as to the manner in which we conducted the business.

In the last 11 Vessels, which we despatched, we sent an Assistant Surgeon in addition to the Surgeon required by the Board.

With regard to the selection of the individuals every possible care was exercised, and we believe it is admitted in New South Wales that, upon the whole, those who were sent out by us were of a better description than any others that arrived there. We find however that, since the Government of New South Wales began to be apprehensive of their funds running short, that a system was pursued, which was never acted upon before, of starting the most frivolous and unjust objections to Emigrants for the purpose of diminishing the amount of Bounties payable to the parties who took them out. Those principally objected to are classed under three heads:

1st. Single Females not under proper protection.
2d. Individuals of improper Trades.
3. Individuals whose Certificates are not signed by the Commissioners.

In addition to these, there are some others to which we shall refer hereafter.

With respect to the first ground of objection, we beg to observe that the alleged want of protection was not borne out by any improper conduct of the single Females during the voyage; but it is even asserted that bounties would be refused unless it could be proved that the young Women had crossed from Ireland to Liverpool in company with those who engaged to protect them. In every case, we took a written engagement from the head of the family which undertook to protect a single Female. The parties were brought before the Emigration Agent here, who was most particular in questioning them and also in pointing out the obligation incurred. The name of the person, who undertook the charge of the Female, was written upon her Certificate, and thus every possible precaution taken to comply with the strict Letter and intent of the Commissioners' instructions and regulations of the New South Wales Government.

With respect to the second objection, we have to remark that we had to rely upon the certificates which we received, and these, as you are well aware, were signed by householders and a Clergyman or Roman Catholic Priest, and a declaration of the truth of the statement made by the party; they were in the first instance scrutinized by us and afterwards by the Board of Commissioners; and, wherever there appeared any reason to doubt their correctness, enquiries were instituted which occasionally led to the rejection of the applicants.

In all the cases where bounties have been with held from us on the plea of the parties being of improper trades, their simple assertion on examination before the Board in New South Wales has been received as evidence in opposition to their previous declaration and the certificates of respectable people, who it must be presumed possessed a sufficient knowledge to warrant them in attesting what they did. We now proceed to point out the very nice distinctions.
which have been drawn in many of the cases, to which we refer, by
the Sydney Board with the view of reducing the amount of bounties
payable to us. The first is the case of young Women, whose certifi-
cates represented them to be domestic servants. One of them is re-
jected on the ground of her being a Milliner, two as being Dress
Makers, and one a Boot and Shoe binder. We should suppose that
the fact of their being able to act as Milliners, Dressmakers and
Sempstresses, would rather have been considered as qualifications
than disqualifications for their undertaking the duties of domestic
servants, and it appears highly probable that the young women so
considered it themselves, and stated their knowledge of these trades
in the hopes of its securing them better situations. In the North
of Ireland, Females, who are capable of sewing and making
Dresses, though they have always been employed as Servants, style
themselves "Dress makers" from just such a feeling as we de-
scribed. Of nine families for whom bounties were refused, three
were objected to on the ground of the head of the families being
Engineers and not Smiths, one on the ground of the Head being a
Cabinet Maker and not a Carpenter, one on the ground of his being
a Cooper and not a Carpenter. Of four whose certificates repre-
sented them to be Farm Labourers, two were objected to on the
ground of their being Servants and Grooms, one on the ground of
his being an Overseer and Land Surveyor, and the fourth on that
of his being a Wool sorter.

We can well understand a Smith not being an Engineer, a Car-
penter not being a Cabinet Maker, a farm labourer not being con-
versant with the duties of a Groom, of a Land Surveyor, or of
Wool Sorting, but surely the knowledge of the higher departments
of these pursuits ought not to be considered disqualifications, but
on the contrary ought to entitle the parties to the bounties with the
less scruple.

With respect to the third Objection, it applies entirely to per-
sons who formed parts of families, the general certificates for which
were signed by the Commissioners and by the Emigration Agent
here; the separate certificates were merely sent to shew the respec-
tive trades of the parties. Three out of the four, refused under
this head, were young Women. Another young Woman was re-
jected on the ground of her being under age. She was an Orphan
and went out with her Uncle and Aunt, who both represented her
to be of the age stated in her certificate, 15, the Uncle making a
declaration to that effect before a Magistrate.

In consequence of the objections taken to many single Females,
there was found to be a surplus of single Men for whom bounties
were refused, amounting to a considerable sum of money. We fur-
ther beg to state that the bounty was refused to be paid for a
young Man, who died some days after his arrival in New South
Wales, though he had been passed by the Board, and the Bounty
allowed in the first instance. In like manner, bounties were re-
fused to be paid for a Man and Woman who had passed the Board,
but who subsequently left Sydney for Adelaide in South Australia.
Another deduction was made of £129 for three families because
some of them were suspected of having stolen some Wine on board
of the Vessel, in which they were conveyed to New South Wales.
STANLEY TO GIPPS.

We consider all these deductions as unreasonable and unwarranted, and that they would never have been made but for the pecuniary difficulties of the New South Wales Government. It appears to us unjust that it should have availed itself of the ipse dixit of an individual to set aside a solemn declaration of the same person accompanied by certificates from respectable parties, or that quibbles, unsubstantiated charges, and assumed though not bona fide instances of improper protections should be brought forward as the grounds of withholding the Bounties promised to those, who should introduce Immigrants into the Colony in accordance with the Government regulations, when it is proved that they have done everything which it was in the power of possibility to do to conform to such regulations.

We trust however that you will do us the favor to give the matters, now referred to you, your serious consideration, and adopt such measures as may be necessary to ensure to us the payment of the Bounties so improperly withheld, which amount in the whole to little short of £8,000.

We have, &c.

WILL. SMITH and SON.

[Enclosure No. 2.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY

STEPHEN.

Colonial Land and Emign. Office,
9 Park St., Westmr., 3d December, 1842.

In pursuance of the directions contained in your Letter of Opinion of the 21st Ultimo, we have considered the complaint addressed to Lord Stanley by Messrs. Smith and Son of Liverpool in their Letter of the 4th ulto. against the Government of New South Wales for refusing the bounty on certain Emigrants whom they had sent to the Colony.

As the statements in Messrs. Smiths' Letter were of a general character, we applied to them for any further particulars of the cases they referred to, which it might be in their power to furnish. From such returns as they have sent us, which however apply only to five of their ships, it would appear that in the large majority of cases Bounties had been refused because there had not been a strict compliance with the Letter of the Colonial Regulations. We apprehend that, in all such cases, Lord Stanley would probably consider the decision of the Colonial Authorities as final. It is expressly declared in the Regulations that the requisite conformity with the conditions, upon which Bounty would be paid, must in all cases be established to the satisfaction of a Board of Inspection appointed by the Governor. It is also added that "to prevent the misapprehension and disappointment, and to ensure a strict adherence to the principle of this regulation, the qualification of Immigrants brought out under it will be strictly construed." These regulations were published, and the necessity of observing them pointed out in every permission to introduce Emigrants into the Colony, which was granted by the Local Government.

When, on the other hand, the Messrs. Smith refer to the superintendence exercised by our Board over this description of Emigration, and would seem to imply that in cases where the Board in the Colony has refused the Bounty, a claim for payment might still
be founded upon our supposed approval of the Emigrants, it is only necessary to mention that, in our published regulations on the subject, copies of which were forwarded to every Bounty Agent, after stating that our duties will be confined entirely to seeing that the Certificates of the parties are proper as Documents, that is are properly filled up and signed, we added, “But their personal fitness or the question whether or not they come properly within the kind of emigrants, for whom Bounty is promised, will be left, as at present, exclusively to the decision of the proper Board in the Colony.” It is thus evident that full notice was given to the Public that the payment of Bounties would depend in every case upon whether or not a strict conformity to the Regulations should be established to the satisfaction of the Colonial Board of Immigration. All parties therefore engaging to send out Emigrants on this system knew exactly the risk, which was involved in the undertaking and must be expected to abide by it. It is moreover manifest that the whole object of the system would be defeated, if, when the authorities in the Colony had decided that certain Immigrants were ineligible, the parties interested in obtaining the Bounty for them could appeal against their decision to the Secretary of State. For these reasons, it appears to us, as we before intimated, that, in respect to the great majority of cases in which the Messrs. Smith complain of the refusal of Bounty, no sufficient ground has been shewn for Lord Stanley’s interference. We observe a few, however, not amounting to more than ten, on which, as they appear not to have been decided on the usual grounds, it may be desirable that explanation should be requested from the Governor. We beg to annex a List of them.

In the first five, it is stated that the Immigrants had been rejected because their certificates had not been signed by us. Upon examining our own Registries, however, it appears that one of these parties had been passed in the proper manner by the Government Emigration Agent at Liverpool, and the remainder had been originally included in the Certificates of their parents, which had been submitted to us and received the usual signature under our authority. In the remaining cases the grounds of objection do not appear to us to be such as have been expressly laid down by the Regulations.

We would therefore beg leave to suggest to Lord Stanley that it might be expedient to forward the List of these cases, together with a copy of Messrs. Smith’s letter to the Governor, for any observations he may wish to offer upon them. Should his Lordship approve this step, we would further suggest that the Messrs. Smith, in answer to their Letter, should be reminded that, by the nature of the Bounty system, as made known to and acted upon by the public, the eligibility of all Emigrants was to be judged of after their arrival in the Colony and the Bounty upon them paid, only when a strict compliance with the regulations should be proved to the satisfaction of the Board of Emigration. They might further be informed that their Letter should be referred to the Governor for his Report, and his attention directed to any cases in which the decision of the Local Board might seem to have been made without reference to the established rules.

We have, &c,

Edward E. Villiers,
John George Shaw LeFevre.
[Sub-enclosure.]

List of those of the cases urged by Messrs. Smith and Son which appear to call for a reference to the Colony.

REFUSAL OF BOUNTIES.

<table>
<thead>
<tr>
<th>Name of Emigrant</th>
<th>Vessel in which Emigrant went out</th>
<th>Alleged ground of rejection</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hinton, Samuel</td>
<td>&quot;Agnes Ewing&quot;</td>
<td>Do</td>
<td>The names of these 4 parties appear to have been included in the Certificates of parents, which were duly passed by this Board.</td>
</tr>
<tr>
<td>Gregory, H. J.</td>
<td>Do</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Smallwood, E.</td>
<td>Do</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Sloon, M.</td>
<td>&quot;Champion&quot;</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Kelly, D. and Wife</td>
<td>Do</td>
<td>Had passed the Board but subsequently left Sydney for Adelaide.</td>
<td></td>
</tr>
<tr>
<td>Fink, John</td>
<td>Do</td>
<td>Died after he had been passed by the Board and the Bounty allowed.</td>
<td></td>
</tr>
<tr>
<td>Hepworth J. and Wife</td>
<td>&quot;Nabob&quot;</td>
<td>Being suspected of stealing Wine on board ship.</td>
<td></td>
</tr>
<tr>
<td>Strat, J. and wife</td>
<td>Do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leech and family</td>
<td>Do</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9 Park Street, Westminster, 3d December, 1842.

[Enclosure No. 3.]

UNDER SECRETARY HOPE TO MESSRS. SMITH AND SON.

Gentlemen,

Downing Street, 13th December, 1842.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 4th ultimo, in which you prefer a complaint against the Government of New South Wales for refusing the Bounty on certain Emigrants whom you had introduced into that Colony.

Lord Stanley directs me to remind you in answer that, by the nature of the Bounty system, the eligibility of all Emigrants was to be judged of after their arrival in the Colony, and the Bounty upon them paid only when a strict compliance with the regulation should be proved to the satisfaction of the Board of Immigration. His Lordship will however refer your Letter to the Governor of New South Wales for his Report, and will direct his attention to any cases in which the decision of the Land Board might seem to have been made without reference to established rules.

I have, &c.,

G. W. Hope.
1842.
15 Dec.

Lord Stanley to Sir George Gipps.

(Despatch No. 223, per ship Fanny.)

Downing Street, 15th December, 1842.

Referring to my Despatch of the 26th August, No. 175, and to the promise which I there conveyed to you, that at an early opportunity I should communicate with you fully on the question of the legal arrangements generally to which that Despatch referred, I now proceed to execute that intention.

After fully adverting to the various statements contained in your Despatches of the 28th December and 16th January last, numbered respectively 238, 6 and 7; and, after also adverting to the long series of earlier Despatches on record here on the subject of the Judicial and legal Establishment of New South Wales, I have adopted the following conclusions:

First. The Expenses of administering Justice and obtaining legal advice for the Government of New South Wales is very great, whether reference be made to the population of the Colony; to its wealth, or to examples supplied by the other Colonial Dependencies of the British Crown. Whether this charge is needlessly great, is, however, a different and more arduous enquiry. There are many circumstances (which it would be superfluous for me to recapitulate), which impose on your Government the necessity of incurring under this head expenses of greater amount than are requisite in any other British Colony. But I cannot avoid some serious doubt whether such demands on the Public Revenue have not been improvidently and needlessly admitted. The system of Government prevailing in New South Wales has taken much of its character from circumstances now rapidly passing away. While it was the Great receptacle of Convicts from England, the Colony was naturally, perhaps unavoidably, placed in a state of Dependence on the local Government foreign to our National habits, and unknown in any other British Settlement. Not only was the Government invested with the usual administrative powers, and with Legislative authority; but it was involved in the conduct of every local work, in the prosecuting of every offence, in the active Superintendence of all details of Magisterial jurisdiction, in the protection of the property of deceased persons and of absentees, in advising every Justice of the Peace on every question of Law or discretion, on which he might feel a doubt; and so on in a multitude of affairs so minute and intricate as to render a great judicial and legal Establishment indispensable to the Governor's assistance. This
intervention of the Executive Authority in every Branch of Public Business is to be deprecated on many yet higher grounds than that of expence. Yet on that ground the habit is highly objectionable. So long as the Government is regarded as a kind of universal Agent, it must be a Government of a very costly nature.

Among the advantages to be anticipated from diverting the current of Convict Emigration from New South Wales, the contraction of the sphere of the operations of your Government is not the least considerable. It would seem high time that the Colonists should assume the management of many affairs which have hitherto been devolved on the Government. Of these, the most important are connected with the Municipal Institutions for the creation of which Parliament has provided. But this is not the only change of this kind which would appear both desirable and practicable. There is no perceptible necessity for the local Government undertaking the conduct of all prosecutions, nor for their supplying every Justice of the Peace with directions for his guidance as often as he may wish to escape the responsibility of deciding for himself, nor for their undertaking, through an officer in the Supreme Court, to administer the Estates of all deceased persons who have no Representatives in the Colony. These and many other duties might be either declined altogether or greatly abridged, with manifest advantage to the interest of good Government, and to the growth amongst the people at large of that Public spirit which can hardly thrive long, except in a society where men are admitted to an active and independent participation in Public Affairs.

I think that you would do well to appoint a Committee of your Executive Council to deliberate and report on the question how far the duties at present assumed by the Executive Government might be abridged without any real prejudice to the Public Service. I do not convey this opinion in the form of a positive Instruction, because there may be objections to such an enquiry which at this distance I cannot foresee. If not, I trust that it will be entered upon and carefully conducted to a close.

In the meantime, charged, as you are, with so great a variety of duties, which scarcely belong to any other British Governor, I cannot require or propose an immediate reduction of the Judicial and legal Establishments, by the aid of which alone you are able to acquitted of them. So far as respects the Officers of the Supreme Court, to whom this correspondence chiefly relates,
1842.
16 Dec.

Approval of appointment of master in equity, prothonotary, and separate registrar of deeds.

Salary and duties for master in equity.

Precautions for protection of deceased estates.

Salary for prothonotary.

1842.
16 Dec.

It appears to me, however, that there are some indispensable modifications of the existing arrangements.

First, I entirely approve the suggestion for the re-establishment of the office of "Master in Equity"; Secondly, I think that it is sufficiently shown that an Officer with the Title of "Prothonotary and Registrar of the Supreme Court" ought to be appointed; and Thirdly, I am of opinion that the office of Registrar of Deeds should be established, not on its present footing, as a branch of the Supreme Court, but as a distinct office under the immediate control of the Executive Government.

To the Master in Equity, I propose to assign a Salary of £1,000 per annum. This exceeds by £200 per annum your own proposal. The additional charge will, however, be justified by the consideration that all the duties connected with the administration of the Estates of deceased Persons, having no Representatives in the Colony, which have hitherto been entrusted to the Registrar, will henceforward devolve on the Master, so far at least as it may be necessary that any Public Officer should continue in the discharge of those duties. This is a question on which I cannot venture to express a confident opinion. It will be best understood by the Judges of the Supreme Court; but I am not aware of any reason, which would require any essential distinction in this respect between the office of a Master in Chancery in England and the corresponding Office in New South Wales. If it shall be found possible to assimilate the two, the duties of the Court and the responsibility of its Officer will be considerably diminished. But, if the same degree of protection as hitherto must still be extended to the Estates of all deceased and all unrepresented persons, the duties of the Master in Chancery will be such as to be barely remunerated by the Salary I propose.

After what has occurred on this subject, it is scarcely necessary for me to express the hope and conviction I entertain, that, in concert with yourself, the Judges of the Supreme Court will take the most effectual measures for the security of the Estates of all deceased persons which may be placed under the protection and management of the Master. The Rules of the Court of Chancery in England for the prevention of abuses on this subject have been so long in force, and have been found in practice so successful, that I know not how I could suggest any better model for imitation in the Colony under your Government.

The office of Prothonotary and Registrar of the Supreme Court would, I apprehend, be sufficiently remunerated by an annual
STANLEY TO GIPPS.

Salary of £650. At least, I apprehend that it will be practicable to find in this country a person in every way qualified for that employment who will readily undertake it on the terms I have mentioned.

Mr. Milford has already (as you will be aware) been appointed to the Office of Master in Equity. I hope soon to announce to you the appointment of a Prothonotary.

To the office of Registrar of Deeds, I have, by my Despatch No. 175 of the 26th August, already authorized you to appoint Mr. Carter, if that Gentleman should be willing to accept the employment. The Salary not to exceed that which I propose to assign to the Prothonotary, that is £650 per annum.

Mr. Cinchela, having been disabled by illness from continuing in the active service to which he had been appointed, will, of course, fall back on the Pension which has been suspended during his tenure of Office. His place of Advising Counsel does not appear to have been really necessary, and of course will not be filled up.

These arrangements will make but little addition to the existing charge for the Judicial Establishment of New South Wales, and will be provided for out of that part of the Civil List Revenue, which has been appropriated by Parliament to this branch of the Public Service.

I have, &c.,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Fanny.)

Sir, Downing Street, 16th December, 1842.

The attention of Her Majesty's Government has been recently called to various Laws enacted in the British Colonies for the prevention, regulation, or punishment of acts done on the High Seas, or on the Seas within one League of the Shore of the Colonies, in which such Laws have originated. After consultation with the Queen's Advocate and the Attorney and Solicitor General, Her Majesty's Government have adopted the following conclusions on the subject:—

When the operation of a Colonial Act is confined to a range not exceeding one League from the Shore, and relates to matters of local interest, the regulation of which, by local enactment, is indispensable to the welfare of the Colony, no objection will be made to such an Act on the ground of the local range and extent
of its operation exceeding the limits of the jurisdiction of the Colonial Legislature; Examples of such Acts are those relating to Pilotage, to Quarantine, to Customs Duties, and to Fisheries.

But if a Colonial Enactment be made to take effect on the High Seas at a distance exceeding three Miles from the Shores of the Colony, that is, if it shall purport to regulate, to prevent, or punish any acts done on Shipboard beyond those limits, such Enactment will be null and void. In what manner acts of that kind may be disposed of by Her Majesty, is a question on which no one inflexible Rule can be laid down. But it may be stated, as a general Rule, that the Queen will, in no case, be advised to confirm or sanction any such Enactment.

I have thought it necessary to impart this information to you that, in the enactment of Laws in the Colony under your Government, your authority or influence may be used to prevent the infringement of the general principles to which I have adverted.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 236, per ship Olinda.)

My Lord,

Government House, 17th Decr., 1842.

Herewith I have the honor to forward the Blue Book* for the year ended the 30th Septt. in the present year, together with the report, which, according to Your Lordship’s Despatch of the 5th May last, No. 101, should accompany it.

As I have not been able to forward this Book by the day fixed in Lord Russell’s Despatch, No. 240 of the 10th April, 1841, namely, the 30th Novr., I think it necessary to state that the Blue Book was delivered to me by the Colonial Secretary on the 9th instt. only, since which day I have had to compile the report which accompanies it.

In explanation of the delay on the part of the Colonial Secretary, I subjoin Copies of some memoranda, made either by myself or by that Officer.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 2.]*

Annual report. REPORT to accompany the Blue Book of the Colony, for the year ending the 30th Sept., 1842.

1. Taxes and Duties.—Pages from 1 to 8.

The only alterations which have been made in the Duties of Customs in New South Wales, since the passing in the year 1827 of

* Note 88.
the 9th Geo. IV, C. 83, were effected by a Local Ordinance passed in 1840 (4th Vict., No. 11) by which the duties on Spirits, and also the ad valorem duties on goods not the growth or manufacture of any British Possessions, were raised to their present amount.

By successive acts of Council,* passed also in the years 1839, 1840, and 1841, the duty on Spirits distilled in the Colony was gradually raised to the same amount as that which is payable on Rum imported from the West Indies, namely, 9s. per gallon.

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>The amount of ad valorem duties was in 1839</td>
<td>16,163</td>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>In the year ending the 30th Sept., 1841</td>
<td>45,365</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>And the year ending the 30th Sept., 1842</td>
<td>35,339</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>The amount of duties on Imported Spirits was</td>
<td>108,794</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>In 1839</td>
<td>Do. Do.</td>
<td>1842</td>
<td>149,510</td>
</tr>
<tr>
<td>The amount of duties on Spirits distilled in the Colony was in 1839</td>
<td>13,078</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>Do. Do.</td>
<td>1842</td>
<td>5,155</td>
<td>6</td>
</tr>
</tbody>
</table>

There is good reason to suppose frauds to a considerable extent have been committed on the Revenue in respect to Spirits distilled in the Colony; but the decrease in the produce of the ad valorem duties is to be attributed solely to the depressed state of the Colony, and the consequent inability of persons to purchase articles of luxury (which are chiefly those subject to this duty) as extensively as they formerly did.

The Wharfage and Tonnage Duties have greatly fallen off in 1842, in consequence of the cessation of Immigration, and also of a diminution in the amount of Imports, consequent on the excessive overtrading of previous years.

2. Fees of Office.—Pages 9 to 20.

The Fees of office form a considerable source of Revenue in New South Wales, their gross amount in the year ended the 30th Sept., 1842, being, as shewn in Pages 22 and 24 of the Blue Book, £34,046 4s. 10d. In the year 1839, they amounted to only £9,812 7s. 3d.

The Fees, taken in the Supreme Court, have greatly increased since the commencement of 1841 in consequence of excessive litigation, arising out of the spirit of speculation and overtrading, which prevailed prior to that year.

The gross amount of these Fees, including the Registrar's and Sheriff’s Department, as well at Sydney as at Port Phillip, was:

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>In 1839</td>
<td>5,042</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>1840</td>
<td>7,473</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td>1841†</td>
<td>14,786</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>1842</td>
<td>21,781</td>
<td>13</td>
<td>3</td>
</tr>
</tbody>
</table>

* Marginal note.—3rd Vict., No. 9; 4th Vict., No. 16; 5th Vict., No. 16.
† Marginal note.—In consequence of the alteration in making up the Blue Book, the last Quarter of 1840 is included in 1841, as well as in 1840, and consequently is reckoned twice.
As symptoms however have lately manifested themselves of a decrease of litigation, it may be expected, and indeed is to be hoped, that the amount of fees will decrease in future years rather than be increased.

The Fees in the Registrar's office (who is properly the Registrar of the Colony rather than of the Supreme Court) were raised at the beginning of the present year by an Act of Council, 5th Vict., No. 21.

On the subject of the Registrar's office, reference may be made to my Despatch of the 16th Jany., 1842, No. 7.

The Fees taken in the Court of Insolvency are not carried to the public account, it being expressly stated that they should be appropriated to the payment of the officers of the Court, in the 2nd Clause of the Act of Council, 5th Vict., No. 17.

3 and 4. Revenue and Expenditure and comparative yearly statement of the same.—Pages 22 to 90.

The following statement, extracted from my Despatch to the Secretary of State of the 10th Febry., 1842, No. 30, shews the Ordinary Revenue and Ordinary Expenditure of the Colony, for each of the four years, ending on the 31st Decr., 1838, 1839, 1840, and 1841, the sums in the latter year being corrected, so as to shew the exact amount, which could not be correctly ascertained when the Despatch was written.

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
<th>Excess in Expenditure over Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
<td>211,988 19 5</td>
<td>323,136 12 0</td>
<td>111,147 12 7</td>
</tr>
<tr>
<td>1839</td>
<td>259,740 5 5</td>
<td>336,141 17 9</td>
<td>86,101 12 4</td>
</tr>
<tr>
<td>1840</td>
<td>335,804 9 0</td>
<td>331,775 18 10</td>
<td>3,029 10 2</td>
</tr>
<tr>
<td>1841</td>
<td>403,592 8 2</td>
<td>350,507 8 6</td>
<td>53,085 19 8</td>
</tr>
</tbody>
</table>

In the above Table, the entire Revenue of the Colony is included, except what is derived from the sale of land, which Revenue is separately accounted for under the name of the Land Fund. And in the Expenditure are included the whole expences of the Colony, except those which are expressly chargeable on the Land Fund, namely,

1. The expence of the Survey, and Sale of the Land;
2. Expence incurred in the protection and civilization of the Aborigines;
3. Immigration.

From my Despatch, also to the Secretary of State, of the 23rd Sept., 1842, No. 176, the following Return is taken, shewing how the whole proceeds of the Land Fund have been disposed of since the year 1831.
RETURN OF the Revenue arising from the Sale of Crown Lands, and of the amount paid for Immigration, and for other services chargeable thereon for the period from 1st January, 1832, to 30th June, 1842; specifying also the number of Immigrants brought out at the public expense during the same period.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>The charges for Immigration include the sum of £10,849 paid as Out-fits, and for Passages to 90 Clergymen and 26 Teachers, who are not included in the number of other Immigrants.</td>
</tr>
<tr>
<td>1833</td>
<td>12,509 13 10</td>
<td>137 441 204 782</td>
<td>5,293 4 11</td>
<td>11,755 9 0</td>
</tr>
<tr>
<td>1834</td>
<td>24,956 1 1</td>
<td>180 507 344 1,081</td>
<td>10,759 8 8</td>
<td>12,562 4 2</td>
</tr>
<tr>
<td>1835</td>
<td>41,844 9 1</td>
<td>30 519 93 642</td>
<td>7,092 4 5</td>
<td>12,400 0 0</td>
</tr>
<tr>
<td>1836</td>
<td>80,784 14 6</td>
<td>53 524 122 600</td>
<td>11,437 14 10</td>
<td>11,318 16 10</td>
</tr>
<tr>
<td>1837</td>
<td>126,458 16 0</td>
<td>63 564 116 743</td>
<td>11,894 11 13</td>
<td>14,003 7 10</td>
</tr>
<tr>
<td>1838</td>
<td>130,137 12 5</td>
<td>664 811 588 3,260</td>
<td>59,070 6 9</td>
<td>17,350 2 9</td>
</tr>
<tr>
<td>1839</td>
<td>116,324 18 11</td>
<td>1,692 1,673 2,750 6,115</td>
<td>147,613 12 11</td>
<td>20,096 1 8</td>
</tr>
<tr>
<td>1840</td>
<td>152,082 16 4</td>
<td>2,982 2,779 2,608 8,248</td>
<td>156,576 15 11</td>
<td>19,112 4 0</td>
</tr>
<tr>
<td>1841</td>
<td>316,636 7 5</td>
<td>2,548 2,761 1,360 6,075</td>
<td>111,094 3 8</td>
<td>22,197 9 9</td>
</tr>
<tr>
<td>1842</td>
<td>90,387 16 10</td>
<td>7,124 7,602 4,180 15,006</td>
<td>322,222 16 10</td>
<td>27,407 17 2</td>
</tr>
<tr>
<td>Totals</td>
<td>1,090,583 17 2</td>
<td>2,045 13,964 58,736</td>
<td>951,341 17 4</td>
<td>179,089 12 10</td>
</tr>
</tbody>
</table>

Audit Office, Sydney, New South Wales, 7th September, 1842.

Wm. Lough, Auditor General.
From this Return, it appears that more than 87 per cent. of the gross proceeds of the sales of land have been applied to the purposes of Immigration; and the sum of £851,241 17s. 4d. expended on the same; though it is only right to add that there is, outstanding against the Land Fund, a debt of £49,500, as reported in various Despatches, of which the final one is dated the 18th March, 1842, No. 61.

The Revenue of 1842, being made up in the Blue Book for the year ending the 30th Sept., may not be found to correspond exactly with the corrected accounts for the Legislative Council, which will be made up to the 31st Dec.

The Revenue, in the year ending the 30th Sept. last, has in some of its branches fallen off considerably; but, with the exception of the duties on spirits distilled in the Colony, this falling off is to be attributed to the reduced importation and consumption of articles subject to duty, consequent on a transition from a state of almost boundless extravagance to one of very general and rigid economy.

The chief falling off in the Revenue, as compared with the year ending the 30th Sept., 1841, are the following:

<table>
<thead>
<tr>
<th>Branch</th>
<th>Decrease</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 50. Spirits distilled in the Colony</td>
<td>4,128</td>
<td>11</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Ad valorem duties</td>
<td>15,616</td>
<td>6</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Wharfage</td>
<td>1,598</td>
<td>16</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Auction Duty</td>
<td>2,037</td>
<td>15</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Page 52. Tonnage Duty</td>
<td>895</td>
<td>18</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Port Phillip</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Page 54. Auction Duty</td>
<td></td>
<td>995</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

On the other hand, from the increase in the following items, it may, it is hoped, be deduced that there is no decrease in the real resources of the Colony, or in the activity and energy of the Colonists.

<table>
<thead>
<tr>
<th>Branch</th>
<th>Increase</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 50. Duty on Tobacco</td>
<td>4,197</td>
<td>15</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Post office</td>
<td>396</td>
<td>13</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Publicans’ Licences</td>
<td>1,550</td>
<td>16</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Page 52. Rents of Tolls and Ferries</td>
<td>1,573</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Assessment on Stock depastured on Crown Lands, beyond the Boundaries of Location</td>
<td>7,744</td>
<td>16</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Fees of Office</td>
<td>4,276</td>
<td>1</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

and at Port Phillip.

<table>
<thead>
<tr>
<th>Branch</th>
<th>Increase</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 54. Ad valorem duties</td>
<td>2,776</td>
<td>19</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Publicans’ Licences</td>
<td>288</td>
<td>10</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Assessment on Stock depastured on Crown Lands</td>
<td>3,434</td>
<td>19</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Fees of Office</td>
<td>6,682</td>
<td>13</td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

In the Crown Revenue, the decrease in the produce of the sale of land is most remarkable, as has been frequently in the course of the year reported to Her Majesty's Government.

The whole Revenue for the year, ended the 30th Sept., 1842, is (Port Phillip and Moreton Bay included) only £28,006 14s. 7d., whereas, in the year ended the 31st Dec., 1841, it was £307,076 3s. 2d.
In almost every other branch of the Crown Revenue, however, there has been an increase, especially in Quit Rents; but it is to be remarked that, in addition to the Quit rents of the year, a considerable portion of the arrears of former years has been collected in 1842.

Exclusive of the Revenue derived from Land Sales, the Crown Revenue was:

<table>
<thead>
<tr>
<th>Year</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>11,664</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td>1840</td>
<td>20,284</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>30th Sept., 1841*</td>
<td>28,014</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>1842</td>
<td>41,971</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

These sums, taken from the Blue Books, do not agree with those stated in my Annual Financial Minutes to the Legislative Council, which latter are the correct ones, for years all ending on the 31st Decr.

The total Revenue of the Colony is made by the Blue Books to have been:

<table>
<thead>
<tr>
<th>Year</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841</td>
<td>639,673</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>1842</td>
<td>688,407</td>
<td>10</td>
<td>6</td>
</tr>
</tbody>
</table>

but these sums are fallacious, including, as they evidently do (see Page 58 of the Book of the present year), receipts in aid of Revenue and repayments, which form no part of the Annual Income. If all these be excluded in both years, the account will stand nearly thus:

<table>
<thead>
<tr>
<th>Year</th>
<th>Colonial Revenue</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
<th>Ordinary Crown Revenue</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
<th>Land Funds</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841</td>
<td>376,781</td>
<td>9</td>
<td>8</td>
<td>8</td>
<td>28,014</td>
<td>18</td>
<td>1</td>
<td>1</td>
<td>138,603</td>
<td>17</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>1842</td>
<td>387,619</td>
<td>0</td>
<td>6</td>
<td>6</td>
<td>41,971</td>
<td>8</td>
<td>5</td>
<td>5</td>
<td>28,666</td>
<td>14</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Increase</td>
<td>10,737</td>
<td>10</td>
<td>10</td>
<td>8</td>
<td>13,956</td>
<td>10</td>
<td>4</td>
<td>2</td>
<td>107,997</td>
<td>2</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

From this statement, it would appear that both the Ordinary Revenue of the Crown and of the Colony have increased, notwithstanding the great falling off in the Land Fund. But whether the same results will be found, when the accounts come to be accurately settled up to the 31st Decr., 1842, may be doubtful.

In the expenditure for the year ending the 30th Sept., 1842, the increased expenditure is in the following items:

- Surveyor General: £1,223 s. 9 d.
- Customs: £1,458 s. 4 d.
- Supreme Court: £439 s. 0 d.
- Water Police: £725 s. 3 d.
- Country Do.: £1,245 s. 6 d.
- Building Churches: £3,247 s. 17 d.
- Do. Schools: £353 s. 5 d.
- Maintenance of Paupers in Hospitals: £450 s. 0 d.

*Marginal note.—The year ending the 30th Sept., 1841, includes the last Quarter of 1840, which Quarter is consequently reckoned twice.
1842. Page. 

and at Port Phillip.

£ s. d.

**Increased expenditure.**

72. Civil Establishments ........................................... 775 13 2
Survey Department .................................................. 2,472 1 10
Customs ......................................................... 925 11 8
Administration of Justice (which is, however, covered altogether by Fees) ........... 4,570 0 10
74. Police ........................................................ 2,044 14 11
Gaols ............................................................... 694 19 4
Clergy ............................................................. 648 3 3

**Decreased expenditure.**

Whilst the chief decrease in Expenditure, during the same period, has been on the following items:—

**Decrease.**

Page. 

Sydney

Executive and Legislative Councils .................................. 634 6 8
Town Surveyor of Sydney ............................................ 1,176 1 3
Colonial Engineer Department ...................................... 3,905 3 2
64. Sydney Police .................................................. 967 3 0
Mounted Police ..................................................... 5,360 16 1
Border Police ....................................................... 1,019 14 3
Presbyterian Schools* ............................................... 1,344 10 10
70. Pensions ......................................................... 408 7 6

Attendance of Witnesses and Jurors in Courts of Justice (in great part to be attributed to the institution of Circuit Courts) ................................. 1,803 9 4
Public works ....................................................... 11,480 11 3

and at Port Phillip.

Church Building .................................................... 1,370 16 8

The total expenditure of the Colony is made by the Blue Book to appear in the year ended the 30th Sept., 1841 (Page 74) ........................................... 758,828 17 1

Do. Do. 1842 .......................................................... 804,982 19 8

but these sums are equally fallacious, with those which are given as the amount of Revenue for the same years. Large sums are included (see Page 60 of the Book for the present year) which, being advances, form no part of the annual expenditure, in the same way that in the accounts of Revenue are included many sums which are only repayments.

Deducting these, as far as can be done with any degree of accuracy, the accounts will stand thus: 1841. 1842.

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Expenditure for every-thing except Immigration</td>
<td>423,389</td>
<td>19</td>
<td>5</td>
</tr>
<tr>
<td>Immigration</td>
<td>202,306</td>
<td>17</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>625,706</td>
<td>17</td>
<td>0</td>
</tr>
</tbody>
</table>

From which it would appear that (exclusive of Immigration) the expenditure of the year, ended the 30th Sept., 1842, has been less than that of the previous year by the sum of £33,711 11s. 5d.; but whether the same result will be shewn, when the accounts are made accurately up to the 31st Decr., 1842, may be doubtful.

It is also to be remarked that neither the receipts of the Land Fund nor the expences of Immigration can be accurately ascertained, until the accounts be received, which have been repeatedly requested by me, and particularly in my Despatches, No. 91 of the

* *Marginal note.—Great abuses were discovered in the previous management and expenditure of these Schools.*
11th April, 1841, and of those numbered 9, 74, and 114, respectively
dated the 9th Jan., 19th April, and 4th July in the present year.
Supposing the accounts to be correct, as they are herein stated,
there will have been in the course of the year ended the 30th
Sept., 1842, as compared with the one which immediately preceded
it.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>An increase in the Revenue of</td>
<td>24,694</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>And a decrease in Expenditure of</td>
<td>33,711</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>58,405</strong></td>
<td><strong>12</strong></td>
<td><strong>7</strong></td>
</tr>
</tbody>
</table>

(exclusive of the Land Fund on the one side, and of Immigration on
the other, but after payment of the expenses of the Survey and
Sale of Land, and of those incurred on account of the Aborigines,
out of the Ordinary Revenue.

5. Local Revenues.—Page 91.
There are as yet no Local Revenues in the Colony, received or
expended by any authority, except the Local Government.
By acts however passed in the last Session of the Legislative
Council, the Towns of Sydney and Melbourne have been Incorpor­
atated; and they will have in future years each (but especially
Sydney) a considerable Revenue.
Local Revenues will also be created in the Country Districts by
the provisions of Sections 41 to 50 in the act which has lately
been passed, giving to the Colony a New Constitution.

6. Commissariat or expenes defrayed out of the Military Chest.—
Page 80.
The Expenditure out of the Military Chest for the support of
Convicts in New South Wales is rapidly decreasing:

<table>
<thead>
<tr>
<th>Year</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>1830</td>
<td>159,222</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>1840</td>
<td>149,459</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>1841</td>
<td>118,821</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td><strong>Year ended the 30th Sept., 1842</strong></td>
<td><strong>87,992</strong></td>
<td><strong>10</strong></td>
<td><strong>3</strong></td>
</tr>
</tbody>
</table>

The expenditure for the maintenance of Convicts
by the Colonial Government was, during the
year ended the 30th Sept., 1842

<table>
<thead>
<tr>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>14,753</td>
<td>16</td>
<td>4</td>
</tr>
</tbody>
</table>

To which if there be added one half of the ex­
perience of Police and Gaols (exclusive of the
Border Police, which is maintained principally
on account of the Aborigines)       | 45,070 | 17 | 1 |

And one half the experience of erecting Gaols, and
other Police Buildings (Exclusive of Courts
of Justice) | 10,246 | 4 | 1 |

The amount will be | **79,070** | **17** | **6** |

Against which sum is to be set the value of the Convicts' labour
whatever it may be.
The number of Convicts in the Colony is supposed to be nearly
25,000 exclusive of Norfolk Island.
The amount of expenditure out of the Military Chest, on account
of the Military protection of the Colony, was:

<table>
<thead>
<tr>
<th>Year</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>94,982</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>1840</td>
<td>97,950</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>1841</td>
<td>99,762</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>1842</td>
<td>102,987</td>
<td>6</td>
<td>4</td>
</tr>
</tbody>
</table>
1842.  
17 Dec.

1. Public Works and Buildings. (not Military).—Pages 104 to 111.

The amount expended on Public Works has been less in the year 1842, in the Colony generally, than in the preceding year, by about the sum of £15,000; but this decrease has been entirely in the old parts of the Colony, there having been a slight increase in the Port Phillip District.

The most burthensome part of this expenditure is that incurred for the erection of Gaols and Police Buildings, chiefly rendered necessary by the presence of Convicts from the Mother Country.

3. Legislation.—Pages 113 to 120.

All the Acts, passed in the year ending the 30th Sept., 1842, have been regularly sent home, and reported on in My Despatches of the 9th March, 1842, No. 48, the 19th Septt., No. 172, and the 17th Novr., No. 215.

The most important Acts are those of the 6th Vict., Nos. 3 and 7, for the Incorporation of the Towns of Sydney and Melbourne.


No alteration has as yet taken place, either in the Executive or the Legislative Council; but the latter will shortly be remodelled entirely in consequence of the passing of the recent Act of Parliament, 6th Vict., C. 76, which however has not yet been officially received in the Colony.

6. Civil Establishments.—Pages 125 to 326.

The List of Civil Officers contains 743 names, being 24 more than those contained in the Blue Book for 1841.

In the different Departments of Government, there is but very little alteration, generally a small decrease in the expenditure of each, though, as above stated, an increase in the number of persons employed.

The exceptions are the Customs, in which there is a small increase, and the Surveyor General's Department, which latter has been increased by the arrival of eight gentlemen from England, who were applied for at the time, when New Zealand was made an appendage to the Colony of New South Wales, and when the demand for land was so great, that it was impossible to bring it fast enough into the market. Since the decrease in the demand for land, the Department might be reduced, if it could be done without injustice to individuals.

The Judicial Establishments have been materially increased within the last two years by the institution of Circuit Courts, and the Court of a Resident Judge at Port Phillip, also by the addition to the Supreme Court of a Master in Chancery, all which additions or appointments have been regularly reported in my Despatches named in the margin.*

The fact already mentioned, that the fees taken in the Supreme Court have increased from £5,042 10s. 7d. in 1839 to £21,781 13s. 3d. in 1842, must sufficiently prove the necessity of an increased Establishment.

* Marginal note.—Nos. 3, 4, 6, 1st Jany., 1841; No. 217, 17th Novr., 1842.
The institution of Circuit Courts has had a beneficial effect, and, though it has caused an increase of expense, under the head of travelling allowances to the Judges and Law officers of the Crown, there is at least an equivalent saving in the expense of Crown Witnesses.

The establishment of a Court of high Jurisdiction in the Port Phillip District, under the Presidency of a single Judge, has, I regret to say, caused a great deal of excitement and been productive of much dissatisfaction; but I should shrink from my duty if I hesitated to assert that by far the greater part of the evil, which has ensued, is to be attributed to the personal character and temper of the Resident Judge.

On the subject of the complaints against Mr. Justice Willis, I shall, I fear, yet have to trouble the Secretary of State with several Despatches.

At Page 483, a Table is given of the number of offences tried by the Judges and at Quarter Sessions; and, by comparing this Table with those given in former years, the following result will be obtained:

<table>
<thead>
<tr>
<th>Years</th>
<th>Supreme Court</th>
<th></th>
<th>Quarter Sessions</th>
<th></th>
<th>Totals</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>159</td>
<td>12</td>
<td>609</td>
<td>132</td>
<td>912</td>
<td></td>
</tr>
<tr>
<td>1840</td>
<td>99</td>
<td>9</td>
<td>563</td>
<td>161</td>
<td>832</td>
<td></td>
</tr>
<tr>
<td>1841</td>
<td>159</td>
<td>20</td>
<td>468</td>
<td>106</td>
<td>573</td>
<td></td>
</tr>
<tr>
<td>1842</td>
<td>135</td>
<td>41</td>
<td>536</td>
<td>85</td>
<td>787</td>
<td></td>
</tr>
</tbody>
</table>

Capital Convictions and Executions.

<table>
<thead>
<tr>
<th>Years</th>
<th>Capital Convictions.</th>
<th>Executions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>...</td>
<td>53</td>
</tr>
<tr>
<td>1840</td>
<td>...</td>
<td>13</td>
</tr>
<tr>
<td>1841</td>
<td>...</td>
<td>27</td>
</tr>
<tr>
<td>1842</td>
<td>...</td>
<td>20</td>
</tr>
</tbody>
</table>

Civil Cases tried in the Supreme Court.

<table>
<thead>
<tr>
<th>Years</th>
<th>Defended.</th>
<th>Undefended.</th>
<th>Total.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>177</td>
<td>130</td>
<td>306</td>
</tr>
<tr>
<td>1840</td>
<td>232</td>
<td>323</td>
<td>555</td>
</tr>
<tr>
<td>1841</td>
<td>485</td>
<td>398</td>
<td>883</td>
</tr>
<tr>
<td>1842</td>
<td>872</td>
<td>465</td>
<td>1337</td>
</tr>
</tbody>
</table>

Since the Institution of Circuit Courts, there have been tried in them:

<table>
<thead>
<tr>
<th>Years</th>
<th>Felonies.</th>
<th>Misdemeanours.</th>
<th>Civil Cases.</th>
<th>Total.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841</td>
<td>47</td>
<td>3</td>
<td>23</td>
<td>83</td>
</tr>
<tr>
<td>1842</td>
<td>92</td>
<td>10</td>
<td>40</td>
<td>142</td>
</tr>
</tbody>
</table>

N.B.—These however are included in, and not in addition to, the number above returned, as having been tried before Judges of the Supreme Court.

The above Returns shew that, whilst litigation in Civil cases is alarmingly on the increase, there is happily a diminution in Criminal trials, notwithstanding the rapid increase which is taking place in...
the Population of the Colony. In 1834, there were 148 Capital Con-

victions and 44 criminals executed.

An Act, giving extended jurisdiction to the Courts of Requests,

was recently passed by the Legislative Council, and transmitted

to the Secretary of State with my Despatch, No. 215 of the 17th

Novr., 1842.

An Act to regulate the office of Sheriff is now under considera-

tion; and, in my Despatch of the 16th Jany., 1842, No. 7, I proposed

an alteration in respect to the office of Registrar.

Defalcations of

T. Macquoid;

and J. E.

Manning.

The Insolvency and Suicide of the late Sheriff, Mr. Macquoid,

were reported by me on the 31st Oct., 1841. His affairs are not yet

wound up; and I regret to say that various suitors in the Court will

probably lose money by his Insolvency to the amount collectively of

about £2,000.

The more serious defalcation of the late Registrar, Mr. Manning,

was reported in my Despatch No. 5 of the 16th Jany., 1842; and

the same subject is recurred to in those of the 9th Decr., 1842,

Nos. 231 and 232.

I regret to state that his affairs have proved to be far worse

than was expected; and the losses to the persons interested in the

Estates of deceased Intestates (of which Mr. Manning was the

ex officio administrator) will not probably amount to less than

£10,000.

The Police Establishments have been somewhat reduced in the

older parts of the Colony, as well as in Sydney; and further reduc-
tions are to be made at the commencement of 1843. The tranquil
state of the Colony admits of this decrease; and I am happy to
say that the year past has not been marked by any unusual acts of
atrocity.

By the Corporation Acts of Sydney and Melbourne, a Portion of
the Police expences of those Towns will in future years be defrayed
by local assessments; and the same will be the case in the Rural
Districts, as soon as the provisions of Sections 41 to 50, of the recent
Act of Parliament, 6th Vict., C. 76, can be brought into operation.

The expences of the Mounted Police have also been reduced in
the course of the present year to the extent of upwards of £5,000
as already stated.

The Medical Establishment for Convict services, of which the ex-

pence is defrayed out of the Military Chest, has also been reduced
by the discontinuance of three Hospitals.

On the subject of Convict Establishments in general, I am pre-
paring a report, in obedience to the instructions contained in the
Secretary of State's Despatch, No. 75 of the 10th March, 1842.

The Ecclesiastical Establishments are beyond the control of the
Local Government, being regulated by the Church Act of the Colony,
7th Wm. IV, No. 3. This Act, though it has proved an expensive
one to the Colony, has acted most beneficially in allaying the irrita-
tions, which were, prior to the passing of it, caused by the ascend-
ancy of the Church of England.

The total expence of the Church establishments in the Colony, in-
cluding the erection of New Churches, was, according to my annual
financial statements, laid before the Legislative Council, £ s. d.

In 1839 ........................................... 24,365 11 9

" 1840 ........................................... 25,533 0 6

" 1841 ........................................... 33,600 14 3

And in the year ending the 30th Sepr., 1842,

according to the present Blue Book ........... 33,509 8 6
Establishments at Port Phillip.

These Establishments have necessarily been increased to meet the increasing wealth and importance of the District.

The increase in the Surveyor General's Establishment has been already mentioned, as has that in the Judicial Establishments.

I may here mention that the Revenue of the District, which was (exclusive of the sale of land), in 1839, £14,008 5s. 10d., has so increased as to yield, in the year ended the 30th Sept., 1842, £100,898 5s. 10d. (equally exclusive of the sale of land).


It is still a question whether the Clerks of the different Police Benches throughout the Colony should not give security; but, as they have been appointed without any, it might be deemed a hardship now to call on them to do so; and it further might have the effect of forcing some of them to resign. They collect the fees and fines levied at Petty Sessions, for which they are called on to account every three months. As many of them reside at places far remote from Sydney, there is some difficulty in enforcing regularity in their payments; but I have recently issued an order that, upon the occurrence of a third irregularity (the irregularity generally being delay beyond the appointed day of payment) the person guilty of the irregularity will be removed from his office.


The falling in of the Pension (£700 per annum) of the late Chief Justice, Sir Francis Forbes, was reported in my Despatch, No. 217 of the 8th Novr., 1841, and the revival of the late Attorney General's Pension (£500 per annum, Dr. Kinchela) in that of the 28th Decr., 1841, No. 238.

13. Recapitulation of the Establishments.—Page 339. No observation occurs under this Head.


By the Census taken on the 2nd March, 1841, the Population of the Colony amounted to 130,856 Souls, of whom rather less than one third were females.

By the nearest calculation which can be made of the increase in the Population, caused by Immigration and Births, since the Census was taken, the Population consisted on the 30th Septt., 1842, of 157,085 Souls.


This Return is in substance the same as that which has already been spoken of under the head of Civil Establishments, the difference merely being that one Return is arranged alphabetically according to the names of the Clergymen, the other in the order of their Parishes or Cures.

The number of Clergymen in the Colony, receiving salaries from the Government, is shewn by this latter Return to be as follows:—

- Church of England: Bishop, 1; other Clergymen, 44; Presbyterian, 18; Wesleyan, 7; Church of Rome: Vicar General, 1; other Clergymen, 23—Total receiving Salary, 94.

Besides whom, there are the following who receive no salaries:—

- Church of England, 3; Presbyterian, 4; Wesleyan, 1; Independent or Baptist 7—Total, 15.
16. Education.—Pages 371 to 384.

No system of general Education for the lower classes has yet been established; the attempt made in 1837 to introduce the Irish, and subsequently the British and Foreign system, in 1839, not having proved successful.

At present the public Schools for Children of the poorer classes are for the most part under the management of the Clergy of the different Denominations, assistance being rendered to all equally by the Government, under Regulations dated 24th Sept., 1841, of which a Printed copy is annexed.

These Regulations were issued in order to stop a practice, which greatly prevailed in the years 1840 and 1841 (especially in the Presbyterian Schools), of charging the Public with half the expense of educating the children of persons, in a condition of life not such as to require eleemosynary assistance.

On the subject of Education, I would refer to the statements attached to my Financial Minutes of the years 1839, 1840 and 1841, respectively laid before the Legislative Council on the 23rd July, 1839, the 29th July, 1840, and the 6th July, 1841, particularly the latter, which fully exposes the abuses to which I have alluded.

There are three Establishments for Orphans or Destitute Children, maintained entirely at the expense of the Government, one for male, and one for Female Protestant Children, and a third for Roman Catholics of both sexes.

There is also a School for the children of Convicts in the Female Factory at Parramatta.

For Children of the higher classes, there is no deficiency of places of Education.

Of the Schools which may be called public ones, the Sydney College (erroneously called a College) is the best. The King's School at Parramatta, founded on the principle of a Grammar School in England, has, I regret to say, lately fallen into disrepute, the Master (a Clergyman of the Church of England) having become Insolvent. The Australian College, founded by Dr. Lang on the model of the Scotch Schools of the higher class, has also of late fallen into great disrepute, and almost for a time ceased to exist, though efforts are now being made to restore it.

Of the private Schools, many deserve to be mentioned with commendation, particularly, that of the Revd. Mr. Forrest at Campbell Town, that of Mr. Cape in Sydney, and of Mr. Woolis in Parramatta.

Of the Ladies' Schools, there are also some which maintain a high character, particularly that of the Misses Deane of Sydney.

The recapitulation of private Schools, at Page 386, if compared with that of the Blue Book for 1842, shews an increase in the year of 61 Schools and of 800 Male and 408 Female Scholars.

The number of Public Schools is increased by 49; and the number of Scholars by 504 Male and 381 Female.

The total number of Schools in the Colony at the present time is 306, the number of Scholars:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>7,870</td>
</tr>
<tr>
<td>Female</td>
<td>6,573</td>
</tr>
<tr>
<td></td>
<td>14,443</td>
</tr>
</tbody>
</table>

which, out of a Population of 150,085, gives rather more than one in every eleven.
PUBLIC EDUCATION.

Colonial Secretary's Office,
Sydney, 24th September, 1841.

Some further regulations being necessary to define the manner in which aid will, in future, be afforded by Government to the Public Schools, intended for the education of the poorer classes of the community throughout the Colony, the Governor directs that the following shall take effect from and after the first day of January next:—

New Schools, or those established since the year 1836.

In Towns or places, of which the population, by the late Census, amounted to 2,000 or upwards, the aid to be given by Government to any School will never exceed one penny for each day's actual attendance of every child in the School, no child being reckoned whose parents or friends are in a station of life such as to render it unnecessary to extend to them the assistance of Government.

In Towns whose population did not, by the late Census, amount to 2,000 souls, the aid afforded to any School may be as high as 1d. per diem for each child, and it may be further extended to 1½d. per diem, if there be no other school of any denomination receiving aid from the Government, within five miles of it.

In no case, however, will the aid afforded by Government exceed the sum which may be raised for the support of the School from private sources, nor will it ever exceed £25 per quarter, unless the number of children attending the School, or the poverty of their parents, be such as to make a special exception in favour of it necessary.

Schools established prior to the year 1837.

No alteration in respect to these Schools is proposed during the year 1842, further than that which is hereinafter specified under the head of "Schools in General."

It is to be understood, however, that the sums granted by the Legislature, in aid of these Schools, can never be exceeded, nor can the saving of one year (if there be any) be carried forward in aid of the expenditure of the next. Repairs also to Buildings are to be defrayed out of the sums granted.

It is to be understood, however, that the practice of paying fixed Salaries to Masters and Mistresses will be discontinued by the Government as soon as possible, and that accordingly no Salaries will be guaranteed by Government to any Masters or Mistresses, who may be appointed after the 1st January, 1842; neither will Rent be paid by Government for any Buildings that may be hired as School houses after the same day, unless they shall have been previously used as such, it being considered that the providing of proper Masters, Mistresses, and Buildings, should rest with the Trustees, or Committee of Management of each School, rather than with the Government.

It is further proposed, as soon as possible, to discontinue the extremely objectionable practice of paying one half-penny per diem for children whose parents or friends pay nothing; and thus, by these several alterations, gradually to bring all Schools, which receive aid from the Government, under one system, as far at least as the receipt of that aid is concerned.
Schools in General.

In addition to the returns now furnished to the Auditor General, a list will be required from each School, on the last day of every quarter, containing in alphabetical order the names of all the children who attend the School, their ages, and also the names, places of abode, and trade or calling of their parents, or nearest friends.

These lists will be sent, in Sydney, to an Inspector of Schools, to be appointed by the Government, and, in the Country, to the Police Magistrate, or, if there be none, to the Clerk of the Bench of the District, or other person appointed by the Government; and such Police Magistrate, Clerk of the Bench, or other person, will act as Inspector of Schools within his District.

Duties of Inspectors of Schools.

The first duty of the Inspector of any District will be to make himself acquainted with the condition, in life, of all the parents or friends of the children attending the different Schools, and he will mark on the list, which is to be furnished to him quarterly, his opinion, whether or not such parents require the assistance of Government in the education of their children.

The Inspectors will further visit the different schools in their Districts at uncertain times, but never less than twice in every month, and will muster the children, and compare the numbers present with the numbers entered on the registers of daily attendance kept by the Masters or Mistresses of the Schools.

With the business of Tuition, the Inspectors will have no concern, neither will they exercise any control over the Teacher or Teachers, the object of their appointment being to watch over the financial and not the educational business of the Schools.

It will, nevertheless, be their duty to report to the Government any irregularity or misconduct which may fall under their observation, and, in transmitting the quarterly lists to the Colonial Secretary, they will report generally on the way in which each School may appear to them to be managed.

By His Excellency’s Command,
E. Deas Thomson.

17. Coins, Exchanges, etc.—Page 385.

The Monies and Weights in New South Wales being the same as in England, no remark occurs in respect to them.

The course of Exchange on England does not vary more than it is presumed to do in other Colonies. Good Bills on England are seldom at a higher premium or discount than three per cent. The premium on Bills is generally lower in the Winter months (July and August) than in the Summer ones of January and February, in consequence of the consignments of Wool being generally made in these latter months.

The common rate of Interest may be said to be ten per cent.; but higher is very frequently given. The opinion however (which I myself entirely subscribe to) is gaining ground in the Colony that this is too high; and that the average rate of profits in the Colony is not such as now to maintain it.

I have recently expressed very decided opinions in the Legislative Council, and particularly on the 9th Sept., the last day of the Session of 1842, that the greater part of the losses, which have been sustained in the Colony during the last three years,
occasioned by the influx of Capital into the Country, quicker than it could be advantageously invested, and to the extended system of credit, which so great an abundance of money for the time created.

The amount of Coin in the Colony, being given in the Blue Book for 1841 at £455,183 6 0 and in that for 1842 at £476,867 11 10.

The increase in the year is £21,684 5 10.

Which, considering that it has been a year of great distress and commercial depression, appears a satisfactory increase.

There are seven Banking Companies in the Colony, with paid up Capital collectively amounting to £2,132,403, which (notwithstanding that two of them do business in the other Australian Colonies, as well as in New South Wales) must be considered, I think, a larger amount than can be wanted for any purposes of legitimate Banking. A large portion of this Capital belongs to England, and is only attracted to New South Wales by the exorbitant rate of interest which is to be obtained there.

There are moreover two English Loan or Trust Companies in Sydney, which have been established for the purpose of lending money on Mortgage.

It may seem extraordinary that so large an amount of Capital does not produce a decline in the rate of Interest, and that it has not as yet had that effect, can I fear only be explained by the assumption that money is too frequently lent in New South Wales to persons, to whom it will make but little difference in the end whether they engage to pay five per cent, per annum or fifteen.

At Pages from 393 to 401, the Quarterly Returns are given, which under an Act of Council (4th Vict., No. 13) are made by the Banks, and published in the Colony. These Returns doubtless appear very satisfactory; and the only thing they do not disclose, is the proportion of Discounted Bills (they collectively hold to the amount of £2,562,467) which may be mere accommodation Paper, or otherwise bad.

The quantity of Notes, circulated by these Banks, is by no means large, being only to the average amount collectively of £180,106; whilst they have Coin in their Coffers to the amount of £456,000.

The Deposits in the Banks collectively are stated to have been in the Quarter ended the 30th Sept., 1842 £988,555, and during the corresponding period of 1841 £1,069,498.

£80,943

The decrease however is solely to be attributed to the decreased balances kept in the Banks by the Government.

I cannot view without some degree of alarm the extent to which the business of Banking is carried on in the Colony; and I am very much disposed to think that the Monetary Affairs of the Community would be in a healthier state, if there were fewer Banks; the more payment of Managers, Cashiers, and Clerks, must constitute a heavy drain on the Colony. The seven Banks have no less than eleven Superintendents, Managers or Cashiers, with salaries from £800 to £1,500 per annum, each English Banking Company having three, that is to say, two in Sydney, and one at Melbourne, exclusive of their establishments in London.
18. Imports and Exports.—Pages 403 to 445.

The Imports of the Colony, and also the Exports (with the exception of Wool) have fallen off in the year 1842, as will be seen by the following statement, condensed from the Returns in the Blue Books:

<table>
<thead>
<tr>
<th>Years</th>
<th>Inwards</th>
<th>Shipping</th>
<th>Outwards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Ships</td>
<td>Tons</td>
<td>Number of Ships</td>
</tr>
<tr>
<td>1839</td>
<td>563</td>
<td>135,454</td>
<td>548</td>
</tr>
<tr>
<td>1840</td>
<td>709</td>
<td>172,958</td>
<td>665</td>
</tr>
<tr>
<td>1841</td>
<td>714</td>
<td>183,399</td>
<td>697</td>
</tr>
<tr>
<td>1842</td>
<td>697</td>
<td>154,381</td>
<td>706</td>
</tr>
</tbody>
</table>

Years | Value of Imports | Value of Exports |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>£2,266,571</td>
<td>£948,776</td>
</tr>
<tr>
<td>1840</td>
<td>£5,014,189</td>
<td>£1,399,692</td>
</tr>
<tr>
<td>1841</td>
<td>£2,945,558</td>
<td>£1,150,416</td>
</tr>
<tr>
<td>1842</td>
<td>£1,579,795</td>
<td>£1,095,835</td>
</tr>
</tbody>
</table>

The decrease in the Imports is a very favorable symptom, and shows that the spirit is effectually checked of that wild speculation and overtrading which existed in the years 1839 and 1840.

19. Agriculture.—Pages 445 to 454.

It is to be feared that these Returns can be but little relied upon. The following however is a condensed view of the Return of Produce raised in the Colony, in each of the years 1839, 1840, and 1842:

<table>
<thead>
<tr>
<th>Years</th>
<th>1839</th>
<th>1840</th>
<th>1841</th>
<th>1842</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat, Bushels</td>
<td>805,140</td>
<td>1,116,814</td>
<td>987,786</td>
<td>832,766</td>
</tr>
<tr>
<td>Maize, Do</td>
<td>353,507</td>
<td>777,947</td>
<td>909,735</td>
<td>609,803</td>
</tr>
<tr>
<td>Barley, Do</td>
<td>80,093</td>
<td>105,389</td>
<td>90,510</td>
<td>59,700</td>
</tr>
<tr>
<td>Oats, Do</td>
<td>27,738</td>
<td>66,020</td>
<td>58,700</td>
<td>55,735</td>
</tr>
<tr>
<td>Potatoes, Tons</td>
<td>2,601</td>
<td>11,050</td>
<td>11,141</td>
<td>17,175</td>
</tr>
<tr>
<td>Tobacco, Do</td>
<td>155</td>
<td>215</td>
<td>132</td>
<td>73</td>
</tr>
<tr>
<td>Hay, Do</td>
<td>25,923</td>
<td>21,329</td>
<td>17,175</td>
<td>17,175</td>
</tr>
</tbody>
</table>

Return of Grain, etc., Imported.

<table>
<thead>
<tr>
<th>Years</th>
<th>1839</th>
<th>1840</th>
<th>1841</th>
<th>1842</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat, Bushels</td>
<td>171,207</td>
<td>290,843</td>
<td>304,383</td>
<td>174,706</td>
</tr>
<tr>
<td>Maize, Do</td>
<td>30,892</td>
<td>19,193</td>
<td>16,193</td>
<td>5,170</td>
</tr>
<tr>
<td>Barley Oats l or Peas, l</td>
<td>64,998</td>
<td>63,303</td>
<td>49,429</td>
<td>98,510</td>
</tr>
<tr>
<td>Flour or Biscuits, lb</td>
<td>3,579,076</td>
<td>7,106,663</td>
<td>5,884,076</td>
<td>9,800,044</td>
</tr>
<tr>
<td>Rice, Do</td>
<td>1,414,747</td>
<td>6,840,896</td>
<td>5,833,076</td>
<td>1,184,257</td>
</tr>
<tr>
<td>Potatoes, Do</td>
<td>1,189</td>
<td>1,723</td>
<td>598</td>
<td>1,354</td>
</tr>
</tbody>
</table>
20. Manufactures, Mines and Fisheries.—Pages 455 to 457.

The manufactures of the Country are few and unimportant. Cloth from the Wool of the Colony has long however been made in small quantities; and some disposition has recently been manifested to extend this branch of Industry. A cloth mill* has been erected by Sir John Jamison near Penrith, and another is in progress near Newcastle.

The only Mines in the Colony are those of Coal at Newcastle, of which the Australian Agricultural Company are the Proprietors.

The quantity of Coal raised was:

In 1839, 21,283 Tons; 1840, 30,256 Tons; 1841, 32,761 Tons; 1842, 37,167 Tons.

The Whale Fishery has been for some years on the decline. The value of Oil (Sperm and Black) brought into the several harbours of New South Wales, was:

In 1839, £242,768; 1840, £135,562; 1841, £215,868; 1842, £132,070.


It will be seen, by the Return at Page 461, that only about 20 acres of land have been granted gratuitously in the course of the year 1842, and that it was granted for purposes strictly of a public nature.

By the Return at Page 465, it would appear that the quantity of land sold in the Colony, during the year ending the 30 Sept., 1842, was as follows:—

Total.

5,719 Acres sold, £8s. 9d. average price per acre 16,803 10 2

of which there was remitted to Naval and Military Settlers 2,428 6 6

Net Produce 2,428 6 6

In the account of the Revenue at Page 30, the amount received for Crown Lands sold is stated to have been:—

£ s. d.
at Sydney 11,387 15 1
at Port Phillip 17,278 19 0

Together 28,666 14 1

But in this amount of £28,666 14s. 1d. is included the produce of the sales of a considerable quantity of land (especially in the Port Phillip District) which, though sold prior to the 30th Sept., 1841, was not received in the Treasury, and consequently not brought to account until after that day.


Having, on the subject of Gaols, had very recent occasion to report to the Secretary of State, I beg leave to refer to my Despatch, No. 219 of the 17th Novr., 1842.

Miscellaneous Returns.

From Page 487 to 511, a number of returns are given which were laid before the Legislative Council and printed in the year 1842. The following is a List of them:—

Pages
487. Return of Coin in the Colony, in each of the six years ending 1841.

488. Population of the Colony, made up to the 31st Decr., 1841.

489. Value of Imports into the Colony, for each of the ten years ending with 1841.

* Note 39.
HISTORICAL RECORDS OF AUSTRALIA.

Miscellaneous Returns—(continued).

Pages
490. Value of Exports from the Colony for the ten years ending with 1841.
491. Number and Tonnage of Vessels (Inwards) in the Colony from the year 1832 to 1841, inclusively.
492. Number and Tonnage of Vessels (Outwards) in the Colony from 1832 to 1841 inclusively.
493. Return of Grain Imported into the Colony, from 1832 to 1841 inclusively.
494. Return of Live Stock Imported into the Colony from 1832 to 1841 inclusively.
495. Value of Exports from the Colony for the ten years ending with 1841.
496. Return of Wool exported from the Colony from 1832 to 1841 inclusively.
497. Return of Oil exported from the Colony from 1832 to 1841 inclusively.
498. Number of Vessels registered in the Colony from 1832 to 1841 inclusively.
499. Return of Auction Duty paid in the Colony from 1832 to 1841 inclusively.
500. Amount received for the sale of land in the Colony from 1832 to 1841 inclusively.
501. Return of the Increase and Decrease of the Population of Port Phillip, from the 2nd March to the 31st Decr., 1841.
502. Return of Imports into Port Phillip from 1837 to 1841 inclusively.
503. Value of Exports from Port Phillip from 1837 to 1841 inclusively.
504. Number and Tonnage of Vessels entered Inwards at Port Phillip from 1837 to 1841 inclusively.
505. Number and Tonnage of vessels entered outwards at Port Phillip, from 1837 to 1841 inclusively.
506. Return of Grain imported into Port Phillip from 1837 to 1841 inclusively.
507. Return of Live stock imported into Port Phillip from 1837 to 1841 inclusively.
508. Return of Wool exported from Port Phillip from 1837 to 1841 inclusively.
509. Amount of Auction Duty paid at Port Phillip from 1837 to 1841 inclusively.
510. Amount received for Land sold at Port Phillip from 1837 to 1841 inclusively.
511. Quantity of land in cultivation at Port Phillip on the 31st Decr., 1841.

Aborigines.

At Page 323 is a Return of the Department, which was organized in 1839 in the District of Port Phillip for the Protection of the Aborigines.

A reference to my Despatches of the undermentioned dates will shew that I have but little cause to report favorably of the labours of this Department:

No. 91, 16th May, 1842; Nos. 161 and 162, 9th Septt., 1842.
A List of the Commissioners of Crown Lands is given at Page 168. They have the exclusive direction of the Border Police; and the Protection of the Aborigines is one of the Chief purposes for which they were organized, as will be seen by my Despatch No. 65 of the 6th April, 1839, reporting on the Act of Council, 2nd Vict., No. 27.

In my Financial Minutes, I usually consider half the expense of the Commissioners of Crown Lands and Border Police to be incurred on account of the Aborigines.

Missionary Establishments, for the civilization of the Aborigines, exist at Wellington Valley, Moreton Bay, and in the District of Geelong at Port Phillip.

The expense of these different Establishments was, during the year ending the 30th Sept., 1842, as follows:—

<table>
<thead>
<tr>
<th>Pages</th>
<th>£  s  d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>36.</td>
<td>Protectors of Aborigines</td>
</tr>
<tr>
<td>25.</td>
<td>Missions</td>
</tr>
<tr>
<td>43.</td>
<td>Half Border Police</td>
</tr>
<tr>
<td></td>
<td>**</td>
</tr>
</tbody>
</table>

Of the means which are thus employed for the prevention of collisions between the Aborigines and the Settlers, and in the hope of civilizing the former, I feel bound to say that the Border Police is the most efficient, and the only one from which the Colonists have as yet derived any advantage.

An attempt is being made however in the Port Phillip District to organize a Native Police, which at present promises to be successful, a Police, that is to say, composed of Aborigines, though under the direction of Europeans. On the subject of this experiment, I shall shortly report to the Secretary of State.

**Immigration.**

Some few Returns respecting Immigration are given at Pages 451 and 453; but, for full and accurate information on this important subject, reference must be made to the annual Reports of the Committee of the Legislative Council and to my own Despatches, the latest of which of any importance is that of the 14th May, 1842, No. 88.

**[Enclosure No. 3.]**

Copies of the memoranda referred to above.

By the Governor.

I must call on the Colonial Secretary for the Blue Book by the 20th inst., at the very latest.

I am required to forward it before the expiration of the present month; and I have to accompany it with a report, which, to be such as is described in Lord Stanley's Despatch of the 5th May last, cannot be prepared without considerable labour.

That Despatch speaks of contributions, made for the purposes of the Blue Book by different Heads of Departments, but I have received no such contributions.

I send the Despatch herewith, but it must be returned with this memorandum.

9th Novr., 1842.

G.G.
By the Colonial Secretary.

It is perfectly impossible to complete the Blue Book before the end of the present month. Four Clerks are now constantly employed upon it, and have been for some time past. They are working extra hours, that it may be ready at the earliest possible moment; and I am satisfied that it will be completed as soon as it is practicable to have it done; but to send it in an incomplete or imperfect state would be a discredit to myself, which I cannot suppose the Governor would desire. If a separate Book were made up by the Superintendent of Port Phillip for that District, it might be practicable to complete that for this part of the Colony within the prescribed time.

I am not aware of the contributions, to which reference is made in the Despatch, unless indeed they may be considered to consist of the materials furnished for the preparation of the Book by the different Departments.

11th Novr., 1842.

By the Colonial Secretary.

The Blue Book is, I may say, finished, with the exception of some trifling matters that can be done in a few hours; but it must be sent to be bound, which will occupy at least a couple of days, and there then will remain the Paging, and the Index, that is, to fill in the pages to each Item, the Index being otherwise prepared. This will occupy another day. I am assured by Mr. Greville that the Book will be complete and ready certainly not later than this day week, for, besides the above, it will require two days for its examination; and we can scarcely depend upon the Binder keeping it only two days. I am satisfied that, considering the great mass of work which has had to be condensed, prepared, and copied, that, with any regard to making the Book accurate and complete, it could not have been finished at an earlier period.

30th Novr., 1842.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 224, per ship Fanny.)

Sir, Downing Street, 19th December, 1842.

I have received your Despatch No. 93 of the 18th May last, reporting the circumstances under which you had, with the advice of the Executive Council of Your Government, remitted a sentence of Fine and Imprisonment pronounced by Mr. Justice Willis on Mr. George Arden, the proprietor and Editor of the Port Phillip Gazette. I have also received your Despatch No. 103 of the 8th June last, enclosing Copies of two Letters from Mr. Willis in vindication of his proceedings.

I approve of the course which you pursued in this case, and I must express my regret that Mr. Justice Willis, by not applying, as it was in his power to have done, for the provisional appointment of another Judge of the Supreme Court to try the case in which he was personally concerned, should have given colour to...
accusations of being influenced in the discharge of his Judicial functions by personal motives. At the same time, I feel it due to Mr. Willis to express my conviction that he was influenced by no such motives in adopting the course he did.

I have, &c.,

STANLEY.

STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Fanny.)

Sir, Downing Street, 19th December, 1842.

I have the honor to acquaint you that the Lords Commissioners of the Treasury have drawn my attention to the liability of persons residing in the Colonies to pay the Property Tax, in respect of that portion of their Incomes which may be derived from the Funds of this Country, and, at their Lordships' request, I have to convey to you the following Instructions on the subject for your own guidance.

All Salaries and personal Allowances and Emoluments, and all Pensions and Superannuations, Retired or Compassionate Allowances, paid from Funds derived from the Revenues of Great Britain, whether provided by special Parliamentary Grant or otherwise, are liable to this Tax from the 5th of April last, at the rate of 7d. in the Pound, except in cases in which the party can shew that his whole annual Income does not amount to £150. It will, therefore, be your duty on all occasions to make the proper deductions accordingly (retrospectively from the 5th of April last, when the deductions may not have already been made) from the amount of the Bills which you may have occasion in future to draw on the Treasury, whether on your own account, or for the Salaries or Allowances of other Parties; and I have to request you to convey an intimation to the same effect to any Officers or Functionaries within your Government, who may be authorized to draw Bills on the Treasury for any such Payments.

In cases where exemption may be claimed from the Tax, an Affidavit must be taken by the party and transmitted with the Bill, to the effect that his Income, including that on account of which the Bill is drawn, is less than £150 per annum; and such Affidavit must have reference to the whole Income of the party from whatever source derived, for, although Emoluments derived from Colonial Revenues or Property are not Taxable, unless the recipients reside in Great Britain, they must be taken into account in considering a claim to exemption from the Tax on Income derived from this Country.

When Bills are drawn on account of Expenses or Disbursements to other parties, a statement of the proportion of the amount applicable to Salaries and Allowances must accompany.
Deductions when omitted to be made from bills drawn.

You will distinctly understand, and cause it to be made generally known within your Government, that, on the presentation at the Treasury of any Bill drawn for Salary or other Allowance becoming due on or after the 31st of March, 1843, upon which the Income Tax has not been deducted or claimed for remission in conformity with the foregoing directions, such deductions will be made, including any Arrear of the Tax from the 5th of April last, not previously retained or allowed for, and the parties by whom or in whose favor the Bill may have been drawn, will be alone responsible for any loss or inconvenience arising from the non-payment of the full amount drawn for.

I enclose herewith the form of Bill to be used when deductions are to be made, and of the Affidavit to enable parties to claim exemption from the Tax.

I have, &c.,

STANLEY

[Enclosures.]

These printed forms have been omitted.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 225, per ship Fanny.)

Sir,
Downing Street, 20 December, 1842.

I have the honor to acknowledge the receipt of your Despatches of the dates and numbers mentioned in the Margin,* reporting the information which has reached you, in respect to the Aboriginal Tribes of New South Wales, and the result of the attempts which have been made, under the sanction of Her Majesty's Government, to civilize and protect these people.

I have read with great attention, but with deep regret, the accounts contained in these Despatches, after making every fair allowance for the peculiar difficulty of such an undertaking; it seems impossible any longer to deny that the efforts, which have hitherto been made for the civilization of the Aborigines, have been unavailing; that no real progress has yet been effected; and that there is no reasonable ground to expect from them greater success in future. You will be sensible with how much pain and reluctance I have come to this opinion; but I cannot shut my eyes to the conclusion which inevitably follows from the Statements which you have submitted to me on the subject.

Your Despatch of the 11th March last, No. 50, contains an account of the several Missions up to that date, with reports

* Marginal note.—No. 50, 11 March, 1842; Nos. 89, 90 and 91, 16 May; No. 94, 20 May.
STANLEY TO GIPPS.

likewise from the Chief Protector and his Assistants, and from the Crown Land Commissioners. The Statements respecting the Missions, furnished not by their opponents nor even by indifferent parties, but by the Missionaries themselves, are I am sorry to say as discouraging as it is possible to be. In respect to the Mission at Wellington Valley, Mr. Gunther writes in a tone of despondency, which shows that he has abandoned the hope of success. The opening of his Report is indeed a plain admission of despair, I sincerely wish that his facts did not bear out such a feeling. But when he reports that, after a trial of ten years, only one of all, who have been attached to the Mission, “affords some satisfaction and encouragement”; that of the others, only four still remain with them, and that these continually absent themselves, and when at home evince but little desire for instruction; that “their thoughtlessness, a spirit of independence, ingratitude, and want of sincere straightforward dealing, often try us in the extreme”; That drunkenness is increasing; and that the Natives are “gradually swept away by debauchery and other evils, arising from their intermixture with Europeans.”

I acknowledge that he has stated enough to warrant his despondency, and to show that it proceeds from no momentary disappointment alone, but from a settled and reasonable Conviction. Nor do the other Missions hold out any greater encouragement. That at Moreton Bay is admitted by Mr. Handt to have made but little progress, as neither children nor adults can be persuaded to stay for any length of time; while that at Lake McQuarrie had, at the date of your Despatch, ceased to exist from the extinction or removal of the Natives formerly in its vicinity. The Wesleyan Missionaries at Port Philip, notwithstanding an expenditure in 1841 of nearly £1,300, acknowledge that they are “far from being satisfied with the degree of success which has attended our Labours,” and “that a feeling of despair sometimes takes possession of our minds and weighs down our spirits,” arising from the frightful mortality among the Natives.

In the face of such representations, which can be attributed neither to prejudice nor misinformation, I have great doubts as to the wisdom or propriety of continuing the Missions any longer. I fear that to do so would be to delude ourselves with the mere idea of doing something, which would be injurious to the Natives as interfering with other and more advantageous arrangements, and unjust to the Colony, as continuing an unnecessary and profitless expenditure.

To this conclusion, I have been led by your Despatch No. 50; but, anticipating that the Protectorate System would promise more beneficial results, I postpone my instructions in the matter until I should receive some further information.
Your despatches of the 16th and 20th May have furnished that further information; although they contradict the hopes which I had been led to entertain after the distinct and unequivocal opinion announced by Mr. Latrobe, supported as it is by the expression of your concurrence, I cannot conceal from myself that the failure of the system of Protectors has been, at least, as complete as that of the Missions.

I have no doubt that a portion of this ill success, perhaps a large portion, is attributable to the want of sound judgment and zealous activity on the part of the assistant protectors. Thus the practice of collecting large bodies of the Natives in one spot, and in the immediate vicinity of the Settlers, without any previous provision for their subsistence or employment, was a proceeding of singular indiscretion. That these people would commit depredations rather than suffer want, and that thus ill blood and probably collisions would be caused between them and the Settlers, must, I should have thought, occurred to any man of common observation; and no one could have better reason than Mr. Sievewright to know his utter inability to controul them, when such a course could be adopted. I am not surprized at your opinion that the measures of the protectors have tended "rather to increase than allay the irritation which has long existed between the two races."

But, after allowing for the effect of such errors, and for the possibility of preventing their recurrence, there is yet enough in Mr. Latrobe's reports to shew that the system itself is defective, at least in the hands of those whose services we are able to command.

I am unwilling, at this distance from the Scene and without that minute local knowledge which is essential, to give you any precise instructions as to the course which under present circumstances should be pursued. But I have the less hesitation in leaving the matter in your hands, because your whole Correspondence shews that no one feels more strongly than yourself the duty as well as the policy of protection, and, if possible, civilizing these Aborigines, and of promoting a good understanding between them and the white Settlers; at present, though I am far from attributing to the white Settlers generally an ill disposition towards the Natives, there is an apparent want of feeling among them, where the Natives are concerned, which is much to be lamented. Outrages of the most atrocious description, involving sometimes considerable loss of life, are spoken of, as I observe in these papers, with an indifference and lightness, which to those at a distance is very shocking. I cannot but fear that the feeling, which dictates this mode of speaking, may
also cause the difficulty in discovering and bringing to Justice the perpetrators of the outrages, which from time to time occur.

With a view to the protection of the Natives, the most essential step is to correct the temper and tone adopted by the Settlers. Whatever may depend on your own personal influence, or on the zealous co-operation of Mr. Latrobe, will, I am sure, be done at once, and I will not doubt that your efforts in this respect will be successful. In regard to the Missions and the Protectors, I give you no definite Instructions; if, at your receipt of this Despatch, you should see no greater prospect of advantage than has hitherto appeared, you will be at liberty to discontinue the grants to either as early as possible; but, if circumstances should promise more success for the future, the grants may be continued for such time as may be necessary to bring the matter to a certain result.

In the meantime, agreeing as I do in the general opinion that it is indispensable to the protection of the Natives that their evidence should, to a certain extent at least, be received in the Courts of Law, I shall take into my consideration the means by which this can be effected in the safest and most satisfactory manner.

I cannot conclude this Despatch without expressing my sense of the importance of the subject of it, and my hope that your experience may enable you to suggest some general plan, by which we may acquit ourselves of the obligations which we owe towards this helpless race of beings. I should not without the most extreme reluctance admit that nothing can be done. That, with respect to them alone, the doctrines of Christianity must be inoperative, and the advantages of civilization incommunicable. I cannot acquiesce in the theory that they are incapable of improvement, and that their extinction, before the advance of the white settler, is a necessity which it is impossible to control. I recommend them to your protection and favorable consideration with the greatest earnestness, but at the same time with perfect confidence; and I assure you that I shall be willing and anxious to co-operate with you in any arrangement for their Civilization, which may hold out a fair prospect of success. I have, &c.,

STANLEY.
from the office of an Assistant Protector of Aborigines, in consequence of the representations which had been made to me of his general unfitness for the office, and the very unsatisfactory manner in which he had performed the duties of it, partly also in consequence of the existence of reports extremely prejudicial to his moral character; and, in the latter part of my Despatch, I stated that I should not fail to bring under Your Lordship's notice any remonstrance against his removal, which might be addressed to me by Mr. Sievewright.

I have now the honor to forward to Your Lordship copies of two letters which since the date of my last Despatch I have received from Mr. La Trobe, together with a copy of an appendix, containing numerous documents in explanation of the charges of immoral conduct, which have been preferred against Mr. Sievewright.

Of these, No. 24 contains Mr. Sievewright's defence; and Nos. 28 and 29 are papers furnished by his Wife and Daughter.

Mr. Sievewright's defence (No. 24) amounts to scarcely more than a denial of the several charges of harsh, cruel, or immoral conduct in his own family, alleged against him.

The statements of his Wife and Daughter bear, I think, internal evidence of having been written under Mr. Sievewright's dictation; and, when contrasted with the statements made by persons of unquestioned credit, in Nos. 11, 12 and 13, can, I must submit, avail but little in his defence.

In submitting these Papers therefore, I feel it my duty to certify to Your Lordship that I cannot but agree with Mr. La Trobe that, whether we consider the way in which Mr. Sievewright has hitherto performed his duties, or the character which he has established at Port Phillip, he ought upon general grounds of unfitness to be removed from the Post which he now holds of an Assistant Protector of Aborigines and a Magistrate of the Territory.

I have only further to add that, after reading the statements contained in the Papers which I have referred to, namely Nos. 11, 12, 13 and 24 in the appendix, I have not thought it necessary to institute the further enquiry called for by Mr. Sievewright.

I have, &c.,
Geo. Gipps.

[Enclosures.]

[Copies of these letters, dated 31st August and 13th October, 1842, and the appendix will be found in a volume in series III.]
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 239, per ship Ann Gales.)

My Lord,

Government House, 22nd Decr., 1842.

In my Despatches of the 9th Sept. and 4th Decr., 1842, Nos. 162 and 228, I explained the reasons why, up to the date of the latter of them, the enquiry had not been made, which, by Your Lordship’s Despatch of the 5th Octt., 1841, No. 12, was directed, as to the nature of the homicide committed at the Ovens River on an Aboriginal Native, named “Mickey,” in 1841, the particulars of which were reported to Lord J. Russell in my Despatch, No. 35 of the 3rd Febry., 1841.

I have now the honor to inform Your Lordship that the Chief Protector of Aborigines has returned from his visit to the Ovens River; and I transmit a copy of a letter from Mr. La Trobe, in which is enclosed the Chief Protector’s Report on the subject of the said homicide.

From these documents, Your Lordship will perceive that the homicide was committed by Mr. Mackay, under circumstances, such as, in the opinion of the Crown Prosecutor to whom the several papers have been submitted, would have rendered it a justifiable one, had “Mickey” been a white man.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 14th December, 1842, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 240, per ship Ann Gales; acknowledged by Lord Stanley, 12th July, 1843.)

My Lord,

Government House, 23rd Decr., 1842.

I beg leave to submit to Your Lordship that no place in the Table of Precedency in this Colony has yet been assigned to the Superintendent of Port Phillip, and that consequently a question has been raised at Melbourne, whether the Mayor of that Town may not, under the 62nd Clause of the Corporation Act, 6th Vict., No. 7, take precedence of the Superintendent.

I do not mean Your Lordship to understand that such a claim has been seriously put forth; but, in order to prevent the possibility of its being advanced, as well as to give a proper degree of consideration to his office, I beg leave to propose to Your Lordship that a place may be assigned to the Superintendent
immediately after the Bishop, by which means the Table of Precedency will stand thus:

The Governor; The Chief Justice (who has this place assigned to him by the Charter of Justice); The Commander of the Forces; The Bishop; The Superintendent of Port Phillip.

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 241, per ship Ann Gales.)

My Lord, Government House, 24th Decr., 1842.

With reference to my Despatch of the 24th July, 1842, No. 131, wherein I reported the particulars which could then be gained respecting a person named David Anderson, in pursuance of directions contained in Your Lordship's Despatch, No. 72 of the 1st March, 1842, I have now the honor to furnish copies of two letters, with their several enclosures, respecting David Anderson, which have been received by me from the Government of South Australia.

From these documents it appears that David Anderson died at Adelaide in the year 1840, as reported in my Despatch of the 24th July last; that he left a Will, and died possessed of some small portions of land, estimated to be worth £45, but that his Executors had never been able to sell the same, or to obtain any proceeds from his Estate.

GEO. GIPPS.

[Enclosure No. 1.]

COLONIAL SECRETARY JACKSON TO COLONIAL SECRETARY THOMSON.

South Australia, Colonial Secretary's Office, 17th Novr., 1842.

Sir, In reply to your letter of the 23d September last, requesting information respecting a person of the name of David Anderson, reported to have been in the service of Messrs. East and Breeze at Adelaide, and to have died about twelve months since, I have now the honor to enclose to you a letter received from Messrs. Burrow and Goodiar of Adelaide, successors of East and Breeze, by which you will find that Anderson was in their employ in the year 1840, and died in that year.

J. ALEXR. JACKSON, Colonial Secretary.

[Sub-enclosure.]

MESSRS. BURROW AND GOODIAR TO COLONIAL SECRETARY.

Adelaide, 17th Novr., 1842.

Sir, We have the honor to acknowledge the receipt of your letter, enquiring about the late David Anderson. David Anderson was in our employ part of the year 1840; in that year he died, leaving, we believe, as his Executors, James M. Gordon and another person. Mr.
GIPPS TO STANLEY.

Gordon is since dead, and we have sent to his Widow to enquire the name of the other executor; as soon as we ascertain it, we will again have the honor of address you.

We remain, &c.,

BURROW and GOODIER.

[Enclosure No. 2.]

COLONIAL SECRETARY JACKSON TO COLONIAL SECRETARY THOMSON.

South Australia,

Sir, Colonial Secretary's Office, 19th November, 1842.

In reference to my letter of the 17th instant, respecting the Transmission of the late David Anderson, I have now the honor to inform you that Mr. William Hall, Anderson's surviving executor, called at this office this day, and exhibited to me the will of the deceased, a Copy of which I beg to enclose, together with a statement made by Mr. Hall with regard to the property of the deceased.

I have, &c.,

J. ALEXR. JACKSON, Colonial Secretary.

[Sub-enclosure No. 1.]

WILL OF D. ANDERSON.

In the Name of God, Amen.

I, DAVID ANDERSON, Mason, of the City of Adelaide and Metropolis of South Australia, being weak in body, but sound of mind, memory and understanding, Do make this my last Will and Testament in manner and form following (that is to say) I desire to be decently interred at the discretion of my Executors, hereafter named, and that my debts and funeral expenses may be paid as soon as convenient after my decease; and I desire that the eighty acres of Land at Willunga, which I purchased in conjunction with Mr. Hyde from Mr. J. Gibbs, be divided into two equal parts, and that lots be drawn between Mr. Hyde and my Executors, so that no misunderstanding may arise which half shall belong to either, and that my Executors shall sell or let my half of the said land, and with the proceeds thereof (if any remains after all funeral and other expenses are paid) shall be placed in the Bank of South Australia, in their conjoint names as Trustees, at Interest, which Interest shall be drawn by my Executors or the Representatives, and to be applied solely to the purpose of relieving all Free and accepted Masons, who may arrive or are abiding here, or their wives or their Children, if they or any of them are in distress; likewise I desire that the piece or parcel of Land with the House thereon, which I purchased from Mr. Magar, situated near the South Terrace in the City of Adelaide be also sold or let, as my Executors shall deem best, and that the proceeds thereof be applied in like manner as the proceeds of the Land at Willunga, together with a promissory note of Ten pounds in my favor by David Taylor, Builder, in Sydney; likewise the sum of Twenty pounds in the hands of Mrs. Thomson, residing, or did reside, in Cumberland Street, Sign of the Coach and Horses, Sydney, the whole of the above to be applied as herein directed, after the payment of Doctor's bill, Funeral and other expenses, and I do hereby nominate and appoint Mr. William Hall of the City of Adelaide, Carpenter, and Mr. James Montgomery Gordon, Architect, of the City of Adelaide as my executors and trustees conjointly to this my last will and testament, in Witness whereof I have to this my will contained in two sheets of paper, and set my hand to the first sheet, and my hand and seal to the second sheet, the 18th day of September in the year of our Lord 1840.

DAVID X ANDERSON (L.S.).

Signed, sealed, declared and published by the said Testator by this his mark, same being first read and explained to him, as and for the last will and testament, in the presence of us, who, in his presence, at his request, and in the presence of each other, have hereunto subscribed our names as Witnesses.

ROBERT DIXES (L.S.),
CHARLES JOHNSTON, Barrister.
THOMAS BROWN.

CODICIL to the foregoing will, dated the same day as the foregoing will, this 18th September, 1840, after having executed the foregoing will.

I hereby direct and bequeath that the property mentioned in my last Will and testament mentioned shall go to my Mother if she is alive, and if not, I desire that
it shall be divided by my executors in my aforesaid Will mentioned, equally, and share and share alike, between my brother and two sisters and their issue.

Signed, sealed and published as a Codicil to my last Will and testament by my putting my mark hereto, in presence of witnesses, and in the presence of each other.

(Signed) DAVID  X ANDERSON.

(Signed) CHARLES JOHNSTON, Barrister.

ROBERT DYKES.

THOMAS BROWN.

True Copy of Will:—WM. HALL, Executor.

Witness to signature of WM. Hall — OLIVER K. RICHARDSON, Chief Clerk, Coll. Secretary's Office.

Adelaide, 19th Novr., 1842.

[Sub-enclosure No. 2.]

MR. HALL, sole surviving executor of the late David Anderson states as follows:—

The eighty Acres at Willunga, mentioned in Anderson's Will, were purchased from Mr. J. Gibbs; who conveyed to Anderson and Hyde jointly. I hold the Deeds, and have applied to Hyde to come to some arrangement for the division of the property, but he has evaded doing anything in the matter. I understand that Hyde has sold his moiety of the Land. I have no means at my disposal to compel Hyde to come to a settlement. The forty acres are probably worth forty pounds (£40).

The "piece of Land" is in Adelaide, about the thirty-second part of an acre, with a ruined half-finished Cottage upon it. Land and cottage not worth £5, and in fact unsaleable at present.

The promissory Note for £10 has been sent to Sydney through the Bank of Australia for acceptance and collection; it has never realized anything. Mrs. Thompson, mentioned in the Will, has been informed of the £20, stated to be due by her to the deceased, but has never taken notice of the subject. I am myself out of pocket above £20, on Anderson's account.

WM. HALL.

Adelaide, 19th Novr., 1842.

Witness:—OLIVER K. RICHARDSON, Chief Clerk, Coll. Secretary's Office.

The above Statement made before me this 19th day of November, 1842, Adelaide, South Australia.

J. ATKIN, JACKSON, Coll. Secy.

26 Dec.

Despatch acknowledged re Port Essington.

Periodical reports required.

LORD STANLEY TO SIR GEORGE GIPPS.

(Signature No. 266, per ship Fanny; acknowledged by Sir George Gipps, 11th August, 1843.)

Sir, Downing Street, 26th December, 1842.

I have received your Dispatch No. 80 of the 5th of May last relative to the state of the Settlement at Port Essington. From the length of time which had elapsed since you had found an opportunity of communicating with Port Essington, the reports contained in your Dispatch were necessarily defective in that general information which had been desired.

I transmit to you herewith a Copy of a letter, which has been received at this Department from Sir John Barrow, Secretary to the Admiralty, and I should wish you to take occasion from time to time to examine and report on the state of that Settlement.

I have, &c.,

STANLEY.

[Enclosure.]

SIR JOHN BARROW TO UNDER SECRETARY HOPE.

Dear Mr. Hope, Admiralty, 2nd Decr., 1842.

I cannot resist sending you Extract of a letter from Port Essington written by the Commandant to his wife. What a state of banishment these people are placed in, while surrounded by an earthly Paradise. How happens it that Sir George Gipps has so
GIPPS TO STANLEY.  445

long neglected one of his children. Pray let Lord Stanley see the enclosure, and I think he will contrive something to set it going. You seemed to think that small lots of land could not be given as free grants. Surely every young Colony on its first establishment must have occupied land at least either by grant or purchase. Might not Sir George Gipps have a discretionary power to suffer a limited number of volunteers to go there as labourers.

I have, &c,

JOHN BARROW.

[Sub-enclosure No. 1.]
SIR GORDON BREMER TO SIR JOHN BARROW.
My dear Sir John, 2nd December, 1842.
I send you the extract of Captain McArthur's letter. I learn that he was having down and repairing a ship, which had got on shore, thus giving another proof of the capabilities of that fine Harbour.

I hope that Lord Stanley will kindly direct that measures be taken by the Governor of New South Wales to ensure a monthly intercourse during the S.E. Monsoon; it is hard to endure so perfect a banishment without the means of communication.

Yours, &c.,
Port Essington.
J. GORDON BREMER.

[Sub-enclosure No. 2.]
EXTRACT of a letter from Captain McArthur, Royal Marines, Acting Commandant at Port Essington.

"How astonished all our visitors are at the progress we have made and the order att we have got the Natives into, entirely the result of confidence and kindness. I think Port Essington, we have succeeded on saving the Cocoa trees; if so, it will be a grand subject of congratulation. We have just taken a crop of yams, having but few seed; the produce far exceeds all calculation; besides several hundred weight of immense Potatoes, there is seed enough for a large Plantation. I have made a new garden, and from these all our most valuable productions are derived. There are now growing luxuriantly Coffee Plants, Nutmegs, Cotton, Sugar Cane, Breadfruit and a beautiful plantation of Bananas. What a blessing too to reflect that no death has occurred in our little community since Sir Gordon left us; it is true we have sent away some bad cases but all of them Surgical."

"It is fourteen months since we had any communication with Sydney."

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 242, per ship Ann Gales.)
My Lord,
Government House, 26th Decr., 1842.

I have the honor to report to Your Lordship that the first Elections under the Municipal Corporation Act of the Town of Melbourne (6th Vict., No. 7) took place on the 1st and 9th of the present month; and I enclose a copy of a letter received on the 24th inst. from Mr. La Trobe, shewing the result of the same.

I have, &c.,
Geo. Gipps.

[Enclosure.]
[A copy of this letter, dated 14th December, 1842, will be found in a volume in series III.]
Continuing the practice, which I have for some time adopted, of furnishing to Your Lordship selections from the numerous and voluminous Reports, which are now made to this Government by the different persons employed in the protection or civilization of the Aborigines, I have the honor to forward herewith the following Papers:

1. Extract from a report made to the Superintendent of Port Phillip by the Chief Protector of Aborigines, Mr. Robinson, detailing his proceedings during a visit to the Aborigines in the Western part of the Port Phillip District.

Mr. Robinson was engaged in this expedition very nearly five months, having left Melbourne on the 20th March, and returned to it on the 17th Augt., 1842.

He appears to have visited all the country to the North of Portland Bay, on the confines of South Australia, and to have opened a friendly communication with numerous Tribes of Natives. He mentions various instances of collisions between these Tribes and the Settlers, or more correctly speaking the Squatters, and gives the names of 22 of the Aborigines, who are supposed in these collisions to have lost their lives.

He also mentions some customs of the natives in this part of the Country, which seem to shew them in some respects, superior in knowledge to the Tribes which are better known, whilst in others (especially in regard to their Cannibalism) they are more savage in their nature.

The Extracts shew that, for the purpose of catching Fish, the Natives of some parts of the Country passed over by Mr. Robinson have erected Weirs of considerable extent; and which would seem to afford evidence at once of forethought and combined Labour, such as have not I believe been observed among the Natives of any other part of Australia.

Though written upon 302 pages of foolscap paper, Mr. Robinson's Report contains no other passage, which it seems to me necessary to extract for Your Lordship's perusal.

2. The second Extract, which I forward, is from the appendix to Mr. Robinson's Report (not included in the 302 Pages). It is taken from a report made to Mr. Robinson by Mr. Assistant Protector Sievewright, and describes the manner in which a
young woman of the Bolagher Tribe, who had been killed by a hostile Tribe, was (after they had indulged in the most violent grief for her loss) devoured by her own friends and relations. It exhibits perhaps one of the most ferocious acts of Cannibalism on record.

I have, &c,
GEO. GIPPS.

[Enclosures.]

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

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 244, per ship Ann Gales.)

My Lord,

Government House, 29th Decr., 1842.

I have had the honor to receive Your Lordship's Despatch, No. 113 of the 25th May, 1842, enclosing a copy of a letter from Mr. W. Ash Benham, of 52 Lamb's Conduit St., respecting a debt due to him by Captain Maconochie; and, having caused a copy of the same to be transmitted to Captn. Maconochie at Norfolk Island, I herewith enclose a copy of the answer which has been returned to me by that officer.

I have, &c,
GEO. GIPPS.

[Enclosure.]

CAPTAIN MACONOCHIE TO PRIVATE SECRETARY PARKER.

Sir,
Norfolk Island, 5th Decr., 1842.

I have the honor to acknowledge the receipt of your letter Private and Official, transmitting me one from the Right Honble. the Secretary of State, concerning an account due by me to a Mr. Benham in London; and I am much concerned indeed to find that this small account is still due.

Mr. Benham was my Grocer in London, with whom I had dealt several years. When I was coming away I sent to him repeatedly to bring me his Bill, which he neglected; and at length I wrote to him that I would leave an Order with my Agent, Sir Francis Ommanny, who was to visit me at Portsmouth on other business, directing him to be paid; not knowing the precise amount, I could not give a Cheque. Accordingly I left a List of similar small accounts, I think three, and requested him to pay them, which for two years I thought he had done. When I learnt to the contrary, I wrote to my Sister, Mrs. Oldham Oldham, Stanforth House, Cheltenham, requesting her to settle them; and for now three years, I have thus ceased to think of them altogether.

I now write again to Mrs. Oldham regarding them; and, if Mr. Benham writes to her, all difficulty will I think be at an end.

I have, &c,
A. MACONOCHIE.
Sir George Gipps to Lord Stanley.

(Despatch No. 245, per ship Ann Gales; acknowledged by Lord Stanley, 11th June, 1843.)

My Lord,

Government House, 31st Dec., 1842.

I beg leave to report to Your Lordship that, in consequence of the opening of the District of Moreton Bay, and the increased occupation of Crown Lands (squatting) in the Northern Districts of the Colony, as also in consequence of the death of Mr. Oakes, I have, during the course of the year which is just expired, made the following appointments in the Colony:—

1. Police Magistrate of Moreton Bay, Commander Wickham, Royal Navy.

This officer was lately in command of Her Majesty's ship "Beagle," employed in Surveying the Coasts of Australia. He is, I have every reason to believe, peculiarly fitted for the office to which I have appointed him; and he was recommended to me by Your Lordship for an appointment in the Colony, by a letter dated the 5th April, 1842.

Salary £300 per annum, with a house.

2. Commissioner of Crown Lands for the District of Moreton Bay, below the dividing Range, under the Act of Council, 2nd Vict., No. 27, commonly called the Crown Lands Act, Stephen Simpson, Esq., M.D.

This gentleman, who is of the Medical Profession, was strongly recommended to me for an appointment in the Colony by Lord J. Russell's letter of the 28th July, 1841, at the instance, as I have reason to believe, of the Duke of Sutherland, or some Member of His Grace's Family.

The appointment of Medical Men to offices, the duties of which bring them into communication with the Aborigines, is, ceteris paribus, desirable; and Your Lordship may have observed by my Despatch, No. 161 of the 9th Sept., 1842, that a Medical Man (Dr. Walton) was lately appointed to superintend an aboriginal station at Mount Rouse in the Port Phillip District.

3. Commissioner of Crown Lands for the District of Darling Downs, or Moreton Bay above the dividing Ridge, Christopher Rolleston, Esq.

This gentleman was particularly recommended to me for an appointment in the Colony (on the application of Sir Richard Peel) by Your Lordship's letter of the 4th Jan., 1842.

4. Commissioner of Crown Lands, Clarence River, Oliver Fry, Esq.

This gentleman was a perfect stranger to me, until brought under my notice by his courageous and enterprising conduct, at
a time when the County of Argyle, and some parts of the Southern Districts, were infested with a band of ferocious freebooters.

He is I believe peculiarly fitted for the duties of a Crown Commissioner; and his appointment gave much satisfaction in the Colony.

5. Commissioner of Crown Lands, Port Macquarie, Robert Massie, Esqr.

This gentleman was particularly recommended to me for employment in the Colony by Your Lordship’s letter of the 31st May last.

Of the above, the appointments of the three first are new, having been rendered necessary by the opening of Moreton Bay.

The appointment of the 5th is new also, as the Clarence River and Moreton Bay formed until recently but one District, under the late Mr. Oakes, to so evident a disadvantage, however, that the whole of the District was not only in bad order, but the revenue derived from it, in the shape of Licences and Assessment under the 2nd Vict., No. 27, did not suffice to pay the expenses of it. Mr. Oakes died in Septt. last; but, even before his death, I had been obliged to resolve on his removal.

He was a person considerably advanced in life, encumbered with a large family, and of late quite unequal to the duties which he had to perform.

The Crown Commissioners should be persons of very active habits; and I have never appointed any to the office but single men, without incumbrance of any sort. In the performance of their duties, they are required to be constantly on the move; and they live perpetually in the wilderness, or, as it is called in the Colony, “The Bush.”

The salary of each of the gentlemen appointed to the office of Crown Commissioner is £350 per annum. I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 246, per ship Ann Gales; acknowledged by lord Stanley, 13th June, 1843.)

My Lord, Government House, 31st Decr., 1842.

I have to apologize to Your Lordship for not having reported at the proper time that the office of Agent of the Church and School Estates falling vacant in the month of June last by the resignation of Mr. Bloxsome, I appointed to the same (subject to Your Lordship’s confirmation) Mr. William Harvie Christie, late a Major in Her Majesty’s 80th Regt. of Foot, who had
Previously held some temporary appointments in this Colony, from the last of which he was displaced by the appointment of Mr. Miles to the office of Superintendent of Police in Sydney, communicated to me in Lord J. Russell's Despatches, Nos. 116 and 118 of the 22nd and 28th July, 1840.

Mr. Miles superseded the officer, Capt'n Innes, whom I had appointed Superintendent of Police; and Capt'n Innes, in falling back upon his former office of Superintendent of Ironed Gangs, ousted Major Christie.

The appointment of Mr. Bloxsome to the office of Agent for the Church and School Estates was reported by me to Lord Normanby by my Despatch of the 19th Decr., 1839, No. 177, and confirmed by Lord J. Russell's Despatch No. 75 of the 15th June, 1840; and Mr. Bloxsome resigned on the 10th June last in consequence of having been appointed manager of the Australian Loan Company.

Major Christie has given security for the due performance of the duties of his office in the sum of £1,000; and I venture to express a hope that, by Your Lordship's kindness, he may be confirmed in this appointment.

I have, &c,

GEO. GIPPS.

P.S.—At the request of Major Christie, I have the honor to forward herewith, a letter which has been addressed by him to Your Lordship.

12th Jan'y., 1843.

[Enclosure.]

Major Christie to Lord Stanley.

My Lord,

I have the honor to inform your Lordship that I am the son of the late Dr. Christie of Cheltenham, formerly Medical Inspector General in the Island of Ceylon; and am the eldest of six of his sons in her Majesty's Service. In the year 1835, I arrived in this Colony as a Captain in Her Majesty's 80th Regiment, and was shortly afterwards appointed Assistant Engineer and Superintendent of Ironed Gangs in the town of Liverpool.

This situation I held for two years, when I obtained my Majority in the 80th Regt. During this period, I superintended the erection of two public works of Colonial importance, viz., the dam thrown over George's River near Liverpool, and the reservoir in the town of Campbelltown, which works have both proved successful. In the year 1839, when quartered with my Regiment at Windsor, I was suddenly taken ill, and was advised by my Medical attendants to leave the Army.

I recovered, and found myself with a rising family, and without a profession. Upon this, I applied to his Excellency the Governor to be employed in the Civil Service of the Colony, and in the year 1840 was appointed Assistant Police Magistrate of Hyde Park Barracks, and Superintendent of the House of Correction. I was subsequently appointed Visiting Magistrate of the New Gaol at
GIPPS TO STANLEY.

Wooloomooloo, the whole of which situations I held for 18 Months, when my predecessor Captain Innes resumed his duties, having been superseded in his Appointment of Superintendent of Sydney Police by the arrival of Mr. Miles, nominated to that Office from England.

In the Month of June, 1842, I was appointed by his Excellency Sir George Gipps to the situation of Agent of the Church and School Estates, and I have now to request your Lordship's confirmation of that appointment.

As to my character and conduct, I have the honor to enclose some testimonials, and have been permitted to refer your Lordship to my References for former Guardians, Sir Alexr. Wood of the Colonial Office, and Sir Richard Plarket, late Colonial Secretary at the Cape of Good Hope; to Viscount Blayney, whose Subaltern I was for some years, and to Major Tulloch of the War Office, who, in conjunction with myself, obtained the first Class Certificate of the Senior Department at Sandhurst. Should your Lordship graciously be pleased to confirm me in my present Colonial Appointment, I can with truth assure your Lordship that no exertions of mine shall be wanting to prove myself worthy of your Lordship's confidence.

I have, &c,
W. H. CHRISTIE.

[Sub-enclosure No. 1.]

CERTIFICATE OF THE FIRST CLASS.

Royal Military College, Sandhurst, 7th Nov., 1832.

At a half yearly examination held this day, Lieut. W. H. Christie, 80th Reg., a Student at the Senior Department from 1st August, 1831, to this day, appeared before the Board; and, having passed an examination in the several branches of study appointed for Officers of the Senior Department, to the entire satisfaction of this Board; and it having been stated by the Governor that his general conduct at the College, as well as his application to study, has been such as to merit approbation; the Board judges him to be deserving of this their Certificate and recommendation to the favourable notice of the General Commanding in Chief.

Signed.

EDWARD PAGET, Genl.
GEORGE MURRAY, Lt. Genl.
W. B. CLINTON, Genl.
JAMES KEMPT, M. Gen.

[Sub-enclosure No. 2.]

CAPTAIN CHISHOLM TO LIEUTENANT CHRISTIE.

Sir.

In acknowledging the receipt of your letter of the 5th March confirming your former communication relative to the state of the country in the neighborhood of Castle Wellan, I am directed by Major General MacD'onnell to express his entire approbation of the measures, which you have adopted to become acquainted with the real state of the country around your port, and to beg a continuance of the same zeal in the performance of your duties. I have, &c.

D. M. CHISHOLM, A.D.C.

[Sub-enclosure No. 3.]

Address to the Presentation of a piece of Plate at Liverpool, N. S. Wales. June, 1839.

Sir,

We feel ourselves called upon, as Inhabitants of the town and District of Liverpool, to express our regret at your departure from our neighbourhood both on account of the loss we shall sustain in your society, as of the cordial co-operation of one who have ever attended to any suggestions relative to the advancement of this place.

We should be unmindful of the benefit we have received by your stay amongst us, did we not acknowledge the great improvements which under your direction have been made in the approaches to this town, in the draining of its streets, but more especially in so ably carrying the intentions of our late Governor General Sir Richard...
HISTORICAL RECORDS OF AUSTRALIA.

1842.
31 Dec.

Address to
W. H. Christie
on leaving
Liverpool.

Bourke into effect, in the completion of that noble work the Liverpool Dam, which
by securing an abundant and never failing supply of fresh water, will effectually
guard this town from one of the greatest evils it was previously liable to.

With mingled feelings of friendship and esteem we now take leave assuring you
that our best wishes for the welfare of you, and your amiable family will attend
you wherever it may please God to direct your future steps.

And in evidence of the sentiments above expressed, we beg your acceptance of a
small testimony of our friendship and esteem.

Signed—

J. K. MCKENZIE,  J.P.
J. B. PHILPS,  P.M.
RICHARD SADLER,  R.N.
RICHARD TAYLOR,  A.M.
J. J. MOORE.
G. V. BLOOMFIELD,  J.P.
ARCHIBALD MCLEOD.
J. PARSONS.
R. LEBRICK.
J. DUFFUB,  A.M.
GEORGE BLACKETT.
R. LUBIOKI.
J. ALLMAN  TO  MAJOR CHRISTIE.

My dear Major, Campbell town, 21st March, 1839.

At the very earnest request of the Inhabitants of this Town, and other
respectable individuals interested in the completion of the Tank, I have on their
part officially requested Colonel Barney to continue to us the benefit of your valu­
able services until the work is finished; a period I assured him of four Months
under your Superintendence would be sufficient. I can only assure you, my dear
Major, that we all look with much anxiety for the result of the favor we have
solicited, well knowing the probability of not meeting in your Successor such kind
feeling and unceasing attention to our wants; and I but do justice to the Inhabitants
in further assuring you that they justly appreciate your useful services as shewn in
the masterly and skilful manner you have begun and carried on the extensive Re­
servoir to its present advanced state; and it will indeed be no small disappointment
to them, and myself should we be deprived of your services, just as they are about
to be made available to the District.

My dear Major,
Most faithfully yrs.,

J. ALLMAN, Police Magistrate.

TESTIMONY OF SIR GEORGE GIPPS.

MAJOR CHRISTIE, late of the 80th Reg., has been employed in different situations
under the Government of New South Wales during the course of the last four years,
and was removed from the one which he last held in consequence of an Appointment
made by the Secretary of State in England.

I have repeatedly expressed to Major Christie my satisfaction with the way in
which he performed his various duties, and my wish to appoint him, whenever an
opportunity may offer, to some office at least equivalent to that from which he was
displaced; and at his request I now give him the same assurance in a more formal
manner.

Government House, Sydney, 18 March, 1842.

GEORGE GIPPS.

SECRETARY OF STATE TO SIR GEORGE GIPPS.

THE following despatches,* written in the year 1843, have been omitted:—

Despatch

dated  numbered  Transmitting.
25th January 13  reference to inability to send families of convicts.
21st January 16  request for report re proposed free pardon for John
Day.
11th February 24  approval of fourteen absolute and one hundred and
twenty-eight conditional pardons.
28th February 31  approval of rewards paid for capture of P. Kelaher
and Curran, and of the murderer of constable Dunn.
1st March 32  Approval of charges for salaries and special pay­
ments for quarter ended 30th June, 1842.

* Note 40.
Despatches omitted. 453

The following despatches,* written in the year 1843, have been omitted—continued.

Despatch

dated numbered Transmitting.


Sir George Gipps to Secretary of State.

The following despatches,* written in the year 1843, have been omitted:—

Despatch

dated numbered Transmitting.

6th January .......... 6 list of convicts recommended for tickets of leave. 9th January .......... 8 report re issue of pardon to Osborne Bush. 17th January .......... 13 quarterly schedule of appointments and special payments from colonial revenue. 18th January .......... 14 return of steam vessels. 22nd January .......... 16 returns of pardons granted in 1842. 24th January .......... 17 list of convicts recommended to have their families sent to them. 28th January .......... 19 return of land sales and emigration. 1st February .......... 24 report re conduct of James Vaughan, convict. 9th February .......... 28 quarterly schedule of appointments and special payments by deputy commissary. 21st February .......... 32 report re conduct of Susannah Barnes or Roberts. 26th March .......... 36 seven absolute and one hundred and twenty-five conditional pardons. 9th April .......... 49 quarterly schedule of appointments and special payments from colonial revenue. 24th April .......... 58 do by deputy commissary. 2nd May .......... 62 report re conduct of — Dwyer, convict. 14th May .......... 72 request for details of sentence on Daniel Delay. 31st May .......... 83 annual returns of convicts. 1st June .......... 84 eight absolute and eighty-one conditional pardons. 23rd June .......... 96 report re George Breakey, convict. 24th June .......... 97 , re John Giddy, alias Johnstone, convict. 26th July .......... 115 quarterly schedule of appointments and special payments from colonial funds.

* Note 40.
The following despatches,* written in the year 1843, have been omitted—continued.

Despatch dated numbered Transmitting.
25th July 120  half-yearly return of steam vessels.
18th August 129  report re John Day, convict.
29th August 136  requisition for stores and stationery for convict establishments.
3rd September 138  four absolute and one hundred and thirteen conditional pardons proposed.
4th October 159  requisition for stationery.
9th October 162  report re delay in issue of pardon to James Farrell.
10th October 163  re non-receipt of warrant for pardon of John Murray.
30th October 177  quarterly schedule of appointments and special payments from colonial funds.
11th November 184  report re release of Hiram Quinn.
1st December 198  requisition for clothing for convict establishment.
2nd December 200  quarterly schedule of appointments and special payments by deputy commissary-general.
4th December 201  report re issue of pardon to Jesse Badon.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 1, per ship Fanny.)

Sir, Downing Street, 1st January, 1843.

I have received a letter from Mr. Justice Willis, dated Melbourne, 21st June, transmitting a plan for the Parliamentary appropriation of so much of the Land Fund of New South Wales as may be dedicated to Emigration.

You will acquaint Mr. Willis that his letter has been received at this Department.

I have, &c,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 1, per ship Ann Gales; acknowledged by lord Stanley, 3rd September, 1843.)

My Lord, Government House, 1st Jan., 1843.

I have had the honor to receive Your Lordship's Dispatch, No. 75 of the 10th March, 1842, calling my attention to the question how far the arrangements, recently adopted by Her Majesty's Government with regard to Convict Discipline, may render it unnecessary to continue the maintenance of the whole of the officers heretofore connected with the Supervision of Convicts in New South Wales, and particularly referring to Lord Normanby's Despatch, marked "Separate" of the 11th May, 1839.

In reporting on this important subject, it seems to me necessary first to remark to Your Lordship that the chief alteration, in respect to the discipline or management of Convicts in this Colony, is that which was effected by the abolition of assignment; and that this alteration was calculated rather to increase than to

* Note 40.
diminish the expence of their management, by causing a larger proportion of the Convict population to be retained under the immediate control of the Government.

But though for this reason, and others presently to be stated, that portion of the expence of Superintendence of Convicts, which falls upon the Home Government, has not been materially reduced, and probably cannot be greatly diminished for some few years, the general expence of the Convict Department of this Government has greatly decreased since Transportation was abolished.

In the year 1838, it was £137,115 18 5
" 1839, " 173,474 6 2
" 1840, " 161,019 15 11
" 1841, " 128,635 15 4
and in the 12 months ended the 30th Sept., 1842, only £89,891 7 5

It is only right however to say that the remarkable reduction, since the year 1839, is in part owing to the reduced price in the Colony of the prime necessaries of Life, or, in other words, to the reduced price at which Rations for the Convicts have been obtained.

The expence of the Superintendence of Convicts in this Colony may be divided into the following Heads:—

1. General Superintendence; 2. The General Depot of Convicts, or the Establishment known by the name of "Hyde Park Barracks" in Sydney; 3. The House of Correction in Sydney; 4. The Invalid Establishment at Port Macquarie; 5. The Hospital Establishment; 6. The Establishment for Female Convicts, called the "Female Factory" at Parramatta; 7. The Penal establishments, now reduced to those of Cockatoo Island (near Sydney) and Norfolk Island.

On each of these Heads it will be necessary for me to report to Your Lordship.

1st. General Superintendence.

Among the Enclosures to this Depatch is a Paper (No. 2 hereafter spoken of) prepared by the Principal Superintendent of Convicts, shewing in detail the duties of his office; but I may more briefly state that those duties consist in keeping an account of the conduct of every Convict, either in the Colony or at Norfolk Island, of the way in which each is disposed of, and of the changes which occur in the disposal of him, of the offences he may commit, of the punishment he undergoes, and of his claims to indulgence; further also, in the preparation of instruments, by which indulgences (such for instance as Tickets of Leave) are

1843. 1 Jan.

Decrease in expense of convict establishment.

Principal cause of reduction.

Subdivisions of convict establishment.

General superintendence of convicts.
1843.
1 Jan.

General
superintendence
of convicts.

granted, and finally, the granting to him a Certificate of freedom, should he be fortunate enough to outlive the period of his servitude, or by good conduct to obtain a Pardon from the Crown.

Of all these duties, the investigation of claims to indulgences, and especially to Tickets of Leave, is the most laborious.

The Act of the 2nd and 3rd Wm. IV, C. 63, prohibits the granting of a Ticket of Leave to any Convict, under the most favorable circumstances, until after he has served four, six, or eight years of his sentence according as that sentence may be for 7 or 14 years or for Life. The first years of a Convict's servitude are therefore those in which he gives least trouble to the Government, a fact which may perhaps almost of itself suffice to explain, why the discontinuance of Transportation has not as yet occasioned the diminution in the labour of Superintendence, which in England it might have been expected to produce.

As soon however as the first four, six or eight years of a Convict's sentence expire, his applications for indulgence commence; and though these perhaps may be often refused, and the applicant occasionally punished for the irregularity of them, it has been found impossible to prevent his renewing them.

The apportionment of rewards is a far more important and difficult part of Convict management than that of Punishments.

The System of Marks is good in theory, but it is applicable only to Convicts in Government employment; and we have had some cause to distrust it, even in the hands of Captn. Maconochie, and at Norfolk Island, which is exclusively a Government Establishment. The expense of it in the way of Superintendence is also very great.

It may be said that the Rules of this Government, in respect to the granting of Tickets of Leave, are very specific, and that, if adhered to, but little investigation can be necessary in order to decide whether or not an individual be entitled to the indulgence he prays for; but in practice it is impossible to adhere to them; and so long as Convicts are in any way exposed to the caprices of Masters, and their Masters' interests are opposed, as they now obviously are, to the granting of indulgences to their assigned servants, it seems to me that a strict adherence to the Rule, which prescribes an additional year's probation for every punishment, is impossible.

Having stated above that Assignment is now abolished, it may be necessary for me here to remark that the abolition, which took place in 1840, was prospective only; and that therefore, though no men have been assigned since 1840, the Convicts, who were assigned previously, are only withdrawn from private service, as they become free or entitled to Tickets of Leave.
GIPPS TO STANLEY. 457

2. Establishment of Hyde Park Barracks.*

This is the general depot of Prisoners, who (for whatever reason) cannot be disposed of elsewhere.

The number in the Depot has gradually increased to about 600; but of them, perhaps one half would be placed in assignment, were it not that assignment has been abolished.

3. The House of Correction in Sydney or the Treadmill.

This is the place of minor punishment for Convicts; and, being the chief substitute for the Lash, it cannot be dispensed with.

Free persons are also and always have been (though not in great numbers) sent to it; and the propriety of making the Colony pay for the maintenance of these Latter, whilst on the Treadmill, has often been under my consideration. For the sake however of saving to the Home Government a few hundred pounds per annum, I have not judged it desirable to alter an arrangement, which was allowed to subsist, when the expences of the Police and Gaols were thrown upon the Colony.

4. The Invalid Establishment at Port Macquarie.

I have it in contemplation to remove this establishment to Sydney, or to Liverpool (20 Miles from Sydney), at which latter place there is a large Convict Hospital, which may at no distant date receive the Invalids. They have been kept at Port Macquarie, solely on account of the accommodation afforded to them by the Buildings, which were erected when Port Macquarie was a Penal Station.

In every other respect, it is an ineligible spot; for it is too far removed from the eye of Government, and provisions are generally dearer there than in Sydney.

The cost of Superintending the Establishment however, exclusive of Medical assistance, is only £154 15s. per annum.

5. The Medical Establishments.

These have been already reduced by the discontinuance of the Hospitals at Bathurst, Goulburn and Windsor. The Hospital at Brisbane (Moreton Bay) will be finally abolished also on the 1st April next, and that of Port Macquarie, as soon as the arrangement alluded to in the preceding paragraph can be carried into effect.

6. Female Factory at Parramatta.

The expence of Superintending this Establishment remains nearly stationary, and must continue to do so for some years to come.

* Note 41.
On the discontinuance of assignment, the number of women in the Factory increased rapidly from about 800 to above 1,200; but, by the more extended issue of Tickets of Leave, which I have been enabled to make since Immigration ceased, the number is now again reduced to 800. Whilst Immigration was at its height, it was not easy for Female Ticket of Leave Holders to find employment.

7. Penal Establishments.

The expenses of Norfolk Island have very greatly increased; but the reasons for the increase are obvious; and I have so fully reported on Norfolk Island in numerous Despatches within the last year, and especially in those named in the margin,* that it seems to me any mention of it here would be superfluous.

On the Establishment on Cockatoo Island, which is essentially also a Penal one, it appears to me unnecessary to enter at large, the nature of it being explained in the Despatches noted in the margin.†

I will only remark that the advantage of having this Establishment under the eye of Government outweighs in my opinion the advantages, which were supposed to be derived from the remote positions of Port Macquarie, Moreton Bay and Norfolk Island; and it is not unworthy perhaps of remark that, though situated within four miles of Sydney, fewer escapes during the last three years have been effected from it than from Norfolk Island, situate in the Pacific Ocean at a distance of 700 miles from the nearest land.

I have the honor to annex the following Papers:—

1. Return of the number of persons employed in the Superintendence of Convicts in New South Wales, whose salaries are paid out of funds furnished by Parliament, as also the amount of those salaries on the 1st Jany. in each of the years 1840 and 1843.

2. The memorandum (already alluded to) from the Principal Superintendent of Convicts on the duties of his Department; and containing answers to certain queries respecting his Department, put to him by the Governor.

3 and 4. Copies of a letter written to the Deputy Inspector General of Hospitals, respecting reductions in his Department, and of that Officer's answer.

I have, &c.,

GEO. GIPPS.

* Marginal note.—No. 27, 7 Feb., 1842; Nos. 96 and 97, 26th May, 1842; No. 46, 29th May, 1842; Nos. 143, 144, 145, 146 and 147, 15th Aug., 1842; No. 194, 18th October, 1842.

† Marginal note.—No. 102, 8 July, 1839; No. 207, 13th Oct., 1841.
GIPPS TO STANLEY.

[Enclosure No. 1.]

RETURN of the number of Persons employed in the Superintendence of Convicts in New South Wales on the 1st January, 1840, and the 1st January, 1843, with the amount of their Salaries at each period, payable out of Funds furnished by Parliament.

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<tr>
<th></th>
<th>1st January, 1840</th>
<th>1st January, 1843</th>
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<tbody>
<tr>
<td></td>
<td>Amount of Salaries</td>
<td>Amount of Salaries</td>
</tr>
<tr>
<td>1. General Superintendence</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Superintendent of Convicts</td>
<td>600 0 0</td>
<td>600 0 0</td>
</tr>
<tr>
<td>Chief Clerk</td>
<td>300 0 0</td>
<td>300 0 0</td>
</tr>
<tr>
<td>Clerks</td>
<td>328 10 0</td>
<td>328 10 0</td>
</tr>
<tr>
<td>Temporary Clerks</td>
<td>104 18 9</td>
<td>132 6 3</td>
</tr>
<tr>
<td></td>
<td>2,743 8 9</td>
<td>2,950 16 3</td>
</tr>
<tr>
<td>Superintendent</td>
<td>150 0 0</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Clerks</td>
<td>223 0 0</td>
<td>223 0 0</td>
</tr>
<tr>
<td>Gatekeepers, Constables, Scourger, etc.</td>
<td>313 10 0</td>
<td>340 13 4</td>
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<tr>
<td>Chaplain</td>
<td>350 0 0</td>
<td>330 0 0</td>
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<td></td>
<td>1,016 5 10</td>
<td>1,043 13 4</td>
</tr>
<tr>
<td>Superintendent</td>
<td>100 0 0</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Clerk</td>
<td>58 6 3</td>
<td>77 11 3</td>
</tr>
<tr>
<td>Miller</td>
<td>91 5 0</td>
<td>91 5 0</td>
</tr>
<tr>
<td>Constables, Overseers, etc.</td>
<td>474 10 0</td>
<td>574 17 6</td>
</tr>
<tr>
<td></td>
<td>725 1 3</td>
<td>843 13 9</td>
</tr>
<tr>
<td>4. Invalid Establishment, Port Macquarie.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent</td>
<td>100 0 0</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Overseers, Wardsmen, etc.</td>
<td>4 0 0</td>
<td>54 15 0</td>
</tr>
<tr>
<td></td>
<td>100 0 0</td>
<td>154 15 0</td>
</tr>
<tr>
<td>5. Hospital Establishment. (Exclusive of those at Norfolk Island and Moreton Bay, but including all the rest of the Colony.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surgeons</td>
<td>1,022 0 0</td>
<td>1,022 0 0</td>
</tr>
<tr>
<td>Assistant Surgeons</td>
<td>1,331 17 6</td>
<td>730 0 0</td>
</tr>
<tr>
<td>Dispensers of Medicine, principally at Stockades and Out Stations</td>
<td>474 10 0</td>
<td>474 10 0</td>
</tr>
<tr>
<td>Overseers and other inferior Officers</td>
<td>369 8 9</td>
<td>319 7 0</td>
</tr>
<tr>
<td></td>
<td>3,188 16 3</td>
<td>2,618 17 0</td>
</tr>
<tr>
<td>6. Establishments for Female Convicts, Parramatta.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visiting Justice</td>
<td>100 0 0</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Matron</td>
<td>150 0 0</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Storekeeper</td>
<td>150 0 0</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Chaplains</td>
<td>100 0 0</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Inferior Officers</td>
<td>40 0 0</td>
<td>40 0 0</td>
</tr>
<tr>
<td></td>
<td>54 15 0</td>
<td>711 10 0</td>
</tr>
<tr>
<td>Bathurst</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Matron</td>
<td>40 0 0</td>
<td>40 0 0</td>
</tr>
<tr>
<td>Port Macquarie</td>
<td>54 15 0</td>
<td></td>
</tr>
</tbody>
</table>

1843. 1 Jan.

Return of persons employed in superintendence of convicts.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 1]—continued.

RETURN of the number of Persons employed in the Superintendence of Convicts in New South Wales, etc.—continued.

<table>
<thead>
<tr>
<th>7. Penal Establishment, Norfolk Island.</th>
<th>1st January, 1840</th>
<th>1st January, 1843</th>
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</thead>
<tbody>
<tr>
<td>General Superintendent</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>1</td>
<td>300 0 0</td>
<td>1 360 0 0</td>
</tr>
<tr>
<td>Superintendent of Agriculture</td>
<td>1 300 0 0</td>
<td>1 360 0 0</td>
</tr>
<tr>
<td>Superintendent of Convicts</td>
<td>1 150 0 0</td>
<td>1 150 0 0</td>
</tr>
<tr>
<td>Chaplains and Catechist</td>
<td>5 400 0 0</td>
<td>5 550 0 0</td>
</tr>
<tr>
<td>Medical Officers</td>
<td>2 156 17 6</td>
<td>2 273 15 0</td>
</tr>
<tr>
<td>Clerks</td>
<td>1 127 15 0</td>
<td>1 127 15 0</td>
</tr>
<tr>
<td>Inferior Officers</td>
<td>12 392 7 6</td>
<td>12 726 17 6</td>
</tr>
<tr>
<td>N.B.—The above is exclusive of the Military, Establishment, Ordnance, and Commissariat.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moreton Bay</td>
<td>1,707 0 0</td>
<td>2,830 7 6</td>
</tr>
<tr>
<td>Commandant</td>
<td>1 91 5 0</td>
<td></td>
</tr>
<tr>
<td>Clerk</td>
<td>1 75 0 0</td>
<td></td>
</tr>
<tr>
<td>Pilot</td>
<td>1 63 17 6</td>
<td></td>
</tr>
<tr>
<td>Medical Officer</td>
<td>1 136 17 6</td>
<td></td>
</tr>
<tr>
<td>Chaplain</td>
<td>1 50 0 0</td>
<td>1 50 0 0</td>
</tr>
<tr>
<td>Inferior Officers</td>
<td>1 41 1 3</td>
<td></td>
</tr>
<tr>
<td>N.B.—The above is exclusive of the Military, Ordnance, and Commissariat.</td>
<td>518 1 3</td>
<td>227 18 9</td>
</tr>
<tr>
<td>cockpit Island</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent</td>
<td>1 200 0 0</td>
<td></td>
</tr>
<tr>
<td>Assistant do</td>
<td>1 227 10 0</td>
<td></td>
</tr>
<tr>
<td>Amount of Salaries</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>7. Penal Establishment, Norfolk Island.</td>
<td>10,671 13 4</td>
<td>11,804 2 1</td>
</tr>
</tbody>
</table>

[Enclosure No. 2.]

MEMORANDUM.

Queries and Replies within referred to.

Query. 1st. Why is the expense of Clerks in your Department greater now than it was in 1840, notwithstanding that transportation has been discontinued and the labor of your Office consequently diminished?—Answer. The increased Expense of my Department for this year over that of 1840 arises from the Regulated annual increase to my Clerks and in consequence of money being allowed to the Messengers, etc., in lieu of Rations and Clothing, a practice sanctioned by Regulation. The abandonment of Assignment has but slightly reduced the duties of my Department, which have very considerably (about one third) increased in the aggregate since 1840.

Query. 2nd. What are the duties in which Clerks in your Office are employed and the number of Hours they attend each day?—Answer. The duties of my Clerks are given in detail in the accompanying Reports from these Gentlemen; the Hours of attendance in my Office are from 9 o'Clock till 4 daily.

Query. 3rd. By what means can the labours of your Office be diminished and the number of your Clerks reduced?—Answer. The only decrease that can possibly be made in the strength of my
Establishment without injury to the same would be the reduction of the two Clerks, who were authorised for the preparation of the Indents of Prisoners arrived so soon as they are completed, which will be in about 3 months, or, if His Excellency thought it desirable at the end of this year; and in the latter case the Indents would be completed by some of my Clerks remaining beyond the regulated time for leaving. I would also propose that the Office of Barrack Overseer be abolished as the number of Prisoners now in the Barracks are daily diminishing.

Query. 4th. Are there any arrears of Business in your Office?—Answer. None, except in the Certificate of Freedom branch and the reason of which is explained by the Gentlemen in charge of that branch.

Query. 5th. Why are 3 Scourgers required?—Answer. One scourger only is now required, the other (there never having been more than two) has been discharged.

Report.

Having replied to these questions seriatim, I consider it my duty to draw His Excellency’s attention in the first instance to my answer to the 3rd Query, and beg leave to state the fact of the two Gentlemen, who were authorized for the Indents, having in addition to that duty assisted in others in the Office, one being attached to the Corresponding branch, the other employed in the duties of the Ticket of Leave branch, and by their reduction considerable additional labor will be thrown upon the Clerks engaged in the duties of these branches.

I will now proceed to lay before His Excellency my suggestions as to the Increase which might be made in the Fees receivable in my Office; and in passing would remark that, even under the present receipts, the excess of Expenditure* between 1840 and 1842 is exceeded by the Receipts; although in itself but a small sum, I would state it as my opinion that the Fees received in my Establishment could with great justice be made to average about £700 per Year by the addition of the following Fees upon every alteration of a Ticket of Leave, which is always made to suit the convenience and the advantage of the Holder; this duty occupies a considerable time as the Ticket of a Prisoner is sometimes altered three, four or more times and frequently leads to Correspondence. I further think a Fee might be charged upon a renewed Certificate of Freedom, a Document which is also required in many cases by men on account of their own carelessness and which the Government ought not to be called upon to pay for. I further conceive that a Fee might reasonably be charged upon all applications made to my Office for information by Masters, as to the Freedom of persons whom they are about to engage, also in enquiries respecting the present residence or disposal of parties who arrived in this Colony as prisoners; to answer these questions a considerable part of the time of Two of my Clerks is occupied; a Fee of one shilling for each search would not be felt by Individuals and would either be a return to Government for the time occupied in making them, and for which the Government have to pay, or would put a check upon indiscriminate applications for information on these subjects.

J. McLean.

Principal Superintendent of Convicts Office, 8th Dec., 1842.

*Marginal note.—1840. Receipts £70; 1842. Receipts £306; Excess of Receipts in 1842, £236; Excess of Expenditure in 1842, £234 14s.—£1 5s.
THE Corresponding Branch is conducted by me, with the assistance of Mr. Taylor and Mr. Montgomery.

The duties consist of corresponding upon all Subjects connected with the Office and not already mentioned by the other Clerks, the number of Letters being this Year about 3,200.

Keeping a Register of all Letters and Documents received in the Office, Amounting on the 30th of September last to 11,208; in 1840, there were but 9,553 received.

Noting all Letters sent to and returning from His Excellency the Governor.

Putting by, arranging and keeping all papers when disposed of, and producing such as are from time to time required.

Copying all Letters entered in the General Letter Book in Number about 3,500 Annually.

Making Copies of all Papers requiring to be sent anywhere for Information.

Identifying all Prisoners sent from Sydney Police Office on Suspicition of being runaways.

Reporting upon all Petitions, Letters or other Papers connected with Norfolk or Cockatoo Islands and other Second Class Gangs.

Keeping the Savings Bank Registers, preparing and issuing Warrants for Money lodged therein, and reporting upon all Applications respecting the same.

Obtaining from the Colonial Secretary's Office the Indents of Prisoners, applying for Tickets of Leave or Certificates of Freedom, whose Indents are not in this Office, amounting to about 50 Monthly.

Preparing Manuscript of Prisoners arrived in the Colony for Printing, Examining the same and correcting the Proofs and Revises.

Preparing Annual Returns of Prisoners arrived and those in the Colony, and shewing their distribution.

Preparing Returns of Prisoners Deceased, having money in the Savings Bank.

Preparing Returns of Originals and Colonial Convictions of all Men Sentenced to Transportation and sent to Cockatoo Island. Reporting on all commutation Lists of Prisoners returning from Norfolk Island.

Disposing of all Prisoners (not free) who are received into Hyde Park Barracks under Warrants.

I have no Arrears in my Branch. A. G. Dr/Mis.

8th December, 1842.

Prepared in detail of the duties performed in my Branch of the Office.

Preparing Registering, noting and despatching by letter, with List, to each Bench all Tickets of Leave, which amounted in 1840 to 2,834, in 1842 to 3,300.

Registering, noting and despatching by Letter all Passports which amounted in 1840 to 498, in 1842 to 1,100.

Altering Tickets of Leave and despatching same by Letter to the Bench of the District altered to, and informing the Bench of the District from which altered, amounted in 1840 to about 350, in 1842 to about 600.

Reporting upon all Petitions for Conditional and Absolute Pardons, in 1840 to 400, in 1842 to 600.

Reporting upon all communications having reference to the several subjects above mentioned and frequently corresponding thereon.

Noting Deaths in Ticket of Leave Registers, also such as become Free, and those whose Tickets are cancelled.

Furnishing Lists of the personal description of all Convicts allowed Conditional and Absolute Pardons; the Quarterly Return amounted in 1840 to 100, in 1842 from 120 to 150 names.

Preparing Annual Returns in Duplicate of all Tickets of Leave issued during preceding Year embracing Name of Prisoner, Ship, Year of arrival, Place and date of Trial, Sentence, together with condition upon which granted.

Preparing Fee Register of Passes and Passports in existence in 1840.

Furnishing Quarterly Return in Triplicate of all Fees received at the Office, Fees on Passes and Passports, Clearances not in existence in 1840.

Gazetting Pardons when ready for delivery.

Tickets of Leave cancelled.

Keeping Indent Letter Book, in which were entered in 1840 1,843, in 1842 2,850.

Entering Quarter Sessions Returns of Convictions.

Answering Refusals of Applications for Tickets of Leave to the several Benches monthly.

Reporting upon Lists of Ticket of Leave holders absent from each District, to ascertain those who are at large without authority. In these last an increase of about 1 has taken place.

I have no arrears, and one Assistant Mr. McNeil.

A. G. Dumas.

8th December, 1842.

Prepared in detail of the duties performed in my Branch of the Office.

Preparing Registering, noting and despatching by letter, with List, to each Bench all Tickets of Leave, which amounted in 1840 to 2,834, in 1842 to 3,300.

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I have no arrears, and one Assistant Mr. McNeil.

A. G. Dumas.

8th December, 1842.
GIPPS TO STANLEY.

Ticket of Leave Branch, etc., etc.

This Branch under my direction with the assistance of Messrs. Cookney and Snape comprises:

Entering Ticket of Leave applications on receipt in a Register kept for that purpose, amounting monthly to about 350, having been in 1840 only 150.

Searching for Police Histories of each individual; it may not be misplaced to mention that, upon an estimate made for this purpose, there are upwards of 30,000 names to be gone over to complete a list of 300 applications, independent of Stockade, Quarter Session, Norfolk Island and Moreton Bay registers.

Entering decisions of Governor on same in a Register kept for that purpose, and preparing a list, of such as are allowed, for the Government Gazette.

Reporting upon Petitions for Restoration of Tickets of Leave, withdrawal from Service, to have Wives and families brought out, have to undergo a similar process, averaging monthly about 150.

Preparing all passes issued from this Office.

Entering same, averaging monthly about 150.

Preparing Quarterly Returns of Secretary of State Tickets.

Answering all letters or Petitions from Prisoners addressed to the Principal Superintendent of Convicts, respecting their Tickets of Leave, Pardons, applications for wives and families, etc.

Preparing Annual Return of Convicts in Duplicate, who died in the Colonial Hospitals, with name, ship, date and place of death, also year of arrival.

Arrears none.

8th Deer., 1842. D. MCLEAN.

A Report of the duties performed by me in the Certificate of Freedom Branch.

Reporting upon applications for Certificates of Freedom, applied for by the various Benchs, the monthly number of which average about 122 besides personal applications made by the Prisoners; but, as it is impossible to estimate the time occupied by these duties without entering a little into explanation, I have thought it better to do so.

All applications being received for Certificates, the names are entered into a book; they are then indented and lastly the Colonial histories of the Prisoners obtained, a work occupying a very considerable time as so many registers have to be gone through and requiring a great deal of care to prevent errors.

The indenting consists in stating the name of the applicant and the particulars of his sentence, it sometimes happening that a Prisoner for Life will endeavour to pass himself off as a seven years' man; this duty is therefore necessarily a slow one. Furnishing particulars for the preparation of Certificates of freedom amounting to 2,200 this year.

Transmitting Certificates to Benchs for delivery to such as are in the Interior, and frequently having to obtain information from the Bench not before furnished respecting these applicants.

Identifying Prisoners who have completed their commuted Norfolk Island sentences.

Examining those Prisoners of the Crown, who have been placed upon Cockatoo and Pinchgut Islands by the order of the Governor for misconduct, on their being discharged from there.

Reporting on and replying to letters enquiring when Prisoners will become free, likewise upon those relating to men detained in the Country Locksup, who having lost their Certificates of Freedom are taken up as suspected runaways.

Preparing clearances for men leaving the Colony, who have lost their Certificates of freedom.

Delivering again Certificates of freedom that have been taken from parties leaving the Colony by the Water Police and afterwards return to claim them.

Noting all Commutations allowed to Prisoners in their sentences and entering commutation List.

Applying to the Colonial Secretary's Office for particulars of sentences of Prisoners, who arrived prior to 1830.

Furnishing the Superintendent of Police with the personal descriptions of Norfolk Island expires on completion of their sentences.

Identifying Men brought by Masters who intend having them if free.

I am in Arrears in the Applications of Certificates five Months, and they are caused chiefly by my time being taken up with Norfolk Island expires, also the Identification of Men brought up by Masters to be examined and other causes. I must also add that there were Two Years' Arrears in this Branch, when I took charge of it.

PHILIP SNAPE.
HISTORICAL RECORDS OF AUSTRALIA.

1843. 1 Jan.

Duties in runaway branch:

- Receiving Reports of Runaways and preparing Returns of same for Gazette and entering such in the necessary Register.
- Identifying Prisoners sent from the Interior on suspicion of being illegally at large, communicating result to the Police Magistrate of the district from whence they are sent, and searching assignment in order to discover from whence they absconded.
- Attending the Bench at Hyde Park Barracks to prosecute Runaways.
- Searching for absconding of such Prisoners as apply for Certificates of Freedom.
- Preparing, revising and distributing Quarterly Returns of Prisoners at large.
- Ascertaining the place of Assignment of Prisoners in order that their Letters may be transmitted.
- Taking the description of Emigrants discharged Free, and entering same in Register.
- Furnishing the Police with reports of runaways and entering same in Colonial Registers.


In stockade branch:

- Keeping a Register of all Prisoners received and discharged at the different Iron Gangs throughout the Colony.
- Examining all returns and entering the same of Prisoners recommended for mitigation of their Sentences in Irons.
- Corresponding with the Officers in charge of the different Gangs.
- Searching for sentences in Irons against Prisoners applying for Certificates of Freedom.
- Reporting upon all Letters, Petitions, etc., relative to the withdrawal of Assigned Servants.
- Preparing list of Prisoners for transfer, and entering same in Registers.
- Entering all Revocation of Assignments.
- Noting in Muster Rolls against the Names of all Prisoners sent to Probationary Gang.
- Preparing Quarterly and other Requisitions and entering same, and also entering those from the different Stockades and other Departments for clothing.
- To these duties is added the charge of all documents in the Office of the Commissioner of Assignment, and making reference to the same when required.

No arrears. William Glaister.

And in branch for registers of convicts:

- REPORT of the Duties performed by me, being Charge of the New Registers of Prisoners arrived in New South Wales since the Year 1837.
- Entering all punishments in those Registers.
- Ditto all Deaths ditto ditto.
- Ditto Tickets of Leave ditto ditto.
- Ditto Passports ditto ditto.
- Ditto any other disposal of the men contained in those Registers.
- To this is added the examination of all Marriage Applications and entering in Marriage register, and informing Clergymen of the Governor’s decision thereon.
- Entering punishments against all prisoners in black books, and calling for returns of Summary Trials when not regularly furnished.

In this Branch there are no arrears. G. A. Beckland.

[Enclosure No. 3.]

COLONIAL SECRETARY THOMSON TO MR. J. V. THOMPSON.

Colonial Secretary’s Office,
Sydney, 29th Novr., 1842.

Sir,

I have the honor by direction of the Governor to state that having been called on by the Secretary of State to effect a reduction in the number of persons employed in New South Wales in the different Convict Establishments. His Excellency has to request you will inform Him, how such a reduction can be best made in the Department under your charge.

I am directed to observe to you that a considerable saving has already been effected by the reduction of the Hospitals at Bathurst, Goulburn and Windsor, and that His Excellency desires to know whether the further reduction might not immediately be made of the Hospital at Liverpool, and of that at Port Macquarie, if the Invalid Establishment were withdrawn.
GIPPS TO STANLEY.

I am also to request your opinion as to the propriety of removing the Invalid Establishment from Port Macquarie to Sydney or Parramatta, as soon as arrangements can be made for so doing; or, supposing sufficient accommodation could not be found for the Invalids at either of these places, whether it might not be desirable to convert the Hospital at Liverpool into a Depot for Invalids.

I have further to state to you that, though by the Return which is enclosed His Excellency finds five assistant surgeons have been reduced in the course of the last three years, there appears to have been an increase in the number of free Dispensers, and an increase disproportionate to that of their number in the amount of their salaries; also that the reduction in the number of Overseers and other inferior Officers, does not appear to be in proportion to the reduction which has been made of the number of Hospitals.

I am directed to request you further to send in a Return of the number of persons (officers and others) employed in each Hospital, including convict servants.

In conclusion, I am directed to request that you will furnish an early answer to the above.

I have, &c,

E. DEAS THOMSON.

[Enclosure No. 4.]

MR. J. V. THOMPSON TO COLONIAL SECRETARY THOMSON.

Sir,

5th December, 1842.

I have the honor to acknowledge the receipt of your communication of the 29th ultimo, requesting me to state how further reductions may be best made in the Colonial Medical department.

Having given the subject my best consideration for some time, in anticipation of the expected reduction and consolidation of my Department, consequent on the cessation of Transportation and Assignment, I beg to state,

1. That I have always considered it would be most convenient and advantageous in every point of view to remove the Invalid Establishment from Port Macquarie to Liverpool Hospital, which Building and appurtenances possess all the requisites and accommodation necessary for such an establishment; placing it, as at Newtown in Van Diemen's Land, under the charge and direction of one of the Colonial Medical Officers.

If this arrangement is carried into effect, the Hospital Establishment at Port Macquarie may then be broken up, and that of the Liverpool Hospital modified, so as to render it suitable to the proposed change. This may be done by removing the principal part of the sick now there, nearly 100 as usual, to the Sydney and Parramatta Hospitals; but, as there will always be a considerable number of the Invalids requiring medical treatment, I would recommend that one of the large apartments be appropriated as a sick Ward; and that Dr. Eckford, now there, be retained in charge of the whole, he being perfectly qualified as a Physician and Surgeon.

With regard to Sydney and Parramatta, I am not aware of any accommodation either place presents for an Invalid Establishment; and, if the above arrangement be adopted, it will be still more necessary than ever to keep up the Hospital Establishment at Parramatta, until sufficient accommodation be made in the Factory itself, or elsewhere, for the sick of the Female Convicts.

2. The only further reduction, which it appears to me can be immediately carried into effect without injury to the Department, is that of the Assistant Surgeon at Parramatta (Mr. Gamaec), who...
Return of persons employed in each Medical Establishment in the Colony, including Convict Servants.

SYDNEY.—Surgeon P. Harnett, 1; Asst. Surgeon J. Lee, 1; Overseer J. Wm. Kelly, 1; Dispenser W. O’Brien, 1; Male Convicts, 23; Female Convicts, 5—32.

Parramatta.—Surgeon P. Hill, 1; Asst. Surgeon A. Gamack, 1; Overseer Dennis Harman, 1; Dispenser Saml. Cain, 1; Male Convicts, 9; Female Convicts, 5—18.

Liverpool.—Asst. Surgeon J. Eckford, 1; Overseer W. Flaherty, 1; Dispenser W. Stupart, 1; Male Convicts, 9; Female Convicts, 3—19.

Newcastle.—Surgeon Geo. Brooks, 1; Overseer W. A. Crawley, 1; Dispenser W. M. McGrath, 1; Male Convicts, 3; Female Convicts, 1—5.

Port Macquarie.—Surgeon W. Richardson, 1; Overseer P. McXiven, 1; Dispenser R. G. Brereton, 1; Nurse E. Brereton, 1; Male Convicts, 4—8.

Moreton Bay.—Asst. Surgeon D. K. Ballow, 1; Overseer Peter Nichol, 1; Male Convicts, 3—5.

Grand total, 104.

Despatch acknowledged re convict establishment in Tasmania.

HISTORICAL RECORDS OF AUSTRALIA.

1843.
1 Jan.

Causes of increased expenditure on dispensers.

may be reduced at the close of the year, by which time the present prevailing disease will most probably be so subdued, and the number of Women in the Factory so reduced, as to enable the Surgeon at Parramatta to dispense with his services.

3. With respect to the apparent increase of expense under the head of Dispensers, I have only to observe that there has never been more than one at each of the Hospitals and Stockades; the increase, therefore, must have arisen from the formation of new Stockades, and from some few of the Prisoner Dispensers having obtained Tickets of Leave, and their continuance in the Department at 2s. 3d. per diem having been sanctioned by His Excellency the Governor.

The Return called for at the close of your communication, will be prepared and sent in, as soon as the respective Surgeons furnish the information required.

And have, &c.,

JNO. V. THOMPSON,
Deputy Inspector General of Hospitals.

[Sub-enclosure.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 2, per ship Ann Gales.)

My Lord, Government House, 1st Jany., 1843.

I have had the honor to receive Your Lordship's Despatch, No. 119, of the 28th May, 1842, enclosing copies of communications which have passed between the Colonial office and the Treasury on the subject of some unauthorized additions to the appointments, and increase of salaries in the Convict Establishment of Van Diemen's Land; also a copy of an instruction which has been addressed by Your Lordship to the Lieutt. Governor of that Colony respecting the same.

Though no specific reply seems to be required from me to the communications in question, I beg leave, in acknowledging the receipt of them, to refer to my Despatch of this day's date, No. 1, wherein I have reported at length on the Establishments maintained in this Colony, and paid for out of Parliamentary funds, for the Superintendence of Convicts. I have, &c.,

GEO. GIPPS.
LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 2, per ship Fanny.)

Sir,

Downing Street, 2nd January, 1843.

I have received Your Despatch No. 87 of the 13th of May last, bringing under my notice the misconduct of the Master and Surgeon of the ship "Carthaginian" towards a Female Emigrant on board that Vessel. I referred that Despatch to the Colonial Land and Emigration Commissioners, and I now transmit to you a Copy of the Report, which I have received from that Board, together with copy of a letter addressed to them by Mr. Byrne, the Bounty Agent upon that subject.

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir,

9 Park St., Westminster, 21st December, 1842.

We beg to acknowledge the receipt of your letter of the 24th Ultimo, transmitting to us the copy of a dispatch with Enclosures from the Governor of New South Wales, relative to the misconduct of the Master and Surgeon of the "Carthaginian" towards a female Emigrant on board, and directing us to inform the Owner of the Vessel of the proceedings which had taken place in the case.

In obedience to these directions, we forwarded a statement of the facts to the holder of the Bounty Order under whose superintendence the Emigrants had been sent to the Colony, and requested him to communicate it to the Owners of the Vessel. We also called for a Report from the Government Emigration Agent at the Port from which the Vessel had sailed, on the qualifications of the Surgeon at the time when he was appointed by the Owners of the Ship. We have the honor to subjoin an Extract of Lieutenant Henry's reply to the enquiry: "Mr. Nelson exhibited to me not only his Surgeon's Diploma, but, if I recollect right, more than commonly high Testimonials of his Professional acquirements, as well as of his moral character, and, so far from noticing anything objectionable in his deportment or conversation during my intercourse with him, and he was here for a considerable time before the Ship sailed, I was favorably impressed by his intelligence and attention, and I know he was very particular, in acting on my general suggestion, to closely inspect, and at once to reject any and every individual not in good health and of sound constitution." The favorable opinion of this person formed by Lieut. Henry, and apparently by those who signed his Testimonials, must from his conduct during the voyage have been erroneous; but it shows the extreme caution which is necessary in selecting the Individuals upon whom, during the important period of the Voyage, the successful management of Emigration entirely depends. At best we fear that there can be no sufficient security that the exercise of authority may not produce an unfavorable effect upon the character of those previously unused to it, and lead even to such gross abuse as has occurred in the present instance.
Complaint by P. W. Byrnes re refusal of bounties.

We further beg leave to enclose a copy of the reply, which we have received from Mr. Byrnes the Bounty Agent. His observations throw no light upon the circumstances of the particular case. But we forward his letter because he requests that his complaint of the refusal of Bounties upon some of his Emigrants by the Colonial Government may be laid before Lord Stanley. We have informed him that his wish in this respect should of course be complied with; but we have at the same time explained to him that the essential feature of the system, under which he voluntarily undertook to send out Emigrants to be paid for by the Public, was that the eligibility of the parties should be judged of exclusively by the Immigration Board of New South Wales, and that the Government of this Country could not undertake to reconsider questions of the fitness of particular Individuals, which had been settled by competent authority in the Colony. We are not aware, therefore, that it would be necessary that any further communication should be addressed to Mr. Byrnes on this subject.

As regards the case immediately before us, we have the honor to report that, as the offending parties have been convicted in a Court of Justice, and are undergoing their sentence, there apparently remains no further practical step to be taken in the matter.

We have, &c.,

EDWARD E. VILLIERS.

JOHN GEORGE SHAW LEFEBRE.

[Sub-enclosure No. 1.]

MR. P. W. BYRNES TO LAND AND EMIGRATION COMMISSIONERS.

Gentlemen, Liverpool, December, 1842.

Regret at misconduct of R. Robertson and R. W. Nelson.

I beg most respectfully to acknowledge the receipt of your letter of the 2nd instant, containing a communication from the Secretary of State respecting the gross misconduct of the Captain and Surgeon of the ship "Carthaginian" on her outward bound passage to Sydney with Bounty Emigrants, which I was much grieved to hear, as I was most anxious that the passengers, that were selected by me, should have been well treated on the passage, as I had done all in my power, according to the best of my judgment, to promote their comfort and accommodation on board; but the Vessels I despatched for Australia with Bounty Emigrants not being my own, the Owners had the selection of the Captains, Surgeons and Officers, and, as far as external appearances went and their written testimonials of character and ability, each of the Surgeons, selected, examined and approved of by Lieut. Henry here, were fit and eligible persons to undertake the care of passengers; and I am extremely sorry that we were all so much deceived in the person herein alluded to. I have according to your instructions transmitted a Copy of your letter to the Agents of the owners of the "Carthaginian," in order that it may be laid before them, and would have replied to it much sooner, had I been at home.

Complaint by P. W. Byrnes re refusal of bounties on immigrants.

The receipt of your communication enables me most respectfully to call your attention to the great deductions that have been made by the Governor or Immigration Board at Sydney from the amount of passage money payable to each Ship sent out by me with Bounty Emigrants; deductions quite at variance with either the usage or custom previously adopted by the Board, and equally so with justice or a fair view or construction of the Law. I am well aware that I have no right to put constructions on any existing Law, but when the spirit of that Law is carried out, and the object or intention to be accomplished by that Law is realized, I have a right to feel dissatisfied that the spirit and not the strict letter of the Law should not have been acted upon towards me, for, in all previous instances, parties have been permitted to balance the number of single females against the number of single men, according to their respective numbers sent out under each contract; and not by the number in each Ship respectively; and it would have been much better, had it been acted upon more generally, to have sent the single females along with the families, and the single men by themselves; but, in the Ships sent out by me of which I enclose you a list, all the surplus single men were rejected for no other cause than the want of a corresponding number of approved single females in the same Ship, although there were a corresponding surplus of single females in the Ship previously despatched by me or
the one succeeding her. In like manner, a number of eligible single females were rejected or refused to be paid for, because, on being interrogated, they did not say they were servants, or had ever been hired as servants, although they had acted all their lives in the capacity of Servants in their Parents' Houses, and were sent out by them under the protection of some neighbour's family, who were about to Emigrate under the Bounty system; the Parents of those girls being themselves ineligible from age or some other circumstance. This is proved to be a fact by the report of the Immigration Agent himself as printed in the Sydney Papers, and which I beg to refer you to, in which he says, the disallowances on this head (that of single females) has been large, and in some instances perhaps the rigid adherence to the principle of the regulations, which has been found necessary, has involved the rejection of women of an unexceptionable description in other respects. The statement coupled with the fact, as stated in the same report, that only fifteen single females remained unemployed on the 1st of the present year, out of all that had arrived up to that period, is the best proof that can be given of the eligibility of the Emigrants selected and of their usefulness to the Colony; but, if further proof is required, I have only to call in the evidence of your own approved Certificates, and the certificates of the Government Emigration Agent here, who inspected the Emigrants personally (and was most particular in examining them, and in rejecting all those who appeared to be in the slightest degree ineligible) to prove, to the satisfaction of the Right Honorable the Secretary for the Colonies, or all or any member of H.M.'s Government the injustices of refusing payment for the eligible Bounty Emigrants of both sexes sent out by me, on such technical grounds, as those stated in the Immigration Agent's report; and I feel assured that our own Government will never allow me to suffer the loss of such large sums of Money as has been deducted on such frivolous grounds. If the objections of the Board at Sydney be valid, I ask, why were the certificates of single females passed and approved of by yourselves and the Government Agents throughout the Kingdom, or why did they compel us to separate single females from the families on ship Board, under whose protection they were going, and who were perfectly willing to take charge of them, had they been allowed to remain with them?

Such, gentlemen, are the leading features of the objections made and which have involved some hundreds of Pounds in several of the Ships sent out by me; and I feel convinced that the British Government will take that fair and liberal view of all matters that must be done, and will admit that trifling or technical objections should not have been raised by the Colonial Board at Sydney at the latter end of the fulfilment of a contract, that had not been raised at the commencement of it, or never were raised at all if they had not found out they were likely to get a much larger number of Emigrants sent out on their contracts than they at first expected, and then and not till then did they commence to make objections such as never had been made before, altho' the Emigrants were regularly certified by you and your Agents as eligible for the Bounty, thus throwing discredit and doubt upon the competency of the Government, their Agents and yourselves, to judge or act in such matters, and inflicting a heavy loss and injury upon me (and others like me) who risked my money and devoted my time and attention to the selecting of suitable Emigrants and forwarding of the same on the good faith of the Colonial Government paying them, as they had been in the habit of doing, at the commencement of the contracts.

Gentlemen, such are the hardships under which I labour, and I have most respectfully to beg of you to lay this statement before the Right Honorable the Secretary of State for the Colonies, as I feel confident that the British Government, of which His Lordship is so distinguished a member, will never sanction or permit the stopping of Eminent or eligible passengers that were sent out, particularly as the Home Government in a great measure undertook their selection by appointing your Board and the different Government Agents to examine all Candidates for a free passage, and to grant certificates of their eligibility thereby in point of fact adopting the selections made by you as their Agents; and, by so doing, I and those connected with me, as well as many others, were induced to enter more largely into the spirit of the business than we otherwise would have done, was it not for the additional confidence that your certificates gave us, that all those, that were landed in good health and so certified by you, would have been paid for immediately by the Colonial authorities, which in fairness they should have been. For, believe me, Gentlemen, that the risk and trouble was much greater than the proportion of profit, if all were paid for, much less being at an actual loss which is the case at present, unless the Noble Secretary for the Colonies will order payment to be made for all respectable and useful Emigrants landed at Sydney, and who were certified by you, which I have no doubt his own high sense of honorable and fair dealings will prompt him to do, as soon as he sees the matter in its proper light, and thus uphold the good name which the British Government has ever deserved in all business matters. Begging to be excused for the length of this epistle and expecting the favor of a reply.

I am, &c.,

P. W. BYRNES.
1843.  
2 Jan.  
List of ships with bounty emigrants sent by P. W. Byrnes.

"Helen."  "William Sharples."  
"Adam Lodge."  "Carthaginian."  
"Livingston."  "Columbine."  
"Larne."  "Sir Charles Napier."  
"Marchioness of Bute."  "Joseph Cunard."  
"Hope."  

[Sub-enclosure No. 2.]

LIST of Ships sent out with Bounty Emigrants from Liverpool in the year 1841, by P. W. Byrnes.

3 Jan.  
Transmission of letter from G. Hyde.

Inability of squatters to purchase land for grazing.

LORD STANLEY TO SIR GEORGE GIPPS.  
(Despatch No. 3, per ship Fanny.)

Sir, Downing Street, 3 January, 1843.

I transmit to you herewith a copy of a Letter, which I have received from Mr. George Hyde, relative to the mode adopted by Settlers of occupying the Land in Australia under Licences for depasturing their Cattle, and particularly with reference to supplies of water.

I have thought it right to communicate to you a copy of Mr. Hyde's Letter, although I conclude that you will not have failed to give due consideration to the points, which form the subject of his suggestions.

I have, &c.,  
STANLEY.  

[Enclosure.]

MR. G. HYDE TO LORD STANLEY.  
Green Hills, Port Phillip, N.S.W., 4th July, 1842.

My Lord,

I beg respectfully to apologize for intruding myself on your Lordship's time, but the subject is one I hope Your Lordship will not object to hear the opinion of even from such an humble individual as myself.

The Settlers, commonly called Squatters, of this portion of the Colony feel very grateful to Your Lordship for the security given them in the occupation of their Runs, Licensed from the Crown; and, altho' the success of the Colony depends on the Sale of Land for the purpose of getting out Labour, yet I would submit to your Lordship, failing these Sales to the extent necessary, it would be a consideration how this deficiency could be best remedied. It is notorious that Wool Growers now have to depend solely on that Article to pay their expenses, and I would beg to enclose Your Lordship a return of outlay of a Sheep Farmer to prove this, by which Your Lordship will see the utter impossibility of the Settler purchasing Land for Grazing purposes in a Country where a vast proportion consists of scrubby, bare, rocky Hills, having no verdure whatever, and a large proportion of thinly grassed plains, where for miles and miles not a drop of water is to be found. It is allowed that, on the available part of this country, it takes an average of 4 Acres to pasture a Sheep; your Lordship will see the extent required for a Flock of 10,000; consequently the utter impossibility to purchase land for pastoral purposes; but, as the ultimate success of the Settlers depends on the introduction of Labour, it behoves all to suggest such plans as may lead to this desirable object, however it may affect immediate interests.
The tenure, by which the Squatters hold Lands from the Crown (in some measure mitigated by Your Lordship's late regulations), is one by which it is defrauded of the just rentage of the land, while it most pointedly retards the progress of the Colony, impoverishes its resources, and prevents the employment of Emigrant families, a class who stand most in need. I have my Lord been in new Countries all my life, and I can with confidence assert I never saw such perfect discontent and determination to retard all manner of improvement as among the Squatters; the reason assigned is no other than the uncertainty of holding the land, thus proving it to be the most effectual plan of keeping the Country in its present waste state: while this is the Argument on the one side, the Government may urge the trifling rent paid for the land entitles the holder to no better tenure. It is to raise a yearly revenue to assist the Land Sales, at the same time holding out an inducement to the Squatters to improve their Lands (and thus rendering them more valuable to the Crown) that I would submit to Your Lordship as being very desirable and essential. I can with confidence assert that little or no land has been purchased immediately from the Crown with the avowed purpose of being brought into cultivation by the purchaser. All purchases to any extent have been for the purposes of speculation, and to these may be attributed in a great measure the present depressed state of the affairs in these Colonies. This has been so severely felt that I doubt if any Sales to any extent can be calculated on, unless for choice spots within 15 Miles of the Towns, which falling off your Lordship long ere this must have observed.

The way the Government is defrauded of the just rentage of the Land, holds good as to the just value in the sale of it. This country is generally watered (except by the distant Rivers of the Murray, Goulburn, Mumbudgee) by Water Holes in the dry beds of former Water Courses now perfectly dry; these holes are at several miles distant apart, nor is it unfrequent that one hole may contain pure water, while in the next it may be found salt or brackish; the consequence of this is, each Squatter takes up his Head Station in the immediate vicinity of this supply, making his out stations at the next, which may be miles off, so that all the Country between, in front and rear, is useless to any but himself, be he purchaser or Squatter; nor are these holes of extent to admit of the erection of even two Huts on the side of them in a Country of many Miles square. I was last year left with but two available small Water-holes, the largest not 10 feet square and one month's more dry weather would have caused the loss of all my flocks. Your Lordship will see by the occupation of these spots all the Country round can be monopolized, it being of no value to any one; What I would wish to submit to Your Lordship is the value the Government ought to get for the Land. Seven months in the year, Sheep require little or no Water, so then parts having none can be supplied by Cartage for the Men alone. Under the present system, the occupation of a run, on which 10,000 Sheep and six horses are kept, cost the occupier, yearly assessment £41 16s. 4d., License £10, £51 16s. 4d. being at the rate of Sixpence per head on horses, and 1d. on Sheep; it matters not if the Run contains one square mile or twenty, the License* is the same. Now I should say it would give greater satisfaction to the Squatter, and a vast additional revenue to the Government, if they were charged for all Lands above 15 or

* Note 42.
Proposed increased stock assessments and tenure for leases.

Objections to use of purchased land for grazing.

Financial prospects of sheep grazing.

1843.
3 Jan.

20 Miles from the Towns, on which Stock is depastured at the rate of 1s. per head on Horses, 6d. on Cattle, and 2d. on Sheep, thus paying £56 13s. 8d., and, for these rates per head on all quantities kept, allow the Squatter a 10 or 15 years’ Lease of the Land so occupied, with a preemption; these rates with the present Stock in this District of the Colony would give about £20,000 a year in aid of the Land Fund, and yearly increasing. At present, no Squatter will do anything towards building or cultivating; they prefer living in miserable huts and purchasing Flour the produce of other Countries; the consequence is they cannot afford, and, if they could, are afraid to do anything more than feed their Flocks, so have no employment for any but single men on their Runs. It is owing to this that Emigrant families are often left unemployed; whereas, if Squatters dare, they could find profitable employment for Men, Women and Children rendering their homes comfortable, and a vast increase would soon be made on the actual value of the Land to the Crown, and general content prevail. Great encouragement need be held out to Agriculture in this Colony; in Van Diemen’s Land, the Lands were not only freely granted to the Settlers, but Labourers to till the Soil; consequently it cannot be expected we can for some time compete with that Colony, having to pay a pound an Acre for the Land and £50 a year for Labourers to cultivate it. What I would wish to impress on your Lordship is the utter impossibility of any one purchasing Land for pastoral purposes; the Charts, your Lordship may be furnished with, may to appearance shew fine water frontages, but these do not in reality exist, as any person acquainted with the interior of this Country can make known to Your Lordship. Surveyors are paid by the Mile, and it is easy to chalk out work for themselves; but a Commissioner to examine and report as to the capabilities of the Land for pastoral and Agricultural purposes would put your Lordship in possession of its actual worth.

I have the honor of being known to the Right Honble. Edward Ellice, Mr. Campbell, Member for Argyllshire, Mr. Stewart, Member for Lymington, also to Sir F. Cockburn, Governor of the Bahamas, formerly superintendent of Honduras, in which Colony I acted for some years as Judge of the Supreme Courts, as well as Magistrate.

I have, &c,

GEORGE HYDE.

[Sub-enclosure.]

OUTLAY and Return of a Sheep Farm, containing 10,000 Sheep and 6 Horses.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 Men at the Average Wages of £26 pr. Annum</td>
<td>£590</td>
</tr>
<tr>
<td>20 Rations of each, Weekly, 12 lbs. Meat, 10 lbs. floor, 2 lb. Sugar, 1 Tea</td>
<td>£400</td>
</tr>
<tr>
<td>Overseers, Wages and expenses</td>
<td>£80</td>
</tr>
<tr>
<td>License £10, Assessment £42</td>
<td>£53</td>
</tr>
<tr>
<td>Wool Bags</td>
<td>£40</td>
</tr>
<tr>
<td>Washing and Shearing Sheep</td>
<td>£100</td>
</tr>
<tr>
<td>Sundry small Accounts</td>
<td>£150</td>
</tr>
<tr>
<td><strong>Total Outlay</strong></td>
<td>£1,345</td>
</tr>
<tr>
<td><strong>Return</strong></td>
<td>£1,354</td>
</tr>
</tbody>
</table>

25,000 lbs. of Wool at 15d. per lb. net

Not taking to account interest on first outlay and personal expenses proves that, were it not the Squatter kills his own increase and thus saves two hundred a year actual outlay, his return would scarcely pay. It may be urged the value of the increase is not taken into account, but no Sales can be in these times effected. By a secure tenure, an increase in the returns will be made by Grain and Dairy produce.
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 3, per ship Ann Gales; acknowledged by lord Stanley, 21st July, 1843.)

My Lord,

Government House, 3rd Jan., 1843.

Your Lordship will recollect that, in the year 1841, two Surveyors, four Assistant Surveyors and two Draftsmen were sent from England to reinforce the Department of the Surveyor General in this Colony; these gentlemen were selected by Capt'n Dawson of the Royal Engineers, their embarkation was announced to me by Lord J. Russell’s Despatch of the 28th May, 1841, No. 278, and they arrived at Sydney on the 25th Octt., 1841.

Of the four Assistant Surveyors, a Mr. Thomas White was one; and I have to report that, in consequence of his not having performed any work for the Department from the day of his arrival to the 30th July last, I gave an order on that day for his suspension; and he has accordingly since that day received no pay in the Department.

The Correspondence, of which I enclose Copies, will show that Mr. White (in company with Mr. Shone, equally an assistant Surveyor but his senior) was ordered, shortly after his arrival in Sydney, to proceed to the Clarence River (about 350 miles to the North of Sydney); that, after the lapse of some months, during which they were understood to be making no progress, the Deputy Surveyor General was sent to the Clarence River to look after them; and that, on his report, Mr. White was ordered to Sydney.

The excuse offered by Mr. White for having made no progress, and for not having even attempted to make any, was that, in pursuance of a general arrangement, which I introduced about two years ago into the Department, he was required to take an allowance of £100 a year, in lieu of the equipment which formerly used to be furnished to every Surveyor in the Field.

But, though Mr. White’s objection to the arrangement respecting the equipment was urged by him as an excuse for his contumacy, I have no doubt that the real cause of his acting in the manner he did, was either his dislike of the hardships of what is called in New South Wales a “Bush Life,” or the hope of obtaining in the Colony some employment more suited to his taste.

Had this not been the case, though he might respectfully have objected to the arrangement respecting the equipment, he would not have remained absolutely idle, or have caused the six men who were with him to remain idle also for the space of upwards of five months.
On leaving England, Mr. White executed an Instrument,* binding himself under a penalty of £100 to remain for two years at least in the service of the Colonial Government. I at first refused to release him from his engagement, or to allow him to return to England; but, as I see no prospect of his ever becoming a valuable servant of this Government, I have now intimated to him that he is at liberty to dispose of himself in any manner he may choose, or to return to England, if he think proper to do so.

The loss occasioned by Mr. White’s appointment will then stand thus:

- Passage to the Colony: £75 0 0
- Pay received from the 26th Octr., 1841, to the 30th July, 1842: £150 13 8
- Forage and provisions for himself and party, during the time they remained idle at the Clarence River, exclusive of equipment and clothing: £210 5 4

Total loss: £435 19 0

and Mr. White has, as already stated, never performed a day’s work for the Colony.

Mr. White has addressed a Memorial to Your Lordship, which is transmitted herewith; and I enclose a Paper, which will further explain the case of Mr. White; it consists of Queries put by myself to the Surveyor General and the Surveyor General’s answers.

I have, &c.,
GEO. GIPPS.

[Enclosure No. 1.]

SIR THOMAS MITCHELL TO COLONIAL SECRETARY THOMSON.

Sir,
Surveyor General’s Office, 4th June, 1842.

In order that the officers of this Department, who arrived in the Colony during the last Quarter of the Year 1841, might be on an equality in their finances with those of longer standing, I recommended to His Excellency the Governor that certain of them should be excluded from the gratuity system for six and others for Twelve Months; of which arrangement His Excellency the Governor was pleased to approve, as intimated to me in your Letter, dated 14th January last. Having communicated this arrangement to Mr. Assistant Surveyor Thomas White, I have received from him in reply the accompanying letter, which I beg to submit for His Excellency’s consideration, shewing the manner in which this arrangement is met by him, and I have to request that I may be favoured with His Excellency’s further instructions on the subject.

Although it may not be from any disposition on the part of Mr. White to oppose a general arrangement that he thus refuses obedience to the orders of the Head of His Department, or from intentional contumacy that he adopts so improper a style of correspondence, I would submit the necessity of his obedience, if he is to be retained in the Department.

* Note 43.
GIPPS TO STANLEY.

Several Months have elapsed since Mr. White proceeded in company with Mr. Assistant Surveyor Shone on a survey to the Clarence River; they have since been furnished with a large Equipment. Month after Month, I have hesitatingly certified that they were performing their duties; altho' I had not received any survey or Report of work done; I have been compelled at length to send the Deputy Surveyor General to the Clarence River, to see what these Assistant Surveyors are doing, and if possible to set them closely to their work; and I now receive the accompanying letter from Mr. White, indicating anything but a zeal for the performance of his duties or a desire to fall in with and assist in the arrangement deemed beneficial to the working of the Department.

T. L. MITCHELL, Surveyor General.

[Sub-enclosure.]

ASSISTANT SURVEYOR WHITE TO SIR THOMAS MITCHELL.

Sir, Camp Clarence River, 20 May, 1842.

I have received thro' Mr. Shone your Letter dated the 28th of February on the 7th instant, in which you desire that, on or before the 30th June next, I forward T. White a return and valuation of the Equipment then in my possession, and the amount of that valuation will be placed to my debit, to be paid in Twelve equal Monthly instalments, and the sum of £100 will be placed to my Credit in equal monthly divisions to assist me in meeting the cost and future repair of the Equipment; and I shall henceforth be allowed the same sum to keep it in repair.

In reply I beg leave to state that, when I was attached to the Surveying Department, it was with the understanding that I was to receive a stipulated Salary, commencing from the date of my appointment, independent of any expenses incurred by the service I might be employed on; from my own private finances, I am not prepared to speculate in furnishing an equipment of so expensive and perishable a nature on the terms contained in your Letter, nor in any case should I be disposed to do so, for I must certainly consider myself competent to judge of the disposal of my own salary; and I therefore beg most respectfully to decline accepting the conditions proposed, which could have no other effect than that of indebted me to some considerable amount for Equipment of no private Interest to me, but which are to be expressly reserved for the service of the Department.

I have, &c,

THOMAS WHITE, Asst. Surveyor.

[Enclosure No. 2.]

COLONIAL SECRETARY THOMSON TO SIR THOMAS MITCHELL.

Sir,

Colonial Secretary's Office, Sydney, 14th June, 1842.

I do myself the honor to acknowledge the receipt of your letter of the 4th instant, No. 42/222, submitting one addressed to you by Mr. Assistant Surveyor White, dated 20th of this Month objecting to the value of his equipment being placed to his debit, etc.

In answer, I am directed by His Excellency the Governor to request that you will inform Mr. White that, his communication of the 20th of May having been laid before him, He has expressed His surprise at the tone in which Mr. White has thought proper to address the Head of his Department, and desired he may be informed that, unless he be prepared to submit himself entirely to the Regulations of this Government, he will very shortly cease to be employed under it.

I have, &c,

E. DEAS THOMSON.
Having communicated to Mr. Thomas White, Assistant Surveyor, the sentiments of the Governor as expressed in your Letter of the 14th June, No. 42/284, I have received his answer, which I beg leave to enclose for the consideration of His Excellency and at the same time to represent that all my endeavours to equip this Gentleman and Mr. Shone so that they might proceed with the survey of the country on the banks of the river Clarence, as directed by His Excellency, having proved ineffectual for the attainment of that object, Mr. White has been sent to Sydney by the Deputy Surveyor General; and I must add that the expense occasioned to the Department by the addition of these two Surveyors has not produced any Return to justify their continuance on the strength thereof. I must however take leave to observe that newly arrived Surveyors from England can scarcely be considered at once qualified for the duty required in this Colony, especially in parts remote from Head Quarters, and that the addition of so great a number as have arrived from England (some being of a rank which did not admit of their being employed as usual under others for their initiation in our method of proceeding) has been by no means a proportionate accession of strength for the work required, although I beg this observation may be understood, as made rather in their defence than from a wish to cast any reflection on these Gentlemen.

Whether Messrs. Shone and Mr. White are justified however in making no attempt to Act under my instructions for the Survey, on which they were sent upwards of Five Months since, appears to me very doubtful; and, as they plead the want of a sufficient field equipment, it says but little for the zeal of one of them (Mr. White) that he should object to an arrangement by which he was to be enabled to equip himself.

I have, &c.,
T. L. Mitchell, Surveyor General.

Letter acknowledged.
Regret at censure by T. White.

Mr. W. Elyard to Sir Thomas Mitchell.
Sir, Colonial Secretary's Office, 30th July, 1842.
I have the honor to acknowledge the receipt of your Letter of the 25th instant No. 42/280, enclosing a further communication from Mr. Thomas White, an Assistant Surveyor of your Department,
GIPPS TO STANLEY.

who is stated to have been sent to Sydney by the Deputy Surveyor General in consequence of your endeavours to equip him, so that he might proceed with the survey of the country on the Banks of the Clarence, having proved ineffectual for that object; and in reply I am directed by His Excellency the Governor to inform you, Suspension with reference to my Letter of the 14th last Month, that Mr. White °* T. White.

is to be suspended from rank or pay in your Department until further orders. I have, &c., for the Colonial Secretary,

W. ELYARD, Jr.

[Enclosure No. 5.]

ASSISTANT SURVEYOR WHITE TO COLONIAL SECRETARY THOMSON.

Sir, 61 George Street, Sydney, 31st August, 1842.

I have the honor to inform you that I have received a Letter Reply by from the Surveyor General, bearing date the 4th instant, expressing His Excellency the Governor's directions that I should be suspended from rank and pay in this Department until further orders, on the sole grounds that I objected taking over and keeping serviceable the expensive equipment necessary for me to carry on my duties as an Assistant Surveyor in so remote and wild a District as the Clarence River. Such a step is not only of serious consequence to my present condition but likely to prove equally ruinous to my future prospects in life more especially at such a distance from Home, destitute of friends, and no means of living until the decision of the Home Government might be made known to me.

I beg most respectfully that you will be pleased to inform His Excellency that, under these circumstances, I have determined on returning to London by the first opportunity, and lay my case before Her Majesty's Secretary for the Colonies. I have, &c,

THOMAS WHITE.

[Enclosure No. 6.]

ASSISTANT SURVEYOR WHITE TO LORD STANLEY.

My Lord, Sydney, 6th December, 1842.

I have the honor to inform your Lordship that, on making an application to His Excellency Sir George Gipps for leave of absence to return home (in consequence of my suspension) with a view of laying before Your Lordship my case, His Excellency having refused me leave, informing me that He cannot release me from the Bond* entered into in London on the 18th of May, 1841 (a copy of which I beg to enclose), and which lays me under the necessity of troubling Your Lordship with a statement of my case together with all the correspondence that took place between the Government and myself for your Lordship's consideration.

On the 6th of May I received letter A from the Surveyor General; on the 19th May, I returned answer letter B; on the 4th July I received letter C from the Surveyor General, enclosing letter from the Colonial Secretary; on July 7th, The Deputy Surveyor General gave me letter D; on July 7th I returned an answer to letter C, being letter E; on August 4th I received letter F from the Surveyor General; August 31st I wrote letter G; September 5 I received letter H from the Honble. The Colonial Secretary; September 6th I wrote letter I; September 20th I received letter J from the Honble. The Colonial Secretary.

* Note 43.
I further beg to state to Your Lordship that the reasons why I objected to take the Equipment with only an allowance of £100 per annum to keep it in an efficient state were:

1st. That such an Agreement formed no part of the original contract. If however I had consented to an annual allowance for such a purpose that the allowance of £100 per annum was totally inadequate to keep it in an efficient state in such a District as the Clarence River.

2ndly. That it is necessary to have a much larger Equipment than the Surveyors in Settled Districts, being obliged to carry 3 months' stores with me, as there would be a great loss of time in returning every month for fresh supplies, whereas in settled Districts Surveyors can be supplied with rations at the different Stations they pass.

3rdly. That there were exceptions made in favor of other Officers of the Department situated in similar Districts to mine.

4thly. That the first purchase of the Equipment from Government would amount to £374 11s. 3d. (see letter K), which together with £150 to keep it in a working state would amount to £524. to be paid by me the first year, being £224 more than the amount of my year's salary together with the allowance of £100, which I should have had no means of paying.

Your Lordship will be pleased to take into consideration that His Excellency Sir George Gipps has ordered my suspension not from any dereliction of duty but for my objecting to take the Equipment at £100 per annum, and that such a step is likely to be of serious consequence to me, rendering my position from the short time I have been in the public service a most helpless one, deprived of that means of Support which I had a right to expect from the performance of my public duties, and which duties I have never objected to perform. I am now deprived of the liberty of returning to England by letter from the Colonial Secretary under date 19th September, 1842, and I humbly pray Your Lordship's consideration to my case.

I have, &c.,

THOMAS WHITE.

[Sub-enclosure A.]

DEP. SURVEYOR-GENERAL PERRY TO ASSISTANT SURVEYOR SHONE.

Sir,

With reference to your letter of the 18th ultimo and my reply of the 1st instant, I have to inform you that His Excellency the Governor having approved of the purchase of Mr. C. Moore Wilson's Equipment now in your possession, I shall now forward to you by the "Susan" sailing immediately the articles enumerated in the accompanying list, which, with those already in your hands, will place you and Mr. White in possession of an effective Equipment, the one party having a Dray and eight oxen for pack or draught, the other a Dray and four horses for the same purpose. I have however, for the reasons alluded to in my last letter, carefully excluded every unnecessary article.

On or before the 30th of June next, you will forward to me a return and valuation of the Equipment then in your possession, Mr. White will do the Same, the valuation to be made in the same manner as that of Mr. C. Moore Wilson's Equipment, the prices at which the articles handed over by him were purchased not being forgotten; the amount will then be placed to the debit of yourself and Mr. White to be paid in 12 equal monthly instalments and the sum of £100 will be placed to your credit in equal monthly divisions to assist you in meeting the cost of your equipment and keeping it in repair; the equipment will therefore in 12 months become your private property, and you will thenceforth be allowed the same sum to
GIPPS TO STANLEY.  479

keep it in repair. This arrangement will be general throughout the Department, and the sum allowed by the Government I think will with economy and management fully cover your expenses.

This letter is for the perusal and guidance of both yourself and Mr. White.

I have, &c.,

S. A. PEERY, Dy. Sr. Gl.

[Sub-enclosure B.]

[This was a copy of the letter, dated 20th May, 1842, transmitted with Sir T. Mitchell's letter, dated 4th June, 1842; see page 475.]

[Sub-enclosure C.]

SIR THOMAS MITCHELL TO ASSISTANT SURVEYOR WHITE.

Sir, Surveyor General's Office, Sydney, 21st June, 1842.

With reference to your letter of the 28th ultimo in which, in acknowledging the receipt of my letter of the 28th of February, 1842, conveying to you the directions of the Governor that you should on the 1st proximo take over the equipment with which you have been furnished at a valuation, receiving £100 per annum to keep it in repair, I have to inform you that, having handed for the Governor's perusal your letter objecting to this arrangement, I have received from the Colonial Secretary a letter, a copy of which I enclose for your information and guidance, by which you will observe that no exception from this arrangement can be made in your case.

I have, &c.,

T. L. MITCHELL, Sr. Gl.

[Sub-enclosure D.]

[This was a copy of the letter marked Enclosure No. 2; see page 475.]

[Sub-enclosure E.]

DEP. SURVEYOR-GENERAL PEERY TO ASSISTANT SURVEYOR WHITE.

Sir, Clarence River, 7th July, 1842.

As I consider that the tenor of the intimation you made to me in a conference on the 5th instant renders your position on this River of no immediate advantage to return of the Public, I have to request that you will return to Head Quarters, where you will receive your instructions as to your employment from the Head of the Department, to whom you will present this as an authority for leaving this District.

I have, &c.,

S. A. PEERY, Dy. Sr. Gl.

[Sub-enclosure F.]

[This was a copy of the letter enclosed in Sir Thomas Mitchell's letter dated 10th July, 1842; see page 476.]

[Sub-enclosure G.]

SIR THOMAS MITCHELL TO ASSISTANT SURVEYOR WHITE.


With reference to your last communication on the subject of the money allowance for equipment and to the letter from the Deputy Surveyor General by which you were directed to come to Sydney. I have to inform you that, having submitted your letter for the consideration of the Governor and reported your return and the circumstances under which you ordered to return of T. White, longer continuance at the Clarence has been deemed inexpedient, I have been in structure to inform you by His Excellency's directions, and with reference to the Colonial Secretary's letter of the 14th of the last month, that you are to be suspended from rank and pay in this Department until further orders.

I have, &c.,

T. L. MITCHELL, Sr. Gl.

[Sub-enclosure H.]

[This was a copy of the letter marked Enclosure No. 5; see page 477.]

[Sub-enclosure I.]

MR. W. ELYARD TO ASSISTANT SURVEYOR WHITE.

Sir, Colonial Secretaries Office, Sydney, 5th September, 1842.

I am directed by His Excellency the Governor to acknowledge the receipt of Letter your letter of the 31st ultimo intimating your intention of returning to England in acknowledged consequence of your suspension from the duties of Assistant Surveyor in the Survey Department of this Colony.

I have, &c.,

W. ELYARD, Junr.
480 HISTORICAL RECORDS OF AUSTRALIA.

1843.
3 Jan.

Request for leave of absence.

ASSISTANT SURVEYOR WHITE TO SIR GEORGE GIPPS.

SIR,

In accordance to the determination expressed in my letter of the 31st ultimo to the Honble. the Colonial Secretary, I have to beg that your Excellency will be pleased to grant me leave of absence in order to return to England to lay my case before the Home Government for their decision.

I have, &c.,

THOMAS WHITE.

Refusal of leave of absence.

COLONIAL SECRETARY THOMSON TO ASSISTANT SURVEYOR WHITE.

SIR,

I have received and laid before the Governor your letter of the 6th instant, requesting that he will grant you leave of absence in order to enable you to return to England.

In reply I am directed to inform you that His Excellency regrets that He cannot give you leave of absence, neither can he release you from the Bond which you entered into in England on the 18th of May, 1841.

E. DEAS THOMSON.

Valuation of equipment of C. M. Wilson.

VALUATION.

Agreeable to the instructions contained in letter No. 41/402 under date 25th November, 1841, from the Surveyor General to Mr. C. M. Wilson, and in another letter No. 41/197 under date 30 November, 1841, from the Colonial Secretary to H. Oakes, Esqre., Commissioner of Crown Lands on the part of the Government and H. P. Crozier, Esqre., J.P., on the part of Mr. Wilson, met this day to place a value on the under mentioned articles forming the Surveying Equipment of Mr. Wilson and having seen the same agree that the prices thereunto affixed be a fair valuation in witness whereof they hereunto subscribe their names:

<table>
<thead>
<tr>
<th>Item</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long Boat, 4 oars and Rudder</td>
<td>32</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Strong Cargo Boat, 2 oars</td>
<td>25</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2 New Tents</td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Chestnut Horse</td>
<td>50</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Grey horse</td>
<td>50</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Pack Shaft Bullock</td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Pack or working do</td>
<td>34</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2 Working Bullocks</td>
<td>75</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Pole Dray (spare wheels)</td>
<td>12</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Watertight Sledge</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4 Yokes and Bows complete</td>
<td>2</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>1 Single yoke to large Bullock</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4 Spare Bows</td>
<td>0</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>1 Good pack saddle</td>
<td>3</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>1 middling do</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 Claw and 4 leading chains</td>
<td>1</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>1 pick axe, 2 spades, 4 hoes</td>
<td>1</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>6 axes, 2 bills, 2 tomahawks</td>
<td>2</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>1 drawbridge ridge, 1 augur</td>
<td>0</td>
<td>16</td>
<td>6</td>
</tr>
<tr>
<td>1 Grindstone spindle and Box</td>
<td>0</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>1 Scythe &amp;. 1 Harness Cask</td>
<td>0</td>
<td>10</td>
<td>6</td>
</tr>
</tbody>
</table>

£374 11 3

Reced. the above cattle and Articles. Witness—WILL SHONE, THOS. WHITE.

SIR THOMAS MITCHELL TO ASSISTANT SURVEYOR WHITE.

According to the directions of His Excellency the Governor that I should employ two Assistant Surveyors on the survey of the rich lands situated on the River Clarence, I have to inform you that, considering you well qualified for that
duty, I wish to entrust that survey to Mr. Shone assisted by you, as your thorough
knowledge of soils, combined with his abilities as an Engineer Surveyor and drafts-
manship, cannot fail to accomplish the objects in view with the greatest possible advan-
tage to the public. 2. Several Gentlemen have been for some time employed in that
District marking Sections of Square miles, whereof they have sent in Maps according
to parochial divisions, the boundaries consisting in many cases of such marked lines
of trees. It will be necessary that you take with you from the office Copies or
tracings of any such maps as have been made, and that you report to me as you
proceed in surveying, according to the following instructions, how their work may
agree with your survey.

3. The objects of your survey may be briefly described as comprising:
1st. The lines of water frontage along the coast harbours and Rivers, and
2ndly. The principal ridges of high land forming the boundaries of the basins
4thly. These natural lines being traced so as to afford a plan or map of such
localities as you may deem most important either from the quality of the soil, timber,
abundant supply of fresh water or vicinity to harbours or other navigable waters.
Your next duty will be to consider well what situations appear most favorable for
the formation of Towns, what others for Villages (one such at least being desirable
in every sixteen square miles); What Lands appear to you the most favorable for
cultivation; what the most readily available for the same purpose; What other
lands are best suited for pastoral purposes, whether dry and favorable for Sheep
pasture, or moist and covered with grass more suited for cattle. The extent of such
parts as may appear the most eligible for Cultivation must be distinguished by faint
color on your maps, which, as you complete the survey of any compact portion
of about One hundred square miles, you will plot to a scale of two inches to one
mile and forward to me with your report, having reference by letters or cyphers to
all the parts surveyed, and specifying the character thereof as they happen to come
under any of the heads above mentioned.

5. You will readily understand that in a country so much covered with wood
the chain must be almost exclusively employed, and that points however well fixed
trigonometrically can only be of use for the above mentioned purposes as affording
the means of correcting or connecting those lines of which the minor portion of the
work must consist. It should be always borne in mind that the final purpose of
the survey is to divide the lands into several portions for sale by lines to be actually
measured, even before such lands can be sold; but the best land marks are natural
boundaries, and according to the regulations founded on experience in this Colon,
Surveys are not allowed to pass them in minutely dividing lands for sale by
running artificial lines of marked trees. Hence the direction of such lines must
depend more or less on the natural features above described, which should therefore
first be traced; and it may then be possible, by means of your maps and with the
aid of your reports to accompany your maps, for me to arrange the artificial divi-
sions according to a given extent, which is still to be determined on by Government.

6. With regard to the Equipment you will require, I have proposed to the Govern-
ment that such articles as may be available may be purchased at a valuation from
the Contract Surveyors who will no longer then have occasion for them or for the
Cattle which, if procured there, would be much more immediately available to you.
I have, &c,

T. L. MITCHELL.

[Sub-enclosure N.]

MR. S. WALCOTT TO ASSISTANT SURVEYOR WHITE.

Sir, the Colonial Land and Emigration Office,

9 Park Street, Westminster, 15th May, 1841.

The Colonial Land and Emigration Commissioners having been informed that
you have received an appointment in the Surveying Staff of New South Wales, I am
directed to acquaint you that a Cabin passage to Sydney will be provided for you
at the public expense on the following conditions, viz.:-

That you at once address a letter to the Commissioners, pledging yourself that, in
the event of your not proceeding to the Colony in the vessel in which the passage
may be taken, you will repay to the Commissioners Thirty seven pounds ten shillings,
the half passage money which will be forfeited to the Ship owner; and 2ndly
That you will enter into a written Agreement to forfeit the sum of One hundred
pounds in case you voluntary leave the public service within two years from the
date of your arrival in the Colony.

For the purpose of executing this Agreement, it will be necessary that you
should attend at this Office and pay the Sum of One pound for the Stamp; and I
am to request that you will state on what day it will be convenient to you to call
at two O'Clock.

SER. 1. VOL. XXII—2 H

1643.
3 Jan.
HISTORICAL RECORDS OF AUSTRALIA.

1843. 3 Jan.
On application to Lieut. Lean, East Smithfield, the Government Emigration Agent at the Port of London, you will learn the name of the vessel in which your passage may be taken and the day fixed for her departure which will be in the course of the present month. I have, &c.,

S. WALTZOTT, Secretary.

[Sub-enclosure O.]

UNDER SECRETARY VERNON SMITH TO ASSISTANT SURVEYOR WHITE.

Sir, Downing Street, 13th May, 1841.

I am directed by Lord John Russell to acquaint you that you have been appointed to the office of Assistant Surveyor in the Colony of New South Wales. You will receive a Salary commencing at £200 per annum.

I am, &c.,

VERSOS SUOTM.

[Enclosure No. 7.]

Statements by Sir T. Mitchell in case of T. White.

1. On what Day did Mr. Thomas White arrive in the Colony?—25th October, 1841.

2. When did he arrive at the Clarence River?—In November, 1841, or very early in December.

3. Did he do any duty in Sydney or elsewhere in the interval between his arrival in Sydney and his departure for the Clarence River?—None whatever.

4. When did the Deputy Surveyor General arrive at the Clarence River?—25th May, 1842.

5. What was Mr. White then doing; or had he then performed any work?—Nothing whatever, not a day's work had been done by either him or Mr. Shone, to the date of the Depy. Surveyor General's arrival.

6. When was Mr. White ordered to leave the Clarence River?—On the 7th July, 1842.

7. Did Mr. White perform any work of any kind for the Public at the Clarence River?—Captain Perry says no, that he only accompanied Mr. Shone in making a small survey at Girard.

8. The sum of £374 11s. 3d. is mentioned by Mr. White as the value of the Equipment received from the Messrs. Wilson. Was this sum of £374 11s. 3d. to be charged against Mr. White alone; or against Mr. White and Mr. Shone jointly?—The equipment purchased from Mr. Wilson at this high cost was valued by the Dy. Surveyor General at £191 19s. one half of which, or £95 19s. 6d. or indeed such portion thereof only as Mr. White thought fit to retain would have been placed to his Debit, together with the appraised cost of such other articles as he might choose to retain of those sent from hence; in all not more I think than Mr. Shone was to have paid.

9. What is the usual cost of a Surveyor's Equipment? Be so good as to enumerate the articles, and the average cost of them?—They vary according to Districts and Country. I enclose an average list; the original cost varies from £150 to £200; about £184 would procure all things absolutely necessary at second hand—as valued by Captain Perry £140. Mr. Wade's at contract price came to £194, at second hand to £130.
10. Herewith is a Copy of Mr. White's Memorial to the Secretary of State. Has the Surveyor General any observations to make on it? or are the facts of his case correctly stated in it?—These letters, as they are put together, seem to make a good case for Mr. White, but the main feature of it is not apparent in them. This is that Mr. White could not be induced to do any of the work required, while his maintenance at the Clarence with a party of men was very expensive to the public. He and Mr. Shone, with a large party and field equipment, still sat at their ease, and asked for more, and might, unless some urgent measures had been adopted, still have been in their Camp on the Clarence drawing full rations for themselves and Cattle, at great expense. It was to cut this short that the gratuity system (from which as a matter of indulgence they were exempted for six months) was pressed upon them. The advantages as to the expense seemed doubtful as to which side they would accrue; and, if Mr. White had worked like Mr. Townsend for instance, the Government would probably have made him an exception.

The Banks of the Clarence, a navigable river, would have afforded ample employment for both surveyors for years. It is not a district of wild natives, as they seemed to apprehend, but one occupied by many of the Colonists. Surveyors had already been there, and were there still, having done much work with the equipments to which Mr. White objected; and much to their distress, they had been replaced by these Surveyors from England, who were so apparently helpless or unable to work without articles not then to be had there.

Mr. White submits to Lord Stanley that his suspension was not from any dereliction of duty but for his "objecting to take the Equipment at £100 per annum." I consider the case to be quite the reverse, and that he not only did no duty but was evidently determined to do none, so long as every article he could ask or think of was not supplied to him. He knew he had entered into a bond to remain in the public service two years, but surely that was not binding on the Government to maintain him in a state of idleness, provided with many men, animals and rations; none of these are named in "the original contract" or Mr. Vernon Smith's Letter any more than the Equipment allowance to which Mr. White objects in his letter to Lord Stanley.

This allowance was pressed on him to cut off his plea for not working; and it was because he would not come under an arrangement, which left him no plea for not working, but determined on continuing with an Equipment belonging to the Government, which he could say was not sufficiently complete for work, that he was withdrawn from the field as explained in my letter of 25th July last No. 42/280. The rations to such a party in that District were very expensive. The Government was endeavouring to reduce what he termed "a Cumbrous and overgrown Equipment," while Mr. White seemed disposed to swell its already excessive aggregate, or do nothing. I and the reasons for not excepting him in the arrangement of a fixed allowance to the Assistant Surveyors, which in other cases, had not been complained of, and the necessity for recalling him from the field, when this alternative was declined by him.

30th December, 1842.

T. L. MITCHELL.
1843.
3 Jan.

**HISTORICAL RECORDS OF AUSTRALIA.**

**[Sub-enclosure.]**

**List of Articles required by a Surveyor in the Field in New South Wales.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Transport</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat</td>
<td>25</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Horses</td>
<td>90</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Packsaddles</td>
<td>8</td>
<td>12</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Winker Bridles</td>
<td>0</td>
<td>10</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>1 pr. Hobbles</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tether Ropes</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Transport</strong></td>
<td><strong>100</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Equipment.**

<table>
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<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers' Tent</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Men's Tent</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Harness Casks</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Water Cask</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Felling axes</td>
<td>0</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Marking axes</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Broad axes</td>
<td>0</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Bill hooks</td>
<td>0</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Adze</td>
<td>0</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Drawing knife</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Augur</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Cross cut' Saw</td>
<td>1</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Tomahawks</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Reaping hook</td>
<td>0</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Tea kettles</td>
<td>0</td>
<td>18</td>
<td>0</td>
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**SIR GEORGE GIPPS TO LORD STANLEY.**
(Despatch No. 4, per ship Ann Gales.)

My Lord, Government House, 4th Jany., 1843.

I have the honor herewith to forward to Your Lordship a Copy of a Letter from Mr. La Trobe, as also of the Annual Report enclosed in it, of the Wesleyan Mission to the Aborigines, which was established towards the end of 1838 at a place called "Bunting Dale," about 40 miles West of Geelong in the Port Phillip District.

Your Lordship will perceive with regret that the object for which this Mission was established has entirely failed, notwithstanding all the assistance has been afforded to it, which was asked for from the Government.

The cause of its failure is ascribed by the Revd. Mr. Hurst, who signs the Report, to three principal causes:

1st. To the fact of the Mission having been established in the neighbourhood of four different Tribes, which, though at first considered advantageous as bringing a greater number of the
Natives within the sphere of its action, was afterwards found injurious, in consequence of the hostilities constantly existing between these different Tribes;

2ndly. To the difficulty of communicating with the Tribes in their own languages;

3rdly, and principally, to what Mr. Hurst not inappropriately designates, “the deadly influence of ungodly Europeans.”

It is to escape as far as possible from this influence that the Heads of the Mission are now desirous of removing their Establishment to the River Murray, lately visited by the Revd. Mr. Tuckfield, one of the Missionaries, whose report of his journey was transmitted to Your Lordship with my Despatch of the 30th July, 1842, No. 136.

But, were the Mission removed to this locality, there can be little doubt that it would, in the course of a very few years, be even there surrounded by the Establishments of white men; and I can moreover scarcely think that any projects for the amelioration of the Native Race can be successful, which are founded on the principle of separating them entirely from intercourse with White men.

If however such a plan be ever to be tried, a much more favorable spot for trying it presents itself, I think, at the other (that is to say the Northern) extremity of the Colony. A plan is actually under consideration for removing the German Mission in the District of Moreton Bay to a spot where it might reasonably expect to remain undisturbed by white men for many years; on this project however it would be premature now to enter.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 29th November, 1842, will be found in a volume in series III.]
1843.
5 Jan.
Aboriginal station at Mount Rouse.

Appended to Mr. La Trobe’s letter is one from Mr. French, a Police Magistrate resident at the “Grange,” near to which, in Latitude about 37° 53’ S. and Longitude 142° 28’ E., is the aboriginal Station called “Mount Rouse.”

This station is one of the Reserves or Homesteads for the Aborigines, which are described in my Despatches of the 7th May, 1840, No. 60, and 3rd Feb., 1841, No. 35. It was until lately under the charge of Mr. Sievewright, one of the Assistant Protectors of Aborigines; but since his suspension from office (reported in my Despatch of the 9th Sept., 1842, No. 161) has been confided to the care of Dr. Walton.

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 30th November, 1842, will be found in a volume in series III.]

7 Jan.
Despatch acknowledged.
Approval of refusal of land for W. Caswell.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 4, per ship Fanny.)

Sir, Downing Street, 7 January, 1843.

I have received your Dispatch No. 102 of the 6th of June last, with the Memorial therein inclosed from Lieut. Caswell, R.N., praying for a Grant of 1,280 acres of land in addition to that which he has already received to the extent of 3,840 acres.

Having considered your statement of the facts of this case, I concur with you in opinion that Mr. Caswell’s claim is inadmissible. He appears to have been treated with far more liberality than strict justice required, and I cannot sanction any further concession in his favor.

I have, &c.,

STANLEY.

8 Jan.
Transmission of memorial from W. Cape.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 5, per ship Fanny; acknowledged by Sir George Gipps, 4th September, 1843.)

Sir, Downing Street, 8 January, 1843.

I transmit herewith a Copy of a Memorial, which I have received from Mr. William Cape, a Settler in New South Wales, relative to his claim to a further grant of Land in the Colony.

On reference to the former correspondence, it appears that a similar representation was transmitted to this Department in a Dispatch from Sir R. Bourke dated the 6th July, 1836. That Dispatch, however, was found deficient of the necessary explanations to enable the Secretary of State to arrive at a
STANLEY TO GIPPS.

decision; and, on the 31st of December of the same year, Lord Glenelg addressed a Dispatch to Sir R. Bourke, of which a Copy is enclosed for the sake of ready reference, calling for the explanation desired. To that Dispatch unfortunately no answer appears to have been returned to the present date, and I have to request that you will now lose no time in investigating the case, and in doing for the applicant whatever can be done consistently with Law and with the existing Regulations so far as the applicant's claim to assistance shall be substantiated.

I have, &c,

STANLEY.

[Enclosure No. 1.]

The Memorial of William Cape, Free Emigrant and Landholder at Wyong in the District of Brisbane Waters, Northumberland, and residing in O'Connell Street, Sydney, in the County of Cumberland, and Colony of New South Wales,

Humbly Sheweth,

That your Memorialist, with his Family of Wife and seven children, emigrated in the year 1821 after various struggles and losses which arose from the Captain of the first vessel, in which they had embarked with property little short of One thousand six hundred pounds, the Captain of the vessel (it is supposed) finding he could make more of his Cabins at Ryde whilst your Memorialist and Family had leave of absence to visit their Friend Mr. Minchin Banker of Gosport; but, before the time limited or one half had expired, the ship had sailed better than twelve hours leaving himself and large family to refit and re-engage their passage in London at a heavy expenditure in Law and travelling expenses to Cork, where the vessel was to touch; but never did. The second Captain turned out worse than the first one in cruelty, and protracted voyage of five months.

That, on landing at Van Diemen's Land, your Memorialist found that his property by the first Captain had been plundered to a considerable extent, in consequence of which and there being no higher Courts in the Island your Memorialist and Son were subpoenaed to prosecute the robber at Port Jackson, at one thousand miles distance, where they were accordingly convicted and condemned. Your Memorialist also prosecuted the first Captain, but recovered only his passage money and one third value of his goods from the Assessors on the Bench being Agents to the Captain, and Law proceedings in those days. This separation of Your Memorialist from his Family, added to the ill-use and losses experienced, brought upon your Memorialist's wife the severest of all human calamities, derangement of mind, which continues till the present moment and brings with it the most painful reflections; and, to add to this misfortune your Memorialist fell from his horse, whilst following his cattle in the year 1828, leaving him a cripple for life.

That Sir Thomas Brisbane, the then Governor, and Major Goulburn, Colonial Secretary, duly recognized the official letters on behalf of your Memorialist's Family as well as the handsome
Memorial of W. Cape soliciting compensation re land grants.

1843.
8 Jan.

Memorial of W. Cape soliciting compensation re land grants.

introductions from the Earl of Lonsdale, Lord Lowther and Mr. Scott, then Clerk to Mr. Commissioner Biggs, but unhappily deferred granting to your Memorialist the usual portions of land in indulgences of 1822, advising him to suspend such favours and accept of the Mastership of the Sydney Public School about to be opened at Macquarie's large Building, Castlereagh Street, on Dr. Bell's System, in which his eldest Son and his Brothers would be useful in the Male Department, and the daughters in the Female, the Salary to be fixed as the Establishment succeeded; The grants of Land and Town allotments to be taken up with every advantage of such services rendered to Government on his retiring from office which would be considerable according to Major Goulburn's promise, who took the greatest delight in the new School with better than four hundred pupils on the Books, and gave his daily attendance. The School advanced beyond his and Sir Thomas Brisbane's most sanguine expectation, and your Memorialist flattered himself in such prospects until the arrival of his pretended Friend, Mr. Hobb Scott, as Archdeacon and King's Visitor, who immediately reduced this most flourishing Establishment (in which Grammar and the elements of science were taught) to a mere Parochial School of St. James', the downfall of our native youth, since that day a disgrace to the Colony; the prospects of your Memorialist and his Family being thus changed, he was obliged to resign, and, on the eve of Sir Thomas Brisbane's departure, presented his claims for grants of Land and the usual Town Allotment of one acre at Elizabeth Bay as pointed out by Major Goulburn. Sir Thomas Brisbane, however, granted your Memorialist 1,000 acres of Land, having had another 1,000 acres granted whilst in Van Diemen's Land in 1822, and his two eldest sons each five hundred acres; but his other two sons and three daughters received no Land whatever; also the Town allotment, for which the proper Official application was made, was transferred with all papers therewith connected to Mr. McLeay, then Colonial Secretary, fully instructed by Major Goulburn; as to your Memorialist's claims of Land, Town allotment and rations due to him for two years, he applied in vain; he, Mr. McLeay at length stated in reply that Elizabeth Bay was intended for a Lunatic Asylum, and that Governor Darling had been instructed to refuse all applications for Town Allotments; yet, in less than six months after this intimation, Governor Darling granted to Mr. McLeay 54 acres at Elizabeth Bay, which he valued at £50,000, besides better than 100,000 acres of the best Crown Lands in the Colony, whose arrival in the Colony was upwards of four years after your Memorialist, who only required one acre at Elizabeth Bay and two thousand five hundred and sixty acres of Land, the Common Grant to Settlers.

Your Memorialist further sheweth your Lordship that, in pursuit of his farming Establishment on 2,000 acres, including his Sons at the Brisbane Waters, he had been very successful up to the year 1829, when his second son Richd. Cape became of age and took it into his head without the sanction of his Parents to exchange his grant of Land (500 acres) for the like quantity at Reid's mistake, or without Memorializing in the form set forth by his Brother of the Sydney College, in order to secure Your Memorialist's improvements thereon, better than 50 acres of heavy timber fallen, thirty
acres of which were burned and stumped at an expense of about £300 and 20 acres under cultivation, Barn (shingled) built thereon 50 feet by 25, boadest floor and Bridge across the large Creek at a cost of better than £500; when the late Mr. Hely, Superintendent of Convicts, who like Mr. McLeay had obtained better than 20,000 acres of best land and full control of Convicts, whose Lands join your Memorialist and generally refuse to Your Memorialist the right of Convict Labour except the very worst, having heard of Richd. Cape’s Intention of exchanging his Grants, stepped into the Surveyor General’s Office and secured the Grant, although well aware of your Memorialist’s Expenditure on the Cultivated ground for his Farming in Sydney at a loss of £700; still it will be found by the correspondence No. 1, accompanying this Memorial, that your Memorialist was fully enabled in due time to secure the improvements on his Son’s grant by application officially made to General Darling, dated the 24th day of November, 1829, and the answer thereto officially made by Mr. McLeay, No. 1 dated 30th December, 1829, granted unto Your Memorialist 100 acres of Land at a place called Condobbins, on which the Barn and cultivated Land is.

Your Memorialist duly thanked Govr. Darling officially by Letter, dated Wyong, 12th January, 1830, enclosing the Printed Forms duly filled in agreeably to the forms required by Mr. McLeay, who acknowledged the receipt thereof. Nor did your Memorialist entertain any doubt of his rightful possession of the 100 acres, until the arrival of Mr. Hely in Feb'y., 1830, on the spot, when he informed your Memorialist that he had just seen his Son Richard Cape in Sydney, who had changed his grant, and had therefore secured his 500 acres elsewhere. Being asked if he would pay for the improvements, he replied not one farthing, as he did not intend to cultivate. nor would he even have disturbed Richd. Cape’s possession but for his having given it up. Your Memorialist then let Mr. Hely see the official correspondence and grant of 100 acres at Condobbins, which secured your Memorialist’s improvements, which surprised him not a little, admitting that his application was only with the Surveyor General; then looking at Mr. Ralph’s the Asst. Surveyor’s List of grants to be measured, no Instructions appeared therein for measuring Richd. Cape’s 500 acres to Mr. Hely, nor would Ralph measure it without orders, but nevertheless did measure it, which was duly protested against. Well, said Mr. Hely, on my return to Sydney I shall see Mr. McLeay, and explain to him the mistake; and well did those Gentlemen concoct and explain to each other without consulting General Darling who, up to Sept., 1830, when Your Memorialist waited upon his Excellency on the matter, who declared his total ignorance of any application from Mr. Hely for or about exchange of Land, and had never granted him such Land up to that date; but had perfect recollection of granting to your Memorialist 100 acres. and had noticed his thanks for it, and what could he require more; being informed of your Memorialist’s correspondence with Mr. McLeay, and that gentleman’s refusal to fulfil the grant of General Darling, he seemed displeased and desired to retain one of that Gentleman’s Letters, dated 7 June, 1830, in order to investigate the matter, which your Memorialist most gratefully acquiesced in; nor did General Darling fail to attend to the case, which took him from the month of Sept., 1830, to Feb'y., 1831, about the time he was preparing to Leave the Colony; nor has your Memorialist occasion
to find fault except in his endeavours without the evidence of your Memorialist, and for the gross error in judgment in the Official Letter of Febry., 1831, wherein he states that, as Mr. Hely has proposed to make Your Memorialist allowances for his improvements, he could have no further claim; had that been correct, he certainly would have had less; but the fact was the reverse; in presence of Mr. Surveyor Ralph, he stated that he would not allow your Memorialist one farthing; nor did he, but ejected your Memorialist by expensive Law Suits, taking all crops and many thousand feet of sawn timber, leaving the place to ruin, and Yr. Memorialist’s best prospects defeated in the bargain, all through the Intrigues of Mr. McLeay, who immediately got Mr. Hely’s Deeds made out in 1831; and your Memorialist’s not forthcoming to the present moment, whereby shutting him out of the Land Claims Court, pretending a Claim of £5 8s. Quit Rent not due or applied for on 640 acres recd. in exchange for the 1,000 acres at Van Diemen’s Land, taking from your Memorialist 360 acres of Land, thereby reducing his grants to 1,640 acres, whilst the 1,000 acres at Van Diemen’s Land sold the other day at £10 an acre; and in condition of this the exchange Alexr. McLeay states that no quit rent shall be due on the 640 acres, until the Land is valued by the Commissioners which up to the present moment he has not done. Yet, by this unjust claim, Mr. McLeay makes it a bar to the application or fulfilment of the 100 acres grant in 1830. Another false statement of Mr. McLeay appears in his Letter of 7th June, 1830, that Mr. Hely made selection of Richd. Cape’s grant of 500 acres in 1826 as a second bar to the application, yet disowned by Hely, yet admits the right to 100 acres to be taken up elsewhere on paying £5 8s. long since abandoned by Mr. McPherson, the Internal Collector of Quit Rents as being connected with the Claims of the V. Diemen’s Land Grant; still the 100 acres granted to Your Memorialist by this Government in 1829 remains unfulfilled up to the present moment or any renumeration offered or made for his improvements thereon, the common Bank interest thereon being better than £500; nor does your Memorialist require cash in payment, but a liberal allowance of Lands now much reduced in price (5s. an acre) adjoining his Grants, Wyong, Brisbane Waters, or elsewhere; also a proper remuneration for his deprivation alluded to, and a Town allotment in lieu of Elizabeth Bay as promised by Sir Thomas Brisbane and Major Goulburn.

Your Memorialist trusts and humbly hopes that your Lordship will not consider this Appeal as being out of date or season. Sir Thomas Mitchell, our eminent Surveyor General, can but explain the error of granting to Mr. Hely the 500 acres in exchange for the like quantity to Richd. Cape without due consideration, knowledge or consent of your Memorialist.

That Sir Richd. Bourke refused to entertain any case in dispute with his Predecessor, but had no objection to send home any Memorial, he, Sir R. Bourke, might approve of in his Dispatch, which your Memorialist availed himself of in 1833, to which he recd. no sort of reply from Lord Glenelg. In 1836, he consulted Major Mitchell, then on his departure to England, who strongly advised your Memorialist to send a second Memorial to Lord Glenelg such as he could approve of, which was immediately complied with, and
STANLEY TO GIPPS.

accordingly taken charge of and delivered into the hands of Lord Glenelg by Major Mitchell, who in his Report to your Memorialist expressed great doubts of Lord Glenelg's attention to such Memorials for the great influx of Colonial matters; nor, up to the time of Sir Thos. Mitchell's arrival in 1841 or since, has your Memorialist been favoured with any reply to his Memorials to the Home Govt. so favourably conveyed.

Your Memorialist, a Livery man of the City of London generally on the late Sir Wm. Curtis' Committee, never accorded with Whig principles, and that the neglect of his Memorials by the Whigs did not surprise him, however much they may have disappointed him. The new Ministry, of which your Lordship is a Member, give him better hopes that he will not appeal in vain; but that justice will be done to his humble memorial, which he trusts will be handed to Your Lordship by those who feel an interest in his welfare.

And your Memorialist, &c.,

Sydney, 31st March, 1842. WM. CAPE.

[Sub-enclosure No. 1.]

MR. W. CAPE TO COLONIAL SECRETARY MACLEAY.

Sir,

Wyong, 24th Novr., 1829.

Having just been informed that His Excellency the Governor in Chief had given orders to the Surveyor General, and Mr. Ralfe the Assistant Surveyor has commenced his labours at Reid's Mistake a distance of Twenty five miles from Wyong, but in due time would arrive here for the purpose of measuring my Grants at Wyong Flat and Ford, and also my Flat and yard remains; the Rent shall be duly paid and terms complied with. It is painful for me to mix family disputes; but, after selecting my Grants in 1825, I returned to Sydney to attend the public School leaving my son Richard Cape to manage; unfortunately he did not obey my orders, but commenced clearing some thick dark Brush, heavily studded with large Gum Trees at a place known by the name of Condobbins, consisting of more than 10,000 acres all of this sort of Land; in 1826, I again visited Wyong, and fenced about 30 acres fallen, 20 of which is cropped Wheat, Corn and Potatoes, but clearing and stumping has cost at the enormous rate of £3 per acre. A Barn 50 feet by 25 is built thereon and a Bridge thrown across the broad and deep creek, and which has become the public road to the Reid's Mistake; that my expenditure in these improvements to the place, I estimate at better than £400. I feel it my duty now, when the Lands are about to be measured, to inform His Excellency the Governor of my case, humbly soliciting the favor that he will be pleased to make me a Grant of 100 acres of the Land I have been toiling upon at Condobbins, which shall enclose 30 acres so dearly labored on; and I trust, when His Excellency takes into consideration the little value such Land as this is in its present state, and the great improvements when cleared it makes (I can now see my son's William's Farm), that he will pardon this application; and, should I be favored with the Grant, it shall every inch be cleared; on the other hand if I am refused, I hope it will not be granted to others without the opportunity of purchasing it; when I first discovered this sequestered spot, unexplored, I lost myself and for a week was given up as lost. The Creek above alluded to was fresh water, which turned into Salt Water from a stoppage of a large Lake, into which this Creek empties itself connected with the main ocean, through which I was the first person that ever ventured with a Boat. Mr. Walters, Mr. Henderson, Mr. Slade and others all have now boats on said Lake known by the name of Tuggara Beach. From the expense I have been at, the loss of that valuable article Fresh Water turned into Salt, my cattle are compelled to go elsewhere and my Grants on the opposite side; still for the convenience of conveying my property to the Sydney market, I have no other alternative, but fixing on this spot to build my House upon. I am supplied with water from a Lagoon on the Condobbins side. I have already got stones and some Bricks, most of the Timber sawn, and but for a Carpenter would

1843.

Memorial of W. Cape soliciting compensation for land grants.
1843. 8 Jan.

Application by W. Cape for lease and grant of land.

Letter acknowledged.

Forms of application transmitted.

Conditional approval of land selected by W. Cape.

Conditions for land grant.

have been done; still it becomes necessary for me to make a purchase of Building Ground not less than a section on this spot; and I now make this official application to His Excellency the Governor for that purpose; the deposit and instalments shall be duly paid; waiting the honor of your reply in order to be prepared against Mr. Ralfe the Assistant Surveyor reaches this quarter. I have, &c.,

W. C. A.

P.S.—Since I had the honor of a personal interview with his Excellency the Governor in July, 1828, on the subject of enlarging my Grants, my Stock consisted of 150 head of Cattle; it is now 250, besides 250 sheep and 50 Pigs. I owe no man a penny I began with 45 Head of Cattle in 1825, so that, looking at the rapid increase, I must ever feel happy in the Reign of his Excellency of my success in my Stock.

[Sub-enclosure No. 2.]

COLONIAL SECRETARY MACLEAY TO MR. W. CAPE.

Sir, Colonial Secretary's Office, Sydney, 30th December, 1829.

I have duly received your application of the 24th ultimo, for permission to rent a Section of land at a place called Button Durrah, and also to receive as an additional Grant 100 acres at Condobbins, of which about 30 acres have been by mistake improved by your son.

With reference to your request to rent at Button Durrah, I am directed by His Excellency the Governor to transmit to you the accompanying printed form of application, which, if you wish to hold the land by Purchase, you will have the goodness to return to this office duly filled up; but should your object be merely to rent it for the purpose of Grazing, at 2s. 6d. Two shillings and six pence per hundred acres per annum, agreeably to the Regulations of the 16th October, 1828, it will be necessary for you to apply to that effect separately describing the spot, and observing at the same time that you can only receive, on the latter Terms, Land adjoining Your own Possession.

With respect to your application for the 100 acres at Condobbins as an additional grant, I do myself the honor to transmit to you another Printed form, which you will be pleased accordingly to return duly filled up.

I am, &c.,

ALEX. MCLEAY.

[Sub-enclosure No. 3.]

COLONIAL SECRETARY MACLEAY TO MR. W. CAPE.

Sir, Colonial Secretary's Office, Sydney, 9th October, 1828.

The Surveyor General, having stated in his Report of the 15/31 July, 1828, that, in Pursuance of the authority given to you by His Excellency the Governor, you have selected in addition to the Land before held by you Six hundred and forty acres of Land, situated in an unnamed Parish of the County of Northumberland, adjoining the Wyong Creek and the Hill of that name, being in full of your claims for the Land 1,000 acres originally ordered for you in Van Diemen's Land.

I am directed to communicate to you His Excellency's sanction to take possession of the said Six hundred and forty acres of Land; and to retain the same as an additional Grant, until his Majesty's pleasure be made known on the subject, or until a regular Deed of Grant be made out in your favor; but with the reservation that, as that part of the Country has not yet been surveyed, it will not be possible to determine at present when there are any prior claims or other objections to your obtaining the precise spot applied for or not. It is presumed, however, that there is sufficient Land for all purposes, and the Government will not interfere with your selection if it can be avoided.

If the Grant be confirmed, the Land is to be held by you in free and common Socage on the following conditions, viz.:—

1st. You are to pay a Quit Rent to the Crown of Five per Cent. per Annum on the value of the Land, which is to be hereafter fixed by the Commissioners appointed for that purpose; the said Quit rent commencing when the value shall have been so fixed.

2nd. Within seven years from the Date of this Letter, you must expend, in improvements on the Land, a sum equal to One fourth of the value, estimated by the Commissioners, under the Penalty of forfeiting the Grant.

3rd. The Quit rent is to be redeemable at your option, on a payment to the Colonial Treasury of a sum equal to Twenty years' Purchase; provided such payment be made within Twenty years after the date and Execution of the Grant.

4th. The Land is not to be alienable, under any pretence whatever, before the expiration of seven years from this date, nor until the sum, above stipulated to be laid out in improvements, shall have been actually expended on the said Land.
5th. The Crown reserves to itself the right of making and constructing such Roads and Bridges on the Land, herein described, as may be necessary for Public purposes; and also the right to such indigenous Timber, Stone and other Materials, the Produce of the Land, as may be required for making and keeping the said Roads and Bridges in Repair.

6th. You must either reside on the Land, or employ in the immediate Charge of it, as agent or Manager, a free man of approved Character and Respectability.

I am, &c.,
ALEX. MCLEAY.

[Sub-enclosure No. 4.]

COLONIAL SECRETARY MACLEAY TO MR. W. CAPE.

Sir, Colonial Secretary’s office, Sydney, 7th June, 1830.

Referring to Your Letter of the 22nd ultimo, relative to your recent application for Land, I am now directed by His Excellency the Governor to point out to you that the authority you received for taking possession of the Land, for rent upon which you are now indebted to the Government, specifically states that you are to receive the same as an additional Grant; and you will perceive that such Grants or "Grants in extension" are, by the last paragraph of the Regulations of the 5th of September, 1826, subject to immediate rent until the quit rent is ascertained.

I am, however, directed to inform you that, as Mr. Hely selected the spot applied for by you at Condobbins, by virtue of an order dated 1st of November, 1826, before Mr. Hely or Mr. McLeay arrived in the Colony, Sir Thos. Brisbane on his departure, Sept., 1825, had granted to Mr. Cape and his two sons the Lands now alluded to, and were partly in cultivation and in legal possession, and that one quit rent was due on the 640 acres by the conditions accompanying the Lots of the 3-60 acres in the exchange of 1,000 acres sold by Government offering for 10,000 it would amply pay at Van Diemen’s Land £5 3s. quit rent unjustly demanded, your recent application for the same Land could not have been entertained, even had you not been indebted to the Government.

When however you have settled the Claims in question, your application for Land elsewhere will be taken into consideration. I am, &c.,
ALEX. MCLEAY.

[Sub-enclosure No. 5.]

COLONIAL SECRETARY MACLEAY TO MR. W. CAPE.

Sir, Colonial Secretary’s Office, 28 February, 1831.

With reference to your Letter of the 10th ultimo, respecting the Land at Refusal of Condobbins originally selected by your son Richard and cultivated and improved by claims of you, I am directed by His Excellency the Governor to inform you that, your son having subsequently been permitted to make a fresh selection as a matter of indulgence, you have no claim to the land relinquished by him, and that it appears to his Excellency, under the circumstances of the case, that Mr. Hely’s offer to make you an allowance for the improvements effected on the Land is the utmost you have any right to expect.

I am, &c.,
ALEX. MCLEAY.

[Enclosure No. 2.]

[This was a copy of the despatch, dated 31st December, 1836, and numbered 248; see page 629, volume XVIII.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 7, per ship Ann Gales.)

My Lord, Government House, 8th Jan., 1843.

I have had the honor to receive Your Lordship’s Despatch, No. 133 of the 15th June, 1842, enclosing a copy of a complaint addressed to the Commissioners of Colonial Lands and Emigration by Mr. John Lindsay, as also a copy of the report on the said complaint made by the Commissioners to Your Lordship, the complaint being that the agent of Mr. Lindsay at Port...
Phillip had not, without going 30 miles from Melbourne, been able to obtain the 320 acres of land, which Mr. Lindsay purchased from the Commissioners on the 8th Feby., 1841.

Having referred the correspondence to the authorities at Port Phillip, I have the honor to enclose a copy of a letter, which I have received on the subject of it from Mr. La Trobe.

This report will, I trust, satisfy Your Lordship that every facility was given to Mr. Beale (the agent of Mr. Lindsay), which could reasonably or properly be afforded to him in the selection of his land, though undoubtedly Mr. Beale did labour under some disadvantage in consequence of his Land Order being for the definite number of 320 acres, of which exact size there happened to be no surveyed lots in the District.

The land, which Mr. Beale obtained at the distance of 30 miles from Melbourne, consisted of 165 acres only, and he was allowed to take the remainder, with the addition for his own convenience of five acres, at a place distant only eleven miles from Melbourne, although, in order to enable him to obtain this land, it was necessary to deviate in two respects from established Regulations:

1st. A subdivision was necessary of a lot of land already surveyed;

2ndly. he was allowed to pay £5 into the Treasury for the excess which he desired of five acres, over the quantity to which he was entitled.

These deviations from Rule in favor of Mr. Beale were made in order that he might obtain the exact land which he desired, in consequence of its vicinity to other land, whereof he had become the proprietor.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this letter, dated 6th December, 1842, will be found in a volume in series III.]

Sir George Gipps to Lord Stanley.
(Despatch No. 9, per ship Ann Gales.)

My Lord,

Government House, 11th Jany., 1843.

I have had the honor to receive Your Lordship's Despatch, No. 139 of the 20th June, 1842, transmitting to me copies of two letters which had been addressed to Your Lordship by the Revd. Alexr. Lawson, with 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.
STANLEY TO GIPPS.

Having agreeably to Your Lordship's directions caused enquiries to be made into the subject of this claim, I have to report that the Estate of John Campbell was placed on his death (dying Intestate) in the hands of the Deputy Registrar of the Supreme Court for the District of Port Phillip, and that a sum of £151 8s. 6d. was collected on account of his Estate by that Officer; but that, after payment in full of such of the claims against the deceased as were entitled to preference, the remainder, namely, £72 18s. 6d., sufficed only to pay a dividend of 8s. 9d. in the pound on his other debts.

I transmit herewith a copy of a letter from Mr. La Trobe, appended to which is an account of the Intestate Estate in question, which appears to have been examined and passed by the Resident Judge on the 4th April, 1842.

I have, &c.,

Geo. Gipps.

[Enclosure.]

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

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 10, per ship Ann Gales.)

My Lord,

Government House, 13th Jan., 1843.

I have had the honor to receive Your Lordship's Despatch No. 171 of the 24th Augt., 1842, making enquiry, at the instance of Capt'n Bennett, R.N., Mayor of Hereford, respecting a person named Thomas Deen, who was supposed to have been transferred from the 28th Regt. to the Mounted Police of this Colony in June, 1841; and I have to inform Your Lordship that Thos. Deen is now a Lance Corporal in the Mounted Police of this Colony, that he is stationed at "Broken River" in the District of Port Phillip, and is doing well.

I have, &c.,

Geo. Gipps.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 6, per ship Fanny.)

Sir,

Downing Street, 14th January, 1843.

I have the honor to acknowledge the receipt of your Despatch No. 113 of the 1st of July last, forwarding 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, the Proprietor and Editor of the Port Phillip Gazette.
1843.
14 Jan.

HISTORICAL RECORDS OF AUSTRALIA.

In reply, it is only necessary for me to refer you to the Dispatch, which I addressed to you on this subject on the 19th ultimo No. 224.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 11, per ship Ann Gales.)

My Lord,

Government House, 14th Jany., 1843.

I have had the honor to receive Your Lordship's Despatch, No. 168 of the 20th Augt., 1842, making enquiry respecting a person named Henry Rose, who is supposed to have been transferred from the 28th Regt. to the Mounted Police of this Colony; and I have to inform Your Lordship that Henry Rose is now a Serjeant in the Mounted Police, stationed at Melbourne in the District of Port Phillip, and that he is doing well.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch marked “Confidential,” per ship Ann Gales.)

My Lord,

Government House, 14th Jany., 1843.

I have the honor herewith to forward the List of persons, who are Candidates for office, or for advancement in office, in this Colony, as called for by the 8th Paragraph of the “Regulations relative to appointments to Public Offices in the Colonies,” enclosed in Your Lordship's Circular Despatch of the 15th June, 1842.

The List is divided into four Classes:

1 Is a List of persons already in office, but considered worthy of advancement, either in their own Departments or in any others.

2 Is a List of persons resident in the Colony, who have been specially recommended to me for employment, either by Your Lordship or by previous Secretaries of State.

3 Is a List of persons resident also in the Colony, who, either from my own knowledge of them or from the way in which they have been recommended to me, I consider eligible for employment.

4 Is a List of persons, who, having been displaced from office for no fault of their own, are Candidates for reappointment.

I have, &c.,

GEO. GIPPS.
GIPPS TO STANLEY. 497

[Enclosure.] 1843.

14 Jan

CONFIDENTIAL report on the claims of Candidates for advancement or employment in the Colony of New South Wales, agreeably to the instruction contained in Paragraph 8 of the “Regulations relative to appointments to Public Offices in the Colonies,” enclosed in Lord Stanley’s Circular Despatch of the 15th June, 1842.

Class No. 1.

PERSONS already holding appointments in the Colony, and deemed eligible for advancement to higher offices.

<table>
<thead>
<tr>
<th>Names</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roger Therry</td>
<td>Well qualified for the office of an Attorney General, in which he has been acting for the last two years during the absence of Mr. Plunkett.</td>
</tr>
<tr>
<td>Wm. Macpherson</td>
<td>Recommended for a change of appointment, rather than for advancement. He is admirably adapted for any duties requiring great assiduity and precision; and was accordingly recently placed by me in the situation of Registrar of the Supreme Court, but is, by the Secretary of State’s Despatch, No. 175 of the 26th Augt., 1842, returned to his former situation, for which he is not nearly so well adapted.</td>
</tr>
<tr>
<td>F. L. S. Merewether</td>
<td>This gentleman was lately appointed by me acting Clerk of the Councils, for which situation he is very well fitted. He now in consequence of the arrangement communicated to me in Lord Stanley’s Despatch No. 175 of the 26th Augt., 1842, falls back on his former situation of agent for Immigration, for which he is also well fitted; but, in the present state of the funds applicable to Emigration, it can be hardly desirable to keep up an agent at so high a salary as £500 per annum.</td>
</tr>
<tr>
<td>J. Long Innes, Late</td>
<td>Extremely well adapted for a higher situation in the Police, or indeed in any Department of the Government. He acted under my appointment as Superintendent of Police in Sydney for nearly two years, but was superseded by the appointment of Mr. Miles, announced to me by the Secretary of State’s Despatch, No. 118 of the 28th July, 1840.</td>
</tr>
<tr>
<td>H. B. Browne</td>
<td>Not yet confirmed in this situation. Has rendered himself very useful, as well in the performance of the duties of his immediate office, as by his exertions in putting down Smuggling and illicit Distillation. See my Despatch, No. 152 of the 30th Augt., 1842, relative to a large seizure of Spirits made by him at Broken Bay.</td>
</tr>
<tr>
<td>Wm. Elyard</td>
<td>Chief Clerk, Colonial Secretary’s Office.</td>
</tr>
<tr>
<td>Wm. Vallach</td>
<td>Clerk of the 1st Class, Colonial Secretary’s Office.</td>
</tr>
<tr>
<td>Michl. Fitzpatrick</td>
<td>Clerks of the 2nd Class, Colonial Secretary’s Office.</td>
</tr>
<tr>
<td>Chas. Greville</td>
<td>Clerks of the 2nd Class, Colonial Secretary’s Office.</td>
</tr>
<tr>
<td>John Townsend</td>
<td>Clerks of the 2nd Class, Colonial Secretary’s Office.</td>
</tr>
<tr>
<td>P. Beverley</td>
<td>Clerk in the Attorney General’s Office.</td>
</tr>
<tr>
<td>Stephen Cole</td>
<td>Clerks of the 3rd Class, Auditor General’s Office.</td>
</tr>
<tr>
<td>Henry Lane</td>
<td>Clerk of the 3rd Class, Post Office.</td>
</tr>
<tr>
<td>C. H. Symonds</td>
<td>Assistant Surveyors, Surveyor General’s office.</td>
</tr>
<tr>
<td>H. Tingcombe</td>
<td>Clerk, Surveyor General’s office.</td>
</tr>
<tr>
<td>Saml. Usher</td>
<td>Clerks of the Bench, Port Macquarie.</td>
</tr>
<tr>
<td>J. E. Townshend</td>
<td>Clerk of the Bench, Merton (See Class No. 2).</td>
</tr>
<tr>
<td>J. J. Galloway</td>
<td>The Honble. W. H. Pery Superintendent of Agriculture at Norfolk Island (See class No. 2).</td>
</tr>
</tbody>
</table>
### Class No. 2.

Residents in the Colony not as yet employed in the Public Service, but recommended to me for employment by the Secretary of State.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Recommendation</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honble. W. Pery</td>
<td>Specially recommended</td>
<td>Now Superintendent of Agriculture at Norfolk Island, but recommended for removal to New South Wales as an opportunity may offer.</td>
</tr>
<tr>
<td>(Grandson of Lord Limerick.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phillip Rolleston</td>
<td>4th Jany.</td>
<td>This gentleman and his Brother were specially recommended to me by Lord Stanley, on the application of Sir Robert Peel. The appointment of Mr. Christopher Rolleston to be a Commissioner of Crown Lands was reported in my Despatch, No. 245 of the 31st Decr., 1842. Mr. Philip Rolleston is still unemployed.</td>
</tr>
<tr>
<td>Hamon Massey</td>
<td>31st May</td>
<td>Recommended, as well as his Brother, by Lord Stanley. His Brother's appointment as a Commissioner of Crown Lands is reported in my Despatch, No. 245 of the 31st Decr., 1842.</td>
</tr>
<tr>
<td>St. George Gore</td>
<td>28th Augt.</td>
<td></td>
</tr>
<tr>
<td>Ralph Gore</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert Gore</td>
<td>24th Sept.</td>
<td></td>
</tr>
<tr>
<td>John Hassard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alexr. Maxwell</td>
<td>17th March</td>
<td></td>
</tr>
<tr>
<td>Captn. W. Russell</td>
<td>5th July</td>
<td>Late of the 28th Regt.</td>
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<td>1839.</td>
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<td>1842.</td>
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### Class No. 3.

Residents in the Colony, who are considered eligible for employment, though not specially introduced to my notice by the Secretary of State.

<table>
<thead>
<tr>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Firebrace</td>
<td>These gentlemen were the bearers of the usual Lithographed letters from the Secretary of State, though not specially recommended for employment.</td>
</tr>
<tr>
<td>— Wiseman</td>
<td></td>
</tr>
<tr>
<td>Arthur Way</td>
<td>Eligible for the appointment of a Crown Commissioner.</td>
</tr>
<tr>
<td>John Stirling</td>
<td>Eligible for any superior appointment. He would have been made acting Sheriff by me on the death of Mr. Macquoid, but that the Chief Justice advised the appointment of a Professional Lawyer.</td>
</tr>
<tr>
<td>George Smythe</td>
<td></td>
</tr>
<tr>
<td>Henry Callender</td>
<td>New Clerk of the Bench at Merton (See Class No. 1); recommended to me by Sir James Graham. He is a steady, well behaved, young man, but in want of experience, and scarcely as yet fitted for advancement to a post much higher than that which he now fills.</td>
</tr>
</tbody>
</table>
GIPPS TO STANLEY. 499

Class No. 4. 1843.

Candidates for reappointment, in consequence of having been displaced from situations, either by reductions or appointments from Home.


**Major Johnston**

**Major Sullivan**

**Capt. Allman**

**Capt. Faunce**

**Major Bowler**

**Percy Simpson**

**Thos. Cook**

**Saml. Raymond**

Police Magistrates, displaced by reduction.

**Felton Mathew**

Late Deputy Sheriff at Port Phillip, but superseded by Lord Stanley's Despatch, No. 68 of the 23rd Feb., 1842.


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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 7, per ship Fanny.)

Sir, Downing Street, 16th January, 1843.

I have received your Dispatch No. 116 of the 8th of July last, enclosing a return of the actual receipts into the Treasury at Sydney during the quarter ending on the 30th of June, 1842, exclusive of the receipts for Port Phillip, and accompanying that Return with a report of the general state and prospects of the Local Revenue.

I have communicated a Copy of your Dispatch to the Lords Commissioners of the Treasury, and also to the Land and Emigration Commissioners with reference to your recommendation that Emigration from the United Kingdom should not be revived in the present state of the Land Revenue of the Colony.

I have great satisfaction in acknowledging the efforts which your recent reports shew that you have made of late to keep the expenditure of your Government within the limits of the Revenue, and I trust that, by a perseverance in the same judicious course, you will be enabled successfully to retrieve the Colony from those Financial difficulties with which it was threatened.

I have, &c.,

**STANLEY.**

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 12, per H.M. ship Favorite.)

My Lord, Government House, 16th Jan., 1843.

Having received Your Lordship's Despatches of the 26th May and 7th June, 1842, Nos. 114 and 125, on the subject of the disposal of a number of Convict Boys, who have been under a
course of discipline at Parkhurst Prison, I deemed it proper to bring this important subject under the consideration of my Executive Council, and also to take the opinion of Mr. La Trobe on the proposal, contained in the first of the abovementioned Despatches, to send a number of the Boys to Port Phillip.

I have now the honor to enclose for Your Lordship's consideration a copy of the Minute made after mature deliberation on the subject by the Executive Council, to which is appended a copy of Mr. La Trobe's answer.

Your Lordship will observe by Mr. La Trobe's letter that he favors the proposal of sending a portion of these Boys to Port Phillip, but that the Council nevertheless is disinclined to the project.

Viewing this difference of opinion, I think it right to state to Your Lordship that, as far as the interests of this Colony are concerned, I partake of the opinion of the Council. On general principles, it appears to me that Great Britain (or indeed any Colonizing Power) has a right to expect that her Colonies will afford to her the means of disposing of her Criminals; and therefore, if this Colony had not had already vastly more than its full share of them, I should hesitate to join in any opinion which might seem to imply a want of consideration or regard for the interests of the Parent State; but, the very reverse of this being the case, and New South Wales having but very recently emerged from the condition of a Penal Colony, I trust that no such imputation can be laid upon me, if I venture to express a hope that, for the present at least, no persons, who either are or have been Criminals, may be sent to the Colony.

In respect to the facility of disposing of any number of Boys, and the interests of the Boys themselves, I would beg leave to refer to my Despatch of the 29th May, 1839, No. 86.

I have, &c.,

Geo. Gipps.

[Enclosure.]

EXTRACTS FROM MINUTES OF PROCEEDINGS OF THE EXECUTIVE COUNCIL ON THE 18TH NOVEMBER AND THE 21ST DECEMBER, 1842, RELATIVE TO THE INTRODUCTION INTO NEW SOUTH WALES OF CONVICT BOYS FROM PARKHURST PRISON.


18 November, 1842.

Present:—His Excellency the Governor; His Excellency the Commander of the Forces; The Right-Reverend the Lord Bishop of Australia; The Honorable the Colonial Secretary; The Honorable the Colonial Treasurer.
His Excellency the Governor laid before the Council a Despatch from the Secretary of State, dated the 26th May, 1842 (No. 114), transmitting copies of a correspondence between the Home and the Colonial Departments, relative to the removal to certain Colonies of a number of convict Boys, who have for some time past been under a course of discipline at Parkhurst Prison; and requesting His Excellency’s opinion as to how far they might with advantage be sent to this Colony and particularly to Port Phillip, and whether there would be any disinclination on the part of the Colonists to receive and employ them.

The Boys, to whom the Despatch has reference, are those whose conduct during a considerable period of probation has been such as to afford ground for expectation that, if removed from the scene of their disgrace and from the influence of former associates in crime, and transplanted to a country where honest employment would be immediately open to them, they might be restored to liberty with a fair prospect of becoming useful and respectable members of society. It is proposed that for these boys passages should be provided at the expense of the Home Government to such of the Colonies as may be disposed to receive them; that they should emigrate in two distinct classes, the first to consist of Free Emigrants, and the latter of apprentices; that the first class should be confined to the elder Boys who have distinguished themselves by good conduct and acquirements; and 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 the restraints of an apprenticeship.

His Excellency having asked the opinion of the Council as to the expediency of encouraging the Immigration of either or both of these Classes to New South Wales, the Council, after the mature consideration due to so important a question, expressed their opinion that the introduction of these boys would be by no means beneficial to the Colony. This opinion might, they felt, expose them to the charge of ungraciously refusing a proffered boon, and they were anxious therefore to guard themselves against such an imputation, by placing upon record an explanation of their grounds for a conclusion opposite perhaps to that which, under the present circumstances of the Colony, might have been anticipated.

"From the demand for labourers which is understood to exist in several of Her Majesty’s Colonies," observes Mr. Under Secretary Phillips in his letter to Mr. Stephen of the 5th of April, 1842, enclosed in the Despatch before the Council, "there can be no doubt that the services of these boys would be extremely valuable there." That, of all the Colonies present to the mind of Mr. Phillips when he thus wrote, none felt the want of labour more pressingly than New South Wales, and that to none in an abstract point of view might it be supposed that the services of the boys in question would be a greater boon, the Council were fully aware. That the Council then should be opposed to the admission, without cost to the Colony, of any class of labourers, and that too at a time when the ordinary means of importing labour had utterly failed, might at first sight appear somewhat inconsistent. They considered however, and they felt persuaded that their views were
1843.
16 Jan.

Minutes of executive council re proposal to send convict boys to colony.

in accordance with those of a large proportion of the most respectable Colonists; that the very limited relief, which the services of these boys would afford, would be but a poor compensation for the evil effects which their admission might have upon the permanent interests of the community. The Council could not but fear that, whilst their removal hither would not fail to revive the hopes of parties in the Colony anxious for the renewal of Transportation and assignment, and thus to raise again the agitation of a question now happily at rest, it would have a still more injurious effect at home by tending to keep alive in the public mind the prejudicial associations attached to this Colony from its notoriety as a penal settlement. That a strong prejudice does exist against this country amongst the promoters of Emigration in England as well as amongst the Candidates for Emigration, the Council could not but be aware; nay they could observe even in the correspondence before them a disposition to assign to the Colony, and to the old part of it especially, a secondary place among the fields for free Emigration. The removal of this prejudice the Council deemed to be an object of such paramount importance as to demand far greater sacrifices for its attainment than that which they now felt it their duty to recommend. That their motives would be duly appreciated by the Secretary of State they could not doubt and that their disinclination to receive the boys from Parkhurst prison would be attributed only to their earnest desire to raise and uphold the character of New South Wales.

The Council desired also that the record of their proceedings on this subject might shew that their decision had not been formed without consideration that the reception of youths, so circumstanced as those to whom Lord Stanley’s Despatch refers, might be deemed a service which the Mother Country has a right to expect from all her Colonies. The existence of such an objection on the part of the Colonies the Council were not disposed to deny; and, were no other place of refuge open to these boys, they might have felt themselves bound to throw no obstacle in the way of their reception here. Whilst however there were so many other British possessions to which the boys could be sent with advantage, the Council could not think that this Colony would be chargeable with failure in its duty, if, after having been for half a century the receptacle of British criminals, it claimed exemption from any further service of the same character, which might have a tendency to perpetuate the reproach arising out of its former penal conditions.

Min. No. 28.

21 December, 1842.

Present:—His Excellency the Governor; His Excellency the Commander of the Forces; The Right Reverend the Lord Bishop of Australia; The Honorable the Colonial Secretary; The Honorable the Colonial Treasurer.

His Excellency the Governor laid before the Council a letter from His Honor the Superintendent of Port Phillip, respecting the introduction into that District of the Convict Boys from Parkhurst Prison in which His Honor expressed views more favourable to their admission than those recorded by this Council.

The Council after an attentive consideration of this letter were unable to alter the opinion which they had previously formed.

FRANCIS L. S. MEREWETHER,
Clerk of Councils.
MR. C. J. LA TROBE TO COLONIAL SECRETARY THOMSON.

Melbourne, 25 Novr., 1842.

I have the honor to acknowledge the receipt of your despatch of 22d October, enclosing one from the Secretary of State, relating to the employment in New South Wales of a certain class of Boys from Parkhurst Prison, and directing me to express my opinion on the proposal contained in it, as far as the District of Port Phillip is concerned.

I have given the said enclosures an attentive perusal, and beg leave to state the following opinion, in obedience to His Excellency's wishes.

I do not conceive that there would exist the slightest objection, in the minds of the generality of the Colonists of this district, to receive and employ boys of the description in question, and further imagine that the introduction of a certain amount of labor of this class would be in accordance with their wishes and wants. Seeing the present mixed character of the population, I do not think any difficulty can with propriety be raised by the local government against the proposal on the score of the previous condition of the emigrants.

It is not for me to express an opinion upon the probable results of the experiment of sending these boys to a district attached to a Penal Settlement, in preference to such as have never been the theatre of transportation; or to surmise in how far the experiment may be successful; but I consider that it stands as good a chance of being attended with success in Port Phillip, as in any other colony of its class. At the same time, I strongly deprecate the third class composed of doubtful characters being imported here under any circumstances; and that, for the sake of the boys as well as for that of the Colonists, I see nothing to object to in the proposed mode of classing and disposing of the two first classes of boys in this district; and consider the suggestions of the board of visitors, relative to the employment and government in the colonies, in general exceedingly judicious, although several of the proposed arrangements will require modification for local circumstances. If the guardian appointed for the purposes therein mentioned were himself a magistrate, and the apprentices could be all disposed of with propriety or advantage in Melbourne, or within certain limits of the same, it appears to me that the government of the apprentices would be very much facilitated. I must however state my opinion that secrecy as to the previous condition of the boys would be out of the question. As it appears not improbable from the general tenor of the despatches that a certain number of boys of the above classes may arrive here ere many months, I beg leave to request that I may be furnished with any instructions that His Excellency may consider necessary as to their reception and the mode of disposal to be adopted, and to state that I shall esteem it a duty to do my best to carry the wishes of the home government, with regard to them, into effect.

C. J. LA TROBE.
1843.
18 Jan.
Address to
H.M. the Queen
acknowledged.

from the Inhabitants of the District of Geelong, which accom­
panied your Despatch No. 110 of the 24th of June last.

You will acquaint the persons, who signed that Address, that
Her Majesty was pleased to receive it very graciously.

I have, &c.,
STANLEY.

19 Jan.

Refusal to reconsider claims of P. Flanagan.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 10, per ship Fanny.)

Downing Street, 19th January, 1843.

Sir,
I have to acknowledge the receipt of your Dispatch, No.
132 of the 25th July last, reporting on the claims of Mr. Francis
Flanagan to a Grant of Land in New South Wales.

You will acquaint Mr. Flanagan, in reply to his Memorial of
the 22nd October, 1841, that, as the decision of the Marquis of
Normanby on his Memorial, dated the 6th August, 1838, was duly
communicated to him, and, as no new matter has been adduced
by him, I cannot consent to reopen the case. I have, &c.,
STANLEY.

20 Jan.

Despatch acknowledged.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 15, per H.M. ship Favorite; acknowledged by
lord Stanley, 20th July, 1843.)

My Lord,
Government House, 20th Jany., 1843.

I have had the honor to receive Your Lordship's Despatch,
No. 162 of the 5th Augt., 1842, enclosing a correspondence
respecting the claims of Mr. P. L. Campbell to Leave of Absence
with half salary, as Police Magistrate of Parramatta; and on this
subject, I have in obedience to Your Lordship's commands to
report as follows:—

Police Magistrates have never been considered in New South
Wales to belong to the class of officers, to whom the indulgence
of Leave of Absence can be extended; and it would, I must sub­
mit, be very inconvenient to establish a precedent entitling them
to be so considered. Their appointments are strictly local and tem­
porary; their salaries are voted from year to year by the Legisla­
ture; they are, with very few exceptions, appointed only in Dis­
tricts where there is not a sufficiency of unpaid Magistrates to
carry on the duties of the Police, and with the understanding
that, so soon as there may be a sufficiency of unpaid Magistrates,
their functions will cease and their offices be discontinued.
During the time I have held this Government, Police Magistrates have been discontinued at the following places:

<table>
<thead>
<tr>
<th>Distance from Sydney</th>
<th>Date of discontinuance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liverpool</td>
<td>20 Miles</td>
</tr>
<tr>
<td>Fenrith</td>
<td>40 &quot;</td>
</tr>
<tr>
<td>Raymond Terrace</td>
<td>80 &quot;</td>
</tr>
<tr>
<td>Cassilis</td>
<td>220 &quot;</td>
</tr>
<tr>
<td>Picton</td>
<td>50 &quot;</td>
</tr>
<tr>
<td>Wellington</td>
<td>200 &quot;</td>
</tr>
<tr>
<td>Paterson</td>
<td>100 &quot;</td>
</tr>
<tr>
<td>Dungog</td>
<td>110 &quot;</td>
</tr>
<tr>
<td>Carcoar</td>
<td>200 &quot;</td>
</tr>
<tr>
<td>Patrick's Plains</td>
<td>120 &quot;</td>
</tr>
<tr>
<td>Queanbeyan</td>
<td>185 &quot;</td>
</tr>
<tr>
<td>Campbeltown</td>
<td>32 &quot;</td>
</tr>
</tbody>
</table>

The six last on the List were displaced only on the 1st of this present month, and are candidates for other appointments, which however at present I see no prospect of being able to afford them, as it is to be expected that the measures which are now in progress, pursuant to the 41st Section of the New Constitutional Act of the Colony, 5th and 6th Vict., C. 76 (by which each District is to pay a portion of its own Police expenses) will lead to the discontinuance of Paid Magistrates at several other places.

With one solitary exception, Police Magistrates have ever been appointed and removed by the Governor of the Colony, the exception being that of Mr. Patrick Grant, who was appointed by Lord Glenelg in the year 1837 to be Police Magistrate of Maitland.

The cases of Capt'n. Rossi and Mr. Miles do not form exceptions; for these gentlemen were appointed by the Secretary of State successively, and by the Despatches mentioned in the margin,* to the Superintendence of the Police in Sydney, which may naturally be considered a permanent Office.

A gentleman named Fenwick, and another named Robertson, were also sent out by Lord Glenelg to be appointed Police Magistrates; but their appointments were made in the Colony by the Governor; and the course of proceeding followed in respect to them was precisely that which was pointed out as desirable by Sir Richard Bourke in his Despatch, No. 97 of the 10th Octt., 1837.

Mr. Grant is the gentleman, to whom it is alleged by Mr. Campbell that I offered Leave of Absence to proceed to India. In this however Mr. Campbell is in error, for, notwithstanding that Mr. Grant was appointed by the Secretary of State, I refused him Leave of Absence, and dealt by him precisely in the way that I subsequently did by Mr. Campbell; in fact Mr. Grant's P. Grant.

* Marginal note.—No. 3, 2nd Jany., 1835; No. 118, 28th July, 1840.
Refusal of leave of absence to P. L. Campbell; and to G. M. C. Bowen.

1843.
20 Jan.

Case of H. B. Bradley; and of revs. J. B. Polding and W. Ullathorne.

case formed the precedent, on which I acted in Mr. Campbell’s case; I refused to give either of them Leave of Absence, but I promised to endeavour to make such arrangements, as might admit of the return of each or either to office, should he return to the Colony within the term for which I have in other cases the power to grant Leave of Absence, that is to say, within 18 months; and I may add that only three days before the receipt of the Despatch from Your Lordship, to which I am now replying, I acted precisely in the same way in respect to Mr. Bowen, the Police Magistrate of Berrima, having on the 28th Decr., 1842, made, on an application for Leave of Absence from Mr. Bowen, the following Minute:—

“I regret that it is not in my power to give to Mr. Bowen Leave of Absence, Police Magistrates not being of the class of Officers to which the indulgence of Leave is usually extended. Should Mr. Bowen resign his appointment for the purpose of going to England on private business, he will of course be eligible for any Government appointment which may be vacant on his return; but it is not in my power to promise to reappoint him to the office, which on leaving the Colony he will vacate.”

As the case of Mr. Burton Bradley has been brought forward by Mr. Campbell in support of his own claims, it may be necessary for me to explain the nature of it.

In Augt., 1838 (when I had been less than six months in the Colony), I was applied to by the Judges for Leave of Absence for Mr. Bradley, who then held the situation of second Clerk in the Supreme Court; and, without due consideration, I acceded to their Honors’ request. In so doing, I was decidedly wrong; and my error was pointed out to me by Lord Normanby, who expressly declared, in a Despatch dated the 14th March, 1839, No. 26, that Mr. Bradley’s case was not to form a precedent for granting Leave of Absence to officers who have been nominated to their appointments in the Colony.

The cases of the Revd. Dr. Polding and the Revd. Dr. Ullathorne, also alluded to by Mr. Campbell, are not analogous to his own case; but I may remark that, though I gave to these Revd. gentlemen Leave of Absence, I held out no hope whatever to them of half salary; I on the contrary expressly told them that I considered them entitled to no salary at all; and it was afterwards in London that they made good their claim not to half but to full salary.

Having thus disposed of the question of Leave of Absence to Police Magistrates in general, I regret that I cannot close this Despatch without making some observations which apply solely to Mr. Campbell.
GIPPS TO STANLEY.

In the first place, Mr. Campbell, though formerly a Lieutt. in a Regiment of Infantry, is regularly settled in the Colony; he obtained remission in the purchase of land as a Military Settler in 1839, and the Colony thenceforth became his home. His case therefore is by no means one of exception from the cases of Police Magistrates in general.

Secondly, Mr. Campbell has already received from me indulgences, which his conduct but little merited.

In March, 1839, when the Treasurer of this Colony, Mr. Riddell, was proceeding to England on Leave of Absence, I allowed Mr. Campbell to vacate his office of Police Magistrate at Parramatta, in order that he might act as Treasurer for Mr. Riddell during his absence; and I appointed a person (Capt. Forbes, late of the 39th Regt.) to succeed him, who consented to accept the appointment as a temporary one only; and, when Capt. Forbes, in Augt., 1840, declined holding it any longer, I appointed a Military officer on full pay (Major Cotton of the 28th Regt.) to be Police Magistrate of Parramatta, expressly to facilitate the resumption of the office by Mr. Campbell, it being expected that Major Cotton would be called on to proceed to India with his Regiment about the time that Mr. Riddell would return to the Colony; and subsequently when, in May, 1841, Mr. Campbell was obliged to leave the Colony before Mr. Riddell had returned, I allowed him still to entertain the hope of resuming the situation of Police Magistrate at Parramatta, provided arrangements could be made for his so doing, without inconvenience to the Public or injustice to individuals.

More than 18 months however having elapsed since Mr. Campbell left the Colony, Major Cotton having proceeded to India, and the vacancy at Parramatta having been a third time filled up by the appointment of Mr. Gilbert Elliott, I consider Mr. Campbell no longer to have any claim to return to the situation.

Moreover I have to point out to Your Lordship that Mr. Campbell has by his own act given up all claim to it, inasmuch as he expressly declared in a letter, addressed to Lord Normanby, and forwarded with my Despatch, No. 7 of the 17th Jan., 1840, that, unless he was appointed Superintendent of Police, in the event of such an office being created, he would resign the appointment which he then held, and hold no other under this Government.

The office of Superintendent General of the Police of New South Wales has not yet been created; but the approaching changes, rendered necessary in the Police by Clauses 41 to 47 of the 5th and 6th Vict., C. 76, will render the creation of such an office in my opinion very shortly indispensable.
Against the appointment however of Mr. Campbell to that office, or indeed to any other of trust or confidence under this Government, I would beg leave to submit to Your Lordship my respectful remonstrance.

My general opinions of Mr. Campbell's merits or demerits may be gathered from my Despatches of the 27th April and 27th June, 1839, Nos. 76 and 98, though they by no means contain all that I might complain of in his conduct in this Colony, either official or private.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch marked "Separate," per H.M. ship Favorite.)

My Lord,

Government House, 20th Jany., 1843.

Having in my Despatch of this day's date, No. 15, stated that, on the occasion of a third vacancy taking place in the situation of Police Magistrate at Parramatta, I had appointed to it Mr. Gilbert Eliott, I think it right to explain to Your Lordship that this gentleman is not the person whom I brought from England with me as my Aide-de-Camp.

The Mr. Gilbert Elliot, who came out with me, is the son of Rear Admiral the Honble. George Elliot, formerly Secretary to the Admiralty; but Mr. Gilbert Elliott, whom I have appointed Police Magistrate of Parramatta, is a Brother of Sir Wm. Eliott, Bart., of Stobs, and was formerly an Officer of Artillery.

I cannot however refrain from mentioning to Your Lordship that, though Mr. Gilbert Eliott was a stranger to me, until I met him in this Country, there is no one in New South Wales in whose welfare I take so warm an interest. As Police Magistrate, he has given very great satisfaction; as Visiting Justice of the Female Factory, his services are most valuable; and I trust, I may add, that he was particularly recommended to me by the Earl of Auckland to a near relative of whom he is married.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 11, per ship Fanny.)

Sir,

Downing Street, 23d January, 1843.

I transmit to you, herewith, the Copy of a Letter from the Assistant Secretary to the Treasury, with Copies of a Letter and of its Inclosures from the Commissariat Officer in Charge in New South Wales, respecting certain measures adopted by Captain Maconochie at Norfolk Island.
I have informed the Lords Commissioners of the Treasury that I would communicate to you their Lordships' views on this subject, but that the decision, which has now been formed by Her Majesty's Government to remove Captain Maconochie from Norfolk Island and to revise the system of Convict Discipline there, would, in my opinion, supersede the necessity of conveying to you the specific Instructions suggested in the inclosed Letter. I shall take an early opportunity of communicating to you fully the views of H.M.'s Government on this subject.

I have, &c.,

STANLEY.

[Enclosure.]

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

Sir, Treasury Chambers, 14th January, 1843.

With reference to your Letter dated the 20th Ultimo, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you the accompanying Letter and its enclosures from the Commissariat Officer in charge in New South Wales, respecting certain measures adopted by Captain Maconochie at Norfolk Island; and I am to request that you will call Lord Stanley's attention to the circumstance of Captain Maconochie's having appropriated to the use of the Convicts, to whom he had granted Tickets of leave, a large portion of the produce of the public Farm in Norfolk Island without having previously accounted for the same to the Commissariat Officer in charge of the Military and Convict Stores.

Their Lordships suggest that proper notice should be taken of this irregularity on the part of the Superintendent, and that he should be required, in accordance with the Regulations which have been established for the management of the Convict Expenditure, to deliver into the public Stores under the charge of the Commissariat the produce of every description, which may be grown on the Government Farms, and to obtain, by requisitions made in the usual form, such articles as may be required for services which have received the sanction of the Governor or the Secretary of State.

Lord Stanley will not fail to observe the strong additional evidence, which these papers contain of the unsuitableness of Norfolk Island as a place of residence for Convicts who have obtained Tickets of leave.

It is requested that the enclosures may be returned to this Board.

I am, &c.,

C. E. TREVELYAN.

[Sub-enclosure No. 1.]

DEP. COMMISSARY-GENL. MILLER TO SECRETARY OF TREASURY.

Sir, Commissariat Office, Sydney, 18th August, 1842.

I have to state that His Excellency the Governor, having lately required of me to report to him upon several communications from Captain Maconochie, the Superintendent at Norfolk Island, suggesting various measures tending to increase the public expenditure, and the Officer of this Department at that Settlement having also addressed Letters to me on some of these measures; I transmit herewith Copies of three Letters, which I have in consequence, had occasion to address to the Colonial Secretary, dated 26th July and 5th and 7th Instants, together with his answer to that of the 5th Instant and my reply thereto.

I have, &c.,

W. MILLER, D.C.G.
510  
HISTORICAL RECORDS OF AUSTRALIA.

1843.  
23 Jan.

DEP. COMMISSARY-GENL. MILLER TO COLONIAL SECRETARY THOMSON.

Sir,

Commissariat Office, Sydney, 26th July, 1842.

For the information of His Excellency the Governor, I have the honor to state, in reference to the Letter of Captain Maconochie and its enclosures, herewith returned, that, by the perusal of these papers, I am confirmed in my opinion, which I have already given, as to the great additional expense to be occasioned to the Public, if the suggestions of Captain Maconochie were to be acted upon; and I may now add that I never have met with any proposal for the expenditure of the public money, so defectively seconded by reasons in its favor; nor the anticipations of an economy on such grounds for either, set forth by Captain Maconochie, being of so vague and general a nature, that neither calculation nor Estimate can be formed on them.

The suggestions and demands of Captain Maconochie which impress me with this opinion, it would be of no use to recapitulate; but I conceive that I may, without the least apprehension of being contradicted, assert that their aim and object is that he may be authorized to dispose of the public money and property without control, in his own way, in the conduct of Convict discipline. This proposition in its fullest extent might be stated in his own words, with one exception only, namely, that marks cost Government nothing and should not be considered as money; but, in proposing that they be equivalent to and convertible into any kind of property, he shows that, in fact, there is no exception whatever.

All Rules and Regulations which now exist, he desires to be freed from, without proposing any other in their room; and, if allowed, it would be the only branch of the Public Service that is, or ever was, so conducted.

It might naturally be expected that the introduction of a new system might give rise to some additional expense; but the absolute and uncontrolled authority, which Captain Maconochie desires to exercise over the public resources as an essential of his own system, can hardly be thought an incidental discovery. An alteration, so extensive and important, indeed so entirely unknown, in the conduct of public business, should, I conceive, have been in fairness proposed beforehand, by which the trouble of this discussion as to expense would have been avoided; and, if, in this stage of the business, it cannot at once be conceded at his request, his own mode of proceeding is obviously the course, and he only answerable for the consequences.

In suggesting new plans of laying out money, and asserting that they will result in economy, he even gains to the Public, but Captain Maconochie affords no data or calculation, by which his statements to that effect might be examined. There is nothing given but assertion, which is no ground for the sanction of expenditure; and the result of his management for two years and a half is such as to inspire anything but confidence in his anticipations of economy in his convictions.

The decrease in the produce of the Island has been so great that, in the Item of Provision alone, there is this year an increase of £10,000 in the Expenditure, as compared with the year 1840; and, as to economy generally, I have in nothing whatever seen the slightest tendency towards it, but the reverse.

In his communication of the 30th March, 1842, Captain Maconochie's own proposal is that he should draw for the Ticket of leave men Provisions from the public Stores, and repay them with the produce of their labor: the first produce however, which they offered to the Store (and there is some doubt as to the source whence obtained), they declined to give in repayment of what they had already received; but desired payment in money, which was seconded and urged by Captain Maconochie: from which I conclude that it is in vain to look for any return of the sums expended on them. The value of the Provisions drawn for these men from the Stores, the first two months, was £840; and, on the first opportunity that presented itself of repaying any portion of it, Captain Maconochie departs from his own proposition of labor repaying expense without any reason or explanation, and announces a new feature in the system, that the Convicts ought to have money, leaving unpaid the advances made to them.

The various demands and suggestions of Captain Maconochie could be fully satisfied in no other way than by giving him full power and authority to dispose of the public money and property on his system, as he might think proper. His several requirements amount to nothing less. There is no other question to decide; and, if it be so eventually decided, there will be no occasion for this or any other Department to retain an Establishment on the Island, for their intervention will have become totally useless and inapplicable.

I have, &c,

W. MILLER, D.C.G.

True Copy.—CHAR. WOOD.
STANLEY TO GIPPS.

[Sub-enclosure No. 3.]

DEP. COMMISSARY-GENL. MILLER TO COLONIAL SECRETARY THOMSON.

Sir,

Commissariat Office, Sydney, 5th August, 1842.

For the information of His Excellency the Governor, I have the honor to state that the Officer of this Department at Norfolk Island represents that the Superintendent, Captain Maconochie, has lately appropriated to the Convicts, to whom he has granted Tickets of Leave, a large portion of the Agricultural produce of the Island, of which he particularizes nearly 600 Pigs and 1,000 Bushels of Maize.

The whole of the produce, alluded to, is already reckoned upon in the annual Estimate towards the support of the Settlement, which, from its peculiar situation, has but a small supply of fresh meat, and maize is at present so deficient that the greater portion of that required has to be sent from hence.

I am aware that the duty intrusted to Captain Maconochie may give occasion to demands of an unusual kind; but I have not yet been informed that they are to be exempted from the established Rules of the Public Service, which require that all public property of the nature of Provisions be disposed of only through the Commissariat.

The Agricultural Establishment, being necessarily under the control of Captain Maconochie, gives him no right to dispose of the produce, but by delivery into the public Stores, on which his Requisitions, under the sanction of His Excellency the Governor, would be duly answered.

In one of his Letters on this subject, Captn. Maconochie states that the Maize was unfit for use, and that there was no food for the Swine. In this case, the whole should have been transferred to the Commissariat, when a Board of Survey would have been called to investigate the case and recommend a mode of disposal, and the transaction would thus have passed regularly into the public Accounts.

Such is the Rule and practice of the Service; and, unless there be reasons to the contrary, I would respectfully suggest that orders be given to Captn. Maconochie to adhere to it, as otherwise the accounts of the Department will fail to exhibit, as they ought and have hitherto done, the appropriation of the Public Property.

I have, &c,

W. MILLER, D.C.G.

[Sub-enclosure No. 4.]

COLONIAL SECRETARY THOMSON TO DEP. COMMISSARY-GENL. MILLER.

Sir,

Colonial Secretary’s Office, Sydney, 16th August, 1842.

In acknowledging the Receipt of your Letter of the 5th Instant No. 847, Transmission I do myself the honor to acquaint you that a copy of your communication has been forwarded to Captain Maconochie; and to transmit, for your information, the accompanying Copy of a Letter, which by His Excellency’s command has been written to that Officer, on the subject of the issue of Pigs at Norfolk Island; which letter you will perceive contains a reply to some other points connected with issues to the Ticket of Leave Holders at the Island.

I have, &c,

W. MILLER, D.C.G.

[Sub-enclosure No. 5.]

COLONIAL SECRETARY THOMSON TO CAPTAIN MACONOCHIE.

Sir,

Colonial Secretary’s Office, Sydney, 29th July, 1842.

I am directed by the Governor to acknowledge the Receipt of your Letter of the 2nd ultimo No. 42/38, and to inform you in reply that His Excellency has perused the enclosure contained in your Letter, and also a Report made on the same subject from the Commissariat Officer at Norfolk Island to the Deputy Commissary General in Sydney, and that he considers the view taken by you of your power to dispose of the Stock and other produce of the Island to be correct in principle; as without such power He does not see how it would be possible for you to carry out the various experiments, which you have been authorized to try.

Whether you may have acted discreetly or not in making to the Ticket of Leave Holders the large issues you appear to have made of Pigs, Pork, Maize, Tobacco, etc., is quite a different question, and one in which His Excellency does not for the present feel necessary to express any opinion. I am directed to say that Deputy Assistant Commissary General Smith acted very properly in bringing the subject of these issues to the knowledge of the Head of his Department, as it is one materially affecting the provisioning of the Island, and consequently the expenditure of it. Mr. Smith also acted very properly in declining, without further orders, to pay in Cash, or to give Bills on Sydney, in payment for any Pork or other produce which may be delivered into the Commissariat Stores by the Ticket of Leave Holders. Whether such payment may or may not ultimately be sanctioned, is one of the most important questions as yet undecided in respect of your Experiments.

If His Excellency could adopt your sanguine views of the Success of those experiments, He would not hesitate to determine that the Ticket men should be so paid;
1843.
23 Jan.

Instructions to A. Maconochie.

Further instructions proposed for A. Maconochie.

Depredations on crops at Norfolk island.

Report on depredations on crops.

but it is scarcely necessary to remark that they should be paid only for such articles as they may honestly produce by their own care, skill or industry, and that, before they can receive payment for any articles in money, they must repay to the Government all advances which may have been made to them, beyond the expense of their ordinary maintenance as Convicts.

To pay them at present for Pork, there not having been time for them to rear the Pigs, would, I am desired to say, be only to buy back from them at a money price the very articles (Pigs) which have been issued to them at a nominal price in Marks.

I have, &c.

True Copy:—CHAS. WOOD.

E. DEAS THOMSON.

[Sub-enclosure No. 6.]

DEP. COMMISSARY-GENL. MILLER TO COLONIAL SECRETARY THOMSON.

Sir, Commissariat Office, Sydney, 17 August, 1842.

I have the honor to acknowledge the Receipt of your Letter of the 16th Inst. in answer to mine of the 5th, together with the Copy of a Communication, addressed by His Excellency's Command on 29th ultimo to Captain Maconochie.

In regard to that part of it, by which His Excellency recognizes Captain Maconochie's power to dispose of the Stock and other produce of Norfolk Island, I beg to observe, that in my Letter of the 5th Instant, I submitted certain reasons against the exercise of any such power but through the regular channel of public business, and under the sanction of the superior authority; and observing that the said communication to Capt'n Maconochie is dated previously to my Letter, which contained those reasons, I trust, should they be found satisfactory, that he may be furnished with the proper instructions for his future guidance in the matter.

I have,

True Copy:—CHAS. WOOD.

W. MILLER, D.C.G.

[Sub-enclosure No. 7.]

DEP. COMMISSARY-GENL. MILLER TO COLONIAL SECRETARY THOMSON.

Sir, Commissariat Office, Sydney, 7th August, 1842.

For the information of His Excellency the Governor, I annex hereto the Copy of a Letter I have received from the Commissariat Officer at Norfolk Island, representing that the growing Crops of grain are exposed to extensive depredations from the number of Convicts, now permitted to be at large on the Island; and stating an instance in which they left to be reaped only 770 Bushels of Maize from 94 Acres of New Land, which is every where the most productive, and from which I find that, according to the returns of former years, 3,750 Bushels (Or 40 Bushels per Acre) might very reasonably have been expected.

The deficiency of 3,000 Bushels in this single instance cannot be replaced, under an expense of £750, and the quantity reaped will not repay the expense of cultivation.

The cause assigned is of a definite nature, and the facts, if they really exist, easy to be verified; and I think that it is important that no uncertainty should be allowed to continue in a matter, such as this, in which not only the supply of food for the Settlement, but the expense to the public which it is my duty to foresee and provide for, are directly concerned.

The effect of adverse seasons on the Crops may be seen and anticipated in its progress; but the depredations of 500 or more Ticket of Leave Convicts, if they cannot be prevented under the present system of discipline, may produce sudden disappointment and inconvenience, when no remedy is available; and, with the view of averting the bad consequences which may arise, I beg to submit these circumstances for His Excellency's consideration.

I have, &c.

W. MILLER, D.C.G.

[Sub-enclosure No. 8.]

TO DEP. COMMISSARY-GENL. MILLER.*

Sir, Commissariat, Norfolk Island, 24th June, 1842.

In continuation of my Letter No. 31 of the 27th Ultimo, I do myself the honor to state, in support of my opinion as to the Government Crops having been plundered by the Convicts, that from 94 acres of New ground planted with Maize at Cascade, where the majority of Captain Maconochie's 'new hands' are stationed, only seven hundred and seventy Bushels, or at the rate of about eight bushels per acre were gathered, while the Crop in other parts of the Island, from chiefly old and impoverished ground, yielded an average of upwards of twenty two bushels per acre, the whole having suffered nearly alike from the severity of the drought with which we were visited last season.

These facts are beyond dispute; and Captain Maconochie, with whom I have been in communication upon the subject, thinks this glaring deficiency is attributable

* Note 44.
GIPPS TO STANLEY.

1843.
23 Jan.

Report on deprivations on crops.

to the newness of the ground, an opinion in which, I believe, he stands alone; as it
is well known that, although land may be too rank and strong for wheat crops,
yet it is considered on this very account the best for Maize, and there has never
before occurred on this Island an instance, in which new land has not produced a
much better Maize Crop than land previously under cultivation.

Allowing however that the Ninety four Acres of New Land produced merely as
much in proportion as the other, there would be a deficiency of thirteen hundred
bushels (which I think may be fairly attributed to plunder) without reference to
the quantity which must also have been plundered from the crops generally; and
this lessened even the average produce of the old ground and new in other places.

I know from personal experience that, while the Officers found the greatest
difficulty in keeping their live stock upon surplus garden stuff and the grain they
are allowed to purchase for the purpose, the Convicts were able to rear fat bacon
hogs, besides immense numbers of poultry, and this too at a time when they had no
vegetables for themselves, and when there was an almost total absence of grass,
wild fruits, or anything else, save the Government Crops, then nearly at maturity
and most easily accessible.
I have, &c.

True Copy.—CHAS. WOOD.

W. MILLER, D.C.G.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 12, per ship Fanny; acknowledged by
Sir George Gipps, 28th October, 1843.)

Sir,
Downing Street, 24th January, 1843.

With reference to my Despatch, No. 223 of the 15th
Ultimo, I have to acquaint you that I have found it impracticable
obtain the services of a well-qualified person to undertake the
duties of Prothonotary and of Registrar of the Supreme Court
of a lower rate of Salary than £800 a Year. I have accordingly
(acting on your recommendation) appointed Mr. G. P. F. Gregory
to fill those Offices with the Salary in question. Mr. Gregory
will proceed to the Colony with as little delay as possible.

I am, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 18, per H.M. ship Favorite.)

My Lord,
Government House, 25th Jan'y., 1843.

I have the honor to report to Your Lordship that I yester-
day opened an extraordinary Session of the Legislative Council
of this Colony for the purpose of bringing forward the measures,
which, by the 2nd Clause of the 5th and 6th Vict., C. 76, are
required, in order to provide for the Election of Members of the
New Legislature created by that Act.

I enclose a Copy of the Address, which I delivered on this
occasion to the Council, as also of the Bill* which I laid upon the
Table.

I have only further to add that I presented to the Council
with the Bill a Copy of Your Lordship’s Despatch No. 181 of the
5th Septt., 1842.

I have, &c.

GEO. GIPPS.

[Enclosures.]

[Copies of these papers will be found in the “Votes and Pro-
ceedings” of the legislative council.]

Transmission of instructions re convict discipline.

1843.
26 Jan.

HISTORICAL RECORDS OF AUSTRALIA.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 14, per ship Fanny.)

Sir, Downing Street, 26th January, 1843.

I transmit to you herewith, for your information and guidance, Copies of three Dispatches, which I have addressed to the Lt. Governor of Van Diemen’s Land on the subject of Convict Discipline; the two first Dispatches stating the views of Her Majesty’s Government with regard to the discipline of Male Convicts; the other having reference to the Treatment of Female Convicts.

It is unnecessary for me to repeat to you the explanations which those Dispatches contain; and which I trust will be found sufficiently explicit in their present form to guide you to an understanding of the general intentions of H.M.’s Government upon the subject; although you will perceive that it will not be practicable to give full effect to the system proposed until certain preliminaries have been gone through which are necessary in the first instance. On that subject generally, and on those parts of the question which more especially relate to matters connected with your own Government, I shall address you at an early opportunity.

I am, &c.,

STANLEY.

[Enclosure No. 1.]

LORD STANLEY TO LIEUT.-GOVERNOR SIR JOHN FRANKLIN.
(Despatch No. 175.)

Sir, Downing Street, 25 Nov., 1842.

I avail myself of the departure from this country of the newly appointed Secretary at Van Diemen’s Land as the most convenient opportunity, I could find, for conveying to you those Instructions on the subject of Convict Discipline, which you will for some time past have been expecting to receive. The delay, which has occurred in settling a question at once so arduous and so important, has been inevitable; and even yet it is not in my power to announce the completion of the measures requisite for enabling you to carry into effect the views of the Ministers of the Crown. But I do not regret a postponement, which has enabled me and my Colleagues carefully to examine the ground we propose to occupy, aided by all the information to be drawn from the Reports of the recent Committee* of the House of Commons, and from the Evidence on which that Report proceeded, and from other channels of intelligence which have been opened to us since the close of the labours of that Committee.

In proceeding to signify to you the conclusions to which Her Majesty’s Government have been led by this course of enquiry, I propose to sacrifice to perspecuity every object which would interfere with it, and to that end I will state at the outset what are the topics to which I propose to address myself, and what is the order in which I am about to notice them.

* Note 46.
First, then, I will endeavour to state what are the general principles by which Her Majesty’s Government will be guided in the management of the Convict population in the Penal Colonies.

Secondly, I will consider, in their order, each of the five stages through which a Convict will have to pass from the commencement of his sentence until he shall attain (as often as it may be attainable) a pardon either absolute or conditional.

Thirdly, I will indicate what are the legal instruments to be completed and what the official appointments and arrangements to be made, before those general principles can be carried entirely into effect, and those specific Rules fully executed. Hence you will readily collect to what extent this Despatch can be taken as an Instruction for your immediate guidance, and how far it is to be understood as merely preparatory to the introduction of the new system of Convict Discipline.

Reverting to this distribution of the topics to be noticed, I shall first explain what are the general principles by which Her Majesty’s Government propose to be guided in the management of the Convict Population in the Penal Colonies.

You will readily anticipate that I am not about to enter into any abstract or speculative enquiries on the subject of the punishment of crime or as to the particular form of punishment administered in our Penal Colonies. My object is merely to state some broad conclusions, which it is necessary to premise in order to render intelligible the objects of the more minute Regulations which will follow. Her M.’s Government then regard it as indispensable that every Convict, transported whether for a longer or a shorter period, should actually undergo that punishment without either pardon or mitigation for some predetermined period, bearing, in each case, a proportion to the length of the sentence. We further think that it should be reserved to the Queen Herself to make any exception from this rule, and that The Royal Prerogative of Mercy should not be delegated to the Governor of the Colony in such terms as would enable him to relax it. We do not however contemplate a state of things in which the Convict suffering under the sentence of the Law should ever be excluded from the hope of amending his condition by blameless or meritorious behaviour, or from the fear of enhancing the hardships of it by misconduct. On the contrary to keep alive an invigorating hope and a salutary dread at every stage of the progress of the Prisoner from the commencement to the close of his punishment appears to us to be an indispensable part of the discipline to which he should be subjected. Further we contemplate the necessity of subjecting every Convict to successive stages of punishment, decreasing in vigour at each successive step until he reaches that ultimate stage in which he shall be capable of a pardon either absolute or conditional, though not ever entitled to demand that indulgence of right. It is, moreover, our opinion that the transition from one stage of punishment to another less severe should be withheld from any Convict, who by misconduct may have forfeited his claim to such mitigation. On the other hand, we think that a course of meritorious or blameless conduct in any one stage should entitle the Convict in any future stage of punishment to such proportionate relaxations of the severity of his condition, as may be compatible with his continuance on it; and that such good conduct should ultimately have a favorable effect whenever the question of granting a pardon may be ripe for
General principles for management of convicts in penal colonies.

1843.
26 Jan.

First stage of detention at Norfolk island.

Five stages of transition for convicts.

1st. Detention at Norfolk Island; 2ndly. The Probationary Gang; 3rdly. The Probation Passes; 4thly. Tickets of Leave; and 5thly. Pardons.

Arrived at Norfolk Island, the Convict will be employed at hard labour. No authority except that of the Queen Herself will be competent to abridge the time of His detention there. On the other hand, the misconduct of the Convict in Norfolk Island may have the effect of prolonging his detention there indefinitely within the limits of the term of his original sentence.

But although even good conduct on the part of the convict cannot abridge the duration of this part of his sentence, yet any one, who by a course of blameless or meritorious behaviour at Norfolk Island shall have established a claim to favorable consideration, will have the benefit of that claim in the future stages of his career.

To estimate at the end of four or even two years the good or the bad conduct, which a Convict may have observed through so long a period, would hardly be practicable unless some system were adopted of daily or weekly notation of the conduct, whether meritorious or culpable, of each. At this distance, I do not propose to decision. To these general principles, it is to be added that, in the case of certain classes of Convicts sentenced to Transportation for not more than seven years, Her M.'s Government propose that the first stage of punishment should be undergone not in the Colony, but in a Penitentiary in this Country, and that the Convict should, at the expiration of a given time, be sent to the Colony there to enter on such stage of penal discipline as may in each particular case be indicated by the Secretary for the Home Department. I should leave unnoted the most important of all the general principles to which the Ministers of the Crown look, so far as respects the Convict himself and the Society in which he is to live, if I omitted to add that we anticipate from a systematic course of Moral and Religious Instruction, which the congregation of the Convicts in masses will afford the means of applying, such salutary influences as may best qualify them for entering on the temptations of an independent course of life, and may induce them to betake themselves to industrious and useful pursuits.

Secondly. Such being the general principles by which Her M.'s Government propose to be guided, I will next consider in their order each of the five stages through which a Convict will have to pass. For the sake of distinctness, they may be described as follows:—

1st. Detention at Norfolk Island; 2ndly. The Probationary Gang; 3rdly. The Probation Passes; 4thly. Tickets of Leave; and 5thly. Pardons.

1st. Detention in Norfolk Island will be the invariable consequence of all sentences of Transportation for life, and will also be applied to the more aggravated cases of Convicts sentenced to any term not less than fifteen years. Four years will be the longest period and two years the shortest period for which any convict will be sentenced to detention at Norfolk Island. In each case, the Secretary of State for the Home Department will, between these limits, indicate the length of time for which the Convict is to be detained at that place.

This statement is, however, applicable only to the cases of Convicts transported direct from the United Kingdom. It will be left to the discretion of the Governors of New South Wales and Van Diemen's Land respectively to transport Convicts under similar Colonial sentences either to Norfolk Island, or to the Penal settlement of Port Arthur in Van Diemen's Land, of which the regulations and discipline will be nearly similar.

Arrived at Norfolk Island, the Convict will be employed at hard labour. No authority except that of the Queen Herself will be competent to abridge the time of His detention there. On the other hand, the misconduct of the Convict in Norfolk Island may have the effect of prolonging his detention there indefinitely within the limits of the term of his original sentence.

But although even good conduct on the part of the convict cannot abridge the duration of this part of his sentence, yet any one, who by a course of blameless or meritorious behaviour at Norfolk Island shall have established a claim to favorable consideration, will have the benefit of that claim in the future stages of his career.

To estimate at the end of four or even two years the good or the bad conduct, which a Convict may have observed through so long a period, would hardly be practicable unless some system were adopted of daily or weekly notation of the conduct, whether meritorious or culpable, of each. At this distance, I do not propose to
enter on topics so minute as these. They are more fitly matter for Local regulation. But whatever Regulation may be made, should have for its object to leave as little as possible to general and indistinct recollection and to make the attestation of good or bad conduct as much as possible a matter of contemporary record.

Before I pass from the subject of detention at Norfolk Island, it will be convenient that I should notice in what manner it is proposed to encounter some of the difficulties, which would seem to oppose this part of the general design.

At present the whole Convict Discipline of Norfolk Island is under the charge of an Officer engaged in the trial of a series of experiments suggested by himself. For reasons in no degree incompatible with the respect due to that Gentleman, it is proposed to relieve him from that charge. An Officer to be called the Superintendent or Commandant of Norfolk Island will proceed to that place as soon as may be practicable, and will be the Bearer of detailed Instructions for his guidance in the discharge of his official duties.

This Officer will however be placed under the immediate authority of the Governor of Van Diemen’s Land. For that purpose, the Island will be detached from the Government of New South Wales, and annexed to the Van Diemen’s Land Government.

To make clear room for the commencement of the new system at Norfolk Island, it will be necessary to remove from that place to Van Diemen’s Land a large proportion of the Prisoners who are already in confinement there. Such of them as were convicted in the United Kingdom should be thus disposed of, together with so many of those convicted in New South Wales or Van Diemen’s Land as Capt’n Maconochie, from his knowledge of their characters and conduct, may deem entitled by such a transfer to be relieved from the severer Discipline, which will hereafter be introduced in Norfolk Island. When arrived at Van Diemen’s Land, the present Convict population of Norfolk Island should either be sent to Port Arthur, or placed in such one of the classes of Convicts at Van Diemen’s Land as may be most appropriate to the case of each person.

A proper Military Force will be stationed at Norfolk Island, and the Convicts there will be employed under the direction of an Officer of the Ordnance in any necessary repair or enlargement of the Barracks for the reception of that Force. They will also be employed in preparing the necessary lodging for the reception of the total number of Convicts, whom it is intended to place on the Island. Agricultural labour for their own subsistence will of course be an occupation which must be deemed of primary importance.

Norfolk Island must be regarded exclusively as a place of confinement. No person must be permitted to dwell there except the Convicts, the persons employed in the superintendence of them, the families of those persons, and the Military. The Commandant must be armed with summary power to remove all persons, who are not either Convicts undergoing their sentence, or Military in charge over them, reporting of course to the Governor of Van Diemen’s Land for his sanction every such proceeding. These powers must be imparted to the Commandant by Law, and for that purpose an Enactment must be proposed to the Legislative Council of Van Diemen’s Land.

I anticipate that the total number of Convicts, who will be annually sent from this Country to Norfolk Island, will not exceed one
1843.
26 Jan.

Convicts to be retained at Norfolk island.

Second stage of probation gangs.

thousand, and that the total number of such Convicts, who will be ever resident there at any one time, will not much exceed 3,000. Some addition may be made by Convicts sent to Norfolk Island from New South Wales or Van Diemen's Land. The number will not probably be large. But, although any such Australian Convicts may be detained at Norfolk Island until they shall have become entitled to the Probative Pass hereafter described, they must, on becoming so entitled, be removed to undergo the subsequent stages of punishment, the Van Diemen's Land Convicts in New South Wales, and the New South Wales Convicts in Van Diemen's Land.

The second stage of punishment is that of the Probation Gangs. These Gangs will be assembled in Van Diemen's Land. They will be composed first of Convicts who have passed through the period of detention at Norfolk Island, and secondly of Convicts sentenced to transportation for a less term than life, who may be indicated by the Secretary of State for the Home Department as proper to be placed in this class. The Probation Gangs will be employed in the service of the Government, and, with rare exceptions, in the unsettled Districts of the Colony. No Convict placed in the Probation Gang will pass less than one, or more than two years there, except in case of misconduct. Here, as in the case already mentioned, a contemporary record should be preserved of the good or the bad conduct of the Convict. Of good conduct, the reward would be earned in the ulterior stages of his punishment. His bad conduct would be followed by the penalty of detention for a proportionate period in the Probation Gang.

The Probation Gangs will be employed in hard labour. But the labour of all should not be equally hard. Every Gang should be broken into two or three Divisions distinguished from each other by such mitigations of toil or other petty indulgencies as may be compatible with the condition of Criminals suffering the punishment of their offences. By transference of the men from one of these Divisions to the other, an effective system of rewards and penalties might be established, of which the enjoyment or the terror would be immediate. This system appears to be already in operation in Van Diemen's Land, and the regulations generally, in which of course modifications may from time to time be made by the local authorities, seem well adapted to their object. The Officer hereafter to be more particularly mentioned, who would have the title of Comptroller of Convicts, will have the general superintendence of the Probation Gangs, and at his suggestion alone will relaxations or indulgencies be granted to any Member of them.

My present Estimate is that provision ought to be made for placing the Probation Gangs in Van Diemen's Land on a footing, which will admit of the maintenance and employment of a number of Convicts at one time, amounting to Eight thousand. This large number of Prisoners may be divided as at present into Gangs of from 250 to 300 Men each. They must be huted or quartered in situations where they can undertake and execute in concert works of public utility. With a view to the co-operation in such works, and in order that they may live under one common superintendence and control, their settlements must be in the vicinity of each other, while on the other hand that vicinity must not be so close as to admit of easy communication between them to resist the authority under which they are placed.
In subordination to the Comptroller, there will be employed, for the superintendence of the Probation Gangs, First, Religious Teachers, being Clergymen of the Established Church or Wesleyan Methodists or Roman Catholic Priests. Every such Teacher will be liable to immediate suspension from Office by the Comptroller, subject to the Governor's ultimate decision.

There will also be attached to each Probation Gang an Overseer with such subordinate Officers as may be necessary for giving effect to his authority. But until the Comptroller himself shall have been appointed, I shall abstain from entering upon any detailed statement of the extent of this establishment.

It will be the duty of the Comptroller to establish all necessary Rules for the employment of the Probation Gang. All such rules must be laid before the Governor, who will be authorized either to disallow them altogether or to suspend the execution of them provisionally.

Weekly returns will be made by every Overseer and by the Religious Teacher to the Comptroller, in which Report a statement is to be comprised of the good or the bad conduct of every Member of each of the Probation Gangs. From such reports will be compiled periodically some account of the character of each man reduced to some scale of numerical notation, from which may at any time be drawn an Estimate of the claims of each on the indulgence of The Crown or of the just liability of each to an enhanced rigour of punishment.

After a Convict shall have passed through the Probation Gang, he will next proceed to the third stage of punishment and become the Holder of a Probation Pass. But no Convict may enter on this stage except on two conditions. Of these, the first is the obtaining from the Comptroller of Convicts a Certificate of general good conduct to be drawn from the Records already mentioned, and secondly the having fully served in the Probation Gang during the whole of the period for which the Convict had been placed there.

The essential distinction between the 3d Stage and those which preceded it will be that the holder of a Probation Pass may, with the consent of the Government, engage in any private service for wages, such wages to be paid and accounted for as subsequently mentioned.

The Contract for private service is to be void unless made with the Governor's sanction either previous or subsequent, and is by the terms of it to be terminable at the Governor's pleasure.

The holders of Probation Passes are to be divided into three classes. The difference between the Members of the three classes will consist in the different Rules under which they will be placed regarding their hiring and wages. Those, who may be in the first or lowest class, must obtain the previous consent of the Governor to any contract of service. Those, who are in the second or third classes, may engage in any service without such previous sanction provided that the engagement be immediately reported to the Governor for his subsequent sanction. Again the Members of the 1st Class will receive from their employers one half only of their wages; the Members of the 3d Class the whole of what they may so earn. The wages kept back from the Members of 1st and 2d Classes must be paid by the employer into the Savings Bank. For the expenditure of the wages actually paid to him, the holder
of the Probation Pass of whatever class must account when required by the Comptroller of Convicts or by any person acting under his authority.

The holders of Probation Passes are to be arranged in the three classes already mentioned, by the Governor at his discretion. He will have regard to length of service, to good or bad conduct, and to every other circumstance which should influence his decision; and he may, if he shall see cause, degrade the holder of such a pass from a higher to a lower Class.

In case of gross misconduct, the Governor may resume the Probation Pass and send back the Convict to serve in the Probation Gang. But, whenever he shall have recourse to any such exercise of authority, it will be his duty to make a special Report to the Secretary of State for his information, and for his sanction of the proceeding.

The proportion of the wages earned by the holder of a Probation Pass, and paid by the employer into the Savings Bank, is there to be detained until the Convict shall have been transferred into the Class of Holders of Tickets of Leave, when and not before it is to be paid over to the Convict. But, in the event of a Convict forfeiting his probation Pass by misconduct, the whole amount of the deposit is to be forfeited to the Queen. It will in each such case remain to be determined how far any part of the forfeiture may be subsequently remitted in favor of the Convict himself in case of amendment, or in favor of his family if the Convict should die before any remission of the forfeiture.

If the holder of a Probation Pass should be unable to obtain employment in any private service, he must return to the service of the Government, to be employed without wages, receiving merely the ordinary Rations of Food and clothing. Such persons will not be worked in company with Convicts in the Probation Gangs, nor will they be continued in the service of the Government after they can obtain an eligible private service.

Holders of Probation passes thus lapsing into the service of the Government must not be employed, except in one or the other of the two following modes, that is, either first in the making and repair of Roads, or secondly as Members of jobbing parties hired out by the Government for the performance, under the direction of the Comptroller of Convicts, or Agricultural labour for the behoof of some private person. Such jobbing parties for the performance of rural works by contract are to be composed exclusively of the Holders of Probation passes. The Contracts are to be made by the Comptroller, and all the earnings of the jobbing parties so employed are to be paid to the Commissariat Chest to the credit of the Lords of the Treasury.

The prohibition of employing the holders of Probation Passes in the service of the Government for hire, or of so employing them in any other mode of labour than one or the other of the two modes already indicated, must be considered as a peremptory and inflexible rule.

The holders of Probation Passes will be incompetent to maintain any suit or action against any person whatever. But, at the instance of a person so situated, the Comptroller of Convicts will sue his employer, if necessary, for the amount of any wages earned by the Convict and unpaid. The holder of a Probation Pass will in like manner not be liable to any civil suit or action by any person. If the Pass holder should be indebted to his employer in any
sum of money, the employer may, with the consent of the Com- 1843.
troller of Convicts, but not otherwise, pay himself the amount of 26 Ja
that debt by withholding from the Convict any proportion of his Regulations
earnings, which, according to the preceding regulations, may be
 pay able to the Convict himself.
The Holders of Probation Passes are all to be placed under the special
superintendence of some Magistrate residing in the District within which such Passholders may be employed. Every pass holder
is to be inspected by such Magistrate once at least in each month, and the Magistrate is to make monthly reports to the Comptroller
of Convicts of the result of every such inspection.
There is no absolute limit, saving only the continuance of the sentence which must necessarily terminate the continuance of a Convict in the Class of Holders of Probation Passes. The transition from that class into the class of Holders of Tickets of Leave is always to be a matter of grace and favor, and never a matter of strict right.
The fourth stage, through which the Convict must pass before obtaining a pardon, is that of the Holders of Tickets of Leave. The essential condition of this class is that they possess what may be termed "a Probationary and Revocable Pardon," valid in the Colony in which it is granted, but of no avail elsewhere.
No Convict can obtain a Ticket of Leave before half of the term of the original sentence shall have expired. In the case of persons sentenced for life, that indefinite term shall for the purpose of this computation be counted as twenty four years.
Further no person may be transferred from the Class of Probation Pass Holders into the Class of Ticket of Leave holders, until he shall have held the Probation pass for a term equal to the difference between half the sentence and the shortest period at which, under that sentence, the convict might have arrived at the stage of a probation pass holder. The rule thus stated with a view to precision will at first sight appear obscure. An illustration will dispel that obscurity. Thus, suppose the case of a Convict for life or, as has already been explained, for twenty four years. Half of his sentence is twelve years. The shortest period, at which under his sentence such a Convict could have reached the stage of a probation pass holder, would be six years, for he must have passed four at Norfolk Island, and two in the Probation Gang. Deducting these six years from the twelve years already mentioned, and there will remain six years during which the convict must according to the rule already given hold his Probation Pass. More briefly it may be stated thus, namely, that one half of the term of the sentence must be passed in one or other of the three first stages of punishment. But, supposing that by misconduct the length of the first or of the second stage may have been increased, no decrease will on that account be permitted in the third stage. On the contrary, in the case supposed, the whole term of punishment in the three first classes would endure for a greater period than one half of the original sentence.
The fifth and last stage, which a Convict can reach during the continuance of the term of his sentence, is that of a pardon, condi-
tional or absolute. It is almost superfluous to say that no one will be able to claim a pardon of right, but that it must in every instance be an act of pure grace and favor.
Pardons may be granted either by the Queen directly or by the Governor in the exercise of the Royal Prerogative delegated to him for that express purpose. Her Majesty will not of course fetter her own discretion as to the exercise of this power in favor of any Convict during any stage of his punishment. But the delegation of the Royal Prerogative to the Governor will be made in such terms as to deprive him of the power of granting pardons, until the prescribed period of punishment in the three first stages shall have been undergone, nor will a pardon granted by the Governor be of any avail beyond the limits of the Australian Colonies. No Convict will be capable of this indulgence until he shall have reached the stage of the Holder of a Ticket of Leave.

Reverting to the arrangement already mentioned, it remains that I should indicate what are the legal Instruments to be completed, and what are the official appointments and arrangements to be made, before the general principles already stated can be completely carried into effect, and the specific rules already laid down can be fully executed.

Under this head, I have first to refer to the case of these Convicts to whom expectations of a mitigated punishment have already been held out. To clear the ground effectually for the introduction of the system which it is proposed to introduce, the first step will be to satisfy all the reasonable expectations, which have already been excited, that so the convict population in future may be brought without any exception within the reach of the same general system of discipline. The Governor of Van Diemen's Land will, therefore, be authorised to make in favor of those Prisoners, who have passed through the first stage of probation in the Gangs, such relaxation of the penal discipline as he may deem expedient. The time so passed will be taken as part of that which they would otherwise be required to pass as Holders of Probation Passes. They will be admitted into the class of Probation Pass Holders as soon as the necessary change of the Law shall permit them to acquire that indulgence.

Further the rules already laid down are not to have a retrospective operation to the prejudice of those Convicts already in the Colony, who may have conducted themselves so as to entitle them to expect the benefits held out under the existing Regulations. In their favor, the Governor will be authorised so far to relax and mitigate the new system, as not to disappoint the hopes which they have been encouraged to form.

Thus much being provided for the past, it remains to consider how security can be best taken for the accomplishment of the future objects to which I have referred.

In the first place, a change in the Statute Law of this Country will be necessary. H.M.'s Government propose to recommend to Parliament to alter the Statute, 2 and 3 Wm. 4, C. 62, so far as to vest in the Queen the power of regulating whatever relates to the length of service and the acquisition of property by transported Convicts.

A change in the Royal Commission and Instructions will also be necessary, in order to define with greater precision the extent to which H.M.'s Prerogative of Mercy will hereafter be delegated to the Governor of Van Diemen's Land. It may be requisite that a new and perhaps an enlarged establishment should be formed for the reception and management of Convicts in Norfolk Island and in
Van Diemen's Land. I have already intimated that, in Van Diemen's
Land, an Officer is to be appointed with the title of "Comptroller
General of Convicts." His duty will be to superintend the whole
of this branch of the public service, acting of course in subordina-
tion to the Governor and according to the instructions of H.M.'s
Government. The Comptroller will not communicate with the Gov-
ernor through the Colonial Secretary, but directly and in his own
person. He will in effect be very nearly a second Colonial Secre-
tary for this particular branch of the public service. He will be
dispatched from this Country and will be paid by the Lords of the
Treasury. Subordinate to the Comptroller will be the whole body
of Officers employed in the Convict Department, whether for the
education or the Religious instruction of the Convicts, or as Over-
seers, or otherwise.

It will be the duty of the Comptroller to draw out and submit
to the Governor detailed regulations for the employment of the
Probation Gangs, and otherwise for giving complete effect to the
system already described. No such regulations will take effect
without the Governor's previous sanction. A periodical report must
be transmitted by the Comptroller through the Governor to the
Secretary of State of the condition of the Convicts, of the working
and progress of the system, of any defects or errors which experi-
ence may bring to light, of the best means for correcting and amend-
ing them, of the state and efficiency of the Convict establishment,
and of the expense connected with them, and of the methods by
which economy and efficiency may be most effectually promoted.
Great importance will be attached to the discharge of this duty
with punctuality, exactness and perspicuity; and it will be the
especial duty of the Comptroller to draw up his periodical Reports
in a plain and methodical form, conveying all the requisite statis-
tical information unembarrassed by any speculative disquisitions,
and to support every recommendation for any amendment of the
system by a clear and brief exposition of the reasons, and by as
minute an estimate as possible of the pecuniary and other conse-
quences attendant on any such change.

Such is the general plan of Convict Discipline which I have to
prescribe for your guidance. Until the contemplated Act of Parlia-
ment shall have passed, the new Royal Commission and Instruc-
tions issued, the requisite Local laws enacted, and the proposed ap-
pointments made, you will, I am aware, be able but very imperfectly
to execute these Instructions. Immediate preparation may how-
ever be in progress for the execution of them; and especially it will
be your duty to avoid in future raising any expectations, or adopt-
ing any measure which would interfere with the introduction of
this system at the earliest practicable period. I have, &c,

[Enclosure No. 2.]

LORD STANLEY TO LIEUT.-GOVERNOR SIR JOHN FRANKLIN.

(Despach marked "Private.")

Sir,

Downing Street, 25 Novr., 1842.

Referring to my Despatch of this date, No. 175, on the sub-
ject of Convict Discipline, I have to advert to two topics which it
did not appear to me convenient to notice in that more public
communication.
First. I have in that Despatch adverted to the necessity of appointing clergymen of different denominations, Protestant and Roman Catholic, to instruct the Probation Gangs. I cannot however but look with apprehension on the prospect of a proselyting and polemical spirit, to which this arrangement may give birth, if each Gang shall contain Members of different Churches. My belief, founded on authentic testimony, is that great advantage in this respect arises from composing Gangs of members of the same Church or Religious Society. I feel, however, that great inconvenience might result from such an arrangement if prescribed by positive authority, and adopted as part of a recognised system! If the same object could be brought about silently, and without the appearance of concert and deliberation, the advantage might perhaps be secured and the danger averted.

Secondly. In refusing to the Governor of Van Diemen's Land in all cases, and by a rule absolutely inflexible, the power of pardoning a Convict who has not served for the prescribed period, I am aware that a very serious risk may occasionally be incurred, and that in a situation of great responsibility and difficulty the Governor might be deprived of a resource absolutely necessary for the successful encounter with perils, to which Society may occasionally be exposed. Cases of extreme emergency must therefore be excepted, and the power of pardon must be exercised in favor of any Convict to whom that indulgence could not be refused without serious injury or hazard to the public service. So much importance, however, is attached by H.M.'s Government to the general rule, and so anxious are they to prevent the frequency of exceptions to it, that it will not be permitted to the Governor of Van Diemen's Land to make an exception in any case without a previous explanation of his motives to the Governor of New South Wales, nor unless it should be the common opinion of both these Officers that the case is so urgent and so peculiar as to justify and require the disregard of the general principle.

I have, &c.,

STANLEY.

[Enclosure No. 3.]

LORD STANLEY TO LIEUT.-GOVERNOR SIR JOHN FRANKLIN.

(Despatch No. 176.)

Sir,

Downing Street, 25th Novr., 1842.

In my Despatch of this date No. 175, I have communicated to you very fully the views of Her Majesty's Government as to the future conduct of the system of Transportation in reference to Male Convicts. An equally important, and in some respects a more difficult subject, is the application of the same sentence to the cases of female Convicts.

The difficulties are greater inasmuch as those with whom we have to deal are in general fully as depraved as the Male Convicts, while it is impossible to subject them to the same course of discipline; and thus no alternative seems to be left but either to detain them in actual confinement, or to permit them to enter, in some mode or other, into the mass of the population, where the knowledge of their former characters subjects them to continual degradation; and having neither sound principles, nor feelings of self respect to protect them, and surrounded by peculiar temptations arising out of
the peculiar state of the population, it is hardly to be wondered
that they become, with few exceptions, at once reckless and hope-
less, and plunge deeper and deeper into misery and crime.

Looking to the alarming disproportion which exists and must
continue to exist in Van Diemen's Land between the sexes, it would
obviously be the policy and the wish of the Government to carry into
actual execution the sentence of Transportation on Females, as
generally as possible; but I cannot but feel that the Government
are bound at the same time to give to these unhappy beings every
chance for reformation, and that they incur a serious responsibility
by inflicting upon them a sentence which rather furnishes addi-
tional incentives to vice than encouragement and facilities for re-
formation; and I am compelled to express my fears that female
transportation, as it has hitherto been conducted, has partaken
more of the former than of the latter character.

According to the present system, it appears that, on the arrival
of a female convict ship, notice is given to parties desirous to apply
for assigned servants; and that the Females, so applied for, are
immediately transferred to the service of their employers, while the
remainder are detained in the Female Factory.

It may appear extraordinary, looking to the great scarcity of
females, and the great demand for their services in Van Diemen's
Land, that there should in ordinary circumstances be any " re-
mainder " left upon the hands of the Government; yet I am in-
formed that not only is this the case, but that great difficulty is
experienced in disposing of these females. If this be so, it is a fact
which marks most strongly the general feelings of the population
and the almost insuperable difficulties with which these poor crea-
tures have to contend in the attempt, if ever made, to return to a
better and more respectable line of life.

The system of Assignment, in regard to Male Convicts, has been
loudly and unequivocally condemned, I confess I think myself too
loudly and too indiscriminately, though I am not insensible to the
many and obvious objections which may be urged against it. But
whatever those objections may be, they apply with at least equal
weight to the case of females, aggravated as it seems to me by
other and peculiar objections, which will readily suggest them-


Yet I am unwilling to believe but that, even among these Women
there are some, perhaps even many, who may be capable of better
things; on whom instruction, careful superintendence, and above all
the stimulus of hope might work beneficial effects, and make their
sentence, instead of being a curse to themselves and to the Colony,
contributory to the advantage and benefit of both.

But, in anxiously considering this question with my Colleagues, we
are decidedly of opinion that no real amount of good can be effected
without putting an absolute stop to the system of assignment
Prohibition of assignment of female convicts.

1843.
26 Jan.

I am therefore to convey to you the instructions of Her Majesty's Government that you do not permit the future assignment of any Female Convicts, who may arrive subsequent to the receipt of this Despatch, or who may not have been already assigned.

I am aware that this may occasion, in the first instance, some and perhaps a considerable increase of expense; but H.M.'s Government are of opinion that the interests involved are too important and too urgent to allow such considerations to interfere with the immediate adoption of a system recommended by motives of justice and humanity.

You will therefore consider yourself authorised, in respect of females who may hereafter arrive, either to hire buildings for their confinement and superintendence apart from those who are already in the Colony; or, if that cannot be accomplished at a reasonable expense, to detain the Convict Ship in which they may arrive, and in which some arrangements will have been made for their classification, and to allow them to remain on board until you shall be able to effect more permanent arrangements.

All accounts, which I have received, concur in representing the state of the Female Factories at Hobart Town and Launceston as exceedingly discreditable; as crowded to such an extent as not only to have rendered it necessary to abandon all attempts at employing the greater portion of the Prisoners; but as defying all classification, and subjecting every class of offenders to the contamination of mutual bad example, in rooms so crowded that, according to very high authority it has occurred that the whole of the Prisoners have been unable to lie down at one time, and that a portion have been left standing while others rested.

In these Factories are confined Convicts who are unable to obtain assignments, together with those who have been returned from assignment for the purposes of punishment, and those who, being with child from illicit connexions, are thrown back on the hands of the Government, and who after their delivery, and being attended to at the public expense, again go forth, leaving their children a burthen on the public through the whole period of infancy and childhood, to return again, in many cases, under similar circumstances.

This is a system which it is necessary altogether to remodel; while it continues, the evil which it engenders is constantly perpetuating and increasing itself. No respectable person will take a servant out of such a School; those, who go out from it, go out to all sorts of temptations and vice, and again return, adding by their numbers to the crowds which render discipline impossible, and by their language and example to the mass of vice which prevents the inmates from being healthily absorbed into the population.

I proceed to state to you the manner in which H.M.'s Government propose to deal with a state of things so fearful, and requiring so urgently a prompt and effectual remedy.

It is our intention that measures should be adopted with the least possible delay for the construction in a healthy situation, inland, and at a distance certainly not less than 20 miles from Hobart Town, of a Penitentiary upon the most approved Plan, capable of containing at least 400 Female Prisoners. Instructions have been given to the Inspectors of Prisons in England to prepare the plan of such a Building, which will be constructed at the expense of the Home Government. Immediately on the receipt of this
Despatch, you will, in concurrence with your Council, institute enquiries as to the best site for such a Prison, taking into consideration the healthiness of the situation, constant and easy access to good water, facilities of transport of building materials, and especially the neighbourhood of Stone and Timber, but above all the former. When, in conjunction with your Council, you shall have decided on the site, you will immediately report to me your selection, and the reasons which have influenced you in making it; but you will not think it necessary to await my approval before you commence such preparations as do not require that you should have the plan before you. It is necessary therefore that I should impress upon you the propriety of well considering every circumstance, before you incur the responsibility of making a selection on which so much depends.

When you shall have decided, you will communicate with the Director of the Probation Gangs, and remove thither as large a number of Convicts as can be safely housed, and usefully employed, and occupy them in felling Timber, quarrying Stone, and all the more laborious work which will be required for the construction of the new Penitentiary.

When the Plans shall have been furnished to Her Majesty’s Government and approved by them, they shall be sent out, together with such persons as it may be thought proper to select here for the purpose of superintending their execution.

To this Penitentiary when completed, it is the intention of Her Majesty’s Government that every Female Convict, on her arrival, without exception shall be sent for a period not less than six months. It is hoped that considerable improvement has of late taken place in the management and discipline of female Convict Ships. It will be the endeavour of H.M.’s Government still further to improve the reformatory system on board, and to continue it, and keep alive the good feelings which it may have produced, after the arrival of the convicts on shore. I shall, in conjunction with the Secretary of State for the Home Department, endeavour to engage the services of competent persons to undertake the superintendence of this new Establishment, who will be furnished with detailed rules for their guidance and for the conduct of the Penitentiary, in which we shall endeavour as much as possible to surround the Convicts with Attendants of their own sex.

I have already stated to you the intention of Her Majesty’s Government to apply to Parliament without delay for an amendment of the Act, 2 and 3 Wm. 4, which has hitherto prevented the issuing of Tickets of Leave to Female Convicts, until the expiration of a considerable period of their sentence. We propose, when that Act shall have been amended, that every Female Convict, who shall have conducted herself properly on board ship and during the six months of her imprisonment, shall obtain not a Ticket of Leave in the first instance, but a Probation Pass upon the same principles which I have already explained to you in reference to the Male Convicts; that the contract of service shall be entered into at the Penitentiary itself, with the consent of the Convict, and subject to the approbation of the Governor. It will be expected that in all cases the employer should be bound to afford to the Convict his personal protection in removing her to the place of her service.
During the whole period of the six months, constant reports will be made and retained, as to the conduct of the Prisoners; and no Prisoner will be allowed the privilege of a Probation Pass, unless her conduct on the whole shall have been satisfactory, for Females.

It may be superfluous for me to add that it is intended to regulate the gradual advance of the females, through the stages, Probation passes and Tickets of Leave, on the same principles which are directed to be applied to Male Convicts, with the same inducements to good conduct and similar penalties attached to bad during each stage of the process.

It is hoped and believed that, by regulations such as I have described, an incentive to good conduct will be held out to the Convict from the very first, in the hope not only of escaping from the coercion of Prison discipline, but in that, which she can hardly have in any case under the present system, of redeeming her character, and being re-admitted, after a graduated system of probation, into respectable and virtuous society.

We hope also that the knowledge of these precautions on the part of the Government will tend materially to diminish the reluctance of respectable Colonists to engage the services of Female Convicts; a reluctance which it is obvious, on the present system, nothing but absolute necessity can overcome on the part of any persons with whom it can be desirable to place the Convicts.

We are the rather led to indulge this hope, because we are informed, on the high authority of the late Colonial Secretary, that there is even now no difficulty in obtaining employment for Females with Tickets of Leave; and that the instances are very rare in which Tickets of Leave have been again forfeited by Females who have been fortunate enough to obtain them.

However painful may be the condition of those unhappy women who may now be undergoing the sentence of transportation, I feel it absolutely essential to the hopes of success under the new system, that no transfer should take place from the existing Factories to the intended Penitentiary. At the same time, I am very anxious that the inmates of the former should not be left in their present hopeless condition; and I have therefore to instruct you to cause immediate enquiry to be made into the present state of the Factories both at Hobart Town and at Launceston; and to endeavour to ascertain the practicability, even in their present crowded condition, of improving the classification, and effecting a more complete separation between those who may seem wholly irreclaimable and those of whom better hopes may be entertained. You will be authorised to hold out to the latter, and even to the former, the hope that, when the Law allows it, Probation Passes, the nature of which you will cause to be explained to them, may be granted to them; but that such indulgence, and still more the higher one of Tickets of Leave, will be dependent wholly on their own conduct, and on their ability, consequent on such conduct, to obtain employment.

If you shall succeed by these means in diminishing the existing pressure on the Factories, you will endeavour by improved arrangements to make them, what I fear they are not now in any degree, places at once of punishment, of employment and of reformation; and you will constantly bear in your own mind, and endeavour to impress on those of the Convicts that, while the degradation of assignment is finally put an end to, the privilege of employment in private service can only be the consequence, the reward, and the encouragement of good conduct.
When the new system shall be in operation, it is to be understood that the Penitentiary about to be built is to be devoted exclusively to the newly arrived; that the places of punishment will be the factories; and that those, who, having obtained Probation passes, or Tickets of Leave, will if they forfeit them be returned not to the Penitentiary, but to the severer discipline of the Factory for the regulation of which, in such a sense, it will be necessary to provide.

Under the system which we propose, it is calculated that six hundred females annually may be expected to pass through a Penitentiary capable of containing four hundred at one time; and should it happily succeed, as with God's blessing we may reasonably hope that it may, the Government will act on the principle of carrying into effect almost universally the sentence of Female transportation in the belief that, by so doing under proper restrictions, they will be conferring a benefit on the Colony, at the same time that they give to the Convicts themselves the best prospect of regaining character and station, both of which in this country would be nearly hopeless, and I fear at present even more so in Van Diemen's Land.

I have not entered in this Despatch into minute details. I have rather desired to put you fully in possession of the views and intentions of Her Majesty's Government as to a system which cannot be brought into immediate operation, but for the adoption of which it is desirable that immediate preparation should be made; and I feel assured that the vital importance of the subject will render it quite unnecessary for me to commend it to your immediate and anxious attention.

I have, &c.,

STANLEY.

Sir George Gipps to Lord Stanley.

(Despatch No. 20, per H.M. ship Favorite; acknowledged by Lord Stanley, 16th August, 1843.)

My Lord,

Government House, 27th Jany., 1843.

In conformity with the directions contained in that part of Your Lordship's Despatch of the 10th Augt., 1842, No. 165, which relates to a Pension of £200 per annum, voted by the Legislative Council of this Colony in the Session of 1841 to Mr. John Nicholson, late Harbour Master of Sydney, I have called upon that Officer for the further information as to his age and services, required by Your Lordship; and I herewith enclose a Copy of the answer which I have received from Mr. Nicholson, whereby it appears that he is 57 years of age, and that he was upwards of 21 years in the service of the Colonial Government.

In reply to Your Lordship's observation, respecting the exercise by Colonial Governments of any discretionary powers in granting Pensions or retiring allowances, I would crave permission to observe, first, that the Pension was voted to Mr. Nicholson for one year only, and that the continuance of it was necessarily dependent on the pleasure of Her Majesty's Government; secondly, that no increase of expence whatever was occasioned by
HISTORICAL RECORDS OF AUSTRALIA.

1843.
27 Jan.

Harbour-master appointed.

it, for, had the arrangement not been made which I proposed to
the Council, Mr. Nicholson must have remained Harbour Master,
until Her Majesty's Pleasure could be known, with his salary of
£500 a year, notwithstanding that he had become inefficient and
indeed almost childish.

The person, whom I appointed to act as Harbour Master, Mr.
Watson, at a salary of £300 a year, made a very efficient one; and
he had claims upon Public for some meritorious services,* par-
ticularly for those performed by him in Torres Straits in the
Schooner "Essington," for which he received a Medal from the
subscribers at Lloyds in the year 1841. He is of course, however,
superseded by Lieutt. Moriarty of the Royal Navy, who arrived
at Sydney with Her Majesty's Warrant appointing him Harbour
Master on the 22nd inst.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this paper is not available.]

28 Jan.

Sailing of H.M.S. Vindictive for Tahiti.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 21, per H.M. ship Favorite.)

My Lord,

Government House, 28th Jany., 1843.

With reference to my Despatches dated and numbered as
in the margin,† on the affairs of Tahiti, I beg leave to report to
Your Lordship that Captn. Nicholas of the Royal Navy, having
touched at Van Diemen's Land on his way from China to En-

gland in Her Majesty's Ship "Vindictive," determined from the
reports which then reached him of recent occurrences at Tahiti,
to visit that Island, and that he accordingly arrived at Sydney on
the 10th, and sailed for Tahiti on the 22nd inst., having taken
on board Mr. Pritchard, Her Majesty's Consul, who then hap-
pened to be at Sydney, waiting for a passage to that Island.

I of course did not fail to communicate to Captn. Nicholas all
the information I possessed respecting the affairs of Tahiti; and
I particularly impressed on him the counsel which I had previ-
ously given to Captn. Sullivan, as reported in my Despatch of
the 5th Novr. last, No. 208.

I have further to report to Your Lordship that, four days after
the "Vindictive" had sailed, Captn. Sullivan reached Sydney in
the "Favorite," on his return from Tahiti. He reports that,
when he left Tahiti, which he did on the 13th ulto., all was quiet
at that Island; the Government was regularly carried on under
the protection of the French; Mr. Moerenhaut, the French Consul
(a Belgian I believe by birth), had assumed the Title of

* Note 47.
† Marginal note.—No. 208, 5th Nov., 1842; No. 227, 3rd Dec., 1842; No. 230,
8th Dec., 1842.
Sir George Gipps to Lord Stanley.

My Lord,

Government House, 29th Jany., 1843.

Herewith I have the honor to transmit a Copy of a letter lately addressed by Lt. Col. Gordon of the Royal Engineers to the Secretary of this Colony, and a copy of the answer which I caused to be returned to the same; and I beg to explain that they are transmitted solely for the purpose of meeting any complaint that may be addressed to Your Lordship by Lt. Colonel Gordon, either directly or through the Board of Ordnance.

Lt. Coll. Gordon has lately relieved Lt. Coll. Barney in command of the Royal Engineer Department in this Colony; but it would be so manifestly disadvantageous to this Government to transfer to him the duties of Colonial Engineer, whilst Coll. Barney may remain in the Colony, that I trust no further explanation of the course, which I have thought it my duty to pursue, can be necessary.

I have, &c,

Geo. Gipps.

[Enclosure No. 1.]

Lieut.-Colonel Gordon to Colonial Secretary Thomson.

Royal Engineer's Office.

Sir,

Sydney, 16th January, 1843.

Having been appointed to succeed Lieut. Colonel Barney in the command of the Royal Engineer Department in New South Wales, I took over charge from that Officer on the 12th Instant; and, knowing that Lieut. Colonel Barney held the office of Colonial Engineer, and that that Office had been conferred on him by the Government at home in his capacity of Commanding Royal Engineer, and in that capacity alone, I deemed it incumbent on me to demand of him the surrender of the duties appertaining to it.

Lieut. Colonel Barney in reply referred me to His Excellency the Governor, and stated that he had His Excellency's permission to retain this Office until he should have embarked for England, adding at the same time that he believed it to be His Excellency's
intention to withhold altogether from me the appointment of Colonial Engineer.

Under these circumstances, I would now beg to be honored with His Excellency's Commands on this subject.

I have, &c,

JAS. GORDON, Lt. Col.,
Com. Roy. Eng. N.S.W.

[Enclosure No. 2.]

COLONIAL SECRETARY THOMSON TO LIEUT.-COLONEL GORDON.

Colonial Secretary's Office,
Sir,
Sydney, 23rd January, 1843.

I have the honor to acknowledge the receipt of your letter of the 16th Instant, and to inform you that the Governor considers Her Majesty's Government could have had no other object in view than the good of the Colony in consenting to an arrangement in 1836 or 1837, by which Lieut. Colonel Barney received the appointment of Colonial Engineer, in addition to that of Commanding Royal Engineer, there being at that time no other person in the Colony of character and professional ability, whose Services could be made available to the Government; and the same object, that is to say the good of the Colony, seems to His Excellency to require that, for so long as Lieut. Colonel Barney may remain in New South Wales, he should retain his appointment, his remaining in the Colony or leaving it being of course altogether a matter beyond His Excellency's control.

The Colony has for more than five years paid Lieut. Colonel Barney a handsome Salary for only half his Services, and now that there is a prospect of having, for a few months, his undivided Services, it would, as it seems to the Governor, be most unreasonable to deprive the Colony of them, especially as many important objects have on account of Lieut. Colonel Barney's want of leisure been deferred, to which it is to be hoped he will now be able to turn his attention, but, which must, if you were to succeed him, be indefinitely postponed.

Whether it may be in the Governor's power, after the departure of Lieut. Colonel Barney, to confer on you the Office of Colonial Engineer, is a question on which it might be premature now to enter. His Excellency may remark, however, that the circumstances of the Colony are much altered since the time at which Lieut. Colonel Barney was appointed; the most rigid Economy is now necessary to keep the Expenses of the Government within its Income; and several Civil Engineers of talent and Experience have, within the last four years, come to the Colony, and are anxiously looking for Employment in it.

I have, &c.,

E. DEAS THOMSON.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch marked "Separate," per H.M. ship Favorite.)

My Lord,
Government House, 29th Jany., 1843.

Connected with the subject of my Despatch of this day's date, No. 22, there are some circumstances which I desire to bring to Your Lordship's knowledge, though I can scarcely make them the subject of a public Despatch.
Lt. Coll. Barney is an officer of ability, energy and decision; but nevertheless he has had such numerous other duties to perform that it has been scarcely possible for him to give the attention to those of his Colonial Appointment, which from their importance they require.

Lt. Coll. Gordon is a person in physical ability, evidently much inferior to his Predecessor; and it is currently reported of him, and believed, that he has been under restraint in consequence of mental aberration.

I have, &c,

Geo. Gipps.

Lord Stanley to Sir George Gipps.

(Despatch No. 15, per ship Euphrates.)

Sir, Downing Street, 30th January, 1843.

I have received your Dispatch No. 137 of the 1st of August last, transmitting Reports on the condition of the Aborigines from the Commissioners of Crown Lands in the District of Liverpool Plains, New England and Bligh.

In reply, it is only necessary for me to refer you to my Dispatch of the 20th Ultimo on the subject of those Tribes.

I have, &c,

Stanley.

Lord Stanley to Sir George Gipps.

(Despatch marked "Private," per ship Euphrates.)

Sir, Downing Street, 30th Jan., '43.

The Letter, which I herewith enclose, has been transmitted to me by H.R.H. The Duke of Cambridge, who has expressed much interest in the success of the application therein made on behalf of Mr. Francis Stocker Dutton.

As the young man is now resident at Port Phillip, I request that you will communicate to Mr. Latrobe my wish that he should avail himself of any opportunity which may present itself of placing Mr. Dutton in some situation for which, on enquiry, he may be found to be qualified, without, however, interfering with any priority of fair claims on the part of others; and farther that he will report to me whenever he shall have had any such opportunity of carrying my wishes into effect.

I remain, &c,

Stanley.

Enclosure.

Mr. J. Dutton to Major-General Sir J. H. Reynett.

Sir, Rotterdam, 10th Jany., 1843.

Many years have elapsed since my then residence at Cuxhaven gave Opportunity for my being occasionally honor'd with Your Correspondence on the Affairs of His Royal Highness the
Duke of Cambridge. I gratefully remember the kind enquiries, and the interest you frequently evinced in the Welldoing of my three Sons in New South Wales. I had then much pleasure in acquainting you with their progressive success, and of the promising prospect which appear'd before them.

My eldest son (William) induced by the encouraging aspect, and with a view to better the situation of his youngest Brother (Francis), who had then been six years in a respectable mercantile house at Bahia and Rio de Janeiro, where he acquitted himself with full satisfaction to his employers, Urged him to join him at Sydney; And, as mercantile business became very gloomy and discouraging in the Brazils, Francis consider'd it best to take his Brother's advice, and, as requested, he join'd him at Sydney. He was only a few months there, when a visitation of unfortunate occurrences took place, that not alone destroy'd his hopes, but also the past welfare and future prospects of his Brothers, together with a mass of industrious and hitherto prosperous settlers. It would be too voluminous to detail them; but, amongst the rest, my Son William suffer'd one loss alone of seven thousand sheep, which were suddenly carried off by the disease call'd Catarrh; this and the combination of disastrous matter, which happen'd at same period as if by magic to crush all future endeavours, is too well known, and will be long too severely felt by my good sons and great numbers of others.

The object of this Letter, Sir, is to pray You to represent this case to the Duke of Cambridge, in my hope that His Royal Highness may be graciously pleased to recommend my Youngest son, Francis Stocker Dutton, to Her Majesty's Government for a situation of employment, either at home or abroad; he has been well educated, chiefly under Mr. De Fellenberg at Hofwyl, near Berne in Switzerland; and, in addition to the languages, etc., taught him there, he acquired in South America those of the Spanish and Portuguese, and thorough knowledge of mercantile affairs. His disposition is amiable and in every respect good.

I do not presume, Sir, to have any right of claim on the attention of the Duke of Cambridge; but I have faith in the well known benevolence of His Royal Highness; and that, under such circumstances, my Son may be favour'd by his gracious influence with Lord Stanley or Sir Robert Peel. my Son being well qualified to fill the situation of British Vice Consul, Secretary or Chief Clerk in a Government office, and would not object to serve in China, etc., nor in any department in which fidelity and assiduous attention would afford him opportunity to prove himself worthy of favorable protection.

I have pass'd the most of my life in the service of Government, and am now Seventy four years of age. I am sorry to be thus troublesome, but the affection for, and Parental duty in behalf of a worthy son is the only apology I can offer, destitute as I am of any means within myself or friend to apply to, otherwise for his protection. This my Son, the Youngest of five, is 27 years of age, now at Melbourne, Port Phillip, Unemployed and where, or at Sydney or any part of the Colonies, he would thankfully accept any respectable situation.

Resting my hopes on the result of this prayer, I remain with all due respect,

Sir, &c.,

J. DUTTON.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 17, per ship Euphrates.)

Sir,

Downing Street, 1 February, 1843.

I transmit to you herewith the Copy of a letter addressed to me by Mr. Duncan, M.P., forwarding a Memorial from Mr. David Louson in which he requests that I would recommend to your Notice as a Candidate for employment in the Public service of New South Wales Mr. Archibald Dudgeon, a Settler at Melbourne, Port Phillip.

I have informed the Memorialist that I would forward his Testimonials to you, but that I could not undertake further to interfere with your bestowal of Patronage in the Colony.

I have, &c,

STANLEY.

[Enclosure No. 1.]

MR. G. DUNCAN TO LORD STANLEY.

My Lord,

Dundee, 18th Jan., 1843.

I have to day had an application made to me by David Lawson, Esquire, of Springfield by Arbroath, and one of the Justices of the peace for that District, backed by the Provost and Magistrates of Arboath, requesting me to call your Lordship's attention to the Memorial addressed to your Lordship in favour of Mr. Archibald Dudgeon, as also to the Certificate enclosed.

I have very great pleasure in laying them before your Lordship and bearing my testimony to the respectability of the parties.

I perhaps ought to apologize to your Lordship on this occasion; but, at every previous period, when I have had occasion to apply to your Lordship in behalf of my Constituents, I have ever found you so willing to oblige me, that I have the less reluctance to call your Lordship's favorable attention and consideration to the Documents now enclosed being in favour of one, who I am satisfied will do honour to your Lordship's patronage if extended to him.

I have, &c,

GEO. DUNCAN, M.P., Dundee.

[Enclosure No. 2.]

The Humble Memorial of David Louson, Town Clerk of Arbroath, Forfarshire.

To the Right Honble. The Lord Stanley, etc., etc., etc., Principal Secretary of State for the Colonial Department,

Sheweth,

That the Memorialist is induced at once humbly to lay the following case before Your Lordship. The Memorialists Daughter was married some years ago to Mr. Archibald Dudgeon, Merchant in Arbroath. But finding the business, in which he was engaged, did not suit his expectations, he and Mrs. Dudgeon in 1841 emigrated to New South Wales, and he is now settled in Melbourne, Port Phillip, or has a Cattle station in the Neighbourhood. From a Letter just received, he has not succeeded to his expectations, owing to the depressed state of Trade in that District, and he is very anxious to procure, if possible,
some appointment under the Government of the Colony. Mr. Dudgeon has been liberally educated, is about 26 years of age, of active habits, and of honest and honorable principles, as appears by a certificate from the Magistrates of Arbroath, and other respectable Inhabitants which the Memorialist takes the liberty to enclose.

The only excuse, which the Memorialist has to offer to Your Lordship for this intrusion, is that he has been upwards of 30 Years the Sub Distributor of Stamps and Collector of Taxes for Arbroath and the District; and he humbly thinks his Superiors in Office will certify that he has faithfully discharged these Duties during that long period. Altho’ not personally acquainted with the Earl of Anley, the Lord Lieutenant of Forfarshire, he presumes to think his Lordship, as well as the Members of the County and Burghs, and other influential individuals in Forfarshire would be disposed to give a favorable opinion of the Memorialist’s Character.

If therefore it may be consistent with your Lordship’s duty, the Memorialist humbly prays your Lordship will be pleased to note Mr. Dudgeon to Sir George Gipps, the Governor of New South Wales, with a view to any Appt. in New South Wales for which Mr. Dudgeon may be found qualified. And the Memorialist is certain that on enquiry Mr. Dudgeon’s Character, talents and activity will bear the severest scrutiny which Sir George Gipps may find it necessary to institute.

And Your Memorialist shall, &c.,

DA. LOUSON.

[Sub-enclosure.]

WS, the Magistrates, Ministers, and other Inhabitants of the Bu’gh of Arbroath, Forfarshire, do hereby Certify that we were personally and intimately acquainted with Mr. Archibald Dudgeon, formerly Merchant in Arbroath and who emigrated to New South Wales in 1841. That Mr. Dudgeon had received a liberal Education, is still under 30 Years of age, active in his habits, and of honest and correct principles; and it would give us sincere pleasure to hear of his success in the distant Colony to which he and Mrs. Dudgeon have gone. Witness Our hands at Arbroath, this 13th January, 1843.

ALEX. RICHIE, Writer and Procurator Fiscal at Arbroath.
W. HENDERSON, A.M., Minister of Episcopal Chapel, Arbroath.
ROBERT LYON, Depy. Clerk of the Peace.
JOHN MINO, Minister of Vyans in which he resided.
JOHN MACDONALD, Depy. Town Clerk of Arbroath.
A. MACDONALD, Dean of Guild.
ALEX. MANN, Provost.
JAS. GIBSON, Bailie.
JAS. ANDERSON, Bailie.
WM. STEVENSON, Minister of Arbroath.
W. HUDSON, J.P., Merchant, Arbroath.
JAS. ANDERSON, Merchant, Arbroath.
WM. JOHNSON, Cashier, Arbroath Bank.
WM. BARTLE, J.P., late H.E.I.C.S.
GEO. CANNING, J.P., Arbroath.
A. BINNY, Banker, Arbroath.
JOHN LINDSAY of , J.P.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 23, per H.M. ship Favorite; acknowledged by Lord Stanley, 22nd July, 1843.)

My Lord,

Government House, 1st Feb., 1843

Your Lordship is I believe aware that, when I entered on this Government in the year 1838, there were very numerous claims outstanding for Grants of land, in fulfilment of promises
made by former Governors of the Colony, for the nature of which, if any explanation be necessary, I would beg to refer to my Despatch of 23rd Jany., 1842, No. 11, in which, when reporting on the case of Dr. Douglass, I incidentally mentioned that I had in the course of four years disposed of 2,200 such claims, after having referred 780 of them to the Commissioners appointed under the Local Act, 5th Wm. IV, No. 21.

Among these outstanding claims for Grants of land, there was a numerous class having reference to land which had been promised for purposes connected with Public Worship or Education, such for instance, as the sites of Churches, Schoolhouses, Burial grounds, Parsonages or Glebes, by far the greater part of which either have been settled, or are in the course of settlement between the Bishop of Australia and myself. Among them, however, there is a case relating to 46 acres of land in the immediate vicinity of Sydney, which, on account of the intricacy of the questions involved in it, and the great value of the land, I feel I ought not to dispose of except under Your Lordship's sanction.

To bring the case clearly before Your Lordship, I must briefly recapitulate the different authorities, under which, prior to the passing of the Church Act in 1836, Glebes were granted in New South Wales.

Up to the year 1826, every Clergyman of the Church of England was allowed a Glebe of 400 acres; but when, in the year 1826, the Church and School Corporation was established, these large Glebes were, under the 33rd article of its Charter, abolished; and, by the 34th Article of the same, it was directed that thenceforward no Glebe of more than 20 acres should be granted to any Clergyman.

The large Glebes of 400 acres might have been held by the then possessors of them for their lives; but, by an arrangement between the Government and the holders of the Glebes, they were, shortly after the publication of the charter, given up, each holder receiving, as a compensation for the surrender of his Glebe, an addition to his stipend of £100 per annum for life.

Among the Glebes so surrendered was one of 400 acres in the vicinity of Sydney, which had been granted to the Incumbent of the Parish of St. Phillip, the original Parish of the Town. Of this Glebe, large portions were sold by the Corporation, and, against the validity of such sales, no question has ever been raised. When however the Corporation was subsequently dissolved, there were some portions of the Glebe still unsold, and such portions, according to the terms of the charter, reverted on certain Trusts, as did all the estates of the Corporation, to the Crown. Of the portions which thus reverted to the Crown,
the land which forms the subject of this reference is one; and, though the legal title to it is unquestionably now in the Crown, an equitable claim to it is preferred by the Bishop of Australia under the following circumstances:—

During the existence of the Church and School Corporation, it was always considered by that Body desirable that a suitable residence in the vicinity of Sydney should be provided for the Head of the Anglican Church in the Colony. A resolution on this subject appears to have been passed by a General Court of the Corporation on the 2nd June, 1829; and, on the 1st Decr. in the same year, another Resolution appropriating the 46 acres of land (now in question) "to and for the personal use and occupation of the Archdeacon of New South Wales, and his successors, forever."

The intention of erecting a residence on the land has never been carried into effect; and the whole of it has remained to this day in an unimproved state.

The land however is not now claimed either for the use of the Archdeacon (since raised to the dignity of Bishop) or for the purpose of erecting on it a residence for the Head of the Church, the Bishop of Australia having in 1832 relinquished all claim to it, on condition of its being appropriated as a Glebe for the Parish of St. Andrew, a Parish then newly formed in the Town of Sydney; and it is accordingly as a Glebe for this Parish that it is now claimed, the Corporation having in 1832 acceded to the arrangement, and recorded their confirmation of it.

Upon the whole of these transactions, the following remarks occur:—

1. By the 34th Clause of their Charter, the Corporation was expressly prohibited from granting for the personal use or occupation of any Clergyman more than 20 acres of land; and as no exception was made in favor of the higher Clergy, it seems beyond doubt that the Corporation, in appropriating a larger quantity than 20 acres, exceeded its power; it was indeed, I believe, proposed at the time that the arrangement should be submitted for the approval of the Secretary of State, but it does not appear that such approval was ever obtained, or even asked for.

2. As the power given to the Corporation was that only of allotting land for the personal use of Clergymen, and not that of allotting Glebes to Parishes, it may be doubted whether a Glebe even of 20 acres could, under the 34th article of the Charter, be allotted to a Parish which had no Clergyman, and which has continued without one even to the present day.

3. It is true that, in the Despatch from Sir George Murray, dated the 25th May, 1829, which announced the intention of His
Majesty to dissolve the Corporation, and in a subsequent one of
the 12th Feb., 1830, the small Glebes to be granted to Clergy-
men were spoken of as not exceeding 40 acres; but, even sup-
posing that the insertion of the number 40 instead of 20 was not
(as it would almost seem to have been) a clerical error, and sup-
posing even these Despatches to have contained, as they were
construed to contain, an authority to increase all Glebes from
20 to 40 acres, still this authority was evidently a discretional
one, intended to be exercised by the Governor (not by the Cor-
poration, which was then supposed by the Secretary of State to
be defunct), and it could scarcely justify the appropriation to
the purpose of a Glebe of land in the immediate vicinity of Syd-
ney or (as was done in some cases) within the very limits of
minor Towns.

So long as the Corporation existed, it was prohibited from
granting more than 20 acres; and the powers of the Corporation
could neither be extended, nor curtailed, by a mere Despatch
from the Secretary of State. The power, therefore (whatever
it might be), respecting Glebes, contained in the Secretary of
State's Despatches of the 25th May, 1829, and 12th Feb., 1830,
was a power intended to be acted on by the Governor, after the
Corporation should have ceased to exist; it was a power, which
could not be exercised by the Corporation, nor even I apprehend
legally or properly by the Governor, so long as the Corpora-
tion preserved its existence.

The power (whatever might have been the extent of it) seems
to have been intended only as a contingent one, to be called into
existence on the dissolution of the Corporation.

4. The intention of His Majesty's Government to dissolve the
Corporation was notified to Governor Darling by the Despatch
above mentioned from Sir George Murray, of the 25th May, 1829,
received in the Colony on the 4th Novr. in the same year, though,
owing to an informality in the instrument, its legal existence was
prolonged until the receipt in the Colony of an amended instru-
ment, or order in Council, dated the 4th Feby., 1833.

If the Corporation is to be considered defunct from the first
notification in the Colony of His Majesty's intention to dissolve
it, then all acts of that Body, subsequent to the 4th Novr., 1829,
or at latest, subsequent to the 3rd Decr. in that year, are to be
considered as null and void, the intention of His Majesty to
dissolve the Corporation having been notified by the Governor
to the Corporation on the latter day; if, on the contrary, the
Corporation is to be considered as existing, and in the enjoy-
ment of its powers, up to the day on which the amended instru-
ment prepared in England for dissolving it was received in the
Colony, then the 34th Clause of its Charter remained in full force also; and neither the Corporation nor the Governor could grant to any Clergyman a Glebe of more than 20 acres.

The dissolution of the Corporation has not however precluded the Crown from confirming to the Bishop, or to the Incumbent of the Parish of Saint Andrew, the possession of any land, to which one or the other may be considered to have had an equitable claim at the time when it was dissolved; nor should such an equitable claim be barred by the mere irregularity of anything that took place in the interval between the virtual and legal dissolution of the corporation, provided the irregularity was not of a nature to affect any material interest of the Public. A question however does appear to me to arise, whether the Crown can, with a due regard to the public interests, confirm proceedings of such doubtful regularity in a case affecting property of very considerable value.

In several cases of a similar or nearly similar nature, where the land has been but of little value, I have not hesitated to do so; but, in respect to the land now in question, I think it my duty not to act without Your Lordship's instructions.

The present value of the land may perhaps be considered to be about £500 per acre. If laid out, as it probably would be by a private proprietor, or by Trustees for the Church, in allotments, and let on Building Leases, it would at no very distant time be productive of a revenue, sufficient perhaps for the sustentation of the See of Australia, in which case the Bishop would, on the one hand, be relieved from dependence on the public funds, and, on the other, those funds be relieved from a charge of £2,000 per annum.

I have further to add that the land, though now ascertained to consist of 46 acres, was, when appropriated by the Corporation, only considered to be 40 acres. Should therefore Your Lordship decide in favor of its being granted as an endowment to the See of Australia, or as a Glebe for the Parish of St. Andrew, it will be necessary to determine whether the whole 46 acres are to be granted or 40 acres only.

I have thought it right to furnish the Bishop of Australia with a copy of this Despatch, and have in consequence received the Memorandum from His Lordship which is enclosed.

I have, &c.,

GEO. GIPPS.

MEMORANDUM.

In accordance with the permission granted by His Excellency, I shall offer one or two observations upon the present Despatch. His Excellency appears to me to have somewhat misapprehended the principle upon which the 46 Acres now in my occupation were
set apart for the use of the Archdeacon and his Successor. They were not so appropriated by virtue of the 34th Clause of the Charter, as Sir George Gipps appears to suppose. That Clause prohibits the appropriation of more than 20 Acres to the personal use and occupation of any clergyman. At the same time, I must remark that by the word "clergyman" here and elsewhere throughout the Charter is meant a parochial clergyman, as distinguished from a dignitary. The expression was always so interpreted by the Trustees, as it was held by them to have been so intended by the framers of the Charter; and it was the opinion of the then Chief Justice and other Law Officers of the Crown, who were Trustees of the Corporation, that such intent was distinctly marked by the wording of the several parts of the Instrument.

The actual origin of the reservation of this portion of Land for the occupation of the Archdeacon was that it was held to be suitable (and the intention was believed to have received the approval of Earl Bathurst as Secretary of State) that a residence should be provided for the Bishop or Archdeacon; and, as by the 27th Clause the payment of the Stipend of such dignitary was directed to form the first charge on the Fund for the maintenance and support of the clergy, it was thought to be neither difficult nor improper that the use and occupation of such residence (by Lease under Clause 17) should be counted as part of such Stipend. With this view, the Trustees reserved from sale the 46 Acres in question, to form the Site of such residence when means should be provided for its erection.

In this understanding the allotment in question was occupied by Mr. Archdeacon Scott under a Resolution of the Trustees to that effect; and was by him surrendered to me, as his successor in the Archdeaconry, on the 15th September, 1829. Since that period it had been, and continues to be in my occupation. I believe my personal claim to it to be very just; inasmuch as in November, 1828, I received from Sir George Murray, as the condition on which the Archdeaconry was offered to me, an assurance that, if I accepted it, I should succeed to the same advantages, of what ever kind, as were enjoyed by Mr. Scott during his incumbency.

In 1832, when it appeared that the resumption of the lands granted to the Church of England was positively determined on, and I felt indisposed to make any application to the Secretary of State on the subject of the erection of a residence, having at the same time also under my serious consideration how to obtain the services of an additional clergyman, and foreseeing in how destitute a condition he must be placed, in the large and increasingly populous parish of Saint Andrew in this town, if no fixed provision were made for his support, I was led to think that the most advantageous mode of meeting that difficulty would be to place him on equality of advantage with the other clergymen of the place, by giving him (as they each had) a Glebe of 40 Acres, and that the same might be taken out of the 46 acres set apart for the use of the Archdeacon or Bishop. The grounds upon which that proposal was made by me were the following:—I considered (and am still of the same opinion) that the General Instructions of the Secretary of State then in force authorized at least, if they did not prescribe, the appropriation of 40 Acres to such a purpose; that the assent of the local Government has been signified in as formal and binding a manner as at that time it was ever usual to employ
in the matter of lands assigned to particular parishes; and moreover it seemed to me even then that, when the Church of England should awaken (as it was to be expected she would) to the great duty and necessity of placing Bishops over her several Colonial possessions, there would be a much greater probability of an endowment being provided for the occupant of this See (exclusively of those 40 Acres of land) than there could be of obtaining, from any extreme source, the much needed provision for the clergyman of any separate parish. On these grounds it was my anxious desire that the beneficial occupation of the property in question should be transferred to the incumbent of Saint Andrews' for the time being.

With much submission, I must still maintain my opinion that such an arrangement would be most judicious; because, under it, the clergyman would, by the Church of England Temporalities Act, obtain an addition to his income of £150 per annum, he having at present no more than the Stipend of £200 per annum paid from the public treasury, and no residence provided; and that in a place where the rent of the most ordinary habitation fit for a Clergyman is from £100 to £130 per annum.

With reference to the observation of His Excellency as to the period at which the functions of the Corporation ceased, and its acts became null. I must beg permission to state my impression that, from whatever date such incapacity may be assumed to have existed (if it ever did exist), that assumption cannot in equity be urged to invalidate the particular act now under consideration, namely, the appropriation of the 46 acres to the use of the Archdeacon. The intimation of His Majesty's intention to revoke the Charter of the Corporation was first received in the Colony on the 4th of November, 1829, though not communicated officially to the Trustees until the 3rd December. But on the 1st of that month, being the first Tuesday, on which according to the 5th Clause of the Charter the General Court was necessarily held, a Resolution had been passed formally confirming the appropriation in question. I am aware that the very near coincidence of the dates on which the Resolution was passed, and that on which the communication of His Majesty's intention was received, might excite a suspicion that the one measure was purposely hurried, or the other intentionally postponed; were it not that the high character of the Governor and of the Trustees (who must have been unworthy parties to such an understanding if it had subsisted) must effectually contradict so injurious a supposition. But I am happily in a position to shew, by evidence not open to a shadow of doubt, that the Act of the General Court on the 1st day of December, 1829, was but the result and conclusion of a series of measures which had long been under the consideration of the Trustees. The 46 acres designed for the Archdeacon were a portion of the old Glebe of Saint Philip's Parish, and were specially reserved for the purpose to which they were ultimately applied, when the sale of the remainder of that Glebe took place in 1828 (14th February). The question had been under the consideration of several General Courts, previously to that at which the Resolution herein referred to was adopted; especially the Court held in June, 1829, which had referred the subject to the Committee, appointed according to the 9th Clause of the Charter, and the final Resolution to appropriate the Land was adopted in conformity with the Report and recommendation of that Committee.
which were drawn up and agreed to before the arrival in the Colony of Sir George Murray's Despatch of 25th May, 1829, which first notified that the Charter would be revoked.

From this Statement, it appears evidently that the transaction was not only virtually concluded before the receipt of that notification, but that it was technically and formally decided on, and placed upon record by the Trustees; while they were yet in the full and unimpaired competency to act on behalf of the Corporation, which was conferred upon them by their Charter. Indeed it appears to me that taking an equitable view of the purport of the Act of Council, 5 Will. IV, No. 11, which was passed on the 5th August, 1834, with a full knowledge on the part of Government of all which had been done by the Trustees (as provided by the 33rd Clause of the Charter), this Act of theirs ought to be considered as confirmed, if such confirmation were needed in support of a Resolution concluded on, as has been shewn, before any communication had been received of a contemplated revocation of their appointment.

On the question of supposed value (the same being fixed by His Excellency at £500 per Acre), I would with much deference observe that very competent judges have computed the worth of the land to be not more than \( \frac{1}{3} \) of the above named sum. In confirmation of this opinion, it should be borne in mind that the value of the frontage is totally destroyed for building purposes by the lowering of the Parramatta road; and appealing to facts, not to opinions and estimates. I may add that the new Glebe of St. Philip's Parish, consisting of 40 acres in a more desirable and accessible situation, has just been let on building leases for 28 years on a ground rent of no more than £517.

Sydney, 28th January, 1843.

W. G. Australia.

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**STANLEY TO GIPPS.**

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 18, per ship Euphrates.)

Sir,

Downing Street, 2 Feb'y., 1843.

I transmit to you, for your information, the copy of an application which has been addressed to me by Mr. Robert Kilgour on the subject of the liability of the Government to make good the deficiency of Mr. Manning, late Registrar of the Supreme Court, together with the answer which I have directed to be returned to that application.

I have, &c,

STANLEY.

[Enclosure No. 1.]

MR. R. KILGOUR TO LORD STANLEY.

My Lord,

Perth, 18th January, 1843.

I take the liberty of addressing your Lordship on a subject in which I am considerably interested, arising out of the insolvency of Mr. J. E. Manning, late Registrar of the Supreme Court at Sydney, New South Wales, in the hope, from your Lordship holding the appointment of Colonial Secretary, you will be able to give me the information I want. The facts of the case, on which I wish to be informed, are these:
The Reverend Thomas MacRitchie, my Brother in Law, sailed from this Country on the 11th July, 1839, direct for Sydney, New South Wales; after landing there and remaining for a short time, he took his passage from Sydney to New Zealand, and, on the 1st of July, 1840, whilst on his passage, he was drowned by the upsetting of a Boat in the Kaipora River, on the West Coast of Bay of Islands. Mr. MacRitchie took with him considerable property from this Country, principally in Bills payable in London from the Bank of Scotland and the Commercial Bank of Edinburgh, and he left almost the whole of his property that he took from this Country at Sydney, when he sailed for New Zealand. On intelligence of his death reaching Sydney, Mr. J. E. Manning, on 3d Octr., 1840, wrote a letter to this Country intimating the same; and, in reference to Mr. MacRitchie's money matters, he states "The proceeds, amounting to about £1,500, have been just now paid into Court, and, after certain processes, will be productive of interest in the Savings Bank." And then follows a request that a power of Attorney be sent out to some Gentleman, to take out Letters of Administration there in name of the next of kin, Mr. MacRitchie having died Intestate. On receiving this Letter, I proceeded to prepare the necessary power of Attorney, which, after being executed by the deceased's two Brothers, his Sister (Mrs. Kilgour) and myself, his next of kin, was by me forwarded on the 18th of August, 1841, to William Macpherson, Esqr., of Blairgowrie, a native of this Country, in whose favour the Power was granted, and who was then Clerk of the Councils at Sydney, but who has since been appointed to the Registrarship. After receiving my Letter with the Power of Attorney and relative documents, Mr. Macpherson applied for and obtained letters of Administration, under which he now acts for behoof the late Mr. MacRitchie's Heirs. In a letter from Mr. Macpherson to me of date 15 July last, which I received a few days ago, after excusing himself for being so long in acknowledging the receipt of my letter to him of 18 August, 1841, he states the reasons for delay as follows:—"The delay has arisen partly from causes which I will hereinafter mention, and partly from unwillingness to communicate to you news so bad, as I have to relate, while there remained a probable hope of relief being afforded. It was expected that, upon the meeting of the Legislative Council, the Governor would propose the passing of an Act to provide means for making good the balance at the Credit of Intestate Estates in the hands of the Registrar, rendered unavailable by his insolvency; but six weeks have now elapsed, since the Council assembled, without the subject having been brought under their notice, and the hope of relief has passed away"; after which Mr. Macpherson proceeds to give a statement of the affairs of Registrar Manning, and the probable dividend his Estate would yield, which he estimates under the one half of his Debts, and that the ascertained intromissions of Mr. Manning with Intestate Estates, not accounted for, amounted to upwards of £10,000. Along with Mr. Macpherson's Letter, he sent me a Copy of the Account handed over by Mr. Manning to him (after having been audited by the Judges) on his obtaining Letters of Administration, from which it appears that Mr. Manning had intrommited with property, belonging to the late Mr. MacRitchie, to the amount of £1,549 16s.; but from this was deducted £77 9s. 9d. of Commission to Mr. Manning, and certain other sums for Agency
STANLEY TO GIPPS.

545

charges at New Zealand, etc., and leaving a balance to be accounted for by Mr. Manning of £1,460 15s. 4d. In July last, I read in the Sydney Herald of 12th January, 1842, which is now lying before me, an account of the defalcation of Mr. Manning in regard to Intestate Estates, which was then estimated at upwards of £11,000. This statement and Mr. Manning’s letter led me to suppose that my late friend’s property formed a part of the deficiency on Intestate Estates, and naturally brought me to consider the matter, which I did; and after due consideration I came to be of opinion that Government was bound to make up any deficiency on Intestate Estates, intrusted with by Mr. Manning, and I shall here state the grounds on which I came to be of this opinion. The taking possession of the late Mr. MacRitchie’s property by Mr. Manning was not in virtue of any power or authority from his next of kin, as they gave none, and I naturally came to the conclusion that it must have been in virtue of a power conferred on him by Government and embodied in his Government appointment; and, being the servant of Government with such a power conferred upon him, Justice dictated to me that Government was bound to make up any deficiencies, arising on Intestate Estates, intrusted with by Mr. Manning. And, in this opinion, I was confirmed by the fact, as stated in the above number of the Sydney Herald (12 Jany., 1842), that Government had actually adopted legal measures against Mr. Manning, with the view of securing his property for behoof of Intestate Estates. After stating the probable deficiencies of Mr. Manning on Intestate Estates, the passage above alluded to in the Sydney Herald is as follows:—“Fifty writs of fieri facias have been issued against him (Mr. Manning) at the suit of Government, under which his property has been levied upon, and is now in possession of the Sheriff. The reason for so many separate writs being issued was that it was necessary that there should be one for each Intestate Estate, the funds of which were deficient.” How the Government should have adopted legal proceedings against Mr. Manning’s property for behoof of Intestate Estates, unless on the ground it was liable for such Estates to the legal Heirs, is to me unknown. But, although I consider Government bound for the property of Intestate Estates, I do not think Government has anything to do with Mr. Manning’s private Debts, which appear to be considerable, and much more than the deficiencies on Intestate Estates. As to his private debts, the Individuals contracted with him directly, and they trusted to his responsibility. Not so the Representatives of persons deceased, they never contracted with him, or authorised him to intrust with property belonging to them; and I do think it would be a very hard case, were they to suffer by his default under some power conferred upon him, over which they had no control.

Such being the facts, and such being my opinion as to Government’s liability, I will feel particularly obliged by Your Lordship informing me, on the part of the late Mr. MacRitchie’s next of Kin, whether Government means to make good the Intestate Estates, intrusted with by Mr. Manning, and not accounted for by him, or if such information does not fall to be communicated, under your Lordship’s Appointment as Colonial Secretary, I will feel obliged by your informing me, where I shall apply to obtain it.

I have, &c.,

ROBT. KILGOUR, Writer.
546 HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 2.]

UNDER SECRETARY HOPE TO MR. R. KILGOUR.

Sir, Downing Street, 2 February, 1843.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 18th Ulto., in which you request information as to the liability of the Government to make good the deficiency of Mr. Manning, late Registrar of the Supreme Court of Sydney, New South Wales. Lord Stanley desires me to acquaint you in reply, that there is no intention on the part of the Government to make good Mr. Manning's deficiency. Mr. Manning was not an officer of the Executive Government but of the Supreme Court of New South Wales. He was therefore not responsible to the Government, but only to that Court for his Acts and omissions, and it was in the power of the Judges of the Court, and in their power alone, to examine, audit and pass his Accounts. Lord Stanley has as yet received no information of the proceedings said to have been instituted at the suit of the Crown against Mr. Manning, but, whatever may have been the form or object of those proceedings, his Lordship has every reason, from the reports of the Governor of New South Wales on the subject, to conclude that no recognition, express or implied, has ever been made by the Governor of the liability of the local Treasury for the defaults of Mr. Manning.

I have, &c.,

G. W. HOPE.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 19, per ship Euphrates.)

Sir, Downing Street, 2nd February, 1843.

I have received your Dispatch No. 64 of the 27th of March last, with a Copy of the Report of the Emigration Board at Sydney, in explanation of the circumstances under which you had refused to pay Bounties on a party of Emigrants introduced into the Colony on account of Mr. G. F. Beattie by the Ship "Mathesis."

You observe that your object, in transmitting the report of this case, is to enable Her Majesty's Government to meet any complaint, which might be made by or on behalf of Mr. Beattie. I have however received no such representation, and have not felt myself called upon to interfere in this case, which indeed like all others relative to the admission or rejection of claims on account of Bounty orders from the fulfilment or non fulfilment of the Regulations under which they are granted, I should be disposed to leave in general to the decision of the Local Government. Having referred however on the subject to the Land and Emigration Commissioners, I transmit for your information a Copy of a Report addressed to that Board by Lieutt. Forrest, R.N.,
the Emigrant Agent at the Port of Leith. That report was called for in consequence of Lieut. Forrest having finally superintended the arrangements on board and the Dispatch of the Vessel, and may serve to assist your judgment on some of the points raised by the Local Emigration Board.

I have, &c.,

STANLEY.

[Enclosure.]

LIEUTENANT FORREST TO MR. S. WALCOTT.

Sir, Leith, 7th December, 1842.

I have delayed replying to your letter of the 3d inst. relative to the Ship “Mathesis.” until I could report from Memoranda taken at the time, as to the particulars upon which the board requires information.

The Flour and Salted Provisions had been prepared expressly for the voyage; they were surveyed in the usual way in opening every third cask, and I found them unexceptionable. I may, however, remark that, from the circumstances of the vessel having been on fire and a quantity of water pumped into her, the Flour and dry Provisions may have been damaged, and if not very carefully opened would acquire a musty taste: from the same circumstance if the salted Provisions, especially Pork, were removed from the ship while repairing at Rio, the heat of the climate and leakage of brine would damage them to a certain extent.

The quantity of water put on board was 8,400 Imperial Gallons, and the ship was bound under forfeiture of Bounty (by indorsement on the face of the Clearing Certificate) to call at St. Jago, or an intermediate port to fill up. The numbers on board were 65 adult Emigrants and 18 of Crew; in all 83.

The supply of medicines was according to the Government Scale, which was carefully revised by the Surgeon who was desired to augment in any way he deemed necessary, which he did to a certain extent, especially in Castor Oil and Chloride of Lime at my suggestion.

The Medical comforts were, with the concurrence of the surgeon, left in possession of the Master as being safer and equally convenient, but always understood to be at the Surgeon’s disposal, to whom I pointed them out.

The space between decks fitted for the Emigrants was 45 x 23 feet, being 1,036 superficial feet; there was not an ounce of Cargo, or anything else belonging to the ship in it when I left; and, having then cleared at the Custom House, and laying ready for sea some miles down the river, I do not think that any goods would be afterwards shipped. I explained particularly the necessity of keeping the ’tween decks clear, and that this would be strictly enquired into upon arrival.

The Crew were berthed under the forecastle, so as to have no communication with the Emigrants, and strict orders were, by my direction, issued that none of them should upon any pretence even in the day time go into the ’tween decks, unless accompanied by an Officer of the ship.
With reference to the cooking Apparatus, I have to remark that I rejected a set that I found on board on my arrival as not being suitable, and picked out the largest that could be procured in Dundee; as I considered the Boilers rather small, I ordered an additional Boiler containing from eight to ten gallons, which I saw in use before I left. The usual Hook pots were supplied. Of course I bow with submission to the report of the Officers of H.M.'s Ship "Crescent"; but it would have been more satisfactory, had the contents of the Boilers been specified. I have no memorandum with respect to the Emigrants' Cook, but can confidently assert that there was one employed. I think there were several candidates for the Office amongst the Emigrants, and that one was selected who had been previously at sea, who was to be remunerated by the Owners.

In conclusion, I beg leave to remark that the "Mathesis" was a fine new Ship (first Voyage), 365 Tons, and I considered, from the trim in which she started and the season of the year, that she would have made a fine passage out; but, from the circumstance of a fire having occurred, and water being thrown into the hold, she could not have been in a comfortable state upon arrival at Rio. I mustered the Emigrants before leaving and asked if they were satisfied with the arrangements. They expressed much gratitude, and appeared quite happy and contented. The only complaint I heard was with reference to one or two Irish families, who had been outshipped at Leith and transferred to this Ship. The Scotch people objected to their being received; but, upon my explaining that they were Protestants from the North of Ireland, they were quite reconciled. Upon the whole, I never saw a Ship set out with a better prospect; and can only attribute what has occurred to a want of arrangement by the Surgeon and Officers after getting to Sea. I explained fully to them the risk they would incur of losing the Bounty, should any fault be found upon arrival at Sydney where a strict enquiry would be made of their proceedings during the Voyage.

I have, &c.,

JAMES R. FORREST.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 25, per H.M. ship Favorite; acknowledged by Lord Stanley, 12th July, 1843.)

My Lord,

Government House, 3rd Feb., 1843.

At the request of the Deputy Inspector General of Hospitals in this Colony and of Mr. Jonathan Croft, Deputy Purveyor, I transmit herewith a Memorial which has been addressed to Your Lordship by the latter, pointing out the inadequacy of the remuneration which he receives for his services, and requesting some further allowance.

Being but little acquainted with the nature of the duties which Mr. Croft has to perform, I can merely transmit his Memorial, as it is my duty to do, to Your Lordship.

I have, &c.,

GEO. GIPPS.
GIPPS TO STANLEY.

[Enclosure.]

THE Memorial of Jonathan Croft, Deputy Purveyor and Apothecary to the Forces,

To the Right Honorable Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies,

Sheweth,

That your Memorialist was ordered to this Colony in October, 1835, as Deputy Purveyor to the Forces on the Medical Staff, and was placed on duty by His Excellency the Governor Sir Richard Bourke as follows, viz.:

"General Order, Sydney, 29th April, 1836, No. 110. A Board of Survey will assemble at the Convicts' Hospital, Macquarie Street, Sydney, to-morrow forenoon, at 11 o'clock on the Medical Stores now in charge of James Mitchell, Esq., Surgeon of the Colonial Hospital, and report on their quantity and quality, that they may be given over to the Deputy Purveyor to the Forces, who is to undertake the duty of 'Apothecary to the Forces' from the 1st May prox." By Command, Signed K. Snodgrass, Lieut. Colonel, of which he was the president.

That your Memorialist has been employed nearly 7 years in this extensive charge and also that of the Military Medical Stores previously under the charge of Dr. McLeod, M.D., Deputy Inspector General of Hospitals; that he finds by records that the latter officer as Staff Surgeon received a grant of 4,000 acres of Land and upwards; and that the former a grant of many thousands; and that your Memorialist has done the duty of both these Services, which is suited for a force of 60,000 men, and which are kept distinct in accounts and Returns; and, by a system which has been adopted with great trouble to himself, both departments have been most essentially assisted.

Your Memorialist begs to shew that these duties are of a professional nature and different to his Commission, and that Officers of the Military Service appointed on Staff Duties receive double pay and allowances of their respective appointments.

That your Memorialist begs to shew that he has had to supply medicine, etc., not only to the army, navy and convict Services and its dependencies, but also Colonial Duties of the same nature for New South Wales, Aborigines, Revenue and other Government vessels, Lunatic Asylum, Gaol, and for the Immigrants in Quarantine, etc.; and that for the last service alone has had to put up medicines that has saved the Colony by the estimate of his accounts upwards of £1,200, for which he has not had any allowance and was never before done; that he finds all other professional Officers have while employed on the latter Service alone (which entailed on him great and urgent duties both day and night) have had considerable additional pay.

That the late Deputy Commissary General Laidly, the Ordnance Storekeeper in Sydney, and the Commissariat Officer in Port Phillip, have had increased pay for Colonial duties, and that the Apothecary to the Forces at the Cape of Good Hope and Mauritius have extra pay; and that the Apothecary in the Peninsular Service (Mr. Price) with less charge than himself got 25s. p. day, tho' only employed on their express appointments, which he has been called upon to do from the arrangements of Government having no such Officer here, and which was done to meet the peculiar emergency and for the good of the Service.
That he has had great difficulty to go through, so much so that the Principal Medical Officer here has expressed officially his doubts whether he could or would do the duties, and which he never would have been able to do but for the assistance of his son who has given his gratuitous service as well as to the sick in Her Majesty’s General Hospital for 6 years, saving the expense of extra assistance.

That your Memorialist entered the Army Medical Department in 1805, that he served with the Army in Egypt, Maida, throughout the Peninsular War, Belgium, and Waterloo, and was once a prisoner of War, and begs to refer to an enclosed copy of his services which the Lords of the Treasury have been pleased to admit were very good; that he has had no promotion since April, 1812; and, as far back as 1815 and 1830, his name was submitted to the Authorities for his next step of promotion, which was admitted he deserved and which would have entitled him to the rank of Lieutenant Colonel with good retirement, but which, as per enclosed official Letter, he was still deprived of from the arrangements of Government, stating that his department “is prospectively abolished,” which has been a serious loss to him and not occurring to any other officer except where consideration is given as to the Consular Departments when, under similar circumstances their prospects being abolished, had liberal retirements granted, and, which leaves him without any better prospects than his half pay of 5s. per day at near 60 years of age, after a long and faithful service and with only a small pension for his widow, to maintain 12 out of 13 children yet unprovided for, none of whom have had any favor of Government employment. Your Memorialist, therefore, trusts he has only to lay before Your Lordship for favourable consideration the accompanying letter lately received from the head of his Department, Sir James McGrigor, Director General of Hospitals, who considers him worthy of reward for his peculiar services beyond his present pay, and, also, to a subjoined letter respecting an allowance granted to the late Deputy Commissary General Laidly for his services for Colonial Duties in this Country, and which, from the loss of his promotion by unforeseen circumstances, the extent of his duties, his numerous family, and his position in this distant and expensive country, and being now deprived of any of the prospects that were formerly granted to the Medical Staff Officers, that a grant may be made to him similar to that of Deputy Commissary General Laidly who, in his Memorial for the remission of Land, got the value of 3,302 acres now worth £3,302 for 4½ years’ Service, whilst, at the same calculation, he can anticipate the value only of 1,277 acres for nearly 7 years’ Service.

JON. CROFT,

Dy. Purveyor and Apy. to the Forces.

Sydney, 10th Jany., 1843.

[Sub-enclosure No. 1.]

DR. GORDON TO MR. J. CROFT.

Sir,

I am directed to acknowledge the receipt of your letter of the 20th February last, with its accompanying Documents, and to express the Director General’s regret that, as the appointments both of Purveyors and Apothecaries have long since been prospectively abolished, it is quite out of his power to recommend either the Promotion for yourself or the appointment for your Son. The Director General very much regrets the unpleasant position in which you are placed, and would be most
GIPPS TO STANLEY.

happy to forward your views; but he is totally unable to do anything in the matter here. Should the Governor however be pleased to recommend an increased Rate of Pay for your peculiar Services, I am to assure you that the Director General will do all he can in your favor as an old and respectable Officer of the Department.

I have, &c.,

THEODORE GORDON (M.D.),
Dy. Inspector General.

[Sub-enclosure No. 2.]

[This was a copy of lord Glenelg's despatch, dated 16th October, 1835, with its enclosure; see pages 166 and 167, volume XVIII.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 26, per H.M. ship Favorite.)

My Lord,

Government House, 4th Feb., 1843.

I regret to have occasion again to bring under Your Lordship's consideration the conduct of Mr. Justice Willis in this Colony.

In my Despatch of the 16th Novr. last, No. 214, I reported that I had, with the advice of my Executive Council, granted Leave of Absence to Mr. Willis to return to England in consequence of his repeated applications, the latter of which were supported by Certificates of illhealth.

I had scarcely however completed the arrangements, which were necessary in order to supply Mr. Willis' place on the Bench and notified to him that he had Leave to proceed to England, than Mr. Willis declared he would not quit the Colony; whilst, about the same time, fresh excitements, threatening even tumult, arose at Melbourne, and new cases of complaint reached me against him, accompanied with representations which I could only construe as appeals for support from Mr. La Trobe.

In this perplexing situation, therefore, I resolved to bring the whole subject of Mr. Willis' conduct, in New South Wales before my Executive Council, and to act on such advice as the Council might offer to me.

By the Minutes, of which I enclose copies, Your Lordship will perceive that the case of Mr. Justice Willis was before the Council from the 21st Decr. to the 20th Jany. last, on which latter day only the deliberate advice of the Council was recorded.

Of the mass of Papers laid before the Council, considerable portions having at different times been submitted by me to Your Lordship, I have caused references to such documents to be made in the margin of the Minutes of Council, whenever they are alluded to; and I have further caused to be appended to the Minutes Copies of such other Papers (essential to a clear knowledge of the case) as have not already been transmitted to Your Lordship.

The Minutes of the Council are so full and explicit that, in forwarding them, I scarcely feel it necessary to add any observations
of my own. There are indeed two cases of complaint against Mr. Willis, which are not noticed in them, namely, those of Mr. Sidney Stephen and Mr. T. M. Smith; but they are not cases, to which, in as far as Mr. Willis is concerned, I attach any great degree of importance.

It is in respect to the Loan of Money by Mr. Justice Willis to Mr. J. P. Fawkner alone, that I feel the propriety of offering a few remarks to Your Lordship.

Though it might have been incautious in Mr. Willis to have any pecuniary transactions with the Proprietor of a Newspaper, I see no reason to suppose that Money was lent by Mr. Justice Willis to Mr. Fawkner for the purpose, or in the intention, of obtaining an influence over the Paper of which he was the Proprietor; neither does it seem to me that Mr. Kerr, the Editor of the Paper, was necessarily influenced in defending the conduct of Mr. Justice Willis by a knowledge of the money transactions between Mr. Justice Willis and Mr. Fawkner. The mere fact that the Editor of a rival Paper (Mr. Arden of the "Gazette") was violently opposed to the Judge might have been a sufficient reason for Mr. Kerr to side with him. On the other hand, the money transactions between the Judge and Mr. Fawkner were quite sufficient (when they became known) to excite the suspicion that Mr. Kerr's advocacy of the Judge's measures was not altogether a disinterested one. How far Mr. Fawkner exercised a control over his Editor, could not be exactly known to the Public; but it was known that he was the Proprietor of the "Port Phillip Patriot," since his name stood as such on every copy of it which issued from the Press.

The lending of money moreover at an interest of 20 per cent. per annum was perhaps scarcely creditable to a Judge, and especially to one, who had from the Bench charged the officers of Government generally, and the Chief officer of Government in the District in particular, with pecuniary transactions of an unbecoming character.

The graveness however of the charge against Mr. Willis, arising out of his transactions with Mr. Fawkner, lies, I think, in his avoiding any mention of it, when denying that he had lent money to Mr. Kerr.

He was charged by the Sydney Judges with having lent money to one of the Conductors of the "Port Phillip Patriot," they having then before them the record, taken in their own Court, of the Mortgage passed to Mr. Willis by the Proprietor of the Paper. Assuming the charge to apply to the Editor, who he said was the sole conductor of the Paper, he declared the charge to be "utterly false," and was entirely silent as to his Loan to the
Proprietor. Such a distinction between the Proprietor and Con-ductor of a Paper does, I must say, appear to me to involve a quibble upon words, altogether unworthy of a Judge. The Syd-ney Judges meant, I think, only to say that Mr. Justice Willis had lent money to some person, exercising or in a situation to exercise a control over the paper; and Mr. Fawkner the pro-prietor of it, whatever might be the nature of his private engage-ments with the Editor, was evidently before the Public in such a situation.

It seems to me indeed scarcely too much to say that, whilst Mr. Justice Willis insultingly accused his colleagues of a falsehood, he himself suppressed the truth.

Your Lordship will I think gather from the terms in which I brought the case of Mr. Willis before the Council that, in so doing, I contemplated either his suspension in the usual manner, or his amotion from the Bench on the ground of misbehaviour, under the powers given to the Governor and Council by the 2nd Clause of the 22nd Geo. 3rd, C. 75; in the discussion however which took place, a different course of proceeding was judged more advisable; and I consequently have now to submit to Your Lordship the unanimous recommendation of myself and the Executive Council that this Colony may, by the removal of Mr. Justice Willis, be relieved from the evils which his presence in it has occasioned.

I have only further to add that copies of the minutes of the Council have been transmitted to Mr. La Trobe, and will be communicated by him to Mr. Justice Willis. I have, &c,

Geo. Gipps.

[Enclosures.]

[Copies of these minutes will be found in a volume in series II.]

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LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Euphrates.)

Sir,

Downing Street, 6th February, 1843.

I have the honor to transmit to you herewith the Copy of a Notice issued by the Trinity House in regard to certain projected alterations in the Lights at Cape Grinez and Point d'Alpreck on the South Side of the Straits of Dover. I have to desire that you will give the utmost possible publicity to this Notice within the Colony under your Government.

I have, &c.,

Stanley.

[Enclosure.] [This was a "Notice to Mariners," dated 6th January, 1843.]
LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 20, per ship Euphrates; acknowledged by Sir George Gipps, 15th August, 1843.)

Sir, Downing Street, 7 February, 1843.

I transmit to you, herewith, copies of a Correspondence with the Under Secretary of State for the Foreign Department relative to an application made on behalf of the Saxon Government for a Certificate of the Death of Carl Frederick Rantzsch, and of the Property left by him in New South Wales; and I have to request that you will lose no time in furnishing the information desired, if that should not have already been done in consequence of the communication which appears to have been already addressed by Mr. Barnard to the Colonial Secretary to your Government.

I am, &c.,

STANLEY.

VISCOUNT CANNING TO UNDER SECRETARY STEPHEN.

Sir, Foreign Office, 23d August, 1843.

I am directed by the Earl of Aberdeen to transmit to you a copy of a note from the Saxon Consul General in London, requesting the assistance of Her Majesty's Government to obtain, through the Governor of New South Wales, Certificates of the Death of and the property left by Carl Frederick Rantzsch, and I am to request that you will lay the same before Lord Stanley, and that you will move his Lordship to cause Mr. Colquhoun's request to be complied with.

I am, &c.,

CANNING.

MR. J. COLQUHOUN TO EARL OF ABERDEEN.

My Lord, St. James' Place, 19th Augt., 1842.

I have the honor to transmit to Your Lordship copies of two letters which I have addressed to the Agent for the Crown Colony of New South Wales, soliciting information as to the effects of Carl Frederick Rantzsch, who it is asserted was found drowned, and a certificate thereof.

In consequence of the delay, which has occurred in obtaining from the Colonial Authorities the requisite information, and as Your Lordship will perceive from the enclosed copy of a letter from his Saxon Majesty's Secretary of State for Foreign affairs that the Saxon Government is pressingly anxious on the subject, I have presumed to address Your Lordship in order to solicit the favor of Your Lordship's causing an application to be made through the Colonial Secretary of State to the Governor of New South Wales that the Saxon Govt, may be enabled to give some explanation or reply to the heirs of the deceased in Saxony, and to cause the certificate of his death and his effects to be remitted.

I have, &c.,

J. COLQUHOUN, Consul General for Saxony.

MR. J. COLQUHOUN TO MR. E. BARNARD.

Sir, St. James' Place.

I have received Instructions from the Govt. of Saxony to solicit your aid in the following case with a view to obtain a certificate officially authenticated of the death of Johan Carl Frederick or Carl Frederick Rantzsch, residing in 1835 at Leitschina near Leipsic, who went out to New South Wales having been some years previously a Shepherd and Steward to Mr. Dawson of Ratigour near Sydney. In this service to which he returned, he received a Salary of £100 per annum; he wrote to his wife here, with lodging, horse and other advantages. He allowed his Salary to remain in the hands of Mr. Dawson at 8 per cent.; he took with him goods to the value of about 600 Thalers or £80.

In the beginning of last month (October), Mr. Serjeant Manning of Serjeant's Inn reported that he had received from his brother Mr. John Edye Manning, who is
STANLEY TO GIPPS.

a member of the Supreme Court at Sydney and has charge of the inheritance of persons dying ab-intestate, a letter stating that Carl Frederick Rantzsch in the spring of the year was found drowned, and that property of about £200 had been left by him, the greater part in wages arrears.

Rantzsch has left a widow in Saxony, born Maria Rosina Thiele, and two children, Family of Caroline Frederica, born at Schhendity, 11 Jan., 1821, and a son Johan Samuel, born at Rubsen, 21 Novr., 1822. In the year 1834, he was legally separated from his wife, but, subsequently to his return to Saxony, had twins by her born out of wedlock, of whom a daughter born 1834 is still alive.

According to the Saxon Law (except in the case of another marriage by Rantzsch), the two legitimate children, who are still under age, are the only intestate heirs of Rantzsch on whose estate there are outstanding claims in Saxony.

As therefore the legal authorities in Saxony have to take care that the property of the non-age Rantzsch's is properly administered, it becomes necessary to have a Certificates certificate in official form of the death of Johan Carl Frederick Rantzsch, as well as requested.

of the property left in New South Wales, with a view to its being conveyed to Saxony at the least possible expense for the benefit of the legal heir.

I have therefore respectfully to solicit your good offices and assistance with a view to the attainment of these objects. I have, &c,

J. COLQUHOUN, Consul General for Saxony.

[Sub-enclosure No. 3.]

MR. J. COLQUHOUN TO MR. E. BARNARD.

Sir, Saint James' Place, 29th July, 1842.

I have the honor to enclose a copy of a letter from M. de Zeschan, Prime Transmission Minister of the King of Saxony, administering the Foreign Department at Dresden.

The application was made to you on the 30th November, 1840, requesting the favor of you to procure an extract from the official records duly authenticated of the death of C. F. Rantzsch, a wool worker, native of Leitzschina near Leipsic, together with an Inventory of his property.

The Heirs in Saxony have again applied to the Government on the subject, and I shall feel much obliged by your enabling me to make an official report on the matter. I have, &c,

J. COLQUHOUN.

[Sub-enclosure No. 4.]

MONSIEUR DE ZESCHAN TO MR. J. COLQUHOUN.

Monsieur,

Dresde, ce 21 Juillet, 1842.

En November, 1840, je vou ai fait inviter par l'entremise et la Legation du Roi a Londres a vouloir vous employer pour procurer 1'extrait mortuaire officiel de Charles Frederick Rantzsch, ouvrier en laine, natif de Dutzschina pres Leipsic, decede en 1840 a New South Wales en Oceanie, ainsi qu'un inventaire de sa succession.

Les enfants du defunt, ses heritiers Legitimes, que avaient solicite ces documents, ayant reitére avec instance leur requete, je vous prie Monsr, de renouveler les démarches que vous avez faites a cet egard aupres des autorites competentes et de m'en faire tenor le resultat aussi tot que possible. Je vous reitere, &c,

DE ZESCHAN.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO VISCOUNT CANNING.

My Lord, Downing Street, 7th February, 1843.

With reference to your Lordship's letter of the 23d of August last, I am directed by Lord Stanley to transmit to you, for the information of the Earl of Aberdeen, the enclosed copies of a correspondence with the Colonial Agent General for New South Wales relative to the certificates required by the Saxon Government of the death of Carl Frederick Rantzsch and the property left by him; and I am to request that you will inform the Earl of Aberdeen that Lord Stanley has forwarded Copies of this correspondence to the Governor of New South Wales in order that he may lose no time in furnishing the desired certificates, if they should not already have been transmitted, in answer to the communication which appears to have been addressed to the Colonial Secretary of that Colony in consequence of Mr. Colquhoun's Letter of the 29th of July last.

I have, &c.,

JAS. STEPHEN.
1843.
7 Feb.

[Sub-enclosure No. 1.]

MR. E. BARNARD TO UNDER SECRETARY HOPE.

Sir,
No. 5 Cannon Row, 31st August, 1842.

I have the honor to acknowledge the receipt of Your letter of the 29th Instant, enclosing an Application to the Under Secretary of State for the Foreign Department from the Saxon Consul General in London, respecting certain information which he is desirous of obtaining respecting Carl Frederic Rantzsch, who it is stated was found drowned in New South Wales and died intestate.

In reply I have to acquaint you, for the information of Lord Stanley, that the Returns of Persons dying intestate in New South Wales, with the particulars of their Property, have not lately been forwarded from the Colony, which would have enabled me to give to the Saxon Consul General the required Certificate. These Returns I have been for a long time expecting to receive; but I have the honor further to inform you that, on the receipt of Mr. Colquhoun’s letter to me of the 29th Ultimo, I addressed a letter to the Colonial Secretary requesting that the Certificate should be forwarded to me without delay.

Inability to give certificate.

I have, &c.,
EDWD. BARNARD.

[Sub-enclosure No. 2.]

UNDER SECRETARY STEPHEN TO MR. E. BARNARD.

Sir,
Downing Street, 7th February, 1843.

I have laid before Lord Stanley Your letter of the 31st of August last in reply to one which, at his Lordship’s desire, I addressed to you on the 29th of that month, transmitting copy of a letter from the Under Secretary of State for the Foreign Department with its enclosure, from which it appeared that application was made to you by the Consul General for Saxony on the 30th November, 1840, to procure from New South Wales certificates of the Death of and the property left by Carl Frederic Rantzsch, a Native of Saxony.

Censure on E. Barnard.

Lord Stanley directs me to observe that your letter does not afford in his Lordship’s opinion a satisfactory explanation of the delay which occurred in replying to the application of Mr. Colquhoun, and that it would have been more consistent with the courtesy due to the Agent of a Foreign Power, if, instead of awaiting the arrival of Returns from the Colony, you had immediately called upon the Governor to furnish you with the means of supplying the information required, and had acquainted Mr. Colquhoun that you had done so. Lord Stanley trusts that any future applications, which may be addressed to you as Colonial Agent General, will meet with more prompt attention.

I am further to observe that your letter, though dated on the 31st August last, was not finally forwarded to this Department till the 20th Ultimo.

I am, &c.,
JAS. STEPHEN.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 21, per ship Euphrates.)

Sir,
Downing Street, 7 February, 1843.

I referred for the consideration of the Lords Commissioners of the Treasury your Dispatch (with the Enclosures) No. 120 of the 14th of July last, furnishing an explanation respecting a charge of £389 12s. 6d., which appeared in the Returns of payments of a special description from Colonial Funds for the quarter ended the 30th March, 1841, on account of the passage and Freight of Luggage of Judge Willis, and other Judicial officers consequent on their removal to Port Phillip; and, in concurrence with my view of the question, I have been informed by their Lordships that they have authorized the Commissioners of Audit to admit that Expenditure.

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

SIR GEORGE GIPPS TO LORD STANLEY.  
(Despatch No. 27, per ship Eagle; acknowledged by lord Stanley, 14th September, 1843.)

My Lord,

Government House, 7th Febry., 1843.

I have had the honor to receive Your Lordship’s Despatch of the 3rd Sept., 1842, No. 180, wherewith was transmitted to me a report addressed on the 29th July last to the Lords of the Treasury by the Commissioners of Audit, representing that, according to documents then before them, one examination only into the contents of the Treasury Chest had taken place in New South Wales during the three years 1836, 1837, and 1838; and pointing out that the 50th and 51st Clauses of the Treasury Instructions to Governors could not consequently have been attended to.

In reporting upon this matter, I must at once acknowledge that the regulations alluded to, which require an examination of the Chest to be had every three months, have not been strictly adhered to; though everything has I consider been done that was necessary for the security of the Public.

During the time that I have held this Government the Chest has been examined six times, the dates of which are as follows:—

1838, 28th Sept.; 1839, 4th March; 1841, 21st Jany.; 14th May; 2nd Augt.; 1842, 3rd Jany.

The Chest was also opened on ten other occasions for the purpose of taking money out of it between the 1st Jany., 1838, and the 3rd Jany., 1842, on which latter day it was finally emptied.

It is very necessary however for me to explain that the Chest is deposited in a Vault, secured with three locks, of which the Treasurer keeps the key of one only; and that the Treasurer himself has never had access to the Vault, except in the presence of other officers, who are specially appointed to attend at the opening of it, and required to make to the Governor a report in writing of their proceedings.

The Instructions, referred to by the Commissioners of Audit, were issued in the year 1826, and apply to a very different state of things from that which exists at present; they apply, or seem at least to apply, to a Chest constantly open to the Treasurer, in fact a Chest out of which he makes his daily payments; but, in this Colony, he has no such Chest, his daily payments being made by drafts on the different Banks, the Government keeping a balance in, and a current account with each of the principal Banks in the Colony.

The Vault is a place of great security, and specie alone is deposited in it; it is situated within or rather beneath the office of the Deputy Commissary General, which again is under the protection of a Guard and within the Barrack Inclosure.
The only risk, to which the Chest is exposed (if risk it can be called), is on the occasion of opening the Vault; to multiply therefore the openings of the Vault would be to multiply that risk.

The Vault is never opened except by a special Warrant under the hand of the Governor; the Warrant is in force but for one day; and, when an examination is to be had, no previous notice of it is ever given. The Vault contained on the 1st Jan., 1838, £245,250 in British Gold, Silver and Copper, which however was taken out, and transferred to the Banks on the days and in the sums following:

1838, 9th Jan., £20,000; 28th Jan., £12,250; 1839, 19th Feb., £25,000; 23rd Feb., £25,000; 24th Sept., £12,000; 17th Oct., £26,900; 1840, 17th Jan., £14,200; 3rd Feb., £71,000; 1841, 29th Nov., £13,900; 1842, 3rd Jan., £25,000—£245,250.

In respect to the Balances in the different Banks, the security is not so great as for the money in the Vault; but every precaution is nevertheless used that circumstances will admit of.

The Treasurer makes weekly statements to the Government of the balances standing to his credit at each Bank; and the Cashier of each Bank sends to the Government once a month a copy of the account current of the Bank with the Treasurer, which documents are all passed to the Auditor for examination.

The Treasury Instructions having, as I have already remarked, been issued in the year 1826, and at a time when the whole of the Public money was in the immediate custody of the Treasurer, it appears to me that in many respects they now require revision.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 22, per ship Euphrates.)

Sir,

Downing Street, 8 February, 1843.

I have received your Dispatches Nos. 78 and 101 of the 3rd of May and 4th of June last, the former reporting the circumstances under which you had deducted from the Bounties payable on the Emigrants introduced into the Colony in the "New York Packet" the expense of the Emigrants, whom it was necessary to place in Quarantine on their arrival in the Colony; the second Dispatch transmitting the Copy of a Protest from the Master of the Vessel against the deduction which had been so made from the Bounties.

I have also received a letter from Mr. Alexander Sinclair with a Memorial from Messrs. McCann and Campbell of Greenock, the Owners of the Vessel, Copies of which I enclose.
Having referred your Dispatch to the Colonial Land and Emigration Commissioners, I enclose, for your information, a Copy of the Report which I have received from them; and I beg to call your attention to the evidence which that report contains as to the care shewn by the owners in the fitting out of the Emigrants and the Dispatch of the vessel, and also in the selection of the Surgeon.

I have acquainted the Memorialists that their representations would be referred to the Local Government, as best able to weigh such additional Evidence or statements, as parties thinking themselves aggrieved by the loss of Bounties may wish to bring forward; reminding them at the same time that every party, who engaged to take Emigrants to New South Wales, was made fully acquainted by the Local Government with the conditions on which alone payment of the Bounties could be obtained.

Before quitting this subject, I think it right to observe that, in my Dispatch No. 195 of the 14th October last on the case of the ship "Ward Chipman," I stated the inability of Her Majesty's Government in this Country to interfere at all in such Cases, with less qualification than perhaps the statement may have demanded. Altho' I adhere to the opinion that the final decision ought, if possible, to rest with the local Government of New South Wales, I must yet acknowledge that there are conceivable cases in which it might become my own duty to revise and even to reverse that decision.

I am, &c,

[Enclosure No. 1.]

MR. A. SINCLAIR TO LORD STANLEY.

My Lord, 16 Gould Square, 23rd Decr. 1842.

On behalf of Messrs. McCunn and Campbell of Greenock, I beg very respectfully to crave your Lordship's early attention to the memorial of these Gentlemen, which I have the honor to hand to Your Lordship herewith, together with Seven Certificates, relating to the case of the Emigrant ship "New York Packet," which I am informed has been referred to Your Lordship by His Excellency the Governor of New South Wales. I have, &c.,

ALEXR. SINCLAIR.

[Sub-enclosure No. 1.]

THE Memorial of MacCunn and Campbell, Merchants in Greenock, Owners of the ship "New York Packet" of Greenock,

Unto the Right Honorable Lord Stanley, one of Her Majesty's principal Secretaries of State.

Humbly and Respectfully Sheweth,

That the Memorialists, early in July, 1841, despatched that Ship to Sydney, New South Wales, with a party of Emigrants upon the Bounty system from Greenock, and that she reached her destination about the end of October following, when, in consequence
Memorial of MacCunn and Campbell soliciting payment of bounties on ship New York Packet.

1843.
8 Feb.

of several cases of sickness being on board, she was placed in Quarantine; and Your Memorialists have been informed by their Correspondents that His Excellency the Governor had been pleased, on account of the alleged incompetency of the Surgeon Superintendent of the Ship, to deduct the sum of £932 2s. 5d., in name of Government Quarantine expenses, from the amount of Bounties declared to be due for Emigrants imported by that Ship; and farther that His Excellency had been pleased to refuse to pay the Bounties on Emigrants also by that Vessel amounting to about £400, chiefly on the ground of their being unmarried Females, and not under sufficient protection; making altogether a total sum withheld from the Memorialists of about £1,332 2s. 5d.

That the Memorialists having just received advices from their friends at Sydney that the whole circumstances of the Case had been referred to Your Lordship, and that the sum, so withheld by Sir George Gipps, would be recovered upon satisfactory proof being given to Your Lordship of the competency of the Surgeon Superintendent, and of the care and attention bestowed by the Memorialists in his selection and appointment, the Memorialists do therefore now most respectfully solicit the attention of Your Lordship to the following brief statement of the Case:

The "New York Packet" is a First Class Ship of 680 Tons register, having a height of 8 feet between Decks, the whole range of which, from stem to stern, was allotted for the Emigrants. From the time of fixing for the Voyage till her departure, it was a subject of deep and constant anxiety to the Memorialists that the whole equipment of the Ship, in all its details, should be in strict accordance with the requirements of the Colonial Authorities, and the directions and instructions of the Colonial Land and Emigration Commissioners.

Accordingly, an experienced Agent procured and selected the Emigrants, whose Certificates of eligibility were attested by the Commissioners; and Her Majesty's Emigration Agent at this Port duly compared the people with the approved Certificates, and such persons only as he found to be eligible were allowed to embark. The Memorialists also had the benefit of the advice and superintendence of Her Majesty's Emigration Agent in the equipping, provisioning, and fitting up of the Ship. He was continually inspecting the proceedings of the Memorialists, and they have no doubt he will do them the justice to say that any suggestion made by him for the promotion of the comfort of the Passengers was cheerfully and promptly complied with, and that the supplies of provisions were most ample in quantity and of the best quality.

In regard to the Surgeon Superintendent, the Memorialists used the utmost possible precaution. Out of a number of Applicants for the situation, they decided upon Mr. Aitken of Musselburgh, a Gentleman who had been some years in practice in that Town, and who produced a number of Testimonials of the most satisfactory nature, both as to Surgical skill and moral character, from individuals of undoubted respectability. The Memorialists, however, did not depend upon their own judgment, but had the aid of a highly qualified Medical friend, the late Doctor Robert Walker, of Greenock, who, after personal examination of Mr. Aitken, and perusal of his Certificates, strongly recommended the Memorialists to engage him, which they accordingly did after consultation with Her Majesty's Emigration Agent. The Certificates, referred to,
Mr. Aitken carried with him in the Ship; but, the Memorialists having recently applied to several of the parties who had granted them, they have now the satisfaction of handing herewith 6 new Certificates by them, to which, together with a Notarial Copy of Doctor Walker's Certificate, granted a short time before his death, they would most respectfully refer Your Lordship, in proof of the competency of Mr. Aitken for the performance of his duties, and in justification of the Memorialists in his appointment. Mr. Aitken, during the time between his appointment and the Sailing of the Ship, came frequently under the observation of the Memorialists and Her Majesty's Emigration Agent, and his conduct was highly satisfactory in every respect. The Memorialists had therefore every reason to believe that a Voyage, so auspiciously begun, would have terminated alike favorably. It is to them a source of the deepest sorrow that the Colonial Authorities should have had any cause of complaint against the Surgeon Superintendent, and that, in consequence, His Excellency Governor Gipps should have deemed it expedient in the meanwhile to withhold the sum above mentioned from the Memorialists; but they hope, with great confidence, that this statement will satisfy your Lordship, that, in all the details of this matter, they have acted as honest and honorable Men, faithfully endeavouring to fulfil every condition incumbent on them for the comfort of the Emigrants, the approbation of the Authorities, both at home and abroad, and for their own reputation as British Merchants.

While the Memorialists submit the foregoing statement, trusting that Your Lordship will see in it sufficient grounds for relieving them of the Quarantine expenses, they venture to hope that your Lordship may also consider them entitled to be paid the sum deducted for those Emigrants, who were alleged to be without sufficient protection, as, at the time the Ship sailed from Clyde, all the unmarried Females were placed under the protection of Married Couples, but Your Lordship will easily perceive that little petty quarrels during the Voyage might be sufficient to disturb such arrangements in some Cases, and it would therefore be a hard matter to deny the Importer the Bounties, when the parties in question became valuable Colonists, and were in actual employment as such.

The Memorialists beg also to bring before Your Lordship's notice the fact, that, independently altogether of the sums above mentioned, they, in consequence of the ship being placed in Quarantine, have suffered a very great pecuniary loss from her detention at Sydney, and the heavy expenses consequent thereon.

The Memorialists, in conclusion, most respectfully and earnestly make this appeal, assuring your Lordship that compliance with the prayer of their Memorial will confer upon them a boon of deep importance.

May it therefore please Your Lordship to take the case of your Memorialists into your Lordship's favorable consideration, and to grant orders for the immediate payment to them of the sum of £932 2s. 0d., withheld by the Governor of New South Wales in name of Quarantine expenses, and also of the further sum for Bounty as stated in the foregoing Memorial.

And your Memorialists, &c,

Greenock, 19th December, 1842.

Maccunn and Campbell.
The undersigned Robert Walker, Physician, residing in Greenock, hereby certifies that, in the Month of June last year, he was requested by Messrs. MacCunn and Campbell to examine the testimonials of Mr. Aitken, an applicant for the situation of Surgeon on board the Ship "New York Packet," bound for New South Wales with Emigrants. That he found these testimonials explicit and satisfactory and that Mr. Aitken himself on examination appeared well qualified for the performance of the duty of the situation and the Undersigned did therefore, without hesitation, recommend the owners to engage him.

The undersigned was also called upon to inspect the Medicines and Surgical instruments provided for the voyage, and made a minute examination of the whole along with Mr. Aitken, and found the supply ample sufficient for the number of Emigrants.

Given under my hand at Greenock, the third day of August, Eighteen hundred and forty-two years.

Robert Walker, M.D.

I, David Glassford, Solicitor, residing and practising in Greenock in Scotland, do hereby solemnly and sincerely declare that the principal Certificate, whereof the foregoing is a true Copy, was in my possession and carefully perused by me on or about the third day of August last, about which time it was, as this Declarant verily believes, sent out to Sydney in the Colony of New South Wales; and I further declare that the said Certificate and since it was so in my possession as aforesaid; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of His late Majesty intituled an Act to repeal an Act of the present Session of Parliament, entituled "An Act for the more effectual abolition of Oaths and affirmations, taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extrajudicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

Declared at Greenock aforesaid, the nineteenth day of December, Eighteen hundred and forty-two years.

Walter Baine, Jr. Provost.

I, John Green, Accountant, residing No. 17 George Street in the City of Edinburgh in Scotland, maketh Oath and saith, that he is well acquainted with Thomas R. Scott, Esquire, residing in Musselburgh aforesaid, and that he is also acquainted with Robert Milner, Surgeon, residing in Musselburgh near Edinburgh aforesaid, and that the proper writing or Certificate prefixed hereto, marked with the Letter "C," dated "Musselburgh, Octr. 18, 1842," is of the proper handwriting of the said Robert Milner. And this Deponent further saith that William Campbell, Esquire, residing in Fishrow, Musselburgh, is of the proper handwriting of the said William Campbell, and was signed by him in the Deponent's presence. And this Deponent further saith that.
the Reverend Alexander Davidson, residing in Musselburgh aforesaid, is Minister of the Parish of North Esk, by Musselburgh aforesaid, and that the paper writing or Certificate prefixed hereto marked with the Letter F, dated " Musselburgh, 15th October, 1842," and signed " Alexander Davidson, Minister of Northesk," is of the proper hand writing of the said Alexander Davidson, and was signed by him in the Deponent's presence: And this Deponent lastly saith that the Reverend Martin Wilson Livingstone, residing in Musselburgh aforesaid, is Minister of the Relief Church, Musselburgh aforesaid, and that the paper writing or Certificate prefixed hereto marked with the Letter G, dated " Musselburgh, 17th October, 1842," and signed " Martin W. Livingstone, Minister of the Relief Church, Musselburgh," is of the proper handwriting of the said Martin Wilson Livingstone and was signed by him in the Deponent's presence.

Sworn before me, Lord Provost and as such Chief Magistrate of the City of Edinburgh in Scotland at Edinburgh aforesaid, this eleventh day of November, One Thousand, eight hundred and forty two; and I do hereby certify and make known that the Deponent, John Green, is a Gentleman of high reputation and respectability, and that all faith and credit is due to his statements; and that the signature, " John Green," affixed to this Affidavit and to the paper writings prefixed hereto, is of the hand writing of the said John Green. In faith and testimony whereof, I have hereunto set my hand and caused the common Seal of the said City of Edinburgh to be affixed hereto.

JAMES FORREST, Lord Provost, Chief Magistrate of Edinburgh.

I HEREBY certify that Mr. J. Aitken, Surgeon, while a Pupil of this School of Medicine, diligently cultivated the various sciences appertaining to his Profession, and that, during the time he practiced his profession in Musselburgh, he treated his patients skilfully and humanely. I consider him ably qualified to practice his profession in all its Departments.

(Signed) JOHN LIZARS, late Professor of Surgery to the R. College of Surgeons, and Senior Operating Surgeon in the R. Infirmary.

Edinburgh, 33 York Place, 25 October, 1842.

EDINBURGH, 11 November, 1842, Referred to in my affidavit of this date.

(Signed) JOHN GREEN.

B.

I HEREBY certify that Mr. John Aitken went through a regular course of Medical Education at the University of Edinburgh, and that, after undergoing the usual examination, he was admitted a licentiate of the College of Surgeons.

I also certify that he practiced for several years in this town, whereby he must have had ample opportunities of adding to his professional knowledge. Under these circumstances, I could have no hesitation of recommending Mr. Aitken as a fit person for officiating medically on board of any vessel.

(Signed) D. M. MOIR, Surgeon.

C.

I CERTIFY that I was personally acquainted with the above named John Aitken, and that the statements in the above Certificate are true and consistent with my knowledge.

(Signed) THOS. R. SCOTT, M.D., Musselburgh.

EDINBURGH, 11 November, 1842, Referred to in my affidavit of this date.

(Signed) JOHN GREEN.

D.

FROM several years' intimacy with Mr. John Aitken, Surgeon, I feel myself fully entitled to bear my testimony to his qualifications and general deportment, his disposition being truly kind and gentlemanly; and, while in practice in this place, he uniformly maintained a highly respectable character, discharging all his duties with the utmost steadiness, intelligence and care; thus securing for himself a very large share of Public patronage, as well as the respect and esteem of the community at large.

(Signed) ROBERT MILNER, Surgeon, Licentiate of the Faculty of Physicians and Surgeons of Glasgow.

Musselburgh, 18th Octr., 1842.

EDINBURGH, 11 November, 1842, Referred to in my affidavit of this date.

(Signed) JOHN GREEN.
E.

(Signed) JOHN GREEN.

Fisherton, 17th Octr., 1842.

I do hereby certify that I know Mr. John Aitken, Surgeon of this place, for a great number of years previously to his leaving here, and that he always conducted himself in a most prudent and becoming manner, and I think him well qualified to fill any situation that through Providence he may be appointed to.

(Signed) WM. CAMPBELL, Magistrate, Musselburgh.

EDINBURGH, 11th November, 1842; Referred to in my affidavit of this date.

(Signed) JOHN GREEN.

F.

(Signed) JOHN GREEN.

Musselburgh, 15th Oct., 1842.

I have much pleasure in certifying that I was for a considerable time acquainted with Mr. John Aitken, whilst he practiced as a Surgeon and Physician in Musselburgh. It consists with my knowledge that Mr. Aitken was a very steady and exemplary young man, and bore a good moral character; and it was my full belief that he would give every satisfaction in any Medical Situation that in the course of divine Providence he might be called upon to fill.

(Signed) ALEXANDER DAVIDSON, Minister of Northesk.

EDINBURGH, 11th November, 1842; Referred to in my affidavit of this date.

(Signed) JOHN GREEN.

G.

(Signed) JOHN GREEN.

THIS Certifies that Mr. John Aitken, Surgeon, lately of this place, was a member of the Relief Church, Musselburgh, was in full communion with the Church, and that he bore a character strictly consistent with his Christian profession. Mr. Aitken practiced for several years in Musselburgh, as a Surgeon. Having employed him personally and in my family, and having had ample opportunities for judging from coming much in contact with the people amongst whom he practiced, it is my full conviction that he is competent to fill any situation in his profession in which he may be placed. It is consistent with my knowledge that he discharged the duties of his Office in this place, with assiduity, faithfulness and success. I have much regretted his leaving the place. It shall give me much gratification to know that his success in his profession, wherever his lot is cast, is equal to his character and merits.

(Signed) MARTIN W. LIVINGSTONE, Minister of the Relief Church, Musselburgh.

Musselburgh, 17th Octr., 1842.

EDINBURGH, 11th November, 1842; Referred to in my affidavit of this date.

(Signed) JOHN GREEN.

Land and Emigration Commissioners to Under Secretary Stephen.

Colonial Land and Emigration Office,

Sir, 9 Park Street, Westminster, 18th January, 1843.

We have the honor to acknowledge your Letter of the 9th Instant, transmitting to us the copy of a Letter from Mr. Alexander Sinclair, with a Memorial from Messrs. McCunn and Campbell of Greenock, the Owners of the “New York Packet,” relative to the amount of Bounties withheld from them on account of Emigrants sent to New South Wales in that Ship, and directing us to state whether there is anything in their representation, which induces us to modify the opinion on the subject expressed in our report of the 28th Ultimo.

We find that the Memorial states correctly that a certain Amount of Bounty has been withheld in this case to meet the expenses incurred by the Government while the Ship was in Quarantine, and because certain Females were deemed ineligible Emigrants from the want of proper protection. Messrs. McCunn and Campbell allege on the other hand that they took much pains in selecting proper Emigrants and in sending them out in accordance with the Colonial regulations; that all their arrangements were made to the satisfaction of the Government Emigration Agent at the Port of
departure, and that the Surgeon was a person, who, there was every reason to suppose from his Certificates and from the result of the personal examination which he underwent, was fully competent to perform the duties of his Office. The Memorialists further state that they have been informed that the sum withheld from them by the Local Government would be recovered upon satisfactory proof being given to Lord Stanley of the competency of the Surgeon, and of the care bestowed on his selection; and they accordingly, having with this view submitted certain Documents, pray that his Lordship will grant Orders for the immediate payment to them of the whole amount withheld by the Local Government on the two grounds abovementioned.

We have the honor to report that Lieutenant Hemmans, as will be seen from his letter, which we had the honor to enclose in our Report of the 28th Ult., is correctly stated to have been satisfied with all the proceedings of the Owners in respect to the despatch of the Emigrants by this Vessel, and, as we also stated in our report, that the testimonials of the Surgeon appeared to us to be of a very high order. It cannot, however, be correct that any expectation of the recovery of the Bounties in this Country can have been held out by the Colonial Authorities, as no intimation of the fact has been conveyed to Lord Stanley. On the contrary, the Board of Enquiry recommended in strong and unqualified language the refusal of a certain portion of the Bounties on the Emigrants by this Ship; and their recommendation was adopted by Sir George Gipps, apparently in all respects without hesitation, and their opinion of the incompetency of the Surgeon confirmed by his remarks. We cannot, therefore, think it would be right that a payment of Colonial Money should be ordered in this Country in a case where the Colonial Authorities, being the best interpreters of their own regulations, and having the best means of judging of the evidence, have decided that it was not due. As, however, in the Report of the Board of Enquiry, we observe that the charge is made against the Owners of the Vessel of carelessness in the appointment of the Surgeon, we think that it would be right that a copy of Messrs. McCunn and Campbell's Memorial, with its accompanying Documents, and also of our present and our former letter enclosing Lieutenant Hemmans's Report, should be sent to the Governor, who would have the best means of deciding how far such additional evidence should induce him to modify the decision, which he had before come to in the case.

We would further suggest that Messrs. McCunn and Campbell should be informed in reply to their Memorial that the decision of all questions, respecting the payment of Bounties, is by the very nature of the system left to the Colonial Authorities; That every party, at the time when he engages to take out Emigrants under the system, is made acquainted with the conditions upon which alone payment will be obtained; and that any further evidence, which persons thinking themselves aggrieved by the loss of Bounties may wish to offer, should be addressed to the Governor of the Colony, to whom Lord Stanley has accordingly thought proper to forward the communications which have been made to him in this Country on the case to which their Memorial refers.

We have, &c.,

T. FRDK. ELLIOT.
EDWARD E. VILLIERS.
Warrant for appointment of G. P. F. Gregory.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 23, per Mr. Gregory.)

Sir,

Downing Street, 10th February, 1843.

With reference to my despatch, No. 12 of the 24th Ultimo, I have the honor to transmit to you a Warrant under Her Majesty's Sign Manual, authorising you to cause Letters Patent to be passed under the Great Seal of New South Wales, appointing Mr. G. P. F. Gregory to be Prothonotary and Registrar of the Supreme Court in that Colony.

I have, &c.,

STANLEY.

[Enclosure.]

[A copy of this warrant is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 29, per ship Eagle.)

My Lord,

Government House, 12th Feby., 1843.

Having had the honor to receive, on the 16th Novr., 1842, Your Lordship's Despatch, No. 117 of the 27th May of that year, allowing the claims of the Messrs. Henty to be reopened in respect to lands occupied by them at Portland Bay, I thought it proper to bring the matter again before my Executive Council; and I have the honor herewith to enclose Copies of the Minutes made by the Council on the subject on the 20th and 21st Decr. and 16th Jany. last.

Your Lordship will perceive by these minutes that, in respect to the main difficulty in the case, namely, the fixing a proper price for the lands, of which the right of preemption has been granted by Your Lordship to the Messrs. Henty, the Council expressed no opinion, there being no satisfactory data on which the price at present can be calculated.

The majority of the Council considered the fixing of the price to be the only point left to the discretion of this Government, the opinion expressed by the Council in 1840, in respect to the Messrs. Henty's claims, having been overruled; but the Bishop of Australia dissented from the rest of the Council in this particular, and entered a minute, which may be considered in the nature of a Protest, against any departure from the regulations in favor of the Messrs. Henty.

I have instructed Mr. La Trobe to take measures for obtaining new data, on which to proceed in putting a proper price upon the land, and shall report further to Your Lordship when this has been done.
According to existing data (taken from the sales already made in the District), the sum which the Messrs. Henty might be called upon to pay for the 47 acres of land, which are situate in the Town of Portland, would be about £26,000; but this is far beyond their present value.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[Copies of these minutes will be found in a volume in series II.]
Bounties did not appear to be based on the Regulations themselves, and amongst them was the case of Kelly and his Wife, respecting whom we mentioned it as the alleged ground of objection that they “had passed the Board, but subsequently left Sydney for Adelaide.” In the List now received from the Governor, the reason is expressed as follows:—“Gone to Adelaide and paid their passages.” This last circumstance, which did not appear in the Papers previously before us, may possibly have been assumed to be evidence that the Man was above his alleged condition of an Agricultural Laborer, and thus to have brought the ground of rejection within the scope of the established regulations. But, while we notice this point for the sake of accuracy, and in order not to omit to bring to view anything in the present papers which might be deemed to add to the information formerly possessed, we do not think that there appears sufficient reason to modify the inquiries which have probably already gone to Sir George Gipps on the subject.

15 Feb.

Reduction of hospitals at Goulburn and Windsor.

Disposal of hospital stores, etc.

LORD STANLEY TO SIR GEORGE GIPPS.

Sir,

Downing Street, 15 February, 1843.

I have received your Despatch, No. 138 of the 2nd of August last, in which you report the reduction of the Government Hospitals at Goulburn and Windsor in New South Wales. Her Majesty’s Government approve of the reduction of those Hospitals.

With regard to the Stores, Utensils and Instruments belonging to those Institutions, you are authorized to dispose of them in such manner as you may think most conducive to the good of Her Majesty’s Service; with the understanding, however, that the value or proceeds of the Sales of such Stores as may not be applied (as in the case of the late Hospital at Goulburn) to purposes of public charity, are to be paid into the Commissariat Chest to the Credit of Funds provided for Convict Expenditure.

I am, &c,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 15th Feb., 1843.

On the 16th Novr., 1842, I received Your Lordship’s Despatch No. 136 of the 16th June of that year, wherewith various Papers were transmitted to me, with directions that I should obtain certain explanations respecting them, which were required by the Army Medical Department; and I accordingly
caused a copy of Your Lordship's Despatch, and the original papers on which the explanation was required, to be transmitted to the Deputy Inspector General of Hospitals, the Head of the Medical Department in New South Wales.

The Papers were transmitted to him on the 23rd Novr.; and, after the lapse of six weeks, I caused a letter to be written to him, of which a Copy is enclosed; and agreeably to the intention therein announced to Mr. Thompson, I have now to report to Your Lordship that I have not been able to obtain from him the explanations required, nor do I see any prospect of his furnishing them.

In making this report to Your Lordship, I feel it necessary to refer to my Despatch of the 20th June, 1842, No. 108, wherein I reported the habitual negligence of the Officer at the Head of the Medical Department.

I have, &c,

Geo. Gipps.

[Enclosure.]

MR. W. ELYARD TO DEP. INSPECTOR-GENERAL OF HOSPITALS.

Colonial Secretary's Office,
Sydney, 9th Jany., 1843.

Referring to my letter of the 26th November, I am directed by the Governor to inform you that, six weeks having elapsed since a copy of Lord Stanley's Despatch, No. 136 of 16th June, 1842, calling for certain information respecting the Medical Department was forwarded to you, His Excellency will be under the necessity of reporting by the next opportunity for England that He has not been able to obtain from you the information called for by His Lordship.

I have, &c,

for the Colonial Secretary.

W. Elyard.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 27, per ship Euphrates; acknowledged by Sir George Gipps, 21st August, 1843.)

Sir,

Downing Street, 18 February, 1843.

By my Predecessor's "Circular" Dispatch of the 29th of May, 1841, you were required to furnish as early as possible after the expiration of each year certain Forms of Returns relative to the disposal of Waste Lands in the Colony under your Government, in order to their being laid before Parliament.

In the Returns for the year 1841, which have been received from New South Wales in obedience to those Instructions, it appears that a very important part of them, namely, that which relates to the disposal of Country Lands, is omitted.

I have to request that you will take an early opportunity of supplying this omission.

I have, &c,

Stanley.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 31, per ship Eagle.)

My Lord,
Government House, 18th Feb., 1843.

I have the honor herewith to forward a letter, which has been addressed to Your Lordship by Mr. Justice Willis, in consequence of my having furnished him with a Copy of the Minutes of Council, which accompanied my Despatch to Your Lordship, No. 26 of the 4th instt.

The only point, on which, in transmitting Mr. Justice Willis' letter, I feel it necessary to make a remark, is that Mr. Willis seems to endeavour to fix on me a want of ingenuousness in not having made him earlier acquainted with my disapproval of his proceedings.

It is quite true that, out of respect for the Office which Mr. Willis holds, I have, in my correspondence with or concerning censure, abstained as far as possible from the expression of censure; but I never gave Mr. Willis reason to suppose that I approved of his proceedings; and the letters, of which I enclose Copies, will prove that on two occasions at least I pointedly expressed my disapproval of them.

I have, &c,
GEO. GIPPS.

[Enclosures.]

LOD Stanley to Sir George Gipps.
(Despatch No. 28, per ship Euphrates.)

Sir,
Downing Street, 21st February, 1843.

I have received Your Dispatch of the 4th of July, 1842, in which, after reporting the payment into the Commissariat Chest at New South Wales of the sum of £6,000, you state that for the reasons there assigned you had omitted to pay to that Chest the sums amounting to £10,000 which had been advanced by the Lords of the Treasury to the Agent for the Colony in the months of May and September, 1841.

I have already, in my Dispatch of the 5th of August, 1842, No. 163, signified to you the objections which are entertained by H.M.'s Government to your deferring the execution of the Order you had received for making payments into the Military Chest. I have now to add that the motives which you allege in favor of that measure are not satisfactory. In disregarding the explicit and unqualified instructions which had reached you to repay to the Commissary an advance made in this Country for the services of the Colony, you inevitably derange the calculations of
the Lords of the Treasury, and embarrass their Lordships' Administration of financial Affairs of the utmost magnitude and complexity. If such inattention to your financial instructions should be repeated, it would be difficult for me to advise their Lordships to make any advances in future for the service of the Colony in this Country, and it would be equally difficult for them to comply with any such recommendation.

You will, therefore, understand that on questions of this nature H.M.'s Government cannot admit that you have any discretionary authority, but expect an implicit and punctual obedience to the instructions which may from time to time reach you.

I shall address you again on the subject of the state of the account between the Colony and the Colonial Agent, when I am in possession of the explanations on that subject which I have directed that Officer and the Commissioner of Colonial Land and Emigration to furnish. In the meantime, it may be sufficient to say that there is no apparent reason whatever to suppose that the state of that account is such as to justify your detention of £10,000 as a Debt due to the Treasury of New South Wales in respect of Money in the Agent's hands.

I am, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 33, per ship Eagle.)

My Lord,

Government House, 23rd Feby., 1843.

Your Lordship, having in Your Despatch, No. 160 of the Proposed visit 4th Augt., 1842, expressed your approval of my visiting Norfolk Island, I have to report that I am about to embark for that Settlement in Her Majesty's Sloop of War "Hazard," now in Port Jackson, and that I expect to be absent from Sydney about four weeks.

I regret that, from the constant press of business, it has not been in my power to visit Norfolk Island earlier.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 34, per ship Eagle.)

My Lord,

Government House, 24th Feby., 1843.

In my Despatch No. 18 of the 25th Jany. last, I reported to Your Lordship that I had assembled the Legislative Council of this Colony for the purpose of bringing forward the measures, which, by the 2nd Clause of the 5th and 6th Vict., C. 76, are
required in order to provide for the election of Members of the New Legislature created by that Act; and I enclosed a Copy of the Bill which I then laid before the Council.

I have now to acquaint Your Lordship that, the Bill having been passed with trifling alterations only, I finally adjourned the Council yesterday.

The Acts passed in this short Session will be forwarded for Her Majesty's approval with as little delay as possible.

I have, &c.,

GEO. GIPPS.

26 Feb.

Delay in decision on petition of Dunlop and Ross.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 29, per ship Euphrates.)

Sir,
Downing Street, 26th February, 1843.

Having communicated to the Lords Commissioners of the Treasury a Copy of your Dispatch No. 117 of the 10th of July last, forwarding a Petition addressed to their Lordships by Messrs. Dunlop and Ross, praying the remission of a Fine imposed upon them by the Customs Department at New South Wales, I have been informed by their Lordships that it has been found necessary to make a reference to the Collector of Customs in the Colony for a further and more detailed report of the case, and that any Decision on the subject must necessarily await the receipt of such information.

I have, &c.,

STANLEY.

27 Feb.

Acts of council received.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 30, per ship Euphrates.)

Sir,
Downing Street, 27 February, 1843.

I have received your Dispatch, No. 48 of the 9th of March last, transmitting for the Royal Allowance various Acts passed by the Legislative Council of New South Wales during its Supplementary Session from the 30th November, 1841, to the 4th of January, 1842.

I have had the honour of laying these Acts before the Queen.

I have received the Queen's Commands to signify to you Her Majesty's confirmation and Allowance of Eight of those Acts, the numbers and Titles of which are enumerated in the subjoined List.

Among the Acts thus confirmed is that which is numbered 13 "for vesting in certain Trustees the Estate in fee simple of a certain piece of Land in Macquarie Street, Sydney, upon Trusts set forth in the Model Deed of the Society denominated the Wesleyan Methodists."
It has not been without some hesitation that I have advised the Queen to sanction this Enactment. It is drawn in terms so obscure that, unaided by your explanations, I should hardly have succeeded in discovering the real design and meaning of many of its provisions. It ratifies the Title of a private Society to Land without the usual reservation of all other Titles. It moreover proceeds on the assumption that a certain Deed described as a Model Deed, and dated the 27th of February, 1840, is matter of public record in such a sense as that all Judges and others must take judicial notice of it. The Local Legislature refer to, and thus indirectly sanction, the Trusts of that Instrument, although what those Trusts may be is no where explained. These are not light objections, but in my solicitude to prevent the disappointment and loss which this Disallowance of this Act must have occasioned, I have advised Her Majesty to confirm it, trusting, however, that it will not be made a precedent for imitation on any future occasion.

On the Insolvent Debtors Act, No. 17, Her Majesty's Decision is suspended. At this distance from the Colony, it is impossible to estimate aright enactments so numerous and minute, and relating to matters of which the interest and the significancy are so peculiarly local. This is one of those Laws, which can be brought to no satisfactory test but that of experience. After it shall have been in operation for two Years, you will have acquired such an insight into the defects and advantages of the Law as will enable you with confidence to report on the actual results of it, and to recommend such amendments as may be necessary for carrying the views of the Legislature into complete effect. Awaiting such a report, and on the anticipation of such Amendments, I confine myself for the present to the remark that the powers given by this Act to the Judges appear to me inconveniently large. I think that the Patronage given to the Chief Justice by the first Clause should be vested in the Crown, or in the Governor acting on Her Majesty's behalf. The responsibility of a Judge for the right execution of a Trust of this kind is so nearly nominal that I apprehend he is not the proper depository of it. Neither do I think that it is proper that the Judges should possess the unrestricted power of Establishing Tables of Fees, and of making Rules of Court.

These are powers in the exercise of which it is, I think, desirable that Judges should be subject to the Controul of the Legislative Authority. Their Rules ought not, in my opinion, to be binding until they shall have been confirmed by an Act of the Local Legislature.

The Acts, Nos. 12 and 18, are still under the consideration of Her Majesty's Government.
I cannot close this despatch without conveying to you my thanks for the luminous explanation contained in your Despatch of the 9th March, 1842, of the objects and policy of this series of Laws. It has materially aided me in the consideration of them.

I have, &c.,

Stanley.

[Enclosure.] [This was a list of the titles of the acts of council, 5 Vict., Nos. 11, 13, 14, 15, 16, 19, 20 and 21.]

My Lord,

Government House, 1st March, 1843.

I have the honor to inform Your Lordship that His Excellency Sir George Gipps, Governor of the Colony, embarked on board Her Majesty's ship "Hazard" on the 27th ulto., for the purpose of proceeding to Norfolk Island, in conformity with the desire expressed by Your Lordship, in a Despatch recently received, that he would make a personal enquiry on the spot into the system of Convict Management pursued by Captn. Macnachie at that Settlement.

The "Hazard" left Port Jackson on the following morning. His Excellency's absence is not expected to extend beyond a month or five weeks.

Previously to His Excellency's departure, I received his instructions to forward to Your Lordship the accompanying Return, made by the present Registrar of the Supreme Court, Mr. Macpherson, to their Honors the Judges at Sydney of all Estates of deceased Intestates, placed under his charge for collection from the 12th Jany., 1842, the date of his appointment to office, to the 31st Decr. of the same year, and including all monies received and payments made up to the 31st Jany., 1843.

The Judges have intimated their desire that, in transmitting this Return to Your Lordship, it should be accompanied by a request that the same should be published in the London Gazette for the information of the Relatives of the deceased in Great Britain and Ireland. I have therefore respectfully to invite Your Lordship to cause the necessary directions to be given for its publication accordingly.

It may be proper to add that the present return does not include the Estates of deceased Intestates in the District of Port Phillip, the collection of which is entrusted, under the orders of the Resident Judge, to the Deputy Registrar at Melbourne.

* Note 49.
THOMSON TO STANLEY.

I have however written to His Honor the Superintendent to cause a similar Return to be furnished for the Port Phillip district, and, as soon as it is received, it shall be transmitted to Your Lordship.

I have, &c.,

E. DEAS THOMSON, Colonial Secretary.

[Enclosure.]

[This return has been omitted.]

COLONIAL SECRETARY THOMSON TO LORD STANLEY.

(Despatch No. 2, per ship Alfred; acknowledged by lord Stanley, 28th July, 1843.)

My Lord,

Government House, 2nd March, 1843.

In the absence of His Excellency the Governor at Norfolk Island, as reported in my Despatch of yesterday's date, I have the honor, at the instance of their Honors the Judges of the Supreme Court, to transmit herewith two original letters addressed by them to Your Lordship, and dated respectively the 23d ulto., the one being in reply to the enquiries contained in Your Lordship's Despatch to Sir George Gipps, No. 153 of the 26th July, 1842, enclosing Copies of several applications which had been addressed to Your Lordship 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, and the other enclosing three several statements, namely:

1. Of the sums now standing at the credit of Intestate Estates in the Savings Bank;
2. Of all Estates placed in the hands of the present Registrar, Mr. Macpherson, up to the 31st Decr., 1842; and,
3. Of the Intestate Balances due by the late Registrar, Mr. Manning.

As these documents appear sufficiently to explain the matters to which they refer, I do not deem it necessary to trouble Your Lordship with any observations upon them; but it is right that I should point out that, although the Judges' letters are dated the 23rd ulto., they only reached me this day.

I have, &c.,

E. DEAS THOMSON, Colonial Secretary.

[Enclosure No. 1.]

THE JUDGES TO LORD STANLEY.

Sydney, New South Wales. 23rd February, 1843.

His Excellency The Governor of this Colony has transmitted to us a copy of Your Lordship's Despatch to His Excellency, No. 153, 26th July, 1842, enclosing copies of several applications, which had
in estate of W. Were;

be not paid into the Savings Bank the balance of £139 2s., ascertained by the Judges' Audit to have been in his hands at the latter end of this year 1841, and forming part of his defalcation. He did not, however, receive more than one sum of £160. There was belonging to the Estate a Promissory Note of one Wm. Forsyth for £160 10s., the maker of which, when it became due, was absent from the Colony. This Promissory Note, upon Mr. Manning's removal from office, came into the official custody of the present accurate and trustworthy Registrar of the Supreme Court, William Macpherson, Esquire, who succeeded in obtaining, as a security for the payment of the principal sum and interest, the Promissory Note of Messrs. Wm. Walker and Co., highly responsible Merchants of this place, for £207 19s., due on the 10th June, 1843. This amount we have no doubt may be reckoned upon as secured, and the next of kin of the deceased W. Were will be enabled to draw it, upon application to the Supreme Court by their lawfully constituted Agent, and substantiating in the usual way the fact of being next of kin.

Second. As to the representation of Mr. Evan Davies. In the Estate of Richard Lillyman. The late Registrar Mr. Manning did not at any time communicate to the Judges the fact, which is stated in the letters of Mr. Cooper of New Zealand, and of Mr. Davies, of his having received from Mr. Cooper any money as there mentioned; nor was it known to the Judges until communicated to them through Your Lordship's despatch. It is scarcely necessary therefore to say that Mr. Manning's receipt of this money was secret, unauthorized and unofficial; that his non-application of it to its proper purpose, although a sad dereliction of duty and principle, and affording proof of his course of dealing in such matters, is not one, of which we can give any other explanation than that afforded by Mr. Manning himself to whom we have referred, and his explanation is contained in a letter to the Chief Clerk of the Supreme Court, dated 29th Dec., 1842, a copy of which is annexed.

Third. As to the complaint of Mr. Neil Kennedy.

The late Registrar, Mr. Manning, did not at any time communicate to the Judges the fact of his having possessed himself of any
THOMSON TO STANLEY.

property under the circumstances stated in the letter of Mr. Kennedy, nor was it known to the Judges, until communicated to them through Your Lordship’s Despatch. Mr. Manning’s interference with the property, therefore, was unauthorised and unofficial; and, although he was a Crown Officer at the time, it cannot truly be said (as by Mr. Neil Kennedy it has been said) that he, “under the authority of the Crown, took charge of the goods,” etc. He had, in fact, no authority from the Crown, or from the Court, for what he did; and we can give no other explanation than that afforded by Mr. Manning himself, in his letter above referred to.

Fourth. As to the representation of Mr. Geo. Johnson, “In the Estate of John Thomas Campbell.” An order of Court was made so long since as the 16th January, 1830, for John Edye Manning, Esquire, Registrar of the Supreme Court, and Robert Robinson, Captain in the New South Wales Royal Veteran Company, to collect the Estate of John Thomas Campbell, Esquire, who died on the 7th of January, 1830. This Order was superseded on the 28th of November, 1833, by administration being granted of the goods of John Thomas Campbell, with the Will and Codicil annexed, to Mr. Manning; his son, Edye Manning, Esquire, and Thomas Bodenham, Esquire, being his sureties. In order to obtain these letters of administration, Mr. Manning was appointed by the next of kin (who appears to have been Dr. Charles Campbell of Newry, in Ireland) his Agent. It was the duty of any one, claiming a debt to be due to him from the Intestate, to bring forward and substantiate his claim by a demand upon the administrator or next of kin, legally prosecuted. But Mr. Johnson does not appear to have done more than make enquiry of the late Registrar, through his friend, Captain Armstrong, in 1834; and this does not appear to be in any way pursued until in 1842, eight years afterwards, he applies to the Secretary of State on the subject. Meanwhile, Mr. Manning had in 1836 (according to his statement, see letter annexed) settled with the next of kin thro’ his lawfully constituted Agent, for the money received by him. Under such circumstances, Mr. Johnson can only blame his own remissness for not having more promptly brought forward his claim in a legal way, between 1830 and 1836, and his only remedy (if any) is to apply to the next of kin of Mr. John Thomas Campbell, as Mr. Manning suggests.

Fifth. As to the petition of James Morgan. Mr. Manning’s interference with the property referred to by the Petitioner was wholly unknown to and unauthorised by the Judges. Real Property does not fall within their Jurisdiction to commit to the charge of the Registrar; the property, so liable, being personal property only of intestate persons, which is subject to waste. It appears by the petitioner’s statement and that of Mr. Manning that, on the application of Mr. Manning the late Registrar, the petitioner was induced to execute to Mr. Manning and to his son William Montague Manning, Esquire, Barrister at Law, a Conveyance of the property in question in Trust (as we gather from Mr. Manning’s explanation) to sell for the benefit of the petitioner. Mr. Manning’s explanation (as contained in his letter above referred to) is the only one we are enabled to communicate to Your Lordship of this matter, and of his conduct in regard to it. He admits having actually received on James Morgan’s behalf, in all, a sum of £2,900, on which, he says, “James Morgan will be entitled to a dividend” and that he “holds in trust securities to the amount of about £1,500 more of unsold, and as yet, unproductive land.”

1843.
2 March.

Report by judges re defalcations of J. E. Manning
1843.

2 March.

Under such circumstances, Your Lordship will share in the feeling of indignation which we ourselves entertained, on a perusal of Mr. Manning's explanation. We have not the power, however, of relieving the petitioner. He has, unfortunately, by his own act, as it appears, legally invested the Messieurs Manning with a Trust, for the execution of which he must look to them in that character.

We have, &c.

JAMES DOWLING, C.J.
W. W. BURTON.
ALFRED STEPHEN.

[Sub-enclosure.]

MR. J. E. MANNING TO MR. A. ELYARD.

Sir, Vermont, 29 Decr., 1842.

Your letter of the 17th inst., addressed to me by their Honors' direction and enclosing copy of correspondence in the several estates of Were, Lillyman, some deceased person unnamed at Port Phillip, John Thomas Campbell, and Mary Morgan, I did not receive till the 23rd from the Camden post, and reply to it as early as I have been able, not having papers by me to refresh my memory on the various Subjects.

First. In the estate of W. Were, deceased, intestate. I believe Mr. Thomas Were's representation to Captain Pechell, in May last, to be substantially correct. I deeply regret my not having paid into the Savings Bank the balance of £139, ascertained by the Judges' audit to have been in my hands at the latter end of the last year and forming part of Intestate balance. The vouchers of this account are in the office of the Supreme Court. The second sum, mentioned by Mr. Were, Senr., of £160, had never been realized by me. It is in the form of a promissory note at two years' date given by the friend of the deceased gentleman to him before his death, and did not fall due till the beginning of the present year, long before which period the maker of the note had returned to England. It was handed over by me to Mr. Macpherson on my quitting office. I could get no clue to the residence or connections of the maker. All the papers herein will be found in a bundle endorsed "Were," left by me in the top right hand drawer of my office desk, among the vouchers of audited Estates.

Second. In the Estate of Richard Lillyman; A sum under £300 was received by me through my Agent Mr. Cooper of New Zealand the Colonial Treasurer there, some twelve months before I left Office. It was not brought by me before the Court from the circumstance, as well as I recollect, of the Island having ceased to be within its jurisdiction. I, however, satisfied the claim of Mr. Lillyman's family, who were represented (in one of the latter months of last year) by Mr. Augustus Gore of Spring Street, by assigning to him my share of the wool of 4,100 Sheep, which I had in charge of Messrs. Pitts, Bollivant, and Adams near Moreton Bay, of whom Messrs. Gore and Co., of Sydney, as Thomas Gore & Co. of Sydney, acted as agents. A reference to my Balance sheet or schedule of personal effects, filed in the Court, will show that the then forthcoming fleece of these flocks were excepted. I calculated that my half of this wool would, as near as possible, cover the amount of Lillyman's claim, and of which I have never since heard.

Third. Estate of a party who died by Suicide at Melbourne. Mr. Neil Kennedy's letter of 3rd July last to Lord Stanley does not give the name of the party, who is said to have died in his debt for the value of some consignments made in his lifetime. I have endeavoured, in vain, to tax my memory for the name, but I perfectly remember the business. This is no Intestate Estate, but a probate of his will was granted by the Supreme Court in Sydney in favor of the two Executors, who were, I think, Mr. Simpson the Police Magistrate at Melbourne, and some Merchant there. These gentlemen became alarmed at the probable consequence of their undertaking the management of this Estate, consisting, I believe of some gross £300 in value, and they entreated my agent, Mr. James Smith of Melbourne, to take the conduct of the business in my name. I consented to his doing so under the circumstances, in which no will ought in fact to have been proved, as it was hastily made with the poison in his Stomach by which he destroyed himself. Mr. Smith sold the effects found in the small Store of the deceased, paid £100 for rent due, for which the Executors had undertaken, paid funeral expenses, wages, etc., and ultimately sent me the balance in hand, the whole of which I disbursed in Sydney in satisfying the specific claims of consignors who proved by invoices, of which duplicates were sent me from Melbourne, that their property had been sold as the effects of deceased. The bundle of papers must be some where in the office, either in the large Press among balanced estates papers, or in the second drawer on the right hand of my desk among bundles of estates not made the subject of any Court Orders. In this particular estate, if I recollect right, I overpaid some seven or eight pounds in consequence of my being very late called upon to pay another specific claim at a
only clue I can give you to the name of this party is that I think one of the claims in question was paid by me to the house of Rowan, McNab and Co., of Sydney, who, no doubt, will recollect it. Their claim was one of £12 or some such sum.

Fourth. In the Estate of John Thomas Campbell, I have no recollection of the claim of Mr. George Johnstone, which is the subject of his letter to my Lord Stanley of the 2nd July last. It is very probable that the conversations, reported by Captain Armstrong in 1834, may have passed between us, and that I expressed a readiness to do justice to any well established claim of my friend in the Estate; but from that time to this (now eight years) I have heard nothing of it. However, about Six or Seven years ago, I paid over every shilling in my hands, amounting to some 4 or £5,000 to Messrs. Wentworth and Chambers, the authorized agents of Dr. Charles Campbell, Rector of Newry in Ireland, and received their discharge. I remember tracing among the papers of Mr. Campbell the remittance by him to Messrs. Crawford, Colvin and Co. in London of a Treasury Bill of large amount, a short time before his death, and reported the circumstance to Dr. Campbell, who, it seems, settled accounts with the house, upon his establishing his claim by administration to the English property of his deceased brother. Dr. Campbell is a highly respectable clergyman and Magistrate, and will no doubt do justice to Mr. Johnstone's claim if it be correct.

Fifth. In the Estate of late Mary Morgan. This is not an Intestate Estate but one of private agency. Some five years since I was incidentally apprized that the title to a grant of 140 or 150 acres at Wallis' plains in favor of Mary Morgan, embracing the race-course there and many allotments against the road, some since built on, was partially defective through the decease of this woman when the wife of Joseph Hunt (who still survives her) in consequence of several of her conveyances not having been acknowledged by her as a married woman before a Judge or special commissioner of the Supreme Court; and in consequence of which many sub sales were at a stand. I directed my agent to find out an heir if possible, and could only point his attention to the neighbourhood of Shrewsbury, from which this woman had been transported by the name of Morgan nearly fifty years ago. About after two years' search and a great expense, an only son of the deceased, born in wedlock three or four years before her transportation for seven years, was found out. This son is the James Morgan, the Chelsea pensioner, who petitions my Lord Stanley. He is wrong in stating that his Mother emigrated here several years ago. She was transported as I have said, then returned to England after her Seven years, married again in Plymouth, well knowing that her first husband Morgan was still living in Sydney, to which place he had followed her, after escaping from the Constables who arrested both on a joint Warrant. After living some time in Plymouth, she absconded to New South Wales to avoid a warrant-for her apprehension on the Capital charge of Arson in setting fire to her husband's house. On arriving here once more, she again cohabited with her husband Morgan, whom she once more left to live with an Officer at the then penal settlement of New Castle. Her husband Morgan, I am told, formed some other connection also, in the course of which he had a family now living in this Colony. Morgan and his wife are reported to have lost sight of each other from that time; and, about fifteen years ago, she was married to Hunt at Maitland by a Protestant clergyman, having satisfied him, on Oath, that there was no lawful impediment to the union. By this time she was in possession of the grant of land promised her by General Macquarie as I believe. From time to time, she disposed of small portions of the land, and in some instances passed the deed before a Judge, and in some not. She died 9 or 10 years ago, not longer possessing any thing deemed of value, but willing everything she did possess to Hunt. She had previously mortgaged for £1.100 every thing she had not otherwise disposed of, including the race-course, to J. T. Hughes. Hunt afterwards sold the equity of Redemption supposed to be vested in him by the will. In this state of things, the heir at law was found, and a conveyance in trust for sale of all his right under his Mother's grant was sent out. My son W. M. Manning was joined with me in the deed without his knowledge, and without the fact being known even to myself until some months afterwards, when upon preparing conveyances under agreements made by me for the confirmation of the titles to certain portions of this land, it was discovered by Mr. Norton that he was a necessary party. He, however, took no part in the arrangement of the trust, except in executing the conveyance for the sake of "Conformity." I authorized my agent in London to advance James Morgan £20, a week until I should have realized anything considerable for him by sale or compromise, and apprized him of the probability of my obtaining for the heir the sum of two thousand pounds or thereabouts for the confirmation of the titles rendered doubtful by the supposed defect. My first dealing was with J. T. Hughes, who agreed to give me £20 an acre for the confirmation of his title to a large portion of the grant which he states to be about 80 acres (but I have since found to be more) and for which confirmation he gave me without prejudice his promissory note for £1,600, which fell due in Sept. or Oct., 1841. I have received subsequently a number of smaller sums and executed deeds confirming the titles of parties to 8 or 10 acres more, and have entered in
my schedule, filed on my Insolvency, a sum of £2,900 on which James Morgan will be entitled to a dividend. I also hold in trust securities to the amount of about £1,000 more, and am in legal possession by my agent Mr. Pilcher of about £1,500 worth more of unsold, and as yet unproductive land, abandoned to me under the contract with Mr. Hughes, or which some of the possessors conveyed to me as the consideration for confirming their titles to larger portions of their Allotments. Mr. Hughes and others have raised questions as to whether the heir had any interest after all, and Mr. G. R. Nichols, an Attorney concerned for two or three of the possessors, on one occasion produced an affidavit, the effect of which is to create greater doubt whether the conveyances of Mary Hunt were not all perfect. My son W. M. Manning, as my co-releasee, although he has hitherto declined to act in the trust except in so far as was absolutely necessary by signing "for conformity," will probably not object to prove against my estate on behalf of the heir, and to act in future, provided he can do so without making himself responsible for the amounts received by me. I think that by careful management of the trust a sum exceeding Morgan's expectations may be immediately realized for the heir.

I take great blame to myself for not having sooner relieved the poor man's anxiety, but I thought him still in receipt of a weekly allowance, which with his pension placed him in comparative comfort. This feeling together with the great doubt I entertain of Morgan's having in fact no right to the land in law or in equity and my own overwhelming embarrassments nearly depriving me for a long time since of all energy of mind, are the only excuse I can offer.

I remain, &c.,

J. E. MANNING.

[Enclosure No. 2.]

THE JUDGES TO LORD STANLEY.

Sydney, New South Wales,

My Lord.

23rd February, 1843.

We have in a separate letter to Your Lordship of this date (forwarded to His Excellency The Governor for transmission to Your Lordship) explained the facts, in so far as we are acquainted with them, relating to several particular instances of defalcation of the late Registrar, referred to in Your Lordship's Dispatch to His Excellency Sir George Gipps, No. 153, 26th July, 1842.

We have now the honor to acquaint Your Lordship that, with a view, as far as possible, to relieve Your Lordship from the annoyance with which (as we are sensible and deeply regret) continual reference to Your Lordship by parties, aggrieved on the subject of defalcations by the late Registrar, must be accompanied, we have, in the absence of other means of immediate explanation, the honor to enclose the following papers for Your Lordship's information.

First. A Statement of all sums of money received by the Registrar of the Supreme Court, and now in the Savings Bank to the credit of Intestate Estates, with the interest added, to 31st December, 1842, amounting to £3,896 2s. 6d.

Second. A Schedule of all Estates of deceased intestates, placed under the charge of the present Registrar, William Macpherson, Esquire, from the 12th day of January (the date of his appointment) to the 31st of December, 1842. From these two documents may at once be seen what sum is secured in the Savings Bank in any particular case, and what is in the hands of the present Registrar.

Thirdly. A List of balances, as audited by the Judges in December, 1841 (on such data as they had then the means of ascertaining), due by the late Registrar Mr. Manning to the next of kin of deceased Intestates, either under order of the Court to collect, or of which he possessed himself without authority. From this document may be seen the several cases falling under this head, in which Mr. Manning was a defaulter at the time of his removal from Office; and as to which we regret to state that we consider
THOMSON TO STANLEY.

the event of recovering the amount from his Insolvent Estate to
be quite hopeless. We have directed the Registrar, for more general
reference, to forward copies of the papers herein enclosed to
Edward Barnard, Esquire, the Colonial Agent.

We have, &c.

JAMES DOWLING, C.J.
W. W. BURTON.
ALFRED STEPHEN.

P.S.—The copy of Statement marked A, as sent to the Colonial Details in
Agent, will contain the following additional particulars:—
1. Colonial Residence of the deceased.
2. Supposed Residence of his Family.
3. Date of Death so far as it can be ascertained.

[Sub-enclosures.]

[These were detailed statements of accounts.]

COLONIAL SECRETARY THOMSON TO LORD STANLEY.

(Despatch No. 3, per ship Alfred.)

My Lord, Government House, 4th March, 1843.

In the absence of His Excellency Sir George Gipps at Nor­
folk Island, I have the honor herewith to transmit to Your Lord­ship a Copy of a letter, I received this day from His Honor the Superintendent of Port Phillip, enclosing a paper containing his remarks upon the letter addressed by His Honor Mr. Justice Willis to Your Lordship, in reference to the proceedings of the Executive Council of this Colony, on the subject of his conduct as Resident Judge at Melbourne, transmitted in a recent Des­patch from Sir George Gipps to your Lordship, but the number and date of which I am unable to quote, as I have not, in His Excellency's absence, access to the necessary documents.

I have considered the accompanying paper to be of sufficient importance to require that it should be forwarded to Your Lord­ship without waiting the Governor's return from Norfolk Island, as it would appear desirable that it should be taken into con­sideration at the same time as Mr. Justice Willis' letter above referred to.

It only remains for me to explain that I am unable to forward the document mentioned in the last paragraph of Mr. La Trobe's letter as being addressed to the Governor; but His Excellency will no doubt do so, if he should see fit on his return to Sydney.

I have, &c.,

E. DEAS THOMSON, Colonial Secretary.

[Enclosure.]

[A copy of this letter, dated 25th February, 1843, will be found in a volume in series III.]
583

HISTORICAL RECORDS OF AUSTRALIA.

1843.
7 March.

Order-in-council re trade with China and India.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Euphrates.)

Sir,
Downing Street, 7th March, 1843.

I have the honor to transmit to you the Copy of an Order passed by Her Majesty in Council on the 24th Ulto. regulating the Trade of Her Majesty's subjects with China and India, and I have to request that you will cause the utmost publicity to be given to the Regulations contained in this Order in Council in the Colony under your Government.

I have, &c.,

STANLEY.

[Enclosure.]

[This order-in-council was published in the "Government Gazette," dated 12th August, 1843.]

8 March.

Report required re J. Burch.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 33, per ship Euphrates; acknowledged by Sir George Gipps, 9th September, 1843.)

Sir,
Downing Street, 8th March, 1843.

In transmitting to you the inclosed Copy of an application addressed to me by Mr. E. E. Perkins, I have to direct that you will furnish any information in your power respecting the fate of the Individual referred to therein.

I am, &c.,

STANLEY.

[Enclosure.]

MR. E. E. PERKINS TO LORD STANLEY.

Balkam, Surrey, 24th February, 1843.

I most respectfully beg your Lordship to pardon this liberty on account of a poor old Woman's feelings (Phoebe Burch) in behalf of whose maternal feelings I have ventured to address your Lordship.

It appears that the son of this poor Woman (John Burch) sailed in May, 1841, in the ship "Earl Grey" for China, but, he having been ill nearly the whole voyage, was left in the Hospital at Sydney.

Neither the mother nor any of the friends can obtain any tidings of him or his fate.

Will your Lordship under the circumstances so far condescend as to direct me to the surest method of ascertaining whether he is dead or not.

I have, &c.,

E. E. PERKINS.

9 March.

Transmission of instructions from treasury.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 34, per ship Euphrates.)

Sir,
Downing Street, 9th March, 1843.

With reference to my Dispatch, No. 181, of the 5th of September last, I transmit to you, herewith, a Copy of a Letter from the Assistant Secretary to the Board of Treasury with Instructions addressed to yourself and to the Treasurer of New
STANLEY TO GIPPS.

South Wales, respecting Grants from the Colonial Revenue to the Crown under the Provisions of the 37th and 38th Sections of the Act 5 and 6 Victoria, Cap. 76.

In forwarding to you these Instructions, I have to point out that, in the event of the Contingent and miscellaneous expences connected with the administration of Justice at any time exceeding the amount apportioned to that purpose in Schedule A in the above-mentioned Act, it will be necessary for you to make application to the local Legislature for any requisite provision to defray the Excess.

I am, &c,

STANLEY.

[Enclosure.] STANLEY.

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

Sir, Treasury Chambers, 27th February, 1843.

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you, with reference to your letter of the 15th August last, the enclosed Instructions to the Governor and Treasurer of New South Wales respecting Grants from the Colonial Revenue to the Crown under the provisions of the 37 and 38 Sections of the Act 5 and 6 Vict., Cap. 76, which have been approved by their Lordships; and I am to request you will move Lord Stanley to cause the same to be forwarded to the Governor of that Colony with injunctions to take care that their provisions are strictly conformed to.

You will also observe to Lord Stanley that these Instructions were framed upon the same principle as those furnished to the Governor and Receiver General of Canada; and as, in the case of that Colony, it seems advisable that the Governor of New South Wales should be apprised that in the event of the Contingent and Miscellaneous expences connected with the Administration of Justice at any time exceeding the amount apportioned to this purpose under the Schedule A in the above mentioned Act, it will be necessary to make application to the Local Legislature for any requisite provision to defray the excess.

I have, &c,

C. E. TREVELYAN.

[Sub-enclosure No. 1.] INSTRUCTIONS to the Governor of New South Wales, in respect to the Accounts of the Receipt and Expenditure of the following Sums, payable every Year out of the Revenue Fund of the Colony to Her Majesty, Her Heirs and Successors, under the Provisions of the 37th Section of the Act, 5th and 6thVictoria, Cap. 76, vizt.:

For defraying the Expenses of the several Services and Purposes included in Schedule A annexed to the Act ............... £33,000 0 0
The like as p. Schedule B ...................... 18,600 0 0
The like as p. Schedule C ...................... 30,000 0 0

1. You will receive herewith our Instructions to the Treasurer for keeping and rendering his accounts of the Receipt and Expenditure under the Provisions of the Sections of the Act above referred to; and you are to grant the necessary Warrants to the Treasurer, and give such directions as may be requisite for carrying such Instructions into effect.
Instructions to governor re receipt and expenditure of moneys included in schedules.

Instructions to treasurer re accounts of receipt and expenditure of moneys included in schedules.

2. You are to give the requisite directions to the Auditor General for the examination of the Treasurer's Accounts in conformity with our Instructions, and in any case where the Auditor may not consider himself justified, after examination, in certifying the Accounts to be correct, you will direct him to report his objections to you for consideration, and to annex an authenticated Copy of such Representation and of your subsequent Instructions thereon, to the Accounts when transmitted to England.

3. You are not to direct claims under any Head of Service included in Schedules A and B, in excess of the amount sanctioned by the Schedules, to be paid out of Savings arising from other heads of Service included in those Schedules, nor from any unappropriated Surplus under Schedule C, without the previous specific Authority of Her Majesty's Government; neither are you to sanction the payment of any Pension to parties who may be in receipt of other emoluments from the Public without similar previous authority.

Given under our hands at the Treasury Chambers, Whitehall, 25 February, 1843.

J. MILNER GASKELL.
ALEX. PRINGLE.
JOHN YOUNG.

[Sub-enclosure No. 2.]

Instructions to the Treasurer of New South Wales, in respect to the Accounts to be rendered by him of the Receipt and Expenditure of the following Sums, payable every Year out of the Revenue Fund of the Colony to Her Majesty, Her Heirs and Successors, under the Provisions of the 37th Section of the Act, 5 and 6 Victoria, Cap. 76, vizt.:

For defraying the Expenses of the several services and Purposes included in Schedule A
annexed to the Act .......................... £33,000 0 0
The like as p. Schedule B ...................... 18,600 0 0
The like as p. Schedule C ...................... 30,000 0 0

1. You are, at the expiration of each Quarter, to apply to the Governor for his Warrant for transferring from the Revenue Fund of the Colony to a separate Account one fourth part of the Sums of £33,000, £18,600 and £30,000, payable to Her Majesty, Her Heirs and Successors, under the Provisions of the above mentioned Act; and you are to keep a separate Account of the same, and of all Sums so transferred in future, distinct from the General account of the Colonial Revenue Fund.

2. You are to make out Quarterly in Duplicate an Account of the Receipts and Disbursements for the Services and Purposes specified in the Schedules A, B and C, annexed to the Act. The Duplicate set is to be retained by you, and the original Account, accompanied by the original Vouchers and Authorities required by these Instructions, is to be delivered to the Auditor General for Examination, to be certified by him as correct, and forthwith forwarded to the Commissioners for Auditing the Public Accounts in England. You are also to make out in Triplicate an annual Account to include your four Quarterly Accts. to 31st December in each Year; one copy of this Account is to be retained by you, one Copy is to be forwarded to Her Majesty's Secretary of State for the Colonies, and the original Account is to be delivered to the Auditor General for the purpose of being examined and certified by him as correct, and then transmitted by him to the Commissioners for Auditing.
STANLEY TO GIPPS.

the Public Accounts in England, so soon as an Account in detail of every part of the Expenditure comprised in the Schedules A, B and C shall have been laid before the Legislative Council as required by the 38th Section of the Act.

3. Should any circumstances occur to prevent your Quarterly and Annual Accounts from being forwarded to the Commissioners for Auditing the Public Accounts as early as usual, you are to address a Representation to the Governor explaining the cause of delay; and you are to transmit a Copy of that Representation to the Commissioners for Auditing the Public Accounts, immediately, if the account is likely to be considerably delayed, or, at all events, to annex a Copy of such Representation to Your Account when the same is forwarded, in explanation of the delay.

4. Your Accounts, both Quarterly and Annual, are to be verified before a competent authority according to the following Form:

I, AB, do solemnly and sincerely declare the foregoing Account to be just and true according to the best of my knowledge and belief, and I make this solemn Declaration conscientiously believing the same to be true. (Signed) A.B.

Declared before me this day of

5. The Charge Side of your Account, consisting of Sums transferred from your General Revenue Account, will require to be supported by copies of the Warrants of the Governor for such Transfers, which Copies are to be duly certified by the Auditor General to be true Copies; but, in the case of any casual receipt, the Authority, or other sufficient Document to explain the nature of the transaction, is to be annexed.

6. The Discharge side of your Account is to be classed under the Heads of Service named in the Schedules A, B and C, and in the same order, and the Payments of these services are to be made by you under the Authority of Warrants from the Governor.

These Warrants are not to comprise, indiscriminately, Services included in Schedules A, B and C, but separate Warrants are to be granted for each Class of Services, marked with the letter to which they apply. Separate Warrants are also to be given under either Schedule for Salaries, for Pensions and for Contingencies. The Warrant for Salaries under Schedule A will specify the name of each party, the Sum to be paid to each and the Period of Service; but the Warrant for Salaries under Schedule B will specify the Party at the head of each Office only by name, the Period of Service and the amount to be paid to such Party for himself and his Office Establishment. The Warrant for Payments under Schedule C will state the names of the Parties, to whom the monies are in the first instance to be paid, and the objects to which they are respectively to be applied.

As regards Salaries in Schedule A, the Warrant for Payment is to be accompanied by the receipts of the parties named in the Warrant, describing the Service and Period; and, as regards Salaries and Pensions under Schedule B, the details of the Sums to be paid, and the Periods in respect of which such sums are due, are to be given in separate Abstracts, which are to accompany the Warrant; each Abstract to be authenticated by the signature of the Head of the Department, or other Party entrusted with making the Payments in detail, and the Warrants, Abstracts and Receipts are to be transmitted with your Quarterly Accounts to the Commissioners for Auditing the Public Accounts.
As regards Contingent and Miscellaneous expenses in Schedules A and B and the payments under Schedule C, the Warrants, which are in like manner to be transmitted with your Quarterly Accounts, are to be accompanied by Abstracts of Particulars, signed by the Parties named in the Warrants and entrusted with the Payments in detail of the Sums issued, whose receipt for the whole Amount will be sufficient.

A Certificate of the Auditor General to the effect that the receipts or acquittances of the Parties or their Assigns, to whom the several Payments in detail were made, had been exhibited to him and were found correct, is to be annexed to the Abstracts and Warrants.

It is advisable that all such advanced by way of Imprests to the Heads of Departments or otherwise should be finally accounted for within the Period of each annual account; and, if it should happen that any portion of the money so advanced has not been paid away before the close of the year, the cause should be certified by the Auditor General; and, in the event of any Balance having remained in the hands of a party removed by death or otherwise, it should be certified whether the Balance has been paid over to his Successor, or how otherwise accounted for.

7. You are to distinguish in your Account the Services specified in the Schedules by numerical Figures under the Letter of the Schedule to which they refer, and you are to mark the supporting Abstracts, Receipts and Warrants with corresponding letters and Figures thus: A A etc. B B etc.

8. You are particularly to observe that no claims under any head of Service in Schedules A and B in excess of the Amount provided for by the Schedules should be paid out of Savings arising upon other heads of Service included in those Schedules, nor from any unappropriated surpluses under Schedule C, without a previous specific authority of H.M. Government. With respect, however, to Services included in Schedule B, the Governor is empowered by the 38th Section of the Act to vary the appropriation of the Grant of £18,600, provided the whole Amount is not exceeded. Similar previous Authority is also required as a sanction for any Pension under Schedule B to parties, who may be in the receipt of other Emoluments from the Public. If therefore a duly certified Copy of such Authority from Her Majesty's Government should not be annexed to the Governor's Warrant for any payment, which may appear to you not to be authorized by these regulations, it will be proper that you should, previously to making the payment, respectfully submit to the Governor a Representation on the subject, and await such further written directions as the Governor may order to be addressed to you for your guidance.

9. In all cases of payments for Pensions, the receipt of the Party is to be accompanied by a Declaration in the following form:—

I, AB, do hereby declare that I have not been appointed to, nor held any public situation subsequently to (Here insert date of commencement of Pension) except.

Witness my hand this day of .

(To be signed on or after the 31st March, 30 June, 30 Sept., and 31 December in each year.)

Subscribed before me this day of .
10. You will not fail to bear in mind that, upon your account being submitted for final examination and Audit to the Commissioners for Auditing the Public Accounts, no Item of Expenditure will be passed by that Board which is not supported by the Vouchers and Authorities required by these Instructions, so that, if there should be any case in which it may not have been possible to procure the Voucher or Document required, you will be careful to transmit with the Accounts a full explanation of the circumstances which may have prevented you from complying with the Instructions, in order that such explanation may come at once under the consideration of the Board of Audit, without the delay of a reference to the Colony.

Given under our hands at the Treasury Chambers, Whitehall, 25 February, 1843.

J. Milner Gaskell.
Alex. Pringle.
John Young.

E. Deas Thomson, Colonial Secretary.

[Enclosure.]

[This return has been omitted.]
Lord Stanley to Sir George Gipps.
(Despatch No. 35, per ship Euphrates.)

Sir,
Downing Street, 16th March, 1843.

The Lords Commissioners of the Treasury having intimated to me that they have directed the issue to the Agent General for New South Wales of an advance of Five thousand, Five hundred Pounds, on account of the Current Services of that Government, I have to direct that you will take the necessary measures for the repayment of that sum into the Commissariat Chest without delay.

You will understand that this advance has been made by the Lords Commissioners of the Treasury in reliance on your obedience to the Instructions conveyed to you by my Dispatch No. 28 of the 21st Ultimo, on the subject of the repayment of such advances.

I have, &c.,
Stanley.

Colonial Secretary Thomson to Lord Stanley.
(Despatch No. 5, per ship Alfred.)

My Lord,
Government House, 16th March, 1843.

With reference to my Despatches, No. 1, 2 and 4 of the 1st, 2nd and 13th inst., transmitting the Returns therein specified, having reference to the Estates of deceased Intestates in this Colony, I have now the honor, at the further request of their Honors the Judges of the Supreme Court, to enclose herewith a Return, made by the present Registrar of that Court to their Honors, of the effects and monies belonging to the Estates of deceased Intestates realized by the late Registrar, John Edye Manning, Esq., and of balances remaining in his hands on the 1st Jany., 1842, as reported by him and audited by the Judges. For the convenience of reference, it will be perceived that the names of the deceased Intestates have been arranged in this Return in alphabetical order.

The whole sum, which appears to have been still due on this account at the above date, amounted to £9,271 18s. 7d.

The Judges have further requested that, in transmitting this return, the question of the expediency or otherwise of publishing the same in the London Gazette, for the information of the relatives of the deceased, should be submitted to Your Lordship. It is my duty to state at the same time that the propriety of such a proceeding appears to me to be very doubtful, as tending to raise expectations in the minds of the claimants, which there is much reason to fear may not be speedily realized. The probability
indeed of the relatives of the deceased being able to recover any part of their claims from the Estate of Mr. Manning, which under the provisions of the local Insolvent Act, 5th Vict., No. 17, has been placed under sequestration, is I regret to say extremely remote, as Your Lordship will have perceived by the letter of the Judges addressed to Your Lordship, under date the 23d Feb. last, and transmitted in my Despatch, No. 2 of the 2nd inst., above referred to.

I have, &c.,

E. Deas Thomson, Colonial Secretary.

[Enclosure.]

[A copy of this return is not available.]

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 36, per ship Euphrates.)

Sir, Downing Street, 17 March, 1843.

I have received your Dispatch, No. 122 of the 16th July last, reporting the principle upon which allowances had been issued to defray the travelling expenses of the Judges and Law Officers, or other Parties engaged in the business of the Circuit Courts of New South Wales.

I have to convey to you the approval of Her Majesty's Government of the scale of allowances, which you have fixed. These allowances will be properly classed amongst the expenses referred to in the Schedule A of the Act 5 and 6 Vict., Cap. 76, for the Government of New South Wales.

I have, &c,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch* per ship Euphrates; acknowledged by Sir George Gipps, 16th September, 1843.)

Sir, Downing Street, 18 March, 1843.

I have received from Mr. A. W. Larymore, the Postmaster at Morpeth, N.S.W., a letter dated the 26th of September, 1842, bringing under my consideration the inadequacy of the Salary attached to his Office.

This communication having been sent to me from the Colony, by the writer, and not having been transmitted through you, I have to desire that you would apply to the writer for a Copy of it, and that you would forward that Copy to me, accompanied by such a report as the case may appear to you to require.

I have, &c,

STANLEY.

* Note 50.
18 March

Correspondence it is my duty, in the absence of His Excellency Sir George
charter party Gipps at Norfolk Island, to bring under Your Lordship's notice
of ship the accompanying Copies of a correspondence which has taken
place between this Government and the Surgeon Superintendent
of the Convict Ship "Navarino," Mr. John J. Lancaster, relative
to a breach of the Charter party of that Ship, by which the
Owners, in having imported Goods being private property, have
rendered themselves liable to a penalty or forfeiture of one thou­
sand pounds, unless they can produce the permission of the Lords
Commissioners of the Admiralty for the shipment of the goods
in question.

I have also the honor to enclose herewith Copies of my corre­
spondence on the same subject with the Commissariat Depart­
ment at Sydney, as well as with the Collector of Customs at this
Port.

It appears obvious from these several documents that the ship­
ment of the goods, referred to, was contrary to the express agree­
ment in the Charterparty; and I presume that they will con­
itute sufficient evidence of the facts of the case to enable the
Lords Commissioners of the Admiralty to make the requisite
deduction from the freight, which the owners would otherwise
be entitled to receive on the completion of the voyage. But, if
otherwise, the facts may be proved by the viva voce evidence of
the Surgeon Superintendent, who returned to England in the
ship "Achilles," which sailed on the 5th of this month.

I have, &c.,

E. Deas Thomson, Colonial Secretary.

[Enclosures.]

[Copies of these papers are not available.]

Colonial Secretary Thomson to Lord Stanley.
(Despatch No. 7, per ship Alfred.)

20 March

My Lord,
Government House, 20th March, 1843.

With reference to my Despatch, No. 3 of the 4th inst., I
have now the honor (in the continued absence of the Governor
at Norfolk Island) to forward to Your Lordship the enclosed
Copy of a letter addressed to His Excellency by Mr. Justice
Willis, transmitting a letter from him to His Honor the Super­
intendent of Port Phillip, and the latter enclosing a Copy of an
Address, which was presented to the Judge on the 11th inst.,
expressive of the confidence of the parties signing it in the administration of Justice in the District by Mr. Justice Willis, and of their desire that he should continue to preside over the Supreme Court at Port Phillip. Mr. Justice Willis also transmits, in the letter in question, two numbers of the “Port Phillip Patriot,” each containing a letter from Mr. J. P. Fawkner with a view to shew that his loan to the gentleman had no influence on that Paper.

Mr. Justice Willis explains that these documents would have been transmitted through the Superintendent, but for his temporary absence on a visit to Portland Bay, and requests that they may be forwarded to Your Lordship as early as possible.

I have therefore thought it due to Mr. Willis not to allow a ship to sail without putting Your Lordship in possession of them, in order that if possible they may be taken into consideration at the same time as the other voluminous papers having reference to his case, which have recently been transmitted to Your Lordship by His Excellency Sir George Gipps.

I have, &c.,

E. Deas Thomson, Colonial Secretary.

[Enclosure.]

[Enclosure, dated 11th March, 1843, will be found in a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 37, per ship Euphrates.)

Sir, Downing Street, 22d March, 1843.

My Instruction, addressed to the Lieutenant Governor of Van Diemen’s Land on the subject of Convict Discipline, which was communicated to you with my Dispatch No. 14 of the 26th of January last, will have apprised you of my intention to appoint a Successor to Captain Maconochie in the Office of Superintendent at Norfolk Island and will also have fully explained to you the system which it was intended to introduce there, one material part of the arrangement being the annexation of Norfolk Island as a Dependency of the Government of Van Diemen’s Land.

I have now to acquaint you that I have selected Captain Childs, R.N., as successor to Captain Maconochie, and he will shortly proceed to his destination.

The Act, which was passed in the last Session of Parliament for the Government of New South Wales, prevents the separation of Norfolk Island from the Colony of New South Wales without
the authority of an Act of Parliament, and I propose shortly to introduce a Bill for that purpose. In the meantime, it will be necessary that Captain Childs should derive his appointment from you, and I give you this early notification of his nomination in order that you may make such preliminary arrangements as you may consider necessary or advisable for giving effect to the intentions of Her Majesty's Government in this appointment and for ensuring the support of his authority.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch per ship Euphrates.)

Sir,

Downing Street, 23d March, 1843.

Having fully considered the representations, which have been from time to time received from Your Government, of the necessity of reviving permanently the Office of Solicitor General, I have resolved to delay no longer acting on that advice, especially as it may be of some importance to you that such arrangement should be made before the election of the Members of Council under the new Act for the Government of New South Wales. Although I have not yet received the local Act which you have reported as having been recently passed for regulating the Court of Requests, yet I am given to understand that the Office of Commissioner in that Court is placed under that Act on a higher footing as regards emolument than heretofore; and I, therefore, should propose that Mr. A'Becket should be permanently confirmed in the Office of Solicitor General, leaving Mr. Therry in the Court of Requests. At the same time, I should not wish absolutely to fetter your discretion, if you should wish to propose any other arrangement of those Offices.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 40, received via Port Phillip.)

Sir,

Downing Street, 25 March, 1843.

I have received your Despatch, No. 161 of the 9th of September, 1842, with its Enclosures, reporting the circumstances under which you had suspended Mr. Sievwright from the Office of Assistant Protector of Aborigines at Port Phillip, and sanctioned the appointment made by Mr. Latrobe of Mr. John Walton as his Successor.

I have to convey to you my approval of Mr. Sievwright's removal from Office, and of the Appointment of Mr. Walton to the Vacancy.
STANLEY TO GIPPS.

I observe that your Instruction to the Superintendent at Port Phillip to suspend Mr. Sievwright was dated the 3rd of June, 1843, a period of three Months elapsing before you reported that measure to Her Majesty's Government.

I notice this delay in order that it may be avoided on future occasions.

I am, &c.,
STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 35, per ship Alfred.)


I have the honor to report to Your Lordship that I reached Return of Sydney, on my return from Norfolk Island, at an early hour on Friday the 24th inst., having been absent from the seat of Government only twenty four complete days.

My Report on the state of Norfolk Island cannot, I regret inability to say, be completed for the present opportunity; but, as Vessels Report return to England sail frequently at this season of the year, I hope to be able to forward it in the course of a few days.

I beg leave to explain that the state of public business rendered it quite impossible for me to pay an earlier visit to Norfolk Island, though I expressed, so long ago as the 7th Feby., 1842, my intention to visit it, and that intention was approved by Your Lordship's Despatch, No. 160 of the 4th Augt. of the same year.

I am happy to add that the business of the Government was satisfactorily conducted by the Colonial Secretary during my absence.

I have, &c.,
GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 41, received via Port Phillip; acknowledged by Sir George Gipps, 26th September, 1843.)

Sir,
Downing Street, 27th March, 1843.

In transmitting to you the enclosed copy of a letter from Captain Thomas Stuart, R.N., making enquiry as to the truth of a report which has appeared in the Public Papers of the Death of his Brother, Colonial Assistant Surgeon James Stuart, at Sydney, I have to request that you will take an early opportunity of reporting to me the facts of the case.

I have, &c.,
STANLEY.
CAPTAIN STUART TO UNDER SECRETARY HOPE.

Sir, Combermere, Cork, 18th March, 1843.

Having this day enquired respecting the reported death of my brother Colonial Assistant Surgeon James Stuart of Sydney, and finding, tho' the report in the papers is dated in last June, that no account of it has been forwarded to the Colonial Office nor to his family, may I take the liberty of requesting you will be pleased to direct such enquiry to be made in the proper quarter in Sydney, as may lead to the facts, as to whether it be correct or not.

I have, &c.,

THOS. STUART, Captn., R.N.

ADDRESS to Her Most Gracious Majesty, Queen Victoria.

Humbly Sheweth,

That your Petitioners, being inhabitants of New South Wales, have viewed with surprise and regret the formation in this place of an association for obtaining permission to import Coolies or other Labourers from India, insomuch as the recent introduction of many thousand British immigrants has for the present sufficiently stocked the Labour Market.

That, in the present embarrassed state of the Capitalists of this Colony, arising from extravagant expenditure, over speculation, and efforts to monopolize all the Land and Stock of the Colony, your petitioners consider that any attempt to lower the present low rate of wages by the introduction of Coolies would be unjust to those immigrants, who have been induced to leave their Native Country to sojourn in this distant land.
Your Petitioners, being aware from experience and from history of the vices peculiar to the Natives of India, would deprecate in the strongest manner, any attempt to introduce them into this Colony, feeling assured that such a step could not fail to be a hindrance to the growth of virtue and morality among us.

Your Petitioners would also suggest that, in consequence of the length of time which this country has been a penal settlement and of the habits in many cases formed by those who have been masters of assigned Servants, there is every reason to believe that the employment of Coolies would from the first assume or rapidly degenerate into the form of Slavery; and, from the extent of country and the scattered state of the population, it would be impossible for any number of Protectors, who might be appointed, to afford such personal security to the Coolies, as would be absolutely necessary.

That your Petitioners would respectfully represent that in this Colony there does not exist, as in the Mauritius, a Coloured race of Labourers; the labourers here being either Europeans, or the descendants of Europeans, and therefore it would be unjust to associate Indian Coolies with the immigrants who have come to this Country as Labourers, having been induced to leave their Native Country on the representations that were made to them of the certainty which existed of bettering their condition in Australia.

That your Petitioners deny the Justness of the conclusion that, because the introduction of Coolies was considered necessary for the welfare of the Mauritius, it is therefore necessary or advisable for Coolies to be introduced into this Colony; the circumstances, productions and inhabitants of the two Colonies being very widely different from each other.

That your Petitioners are desirous of pointing out the fallacy of an argument used by those who are favorable to the introduction of Coolies, viz. "That this emigration (of Coolies) would be of benefit to the Natives of India themselves"; on the contrary, your petitioners maintain that the number required would be so very trifling that their removal from India would do little to relieve the remainder of the inhabitants from the pressure of famine sometimes experienced there.

That your Petitioners have read with astonishment the following passage in the Memorial recently sent to Lord Stanley by the Association for the introduction of Coolies or other Labourers, namely, "That an extraordinary portion (proportion) of the immigrants have become themselves employers of Labourers, and thus increased the difficulties of the Settler." This passage we beg most respectfully to represent as in a great measure untrue.

That your Petitioners have learned with feelings of the deepest sympathy and sorrow the existence of the present distress in their Native Land; and they beg most respectfully to submit that, in the event of Labour being required for this Colony, the inhabitants of Great Britain, by their enormous expenditure on this Colony, have acquired a right to supply its Labour Market, and that to
Address to
H.M. Queen Victoria protesting against introduction of coolies.

allow the introduction of Coolies into New South Wales would be an act of great injustice to the starving population of Great Britain.

That your Petitioners would likewise beg leave to state, That every Native of Great Britain, when employed as a labourer in this Colony, becomes a valuable customer to his Native Country, whereas on the contrary the introduction of Coolies into New South Wales would considerably diminish, and in some cases annihilate the Market for European Manufacturers.

That as the proposed introduction of Coolies is not required by the present state of the Labour Market; as they would prevent or retard the growth of virtue and morality; as their employment would in all probability degenerate into a species of Domestic Slavery; as their introduction would be unjust to the Forty Thousand British immigrants introduced into this Colony; as this measure would not be of general or permanent benefit to India, or to the Coolies themselves; as the inhabitants of Great Britain have a right to supply any demand for labour which may be created in this Colony; your Petitioners humbly pray your Majesty will be pleased to continue the restrictions at present existing to prevent the exportation of the Coloured Natives of India to this Colony.

And your Petitioners, as in duty bound, will ever pray,

[Signed by 4,129 persons.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 38, per ship Alfred; acknowledged by lord Stanley, 12th September, 1843.)

My Lord,

Government House, 28th March, 1843.

I have the honor herewith to forward a letter addressed to Your Lordship by the Bishop of Australia, and to explain that, though the letter is a sealed one, a Copy of it has been furnished to me by the Lord Bishop.

It is scarcely necessary for me to observe that the Lord Bishop’s letter has been written, and the Protest contained in it made, in consequence of the recent assumption by the Revd. Dr. Polding of the style and title of Archbishop of Sydney.

The Revd. Dr. Polding was, by Lord Aberdeen’s Despatch No. 26 of the 20th Feb’y., 1835, authorized to exercise Episcopal functions in New South Wales, and, having before his first arrival in the Colony been consecrated Bishop of Hiero Ccesarea, has generally been called the “Catholic Bishop,” though by the Local Government he was, previously to his going to England in 1841, never addressed in any other form than that of the Right Revd. Dr. Polding.

Since his assumption of the dignity of Archbishop, I find he has (though without any order from me) been on one or two occasions addressed by the Colonial Secretary as the Most Revd. Dr. Polding; and, by the Visiting Book at Government House, it appears that he left his name as the Most Revd. Dr. Polding on the 25th instt.
GIPPS TO STANLEY.

1843.
28 March.

Return of right revd.
J. B. Polding to Sydney.

250

In my Despatch of the 20th Novr., 1840, No. 179, I reported that Dr. Polding had proceeded to Europe on Leave of Absence; and I have now to add that he reached Sydney on his return, only on the 9th inst.

I have, &c.,
Geo. Gipps.

[Enclosure.]

BISHOP OF AUSTRALIA TO LORD STANLEY.

My Lord, Sydney, 27th March, 1843.

I have the honor to forward for Your Lordship's information a Copy of a Circular Letter, recently addressed by me to the Clergy of this Diocese, and of a Protest which has been publicly delivered against the assumed right recently exercised by the See of Rome to institute an Archbishoprick deriving its title from this city, and claiming metropolitan privileges throughout the whole extent of New Holland.

In these documents Your Lordship will perceive that I have confined my objection to grounds strictly ecclesiastical. With the question as to the legality of the measure against which my Protest is directed, it does not belong to my Office to interfere; neither should I, except in token of becoming respect to Your Lordship, have thought it incumbent on me to solicit Your Lordship's attention to a topic, upon which the State, if it conceive its interest involved, is competent to act for itself without passing the limit which separates its province from that of the Church. But there is one measure, nevertheless, partaking more of a legislative than of an ecclesiastical character, to which, as it may affect the rights of conscience in myself and all other bishops of the Established Church, it will be strictly within the line of my duty to refer.

Your Lordship is well aware that by the Oath of Supremacy appointed by law to be taken by every holder of an Ecclesiastical benefice, and by every person admitted to Holy Orders, it is declared "that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm."

The representation which I feel it my duty to submit to Your Lordship is that, in case the Civil powers should even tacitly admit the exercise of the papal authority in erecting and conferring ecclesiastical dignities within the dominions of Her Majesty, this would be an admission, sufficiently direct, on the part of Government, that a foreign prelate has that ecclesiastical and spiritual authority and jurisdiction within this realm, which, it is directly affirmed by our Oath, he neither has by right nor ought to have in fact.

Your Lordship, I am persuaded, will pardon my earnestness in directing your observation to this point; because, having bestowed attention upon the moral and conscientious obligation arising out of that Oath, I feel perfectly satisfied that we cannot safely continue either to take or to administer the same if the papal superiority, as now attempted to be exercised, should be admitted by the State.

I have, &c.,
W. G. Australia.

[Sub-enclosure.]

[This was a printed circular, dated 25th March, 1843, of which a copy will be found in series VII.]
Sir George Gipps to Lord Stanley.

(Signature)

My Lord,

Government House, 28th March, 1843.

As in some degree connected with the subject of the letter from the Bishop of Australia to Your Lordship, transmitted with my Despatch of this day's date, No. 38, I think it right to refer to my Despatch to Lord Normanby, No. 109 of the 29th July, 1839, as well as to Lord J. Russell's replies, Nos. 59 and 60 of the 17th Decr. of the same year, though I have not thought it desirable in my public Despatch to make any reference to the matters whereto they relate.

I was not in Sydney when Dr. Polding recently landed on his return from Europe; but I understand he was received with great ceremony by the part of our Population professing the Roman Catholic Religion.

Bearing in mind the very advantageous position, in which the Roman Catholics of this Colony were placed by the Church Act of 1836 (7th Wm. IV, No. 3), I cannot but consider the recent proceedings of Dr. Polding, or rather of the See of Rome, to have been very indiscreet; and I fear they may have the effect of reviving animosities, which, since the passing of the Local Act referred to, have been gradually subsiding. I shall take care however to keep the Government as clear as possible from any participation in them.

I have, &c.,

GEO. GIPPS.

Sir George Gipps to Lord Stanley.

(Signature)

My Lord,

Government House, 29th March, 1843.

Herewith I have the honor to transmit a Petition, which has been addressed to the Lords of the Treasury by Mr. Robert Glasgow Dunlop, a Merchant of Sydney, praying that he may be relieved either wholly or in part from the effect of a Verdict, which has been obtained against him in the Supreme Court of this Colony for the sum of £1,741 10s., in consequence of the Bonds having been put in suit against him, which he, jointly with others, gave to the Collector of Customs, that certain spirits, shipped from Sydney in the "Fair Barbarian," should not be relanded in the Colony of New South Wales, which spirits however were relanded and seized, as reported in My Despatch of the 30th Augt., 1842, No. 152.

The nature of this smuggling transaction was fully therein reported; and, for some particulars respecting Mr. Dunlop, I
GIPPS TO STANLEY.

must beg to refer to my Despatches of the 10th July and 14th Sept., 1842, Nos. 117 and 167, each of which contained a Petition from Mr. Dunlop.

In forwarding Mr. Dunlop's present Petition, I regret that it is out of my power to recommend to the Lords of the Treasury a compliance with any part of the prayer of it; on the contrary, I feel it my duty to represent, as strongly as I can, that Mr. Dunlop has no claim whatever on the leniency of Government.

It might be supposed, from the terms of his Petition, that some representation in his favor had been made to me by the Chief Justice, but none such has been received.

Mr. Dunlop says, and says truly that he is not, in respect to the present business, accused of having smuggled; but he has been not only accused but convicted of smuggling on former occasions, as may be seen by the Despatches above alluded to; and I cannot doubt that, even in the present case, he well knew that the Spirits were to be relanded in the Colony. The parties, to whom he sold them, were notorious smugglers, and have long been known as such to the Government. A Prosecution has been commenced against them; but, without the assistance of Mr. Dunlop, it is doubtful whether a conviction will be obtained. He has promised this assistance; and, should he give it effectually, his own case may assume a somewhat altered aspect; and I am not prepared to say that he may not establish some claim on the Government. Until however the value of his evidence can be tested in a Court of Justice, it would, I must submit, be premature to enter into any discussion of this point.

I will only add that Mr. Dunlop is, I believe, well able to pay the sum for which a Verdict has been obtained against him; and that the Law Officers have my instructions to proceed to the immediate levy of it.

Geo. GIPPS.

[Enclosure.]

PETITION to the Right Honourable the Lords Commissioners of Her Majesty's Treasury, London.

May it please Your Lordships,

The Humble Petition of Robert Dunlop, Merchant, residing in Sydney in the Colony of New South Wales,

Sheweth.

That a verdict has been obtained against Your Lordships' Petitioner in the Supreme Court of this Colony for the sum of One thousand, seven hundred and forty one pounds 10s. and Costs. One hundred and Sixty eight pounds 18s. 11d. for the breach of an Export Bond signed by him at the Custom House, the Goods therein mentioned having it appears been relanded in the Colony with the fraudulent intention of defrauding the revenue, and the Chief Justice of this Colony having recommended Your Petitioner to represent to the Colonial Government for the purpose of obtaining a

VERDICT to be recovered.

Petition of R. G. Dunlop for relief from verdict of supreme court.
Mitigation or remission of the fine to which Your Petitioner has become liable, certain facts which the Honourable Court could not entertain as they did not legally affect the case. Your Petitioner accordingly made a most respectful representation of the same to the Governor of this Colony, but only received an answer referring him to the Civil Crown Solicitor, who verbally informed Your Petitioner that he had orders to proceed with the utmost rigour of the law in recovering the whole of the fine from Your Petitioner.

Your Petitioner would most humbly beg to bring before Your Lordships the facts before referred to the Governor of this Colony by the recommendation of the Chief Justice, That Your Petitioner is not accused of Smuggling or of any participation of such an Act. That Your Petitioner has not nor could he have derived any profit from the act, for which he is made liable to so heavy a penalty.

That your Petitioner has already suffered very severely by the destruction of his credit and being forced to neglect his business from the Action on which the Verdict has been obtained against him.

Your Petitioner would further beg to point out to Your Lordships that he has offered to adduce ample proof to the Colonial Government that your Petitioner sold and disposed of the Goods which have been relanded in this Colony to parties previously unknown to your Petitioner at the lowest Market price of such goods, Your Petitioner having at the time he made such sale been only fourteen days in the Colony and having returned after a long absence.

Your Petitioner has further many months ago, before a Judgement could be obtained for the penalty now enacted, stated to the Governor of this Colony the names of the Parties to whom such sale was made, and offered to produce most ample proof to convict the said parties of having been concerned in the fraudulent relanding of the said Goods; and Your Petitioner is informed that an Action has been commenced against the said parties for three times the Duty and Value of all the said Goods, which have been fraudulently relanded, and that there can be no doubt of the penalty being recovered, as the proofs are most ample and the parties are well known to be possessed of large property.

Your Petitioner would further most humbly beg to represent to your Lordships that the present action is principally dictated by vindictive motives against Your Petitioner, as many similar breaches of Export Custom House Bonds have previously occurred in this Colony without any claim having been made against the signers of such Bonds; and Your Petitioner considers the present as only one of a number of partially severe acts by which Your Petitioner has been utterly ruined by the Government of this Colony.

Finally Your Petitioner would beg to submit to Your Lordships that the amount of Penalty inserted in the Custom House Bonds of this Colony is exhorbitant, being three times the amount of Duty payable on the article mentioned in such Bonds, while Your Petitioner is informed that in England only double the amount of Duty is inserted in similar Bonds. And Your Petitioner is informed that Your Lordships are generally pleased greatly to reduce the fines incurred under the Customs Acts, even in cases where the parties are convicted of Smuggling; and Your Petitioner humbly prays that
Your Lordships may be pleased to take into your consideration the still greater hardship of the present conviction and remit the fines incurred or such part of them as Your Lordship may be pleased to direct. And Your Lordships' Petitioner will ever pray, etc., etc.

Dated at Sydney, this tenth day of March, One thousand, eight hundred and forty three.

R. G. DUNLOP.

Lord Stanley to Sir George Gipps.
(Despatch No. 45, received via Port Phillip.)

Sir,
Downing Street, 30 March, 1843.

I transmit to you, for your information and guidance, the enclosed Copy of an application which I have received from Mr. O. Pineo, a Naval Settler, for an additional Grant of Land in New South Wales, together with a Copy of a Report of the Commissioner of Land and Emigration on the subject, and of the answer which has been returned by my direction to Mr. Pineo's application.

I am, &c.-

STANLEY.

[Enclosure No. 1.]

Mr. O. Pineo to Under Secretary Hope.

Sir,
Cecil Place, Southsea, 17th February, 1843.

I beg leave to forward the enclosed Letters, for the information of the Right Honble. Lord Stanley, with a few just and true explanations of certain portions of that correspondence.

In the year 1830, by the existing Regulations, I was entitled to a grant of Land to the extent of 2,560 Acres, with 320 for each of my children, six in number; In 1837, to 1,280 Acres; In 1838, to 800 acres. I have received only 200 Acres, and none whatever for my children. Now after forty years' hard service in the Navy, nearly the whole of which period has been abroad, and much of it in the most sickly climates, I did think, and do still believe, that there should not have been any difficulty thrown in the way of my receiving 800 Acres of Land. And I would beg to call His Lordship's attention to this fact that, having served 30 Years as a full Surgeon when I might have retired at 20 Years, with the highest grant of Land specified above, never believing for a moment that a greater length of Servitude would have abridged my claims, but rather have increased them, I am convinced that my case will receive that due consideration, which the circumstances may appear to merit in His Lordship's opinion.

The present Minister for the Home Department, when first Lord of the Admiralty, promised to provide for me, whenever he had the power. He left Office without doing anything; nor did any of his Successors.

The circumstance of my having been Surgeon of four different Men of War, when they carried Ambassadors to Foreign Courts, would, I should hope, give some claims to me, as the Medical Officer on such Service, as well as having been Superintendent to upwards of a thousand Convicts and Emigrants to New South Wales. Besides I was Surgeon of the Man of War, which took Governor Bligh out to the Country in 1806, and came home with Governor King in 1807.

I have, &c.,

O. PINEO, Surgeon, R.N.
1843.
30 March.

Refusal of application from O. Pineo.

[Sub-enclosure No. 1.]

COLONIAL SECRETARY THOMSON TO MR. O. PINEO.

Sir, Colonial Secretary's Office, Sydney, 4th June, 1841.

In reply to your Letter of the 1st inst., soliciting to be allowed to take at five shillings per Acre, without competition, Lands which have been put up to Sale, and not bid for, I do myself the honor by direction of the Governor to inform you that His Excellency regrets that he cannot comply with your request, it being contrary to the existing Regulations.

E. DEAS THOMSON.

[Sub-enclosure No. 2.]

COLONIAL SECRETARY THOMSON TO MR. O. PINEO.

Sir, Colonial Secretary's Office, Sydney, 22nd June, 1841.

In acknowledging the receipt of your Letter of the 8th Inst., in which you renew your application to be allowed to select Land at five shillings per acre, which has at any time been put up to Sale at that price and not bid for, and instance, as a precedent, the case of Dr. Thomas Galloway, who has recently been confirmed in the possession of his Land in November, 1837, and the only favor extended to him was the remission of the penalty to which he exposed himself by not returning to the Colony within two years, as he was required to do by the Bond which he entered into. It is indeed alleged that you also made application in 1837, but of such application no trace can be found, and it is certain that you received no promise in 1837. In 1838 you made an application to Sir George Gipps, which was not refused, as imagined by you. You were simply informed that you must comply with the Regulations by producing certain Documents; and, as you did not produce these Documents, or take any other steps in the matter, your application of 1838 became of no avail whatever. And, on the 1st of the present month, you again applied for the above indulgence, when you were told that the regulations could not be departed from.

Having thus explained to you the reasons which caused the Governor to treat your case differently from that of Dr. Galloway, which you appear to consider parallel to your own, I am directed to acquaint you that His Excellency must decline further correspondence with you on the subject.

E. DEAS THOMSON.

[Enclosure No. 2.]

UNDER SECRETARY HOPE TO MR. O. PINEO.

Sir, Downing Street, 28th March, 1843.

I have received and have laid before Lord Stanley your Letter of the 17th Ulto. with its Enclosures, on the subject of your claim to an additional grant of Land in New South Wales. It appears from these papers that, having applied for Land in 1841 as a Naval Settler, you received 200 Acres. You observe that, in the earlier year of 1838, you would have been entitled to 800 Acres, in 1837 to 1,280 acres, and in 1830 to 2,560 acres, and you represent as a hardship that, after many years service, you should only receive 200 acres.

Lord Stanley directs me to observe that, in every case, an Officer must be prepared to take his Land according to the general regulations in force, and according to the value of the Land at the time when he claims and obtains it.

With regard to the application which you allege having made for Land in 1837 and 1838, it appears, from the Statement of the Colonial Secretary at New South Wales, that in 1837 no trace of any

* Marginal note.—I applied to the Colonial Office in England, for my Grant of Land as a Naval Surgeon in 1819.—(Signed) O.P.
† Marginal note.—And gave an Admiralty list of my services, which then amounted to about 28 years, and was told by Sir Richard Bourke to apply for my land, which I did in 1837.—(Signed) O.P.
‡ Marginal note.—Obtained these Documents on my return to England and gave them to the Colonial Secretary in Sydney 30 years' service.—(Sgd.) O.P.
such application could be found, and that it was certain that you
did not then obtain any promise of Land, while in 1838, although
you did apply, you were unable to produce the Documents required
by the Regulations. Lord Stanley regards that answer as conclu-
sive, and he feels it impossible to admit your claim to additional
Land. I am also directed to observe that a further objection to
your claim appears to exist in the circumstance that, although the
Regulations required a residence of two years in New South Wales
before a grant could be issued to a Military or Naval Settler, you
seem to have quitted the Colony much within that period.

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

[Enclosure No. 3.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY
STEPHEN.

Colonial Land and Emigration Office,
9 Park St., Westminster, 15 March, 1843.

Sir,

We have the honor to acknowledge your letter of the 23d
Ultimo, accompanied by one from Mr. Pineo on his claim to Land
in New South Wales.

From the Papers we gather that, having applied for Land in 1841 as a Naval Settler, he received 200 Acres. Mr. Pineo observes
that in the earlier year of 1838 he would have been entitled to
800 acres, in 1837 to 1,200 acres, and in 1830 to 2,560 acres; and he
represents that it is very hard therefore that in 1841, after so
many years additional servitude, he should only receive 200 Acres.
The obvious answer to this complaint is that an Officer must take
his Land according to the Regulations in force, and according to
the value of Land at the time when he claims and obtains it. This
seems to us to dispose of the only ground which we find Mr. Pineo
to put forward in the appeal he has addressed directly to the Colo­
nial Department.

But, by a letter from the Colonial Secretary at Sydney, of which
Mr. Pineo encloses a copy, he appears to have alleged to the Gov­
er that he had applied for Land before in 1837 and 1838. The
Colonial Secretary replied that in 1837 no trace of any such applica-
tion could be found, and that it was certain that Mr. Pineo did not
then obtain any promise of Land; while in 1838 he did indeed apply,
but was unable to produce the Documents required by the Regula-
tions. The reply on both points appears to us sufficient.

We can only recommend therefore that Mr. Pineo's complaint
be answered by informing him, that Officers must receive their
Lands according to the Rules established at the time when they
make their application in the manner and under the conditions
prescribed to them for the purpose.

Before closing this report, however, we think it right to mention
that, altho. the regulations require a residence of two Years before
a grant can be issued to a Military or Naval Settler, Mr. Pineo
seems to have quitted the Colony much within that period. Enc-
closed is a copy of the answer we have received to some enquiries
we addressed to him on this point. It will be observed that he
says he has not sold his Land, and has left it in charge of an Agent
and Trustees to manage it during his absence. We do not know
whether the practice of the Colonial Government may sanction
the departure of an Officer under such circumstances, provided he
returns within a reasonable time, and becomes a permanent settler; but we would suggest that Mr. Pineo's representation together with the present report be sent to the Governor for his information, and, in order that he may be aware of that Gentleman's departure. And if this course be followed, we apprehend that it would also be deemed proper, in the answer to Mr. Pineo, to draw his attention to the abovementioned Regulation, and to acquaint him that it has been felt necessary to apprise the Governor of his being absent from the Colony.  

We have, &c.,

T. FREDK. ELLIOT.

EDWARD E. VILLIERS.

[Enclosure No. 4.]

MR. O. PINEO TO MR. S. WALCOTT.

Sir, Cecil Place, Southsea, 12th March, 1843.

In reply to your letter of the 10th Instant, I have the honor to state for the information of the Board, "That I have received two hundred acres of land, and no more as a Naval Surgeon" of thirty years' actual Sea Service in that Rank, Forty years altogether in the Navy.  

"That the date of that order was 3d April, 1841."

"That I left the Colony the last time 18th February, 1842."

"That I did not sell my Land though frequently importuned to do so."

Having appointed an agent and Trustee to manage that and other Property during my absence. I have, &c.,

O. PINEO, Surgeon, R.N.

31 March.

Correspondence with British colonial bank and loan company.  

Report required.

[Enclosure No. 1.]

SIR HERBERT COMPTON TO LORD STANLEY.

My Lord,

As Chairman of the British Colonial Bank and Loan Company, and on behalf of myself and the other Directors, I have the honor to submit to Your Lordship the Draft of a proposed Charter for the Incorporation of the Company.

The Company was established in February, 1840, under a deed of Settlement for the purpose of investing money at interest upon real and personal Securities in the British Colonies, and also for acting as Bankers and Agents in such Colonies as is fully set forth in the copy of the Deed and Charter which accompany this letter.

The Capital of the Company was fixed at £1,000,000.
Up to the present time, the Company have carried on their operations under their deed of Settlement, which have been almost exclusively confined to lending money at interest in the Australian Colonies, where they have now upwards of £250,000 invested upon Mortgage of Landed Securities, producing interest at the rate of 10 per Cent. If incorporated, the Company propose to abandon Banking as a branch of the Business to be carried on under the Charter. A Local Board of Directors has been established at Sydney, under whose sanction and superintendence all advances of money are made, and from their reports it appears that the operations of the Company have been highly favorable to the development of the resources of the Colony.

The Company have already invested a large portion of their Capital and are shortly about to make further calls for that purpose; but, as their affairs have become more extended, the disadvantages arising from their constitution as a body of partners under a deed of Settlement has been much felt, and has seriously impeded them in giving full effect to the purposes of their Institution. They have therefore resolved, in pursuance of the provisions of their Deed of Settlement, to apply to Her Majesty for a charter. Her Royal Charter, the Draft of which I have now the Honor to submit to Your Lordship.

I have, &c.,

HERBERT COMPTON.

[Sub-enclosure No. 1.]

DRAFT OF CHARTER.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith and so forth. To all to whom these presents shall come, Greeting. Whereas by an Indenture, bearing date on or about the day of , and made or expressed to be made between the several persons whose names were comprised in the 1st Schedule, thereunder written or thereunto annexed, of the one part, and the several persons whose names were comprised in the 2d Schedule, thereunder written or thereunto annexed of the other part, after reciting that the parties thereto were of opinion that considerable profit might be derived by sending money to the Australasian and other Colonies of the British Empire and to New Zealand, and lending the same in such Colonies or places at interest on the security of Lands, goods, wares or merchandise, and by the other ways and means therein after mentioned, and that, for the purpose of carrying such views into effect to the greatest advantage, the several parties thereto had agreed to form a Company in the name and under the conditions hereinafter mentioned, and to raise a Capital of £1,000,000 in 25,000 shares of £40 each, and that the deposit to be paid on each share should be £5, and reciting that a sufficient number of shares, in the opinion of the parties thereto, having been taken or subscribed for, and the said Deposit of £5 on each share, so taken or subscribed for, having been paid, the business of the said Company had commenced on the , and reciting that it had been agreed that the intentions of the several parties thereto for conducting and carrying on the said undertaking should be carried into effect by means of the covenants and provisions contained in the Indenture now in recital. It was by the Indenture now in recital witnessed that every of the said several parties thereto of the first part did, for himself respectively and his respective heirs, executors and administrators, covenant, promise and agree with and to the said several persons, parties thereto of the first part and their respective executors, administrators and assigns (amongst other things), That the said several persons, parties thereto, should become and they did thereby declare themselves to be interested together in a Company to be called by the name of "The British Colonial Bank and Loan Company" ; And that the Capital of the Company should consist of £1,000,000 in 25,000 shares of £40 each; and that the objects and business of the said Company should be the sending money to the Australasian and other Colonies of the British Empire and to New Zealand, and carrying on the business of Banking in such
Colonies and places, and lending such money in such Colonies and places at interest on the security of lands, as well Freehold as Leaseholds, and also the lending such money on the deposit of Deeds or Documents of title, and on the security of Goods, Wares or Merchandise, of persons resident in such Colonies and places, and on the personal security of persons resident in such Colonies and places; and also the lending money at Interest on the security of Goods, Wares and Merchandise, to be imported from and to be exported to such Colonies and places and also taking the care and custody of Goods, Wares and Merchandise, property and securities of persons, residing in such Colonies and places, and the acting as agents for the sale of such Goods, Wares and Merchandise, property and securities, and generally as agents for such persons, and also acting as agents for joint stock and other Banks, established or to be established in such Colonies and places, and also by carrying into effect such other purposes connected with or relating to the said objects, but no others whatever, as the Board of Directors of the said Company should decide upon, according to the provisions thereinafter contained; and that there should be 16 Directors of the said Company, the Chairman and Deputy Chairman being included, and no more; and that certain persons therein named should be the first Directors; and that the Board of Directors should take all such steps as they should see proper to obtain a Charter from the Crown for the purpose of incorporating the Company; and that, when such Charter should have been so obtained, all the Proprietors of the said Company should be bound thereby; and that the Proprietors of the said Company should assemble together once in every year between the tenth of February and the tenth of March, or such day as the Board of Directors might fix; and that an extraordinary General Meeting might be convened in manner therein mentioned; And that an extraordinary general meeting of proprietors specially called for the purpose should at any time have full power to make new laws, regulations and provisions for the better Government of the Company, or to amend, alter or repeal all or any part of the then existing laws, regulations or provisions for regulating the Company, whether contained in the Indenture now in recital or otherwise; Provided that a second extraordinary General Meeting should be called specially to confirm any such new laws, regulations or provisions for regulating the Company, whether contained in the Indenture now in recital or otherwise; And that, until such confirmation, the resolution of such first meeting should not be valid; and that an absolute and entire dissolution of the Company should take place by and with the full and entire approbation of the three fourths or more of the Directors for the time being to be testified by some writing, signed by them, and with the consent and approbation of 4th part at least of the proprietors present in person, or their respective heirs, executors, administrators or assigns, at each of two successive general meetings of the proprietors, and each meeting to be for that purpose respectively convened by one calendar month's previous notice to be signified in manner therein mentioned; And also that no proprietor nor the heirs, executors, administrators, or assigns of any proprietor should, as between him or them and all or any of the other Proprietors, or their respective heirs, executors, administrators or assigns, in any case or event answerable in respect of any calls, debts or other demands, of or upon the Company, beyond the amount remaining unpaid of the share or shares of the Capital of the Company in respect of which such proprietor should be or should have been proprietor, unless the calls, debts and other demands of and upon the Company should exceed the funds and property thereof, reckoning as part of such funds and property the amount then remaining unpaid of the severals shares of £40 each said to be paid, or paid under the several shares of £40 each said to be paid, and in recital, agreed to be contributed as the Capital of the Company; and, if the calls, debts and other demands of and upon the Company should exceed such funds and property; then beyond a rateable proportion of such excess to the number of the Shares in respect to which he or she should be, or should have been a Proprietor. And whereas an extraordinary general Meeting of the Proprietors of the said Company was convened, in pursuance of the directions in the said Indenture contained, on or about the day of , and it was then and there resolved by the requisite majority of the said Directors and Proprietors that the said Company should cease to carry on any business as Bankers, and that they should continue a Company only for the other purposes in the said Indenture and hereinafore mentioned, as the objects for which the said Company was formed exclusively of Banking. And Whereas a second extraordinary General Meeting of the Proprietors of the said Company was convened as aforesaid on or about the day of , and, at such last mentioned extraordinary general Meeting, the said Resolution was confirmed. And Whereas, for the better accomplishing and carrying into effect the objects and purposes of the said Company, the present directors of the said Company have humbly besought us to grant to them and to the several other Proprietors of Shares in the Capital of the said Company for the time being Our Royal Charter of Incorporation, which we are minded to do under the conditions and subject to the restrictions, regulations and provisions hereafter contained; Now Know Ye that, as well upon the prayer of the said Directors as also of Our especial Grace, certain knowledge and mere motion, we have given, granted, made, ordained, constituted, declared and appointed, and by these presents,
for Us, Our heirs and successors, Do give, grant, make, ordain, constitute, declare and appoint that Sir Herbert Compton, Knight, Robert John Burrow, Colonel Sir William Gosse, Sir Joseph de Courcy Lafford, Baronet, Charles Lushington, Sir Francis Stockburgh, Baronet, William Hoare, James Stewart, John Hewitt and Thomas Reed, together with such and so many other person or persons as have already become, or at any time or time hereafter shall or may in the manner provided in the said Indenture become a Proprietor or Proprietors of any share or shares of or in the Capital for the time being of the said Company, shall be one body Politic and Corporate, in name and in deed by the name of the "British Colonial Loan Company," and by that name shall and may sue and be sued, implead and be impleaded in all Courts whether of Law or Equity, and shall have perpetual succession with a common Seal, which may be altered, varied and changed at their pleasure; and we do declare that the said Corporation is established for the purposes in the said Indenture mentioned, and heretofore recited, with the exception of the business of Banking so discontinued as aforesaid, subject nevertheless to the conditions, restrictions, regulations and provisions hereinafter contained; And We do hereby direct and declare that the said Corporation so newly incorporated in the said Company so newly incorporated under the name and title of the British Colonial Loan Company shall and may transact, do and perform all and every one of the said Colonies and Places aforesaid in which business shall for the time being have been established and be carried on by the said Corporation, or otherwise than out of the net gains and profits of the said Corporation, and the several shares therein, and the profits and advantages to be derived therefrom, shall be and be deemed personal estate, and be transmissible accordingly, subject to the regulations contained in the said Indenture. And We do hereby direct that the Directors for the time being of the said Corporation shall have full power and authority to enter into all Contracts on behalf of the Corporation, and to make and execute all Assignments, Conveyances, and all other Acts, to which the Corporate Seal is required to be affixed, and from time to time to nominate Trustees of any security to be taken for or on behalf of the Corporation, and generally to do and act in all matters and things whatsoever which they shall judge necessary for the well ordering and managing of the said Corporation and the affairs thereof, and to do, enforce, perform and execute all the powers, authorities, provisions and things in relation to the said Corporation, and to bind the said Corporation as if the same were done by the whole Corporation. And we do hereby direct and appoint, and Our will is that it shall be lawful for the Board of Directors of the said Corporation twice in every year, if the state of the Affairs of the said Corporation shall in their opinion safely warrant the same, to declare such dividend to and amongst the Proprietors of Shares in the Capital for the time being of the said Corporation for the then preceding Half Year, as shall appear to the said Board of Directors to be proper; but no dividend shall in any case be declared or paid out of the Capital for the time being of the said Corporation otherwise than out of the net gains and profits of the said Corporation. And We do hereby further will and direct that the Directors of the said Corporation, or their Agents or Officers, do and shall from time to time appoint in each of the Colonies or places aforesaid in which business shall for the time being have been established and be carried on by the said Corporation, one or more proper person or persons to be the Officer or Officers for making out, preparing and verifying such Accounts and Statements as are hereinafter required to be made out, prepared and verified. And We do further ordain and declare that it shall be lawful for the said Corporation, notwithstanding the Statutes of Mortmain or any other Statutes or Laws to the contrary, to purchase, take, hold, and enjoy to them and their successors in any of the said Colonies and Places, any other lands, tenements, or hereditaments, as shall or may be thought necessary or proper for the purposes of managing, conducting and carrying on the affairs, concerns and business of the said Corporation, but not for any other purposes; and to sell, convey and dispose of the same when not wanted for the purposes of the said Business. Provided always that the yearly value of such houses, offices, buildings, lands or other hereditaments at the time when the said Corporation shall enter into possession thereof shall not exceed in the whole the sum of £3,000. And We do further ordain and declare that it shall be lawful for the said Corporation, notwithstanding the Statutes of Mortmain or any other Statutes or Laws to the contrary, to purchase, take, hold, and enjoy to them and their successors in any of the said Colonies and Places, any other lands, tenements, or hereditaments whatsoever, and for any estate whatsoever, provided the same be conveyed to them by way of mortgage upon trusts for Sale or otherwise; and that, if on default of payment of the money which shall be thereby secured or the interest thereof or otherwise in due course of Law, the said Corporation, its Trustees or Agents, shall enter into
possession or receipt of the rents and profits of any such Lands, tenements or hereditaments, and shall not within one year after such entry into possession or receipt have sold and disposed of or transferred the same, then and in such case the said Corporation or its Trustees shall with all convenient speed, after being thereto required by writing under the hand of Our Governor or Lieutenant Governor of the Colony or place where such Lands, tenements or hereditaments shall be situate, or of any one of Our Principal Secretaries of State, proceed to make Sale thereof, and agree for the transfer thereof, and sell and convey or transfer and assure the same accordingly.

And we do hereby grant unto all and every person or persons and bodies, politic or corporate, who are or shall be otherwise competent, our special license and authority to grant, sell, demise, assign, alien and convey in Mortmain unto or to the use of the said Corporation and their successors any such lands, tenements or hereditaments as aforesaid accordingly.

And we do further will and appoint that it shall and may be lawful to and for the said Corporation, or any of its Trustees or agents, to become or to be appointed, and lend or advance money to any Local Governments in the said Colonies and Places, or any of them, for any purposes whatsoever, or to any Trustees, Commissioners or other persons having the care of making or executing any Public Works in the said Colonies and Places, or in the said Corporation or its hereditaments, and shall not within one year after such entry into possession or receipt have sold and disposed of or transferred the same, then and in such case the said Corporation shall appear satisfactory, and as far as the same may be authorized by the provisions of the said Indenture of Copartnership or any Bye Law to be made in pursuance thereof, and which Security or Securities shall be good, valid and effectual for the purposes expressed therein, and shall and may be enforced for the benefit of the said Corporation and their successors and assigns.

And we do hereby further Will and declare that the several rules, regulations, clauses and agreements, contained in the said Indenture or which may at any time heretofore have been made in pursuance thereof, are and shall be deemed and considered to be the existing Bye Laws of the said Corporation, save and except in so far as any of them are or may be altered or varied, or may be inconsistent or incompatible with or repugnant to any of the provisions of this Our Charter, or any of the Laws or Statutes of Our Realm, or any of Our Colonies, but subject nevertheless to be amended, altered or repealed either wholly or in part, in like manner as the laws, regulations and provisions contained in the said Indenture are thereby authorized and directed to be amended altered or repealed; but we do hereby expressly declare it to be our Royal Will and Pleasure that no Rule or Bye Law shall, on any account or pretence whatsoever, be made by the said Corporation either under or by virtue of the said Indenture, or under or by virtue of this Our Charter, in opposition to the general scope and true intent and meaning of this Our Charter, or any of the Laws and Statutes of Our Realm or of Our said Colonies; and that, if any such Rule or Bye Law shall be so made, the same shall be absolutely null and void to all intents, effects, constructions or purposes whatsoever.

Provided always that it shall not be lawful for the said Corporation to carry on the Business of a Banker by keeping Cash of or for any person or persons payable on demand, or by borrowing, owing or taking up money on their Bills or Notes, payable on demand or at any less time than 12 Months from the borrowing thereof, for a less sum than £100, or to lend or advance money on the security of shares in the Capital Stock of the said Corporation, nor Stock of the said Corporation, nor any part of the said Capital Stock except such Shares as shall be forfeited under the provisions contained in the said Indenture, and which for the time being shall remain unsold, or in any other manner whatsoever to carry on the Business of a Banker.

And we do hereby further ordain that in every of the said Colonies and Places in which the said Corporation shall or advance money under the provisions of this Our Charter, there shall be kept by some Officer or Agent of the said Corporation, authorized for that purpose, a Register of all the Mortgages and other Conveyances or Assurances of land and property within such Colony or place to such Corporation or its Trustees, such Register to be kept in such form and to contain such particulars as the Governor or Lieutenant Governor or any of Our Justices or Law Officers in such Colony or place, to be appointed by such Governor or Lieutenant Governor, shall order or direct, and that the said Corporation shall cause and procure to be transmitted to its principal Office in Great Britain with all convenient speed copies of all such Registers and of all entries which shall from time to time be made therein. And we further direct and ordain that the said Corporation shall, on or before the 1st day of November in every year, unless prevented by some unavoidable accident and in that case so soon after as practicable, cause to be delivered to Our Lord High Treasurer or the Lords Commissioners of Our Treasury a full and perfect account.
of all Sums, which, on the 31st day of December last preceding such 1st day of November, shall have been owing to the said Corporation on security of Lands and property in such Colonies and places, specifying the several Colonies and places in which such Sums shall be secured and the securities for the same, specifying the extent or number of acres of the Lands comprised in such Securities respectively, and also specifying and distinguishing the cases (if any there be) in which the Corporation or its Agents shall have foreclosed the equity of redemption of any property, comprised in such Securities and entered into possession thereof, and the time when such possession was taken in each case, as nearly as the same can be ascertained, and also an account of all other assets of the said Corporation on such 31st day of December so far as the same can be ascertained, specifying the amount thereof then remaining in Great Britain. Provided always and We do further will and declare that, in case the said Corporation shall at any time fail, refuse or neglect for the space of 60 days, without reasonable cause for such failure, refusal or neglect, to any principal sum or Sums which shall be due and owing by the said Corporation, and which shall be lawfully demanded at the principal office of the said Corporation in Great Britain, or in case the said Corporation shall in any one Year at divers times so fail, refuse, or neglect to pay any such principal sums, which shall be so raised and so demanded as aforesaid for several periods of time, each such period being less than the space of 60 days, but such periods in the whole shall be equal to or exceed the space of 60 days, or in case the said Corporation shall for the space of two years cease to carry on the business for which they are hereby incorporated, or in case the said Corporation shall not comply with the orders and conditions and directions in these Our Letters Patent contained, or any part thereof; in case it shall be made to appear to us on the petition of any five Members of the said Corporation holding at least ten shares in the Capital Stock of the said Corporation that losses have been sustained by the said Corporation equal to one half of the Capital of the said Corporation for the time being paid up, then and in any such case it shall be lawful for Our Lord High Treasurer, or three of the Lords Commissioners of Our Treasury, by writing under his or their hand or hands to be given to some Officer of the said Corporation or left at the Office or principal Office in Great Britain of the said Corporation, and inserted in the London Gazette, to declare that the said Corporation shall be dissolved; and, immediately after notice of such declaration as aforesaid, the dealings of the said Corporation shall be forthwith closed, and the property of the said Corporation shall be converted into money, and the debts due to them collected and got in with all convenient speed, and all monies which shall be so received and all other assets of the Corporation and (if necessary) all Sums then remaining unpaid by the Proprietors of Shares in the said Corporation on account of their shares (which shall be forthwith called for and paid) shall be applied in paying and satisfying the debts and liabilities of the Corporation in due course of Law; and the surplus, if any, shall be divided among the Proprietors of Shares in the said Corporation according to their respective rights and interests, and it shall not be lawful for the said Corporation after notice of such declaration as aforesaid to lend or advance or take up any money or do any other act, under the authority of these presents, except for the purpose of collection and application of the property, debts and assets of the Corporation in manner aforesaid in matters incident thereto; and, after such conversion, collection and application, and in the mean time except so far as may be necessary for the purpose of winding up all the privileges, powers and authorities by these Our Letters Patent granted shall, after notice of such declaration, become absolutely void, anything herein contained to the contrary thereof in any wise notwithstanding. And We do for ourselves, our Heirs and Successors, grant and declare that these Our Letters Patent, on the enrollment thereof, shall be in and by all things valid and effectual in the Law according to the true intent and meaning of the same, and shall be recognized as valid and effectual by all our Courts and Judges in England, and by the respective Governors for the time being of Our said several Colonies in Australasia, New Zealand and elsewhere, and all other Officers, persons and bodies, Politic or Corporate, whom it doth or shall or may concern. And that the same shall be taken, construed and adjudged in the most favorable and beneficial sense and for the best advantage of the said Corporation, as well in the several Courts of Record in Our several Colonies and Settlements aforesaid as in England or elsewhere, notwithstanding any non-recital misrecital, uncertainty and imperfection in these Our Letters Patent. And lastly we do hereby require and enjoin the several Governors for the time being of our said several Colonies and Settlements respectively to give full force and effect to these Our Letters Patent and to be in all things aiding and assisting to the said Corporation and their Successors. In Witness whereof, we have caused these Our Letters to be made patent. Witness, etc.

I have settled, and do approve of this Draft. In the absence of specific instructions, I have inserted such clauses as appear necessary, and which were inserted in two former Charters somewhat similar. I have perused the accompanying Deed of Partnership, which appears sufficient, and contain the provisions usually contained in joint Stock partnership deeds.

JAS. BELLENDEN KEE.

Lin. Inn, 24 Feb., 1843.
1843.
31 March.

Synopsis of
charter
proposed for
British colonial loan
company.

British Colonial Loan Company.

The Charter commences with a recital of the Deed of Settlement, under which the Company have hitherto acted, and by which Deed certain persons formed themselves into a Company called the British Colonial Bank and Loan Company with a Capital of £1,000,000 and declared the business of such Company to be:

1st. The sending Money to the Australian and other Colonies of the British Empire and to New Zealand.

2d. Carrying on the business of Banking in such Colonies and places.

3d. Lending such money in such Colonies and places at interest on the security of Lands, as well freehold as Leasehold, and also the lending such money on the deposit of Deeds and Documents of title, and on the security of Goods, wares, or Merchandise of persons resident in such Colonies and places, and on the personal security of persons resident in such Colonies and places, and also the lending money at interest on the security of Goods, wares and Merchandise, property and securities, of persons residing in such Colonies and places.

4. The acting as Agents for the sale of such Goods, Wares and Merchandise, property and Securities generally as Agents for such persons.

5. Also acting as Agents for joint stock and other Banks established or to be established in such Colonies or places.

6. For carrying into effect such other purposes, connected with, or relating to the said objects but no others, as the Board of Directors of the said Company should decide upon.

It then recites that two extraordinary general Meetings have been called, at which resolutions were passed for giving up that portion of business of the Company, which consists of Banking, and that the Company should continue only for the purposes after mentioned.

(This recital is of course prospective.)

The operative part begins with the usual Clause Incorporating the present Directors' nomination and the present and future proprietors under the name of "The British Colonial Loan Company," and declares that the Company is incorporated for all the purposes of the Deed of Settlement, excepting Banking, and that the business of the Company may in all respects be carried on according to the terms and provisions of the said Indenture, except so far as the same may be inconsistent with the present Charter.

The shares are declared to be personal Estate.

Power is given to the Directors to enter into all Contracts on behalf of the Company and to perform all acts requiring the Corporate Seal, and to bind the Company; and they are also empowered to declare a half yearly dividend.

The Company is authorised to purchase any Messuages or hereditaments for the purposes of their business not exceeding £3,000 per annum, and to take lands to any extent by way of Mortgage or upon trusts for sale but not otherwise; and, in case they enter into possession, are bound to sell upon the requisition of the Governor of the Colony.

The Company is also authorised to lend money to the Local Government for the purposes of any public works and to take securities for the same.

The rules and regulations of Deed of Settlement, so far as they are not inconsistent with the laws of the Realm or of the Colonies, are made bye laws of the incorporated Company.

An express Clause is inserted declaring that the Company shall not carry on the business of a Banker.

A Register of the Securities is directed to be kept in the Colonies.

The Charter then empowers the Lord High Treasurer or three of the Lords Commissioners to declare the Company dissolved upon the 3 following events:

1. If the Company shall suspend payment of any principal sum for the space of 60 days or for several periods making an aggregate of 60 days.

2. If the Company shall for two years cease to carry on the business for which they are incorporated, and shall not comply with the orders and conditions of the Charter.

3. If it shall appear, on the Petition of any 5 Members holding at least 10 shares to her Majesty, that losses have been sustained equal to one half of the paid up Capital, and concludes with the usual Clause as to the enrollment and construction.
GIPPS TO STANLEY. 611

[Enclosure No. 2.]

UNDER SECRETARY HOPE TO SIR HERBERT COMPTON.

Sir,
Downing Street, 11th March, 1843.

I am directed by Lord Stanley to acknowledge the receipt of your Letter, without date, in which, as Chairman of an Association termed "the British Colonial Bank and Loan Company," you submit for the consideration of Her Majesty's Government a draft of a proposed Charter for the Incorporation of the Company.

In reply, I am directed to acquaint you that Lord Stanley has recently received from the Governor of New South Wales a Despatch,* bearing on the question of the effect produced on the interests of that Society by the operation of such Companies as that which you represent, and adverted particularly to that Association, and that the effect of that report is such as strongly to dissuade his Lordship from advising the Queen to grant the Charter for which you apply.

Lord Stanley directs me, however, to add that he will, if you should desire it, call upon the Governor of New South Wales for his opinion on the subject, altho', at the same time, he cannot encourage you to expect a favorable result from such reference.

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

[Enclosure No. 3.]

SIR HERBERT COMPTON TO LORD STANLEY.

British Colonial Bank and Loan Compy.,
My Lord, 50 Moorgate Street, London, 22d March, 1843.

I have the honor to acknowledge the receipt of a letter dated the 11th Instant from Mr. Under Secretary Hope, communicating Your Lordship's reply to my application for a Charter of Incorporation for the British Colonial Bank and Loan Company.

Although Your Lordship, for the reasons expressed, is at present dissuaded from advising Her Majesty to comply with that application on the behalf of the Company, I avail myself of the offer contained in Mr. Hope's Letter, respectfully to request that Your Lordship will be pleased to "call on the Governor of New South Wales for his opinion of the subject."

Confidently trusting that the opinion will not be unfavorable, and that the transactions of the British Colonial Bank and Loan Company with the Colonists of New South Wales will not be found to differ substantially from those of the Trust Company, which has been incorporated, I will venture to express a hope that Your Lordship will hereafter be induced to recommend that my former application shall be complied with.

I have, &c,
HERBERT COMPTON, Chairman.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 40, per ship Alfred.)
My Lord, Government House, 31st March, 1843.

I have had the honor to receive Your Lordship's Circular Despatch of the 9th Sept., 1842, wherein I was directed to report my opinion as to the propriety of complying with the prayer of a

* Note 51.
Petition, which has recently been presented to Her Majesty by the Directors of the Union Bank of Australia, praying that a Royal Charter of Incorporation may be granted to that Bank; and I have accordingly to report as follows to Your Lordship:

There are within the Colony of New South Wales Seven Banks,* that is to say, Six in Sydney and one in Melbourne; and, with the exception of the Bank of Australasia (which has a Royal Charter), they are all on the same footing, that is to say, they may all sue and be sued in the name of one of their officers, but they are not Incorporated, neither are holders of Shares in them relieved from responsibility to the full amount of their entire property.

The Bank of Australasia has a Royal Charter, dated the 21st May, 1834 (5th of Wm. IV) by which the responsibility of Shareholders is limited to twice the amount of their shares, that is to say, a Proprietor of each share of £40 is liable to be called upon for a further amount of £40, but not for any larger sum.

The Union Bank of Australia, which now prays for a Charter, is therefore at present on a footing, not with the Chartered Bank, but with the other five Colonial Banks; and, as it commenced business after three of those Banks were established, it appears to me that a Charter could not in fairness be granted to it without granting at the same time Charters of Incorporation to all the other Banks, or to such at least of them as might desire to have Charters, unless indeed it be maintained (which I think it will not be) that Capital subscribed in England, in order to be employed in a Colony, is entitled to greater protection than Capital subscribed in the Colony itself.

The Union Bank moreover commenced business in the Colony, and has carried it on for nearly four years without a Charter; the Creditors of the Bank have therefore had up to the present time the full security of the whole property of the entire body of the Shareholders; and I cannot but entertain a doubt, how far it would be just on the part of the Government now to diminish that security.

It may, I am aware, be said that conditions may be inserted in a Charter, which will afford a security for the due management of the Bank, which could not otherwise be obtained; but the conditions usually inserted in such Charters go, I believe, no further than, first, to compel the Directors to give publicity to the state of their affairs by means of certain Returns periodically to be made by them to the Government, and secondly, to prevent them from holding landed property or locking up their funds in Mortgages. In respect to Publicity, we already have everything we can desire, since, by a Local Ordinance (4th Vict.,

* Note 52.
No. 13), every Bank, whether chartered or not, is required to make the Returns, of which I enclose a Printed Abstract;* and, in respect to Mortgages, I doubt whether the conditions usually inserted in Charters may not be evaded, and whether even they have not in some instances been evaded by the only Chartered Bank in this Colony.

The subject of Banking is one, to which public attention is at present very painfully directed in this Colony, in consequence of its having recently appeared that the affairs of one of our unchartered Banks (the Bank of Australia) have been grossly mismanaged.

Not only have the Directors of this Bank (or at least some of them) made use of the funds of the Bank, that is to say, have discounted their own Bills to an amount that appears almost incredible (one Director alone to the amount of £80,000), but they have also advanced, or engaged to advance, to one Firm carrying on business in Sydney, and principally on landed security, a sum little if at all short of the whole paid up Capital of the Bank. Owing however to the principle of unrestricted responsibility, the Bank is not Insolvent, nor will any Creditor of it lose a shilling, though the Shareholders must naturally suffer, and through them the public in general.

There is yet another aspect, under which the subject of unlimited responsibility ought perhaps to be viewed.

It may be said that it is desirable to encourage the employment of British Capital in the Colonies, and that Capitalists will not send their money for investment in Banking concerns in New South Wales, unless they be protected from unlimited responsibility. In the present case however, the Capital has been sent; the object of the Charter, now asked for, is not to induce people to send us their money, but to guarantee persons, who have sent their money to New South Wales, against consequences to which they ought to have looked before they sent it.

If at the present moment we were in want of Banking Capital, or if Trade were shackled by the difficulty of obtaining Discounts, and the question were one of establishing a New Bank, I should perhaps report differently to Your Lordship; but, instead of any want of Banking Capital, we have, and even had before the establishment of the Union Bank, a redundancy of it. The printed return, already spoken of, will show that in New South Wales, a Colony containing little more than 150,000 Souls, a capital is engaged in Banking of upwards of £2,300,000; and it may well I fear be doubted whether such a sum can be required for its legitimate purposes.

* Note 53.
For these reasons, I therefore feel that I can scarcely recommend to Her Majesty's Government the issue of a Royal Charter of Incorporation to the Union Bank of Australia, though, at the same time, I must beg very explicitly to disclaim the intention of throwing the smallest discredit on the Bank itself.

I have, &c.,

GEO. GIPPS.

Sir George Gipps to Lord Stanley.

(My Lord,

Government House, 31st March, 1843.

Almost at the moment of closing my Despatches for the ship "Alfred," I have received the accompanying Petition from Mr. Ross (the Partner of Mr. Dunlop) praying that the Judgment, which has been obtained against him on his Bond for £6,000, may not be put in execution.

Having in my Despatch No. 39 of the 29th inst., reported on a similar Petition from Mr. Dunlop, it seems to me only necessary to add that, as Mr. Ross is I believe not able to pay the amount of the Judgment against him, he will probably (as well as another party, Mr. Metcalf) be thrown into Prison; and that, though I think a striking example is required in both cases, it is not my intention that their imprisonment shall be unmercifully protracted.

I have, &c.

GEO. GIPPS.

[Enclosure.]

Petition to the Right Honourable the Lords Commissioners of Her Majesty's Treasury, London.

May it please your Lordships,

The humble petition of John Ross, Merchant, residing in Sydney in the Colony of New South Wales,

Sheweth,

That judgement has been obtained in the Supreme Court of this Colony against your Lordships' Petitioner on the part of the Crown for Six Thousand pounds for the breach of a Customs Export Bond; and, on your Petitioner applying to His Excellency the Governor of this Colony for remission or mitigation of this severe sentence, on the ground that the parties who had been guilty of this attempt to defraud the Revenue had been pointed out to His Excellency, your Petitioner was informed that the utmost rigour of the Law would be enforced against your Petitioner and the other Sureties on the Bond, as a warning to put a Stop to the extensive smuggling, which has for some time past been going on in these Colonies owing to the exorbitant duties enacted on Spirits and Tobacco.

Your Petitioner would most humbly bring before your Lordships' notice, that your Petitioner is not accused or convicted of having smuggled. That, had your Petitioner intended to have committed this fraud, he would not himself have signed a Bond for so large an amount, nor have procured Sureties on the same Bond of
such respectability as those who have unfortunately with your Petitioner been convicted on the same, when Bondsmen of no character or Standing are so easily procurable. That your Petitioner at the time of entering these Spirits for export being about to separate from his late Partner, Robert Glasgow Dunlop, left Mr. Dunlop in sole management of the Business, and that your Petitioner was not aware of the sale which his Partner had effected of these Spirits until after their Seizure.

Your Petitioner would further humbly submit to your Lordships' consideration, that the expenses your Petitioner has already incurred in this prosecution on the part of the Crown has amounted to upwards of Eight Hundred pounds; that your Petitioner's credit is entirely destroyed; and that he has been, and is prevented from entering into any new Business and is liable at any moment to be incarcerated in Prison, not having it in his power to pay a tenth of the penalty. That, if your Petitioner is to be punished for being so incautious as to sign this Bond, that his punishment as above detailed has already been more than sufficient; and your Petitioner would therefore humbly pray that your Lordships would take into your Lordships' most favorable consideration the hardship of your Petitioner's case and either remit the penalty altogether, or impose such a fine as your Petitioner may be enabled to pay without entire ruin.

And your Petitioner as in duty bound will ever pray, etc. Dated in Sydney in the Colony of New South Wales, this Twenty ninth day of March, in the year of our Lord one thousand eight hundred and forty three.

John Ross.

Lord Stanley to Sir George Gipps.

(Despatch No. 48, received via Port Phillip; acknowledged by Sir George Gipps, 27th September, 1843.)

Sir,

Downing Street, 1st April, 1843.

I have received your Despatch, No. 157 of the 5th of September last, with the Memorial therein enclosed from Mr. Heneage Finch, formerly a Member of the Survey Department in New South Wales.

Without the Correspondence referred to in Mr. Finch's Memorial, it is impossible for me to arrive at any clear opinion on the merits of the representation. As I understand the case, no Inclosures accompanied the Letter which Mr. Finch addressed to you transmitting his Memorial; but he desired to have Copies made of the Documents, which he specified, and which were in the office of the Colonial Secretary, forming the original Correspondence with Mr. Finch. If that is the case, it appears to me that you were justified in refusing to direct the preparation of the Documents, or such of them as Mr. Finch had the means of supplying. You will inform that Gentleman that it is not in my power to form any opinion favorable to his claims on the documents now before me.

I am, &c.,

Stanley.
Transmission of report from A. Maconochie.

Criticism of report.

Report received at Norfolk Island.

Complaint by A. Maconochie re non-removal of convicts.

Corporal punishments at Norfolk Island.

Conduct of convicts pending trial for piracy.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 42, per ship Royal George; acknowledged by lord Stanley, 29th August, 1843.)

My Lord,

Government House, 1st April, 1843.

At the request of Captn. Maconochie, I have the honor to transmit to Your Lordship a Report of his proceedings and observations on Convict Management during the year 1842, being in continuation of the Reports which were severally transmitted with my Despatches of the 1st May, 1841, No. 104, and 26th May, 1842, No. 96.

This Report is as remarkable as any that have preceded it, for the absence of that conciseness and compression of thought, which are usually held to be requisite in official correspondence; it nevertheless contains many observations, and still more speculations on the management of Prisoners, which may be well worthy of consideration, even though the chief object of Captn. Maconochie's theory be not admitted, namely, that the aim of all punishment should be reform only, and not example.

The document, though dated on the 10th Jany., came into my hands only on my arrival at Norfolk Island on the 11th ulto.; but I could not have received it at a more opportune moment. In my report on Norfolk Island, contained in my Despatch of this day's date, No. 43, I have made occasional reference to it; and to what I have therein stated, I would beg leave to add the following observations:—

Among the four causes, which are said in Paragraph 9 to have operated against Captn. Maconochie at Norfolk Island, one is stated to be that very many of the recommendations were unattended to, which he made for the removal to Sydney of well conducted men from among the doubly convicted, under the Act of Council 2nd Vict., No. 1. In justice to myself, I feel it necessary to state, that the cause of his recommendations not being complied with simply was his persisting in making them most profusely, notwithstanding the frequent warnings he received, that they could not be attended to. I may further add that it is apparent by Paragraph 11 that Captn. Maconochie has never rightly comprehended the true meaning or object of that Act.

From Paragraph 15, it appears that, though he still disapproves of Corporal Punishments, his experience has forced him to resort to them much more frequently than he did at first, and generally to adopt a severer system of management.

In Paragraphs 16 to 24 are some interesting observations on the conduct, whilst in Prison, of the men who had been engaged in the piratical attempt to seize the Brig "Governor Phillip," and for which five of them were subsequently executed in Sydney.
GIPPS TO STANLEY. 617

It is to be remarked, however, that these men never entertained, from the moment they were taken, the slightest hope of mercy; and it is well known that persons in such circumstances are far more likely to become sincerely penitent, than when a chance of escape is presented to their minds.

From these Paragraphs, it also appears that Captn. Maconochie does not altogether disapprove of Capital Punishments.

Paragraph 27 shews that Captn. Maconochie has also of late resorted to the use of Irons as a punishment; and Paragraph 28 that the attempt to produce effects by striking Acts of clemency or forgiveness will fail if not made very cautiously or sparingly.

Paragraphs from 30 to 34 relate to the issue of Tickets of Leave, on which subject I have also reported in my Despatch, No. 43 of this day’s date.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this report will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 43, per ship Royal George; acknowledged by lord Stanley, 29th August, 1843.)

My Lord, Government House, 1st April, 1843.

Agreeably to the intention expressed in my Despatch of the 23rd Feb'y last, No. 33, I embarked in Her Majesty’s Ship “Hazard” on the evening of the 27th Feb’y, and reached Norfolk Island on the 11th ulto. I passed six days on the Island, re-embarked on the 17th and relanded at Sydney on the 24th, thus having been absent from the Seat of Government 25 days.

2. Notwithstanding that my arrival at Norfolk Island was altogether unexpected, I found good order everywhere to prevail, and the demeanour of the Prisoners to be respectful and quiet; the first impression produced on me was therefore a favorable one; during my stay on the Island, I visited every part of it, minutely inspected every Establishment (almost every house) and separately questioned or examined every person having any charge or authority however small, taking down in writing the substance of what each individual stated to me, whilst he was yet present, though I did not think it right to administer to anyone an Oath.

3. In reporting the conclusions at which I arrived, it will be necessary to speak separately of the Experimental and of the Penal Prisoners, or as they are generally denominated, the “New” and the “old Hands”; and first of the “New Hands.”

4. The “New Hands,” or Experimental Prisoners, were sent to Norfolk Island in the beginning of the year 1840 for the
purpose of being placed under the peculiar system of discipline, which had been recommended by Captn. Maconochie; they were not picked men, but Convicts such as are transported under ordinary circumstances from the United Kingdom.

They consisted of Prisoners by the ship "Nautilus,"
landed at Norfolk Island on the 4th March, 1840. 178
"Augusta Jessie," 27th March, 1840 ... 123
"Woodbridge," Do ... 80
"Mangles," 18th May, 1840 ... 236

And to them were added at various times a number of Prisoners, who, having arrived in New South Wales after it had ceased to be a Penal Colony, could not legally be detained there ... 62

Making in all ... 679
and as the Establishment consists at present of only ... 593

There has been a decrease of ... 86
Which decrease is to be thus accounted for—

Sent to Sydney insane.... 1
Escaped from the Island ... 6
Removed to Van Diemen's Land, in consequence of misbehaviour ... 4
Died ... 75

The Mortality therefore among them has been nearly one in every nine in the course of less than three years, an amount which must be considered unusually large even among Convicts; and, though this mortality is not chargeable on anything peculiar to Captn. Maconochie's system of management, it is too remarkable a fact to be passed over in silence; and it moreover goes in part to account for the very anxious desire, which is felt by the whole body of Prisoners to be removed from the Island.

5. The only definite reason, which can be assigned for the existence during the last three years of a greater degree of sickness and mortality among the "New Hands" than among the "Old" or Penal Prisoners is that, at the time of their arrival, Dysentery, though in a mild form, prevailed among the "Old Hands"; that from the "Old" it passed to the "New" before the latter had become accustomed either to the Climate or the Diet of the Island; and that it subsequently became chronic among them.
GIPPS TO STANLEY.

The Diet or Ration, furnished by Government to Prisoners (of all classes) at Norfolk Island, is Maize Meal and Salt Meat. Vegetables they raise for themselves; and the Island supplies them all the year round with Lemons, which act as a powerful antiscorbutic. Guavas too (a very wholesome fruit) are to be had in such profusion during two months in the year, that no Prisoner need be without them; but fresh Meat they get only twice or thrice in a year; and Wheaten Bread, they never taste.

On the whole I would say that the Diet of Prisoners on Norfolk Island is generally as good or even better, than what Prisoners receive in Government Service (not in Assigned Service) in New South Wales, though at the same time I would not dispute the accuracy of the opinion, entertained by Capt'n Maconochie and the Medical Officers of the Island, that the deprivation of Wheaten Bread on their arrival might have been the primary cause of the malignity with which the disease fixed itself among them.

6. It will not be surprising, after what I have stated, if I add that, at the time of my visit, the general appearance of the English Prisoners was less robust or healthy than that of the Penal ones. Nor was this inferiority in physical appearance compensated, as it might perhaps have been expected to be, by any marked superiority in those manifestations of the countenance, which spring from the actions of the Mind.

Among the Prisoners generally at Norfolk Island, there was less perhaps of that gloom which is to be seen in the Ironed Gangs of New South Wales; but, between the "old" and the "New Hands" on the Island, the difference was scarcely perceptible.

The "New Hands" appeared nearly as anxious as the "Old" to get off the Island; and when I explained to them that, owing to the scarcity of employment in Van Diemen's Land, their condition probably would not be improved by being removed to it, they replied, "perhaps not"; but that, having acquired the number of Marks, which they had looked on as the price of their removal, they wished to get away from the place where they had seen so many of their comrades die; that they would rather go to New South Wales than to Van Diemen's Land; but that they would go anywhere rather than remain at Norfolk Island.

7. The whole number of English Prisoners, or "New Hands," is as already stated 593; of them, 509 hold Island Tickets of Leave, and 84 are without that indulgence, though there are some among these latter, who have held Tickets and forfeited them for misconduct.*

* Marginal note.—Capt'n Maconochie says in his last report that 40 men forfeited their Tickets; but that, of the 40, 17 have recovered them.
In my Despatch of the 15th Augt., 1842, No. 144, I detailed to Your Lordship the system on which Captn. Maconochie, according to the last reports then received from him, proposed to place his Ticket of Leave Holders, which system however I found on my arrival on the Island had not been adopted. According to the system detailed in my Despatch of the 15th Augt., each Ticket Holder was to receive 11 Marks a day, whether he worked for the Government or not; and, if he worked (that is to say, did an ordinary day's work) for the Government, he was to receive 25 more marks, making in all 36. He was to receive no Ration from the Government, but was to be allowed to purchase any quantities he might desire of Stores or Provisions from the Commissariat, at certain prices, paying for them in Marks, which were to be reckoned as pence; and Captn. Maconochie proposed that any surplus or unexpended Marks, which he might have, should be redeemed by the Government in cash at the rate of 1d. per Mark before he was removed from the Island.

It was this scheme which led me to coincide with the Commissariat Officers (Mr. Miller and Mr. Smith) in the opinion that the expenses of the Island would thenceforward be greatly increased; and it was the apprehension of this increased expense, which principally led me to adopt the resolution of sending them as quickly as I could to Van Diemen's Land, though other reasons concurred in making me think it expedient to do so, which are detailed in various Despatches written in the course of the month of August last.

8. On my arrival at Norfolk Island, I became aware (but not 'till then) that Captn. Maconochie (alarmed I presume at the prospect which had been pointed out to him of increased expense) had not put in force the system which he proposed, but had adopted the following (which is by himself described in Paragraph 30 of the Report which accompanies my Despatch of this day's date, No. 49).

Every Ticket of Leave Holder is made to do a day's work for the Government; and each receives as before a ration, and, in addition to it, a number of Marks which varies from 22 to 30, according to the nature of the work performed or duty done. In this respect therefore, they are nearly if not exactly in the same position, as before they received their Tickets of Leave, the difference merely being that, after the performance of their day's work or task, they have now greater facilities afforded to them, than they formerly had, for employing themselves for their own advantage; and that more of them are allowed to live out of Barracks; some of them moreover being placed on Farms on a principle hereafter to be explained.
The portions of his former plan, which would (at least as I apprehended) have been attended with expense to the Government, have been abandoned, namely, first, that portion of it which would have allowed the men to procure from the Government, to an almost indefinite amount, Tea, Sugar, Tobacco, Flour, Clothing, etc., in exchange for Marks, and secondly, the part of it, which went to promise to them the redemption (or purchase) of their surplus marks by the Government at the rate of 1d. each.

These alterations have removed the apprehension of any direct increase in the cost of maintaining the Ticket of Leave men; and I am happy to say that, with the exception of the issue of Pigs (which was noticed in my Despatch of the 15th Aug., 1842, No. 144) no direct expense (none at any rate worthy of consideration) has been incurred on account of the Ticket of Leave Holders, beyond that which must have been incurred, had they remained in the condition of ordinary Convicts on the Island. Captn. Maconochie maintains even that a saving has resulted from their holding Tickets, and perhaps he is right. Whether an indirect expense to the Government may not have been occasioned by the loss of Crops, or the waste of Government materials, is a point on which much may be and indeed has been said; but whereon it would be very difficult to arrive at any definite conclusion.

In respect to Ticket of Leave Holders, however, it is essential to remark that they ought to cost the Government nothing, whereas, even on their present footing, they cost as much as other Convicts.

When I first sanctioned the issue of Tickets of Leave at Norfolk Island, it was plainly stated to Captn. Maconochie that the Holders of them ought entirely to maintain themselves. It might have been difficult or even impossible to make them do so; but the principle, so clearly laid down, should scarcely have been overlooked or passed by, as it has been by Captn. Maconochie, without notice.

Of the 509 Ticket of Leave Holders, all have acquired the marks, fixed by Captn. Maconochie as the price of their Ticket (varying from 6,000 to 8,000 each, according to their sentences); and they have acquired surplus marks, to the amount on the average of 2,500 each, or collectively about 1,270,000. To redeem these at the rate of 1d. each would take upwards of £5,300; and though an additional charge were made, as the price of an exchange of an Island Ticket for a Ticket in Van Diemen's Land, it might be objected that such a charge would of itself involve a breach of faith, inasmuch as the intention of making it was never explained to the men, until after
they had obtained the number fixed (as they thought) for their freedom; nor would such a charge, even if made, relieve the Government entirely from the obligation (supposing such obligation to exist) of redeeming a portion of their Marks in money; for though, as already stated, 2,500 is the average number of surplus marks now standing to the credit of each Ticket Holder, there are individuals, who have as many as 5, 6, 7 or 8,000; and a man named Elliott (a Millwright) has upwards of 9,000 surplus Marks, and these numbers moreover are every day increasing. Supposing the charge to be made against Elliott of 3,000 marks,* for the exchange of his Ticket from Norfolk Island to Van Diemen’s Land, there would still remain upwards of 6,000 to be redeemed at 1d. each, or, in other words, the Government would have to pay to Elliott the sum of 6,000 pence or £25. To a man having 5,000 surplus marks, a sum nearly equal to £22, to one having 4,000 surplus marks, £17 and so on.

It would be useless however to pursue this subject, as the men seem to have made up their minds that the marks will be of little avail to them, except perhaps in determining which shall first be removed to Van Diemen’s Land, supposing it either to be impossible or not desirable to remove them all at once.

10. I now come to the most important part of my subject, but the one on which it is most difficult to speak with any degree of certainty, and indeed on which, whatever I may say, can scarcely amount to more than conjecture. I mean the degree of moral improvement which these men have received during their three years’ residence at Norfolk Island, and the way in which they may be expected to behave when restored to Society.

That there are many good men among them, and men who may be expected to behave well in Van Diemen’s Land cannot be doubted; but whether they will, when removed from Norfolk Island, behave better than an equal number of men taken promiscuously from the Convict Population of New South Wales, better, that is to say, than, if instead of having been placed at Norfolk Island, they had gone through the ordinary course of Convict Discipline in New South Wales, is the point on which I cannot pronounce any decided opinion. Having been treated more mildly, fewer of them have probably become hardened in iniquity; but, on the other hand, not having acquired a knowledge of the nature of the Society with which they will have to mix, of the duties which will be expected of them, or even of the kind of labour they will have to perform, they will be so much the more likely to fall into irregularities of life. They will

* Marginal note.—Capt. Maconochie proposed a charge of 5,000; but this was for perfect freedom in Van Diemen’s Land, not for a Ticket of Leave.
moreover in Van Diemen's Land be placed in the midst of an un­ 184S_.
friendly, not to say a hostile population; for in Van Diemen's  p "'
Land no less than in New South Wales, public opinion has been Problems on
very strongly pronounced against the system of management to conviCtsto
which they have been subjected. In Van Diemen's Land, they Tasmania.
may have considerable difficulty in finding employment, for labour is not so much in demand there as in any of the neigh­ borring Colonies; they may not be able to obtain the wages they 11. And though these men have not been exposed to that
expect, and, under the disappointment which they are likely to severity (or rather to the chances of that severity) which often
meet with and the loss of the punctual subsistence which they brutalityizes a man in New South Wales, where a Convict's life is
have been accustomed to rely on, whether they may not return
one of extreme chances, yet they have become in Norfolk Island to their evil ways, is doubtful to say the least.
familiarized at least with one detestable Crime, before unknown to them, and addicted (especially of late) to one very demoraliz­ Unnatural
ing Vice—the Vice is that of Gambling, the Crime the one repugnant to human nature. The practice of unnatural offences
most
is said, and probably with reason, to have been learned by them of the “Old Hands” or doubly convicted Prisoners; but whether this be the case or not, it seems admitted by all persons on the Unnatural
Island that the offence is now far more common among the “New hands” than the “Old.”

I endeavoured (especially from the Medical Officers and Clergy­ men) to obtain some information, tending to fix the proportion among the “New hands” of the tainted to that of the untainted with this crime; and, though on such a point scarcely more than Punishment
conjecture can be offered, I found opinions to vary from one Unnatural
eight to one twentieth of the whole, that is to say, the lowest of unnatural驾驶．
estimate supposed one man in twenty, the highest, one man in eight, to be or to have been in a greater or less degree guilty of this crime.

In every instance where the offence has been legally or satisfactorily proved, it has been punished by the infliction of the Lash.* In the Hospital, one man at least died in consequence of the commission of the crime; and other instances are recorded of loathsome disease engendered by it. The Crime is said to prevail almost exclusively among the Prisoners of English birth; of Scotch there are very few on the Island; and the Irish are (to their honor) generally acknowledged to be untainted with it.

* Marginal note.—In the Returns appended to Capt'n Maconochie's report for 1842, punishments are recorded expressly for this Crime; but they are probably included under other heads, such as Indecency, Bestiality, etc.

1843, 1 April.
12. The Vice of Gambling, which I have mentioned as now prevailing among the "New Hands," may perhaps be accounted for in a great measure by the peculiarity of their position. So long as the idea prevailed among them that they would get their freedom as soon as they had acquired the number of marks apportioned to each by Capt'n Maconochie, every man had a definite object before him; his mind was fixed on the acquisition of this object, and consequently did not stand in need of other excitement; but when the acquisition of marks ceased to be an object worthy their consideration, and at or about the same time (by the distribution of Pigs and other means), articles of value, as well as money, began to circulate among them, the passion for Gambling arose, and is now greatly prevalent. Thieving from each other also prevails, though, from what I heard, I should say scarcely to such a degree as among Convicts in general. On this head, however, it was remarked to me, nearly by every person with whom I conversed, that those, who had been Thieves, remained Thieves, and would be Thieves wherever they might go, an important admission (if true) of the little reformation which has taken place or is to be expected in them. Common Thieves and Pickpockets are considered at Norfolk Island, as elsewhere, the least reclaimable of Convicts.

13. When Tickets of Leave were first issued, in March or April, 1842, small Farms were laid out of from six to ten acres each, and given to Parties of Ticket Holders, consisting generally of five or six persons; and the experiment has certainly been attended with considerable success; indeed Capt'n Maconochie considers the success of it to have been complete. There are now 27 of these Farms, but the number of men living on them is reduced to 78, the reduction having been caused partly by the forfeiture of some of the Men of their Tickets, partly by the expulsion of some by their comrades or partners, and partly also by sickness. On each farm, a Hut or Cottage has been erected; and of these Huts, many are neat and creditable. The farms were so laid out that each of them contained a portion of cleared, and a portion of uncleared land. For each acre which they might cultivate of cleared land, the holders were to pay a rent per annum of eleven Bushels of Maize,* but uncleared land brought into cultivation was to be free of rent for the first year.

In addition to Maize, the chief article cultivated by them is the Sweet Potato; but common Potatos, as well as Cabbages and Tobacco, are raised. Sweet Potatos are the most useful article they produce, as, mixed with Maize Meal, they make a very

* Marginal note.—This is the amount stated to me on the spot; but, in Capt'n Maconochie's report, it is said to be 12 bushels, or one third of the average crop per acre of Maize raised on Government land.
palatable kind of Bread, and Pigs, Poultry, and indeed all animals feed and fatten on them.

The Maize Harvest was commencing at the time of my visit; and it was expected that, on the 27 farms collectively, about 1,500 bushels would be gathered; of these, somewhat more than 600 would be required to pay their rent; and two thirds of the remainder, I agreed (on Captn. Maconochie's earnest request) to purchase for the Government at 2s. per bushel, as, for want of a Market, they were selling it at 8d. only. The established price on the Island has been for many years 2s. 6d. per bushel; and, during the last two or three years, its value in Sydney has fluctuated between 3s. and 6s.

14. Among the objections urged by the Officers of the Commissariat to the issue of Tickets of Leave on the Island, one of the most prominent was that it would lead to increase the depredations, which have been, and always must in a greater or less degree, be committed by the Convicts on the Government Crops. So long as Convicts were prohibited from raising produce of their own, they could not legally be in possession of any, and consequently the mere possession of an article such as Maize was punishable; but, by legalizing the possession of it, and allowing the Prisoners at the same time to have Pigs and Poultry, it was contended that the inducement to steal would be greatly augmented, whilst the facility of detection would be decreased. From the statements made to me on the spot by persons best qualified to give an opinion on this subject, I should say that the anticipated evil has not yet been felt, fewer depredations having, according to their statements, been committed of late on the Government Crops than in preceding years; but the grounds for the apprehension are nevertheless not removed, for, during the present harvest, Maize has among the Ticket Holders been at so low a price (8d. a bushel as already stated) that the inducements to steal it must have been very small; and, moreover from the constant expectation in which the men had lived of being removed to Van Diemen's Land, they have reared less of Live Stock than they otherwise would have done. For the same reason, they have got rid of nearly all the Pigs which were issued to them in exchange for Marks by Captn. Maconochie. I saw pigs at only two of the farms which I visited; but Fowls were in greater abundance there, being at one Hut 100, and at another 60.

15. Having thus, to the best of my power, described the actual condition of the "New hands" or Experimental Prisoners at Norfolk Island, it becomes my duty to remark that, whether their condition be better or worse than that of ordinary Convicts,
the difference cannot be ascribed to the operation of that peculiar management of Convicts, which Capt. Maconochie has advocated and described, under the name of the "Social System," for that system has certainly never been tried on them. Captain Maconochie desires very anxiously that I should certify that his system has not had a fair trial; but I go further than this, and am willing to certify that his system, that is to say, the system described in his printed publications,* has never been tried at all. Before I visited Norfolk Island, doubts had frequently occurred to me of Captn. Maconochie's ability to carry into effect his own theory; the indulgent portion of it seemed to him indeed to be easy and natural; but, from many peculiarities of his disposition and habits of thought which fell under my notice, his sanguine and hasty conclusions, his anxiety to produce early and striking effects, his almost total disbelief in the propensity of man to crime, his great desire to avoid inflicting punishment, and his especial dislike of what he calls vindictive punishments, I was led to fear, almost at the commencement of his experiments, that he would not carry into effect the sterner parts of his own system, which are nevertheless the foundation of the whole.

Nothing is more clearly laid down by Captn. Maconochie than that punishment should precede probation; that, before the Prisoners under his system should be distributed into Social parties on the principle of mutual responsibility, they should go through a period of severe, though not vindictive punishment; but, no sooner had Captn. Maconochie obtained the management of Prisoners at Norfolk Island, than he entered with them at once on the second part of his own system, overlooking altogether the first stage of it; and this was the more remarkable, as it was no less contrary to the express directions of Her Majesty's Government, contained in Lord Normanby's Despatch of the 11th May, 1839, No. 46, than contrary to his own system.

The only part of Capt'n Maconochie's system, which has been tried at Norfolk Island, is that of mutual responsibility, or the plan of making all the men in the same party, six or eight in number, mutually responsible for each other's conduct, and this part, according to his own acknowledgment, failed.†

The reason assigned by him for the failure is that they had not previously suffered together, that they had not become acquainted with each other and formed friendships (where durable friendships are perhaps most steadily formed) in adversity. But, even allowing this to be the case, it only amounts to saying that the second portion of his system failed, because he omitted

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* Note 54.
† Marginal note.—This acknowledgement is contained in the 8th Paragraph of his report, dated the 10th January, 1843, and was still more explicitly made to me by himself.
the first. He had not indeed at Norfolk Island the power of enforcing the first portion of his system, or the punitive part of it, precisely in the manner, which in his Book he says it ought to be enforced, that is to say, in separate confinement; but this was scarcely a reason for omitting the punitive part of it altogether, especially as there would have been little difficulty in substituting for it something, by which the principle of his system might have been seized; and "if its principles are seized, I would not," Captn. Maconochie has himself said, "be solicitous in any of the stages, about the perfection of the apparatus by which they are worked out."*

Norfolk Island was a place, in which some substitute for the peculiar kind of punishment, he approved, would more easily have been found than almost in any other spot; and, by the adoption of any such substitute, time would have been gained for considering or enquiring how the Men under his management were ultimately to be disposed of; but, by putting his men immediately on the system of marks, and by making to them a most lavish issue of marks, he caused the period to arrive, at which, according to the expectations held out to them, the Prisoners ought to have become free, before any preparation had been made for disposing of them when free. Within a year, or very little more after their arrival at Norfolk Island, some men had acquired the Number of Marks which ought to have made them free; they had, up to this time, worked and behaved well, as it was only natural to suppose they would under the stimulus which the Marks afforded; but when, after they had acquired their full number of Marks, and they found that they nevertheless were not removed from the Island, the stimulus no longer existed, and Marks gradually came by them to be considered as valueless.

Not only had no provision been made for removing them from the Island, and placing them in an easier or comparatively in a free state, but the Law stood absolutely opposed to the making of any such provision; so long as the 2nd and 3rd Wm. IV, C. 62, remained unrepealed, it was absolutely illegal for any authority in this hemisphere to grant the men any greater indulgence than what they already enjoyed at Norfolk Island, and that Statute remains unrepealed even to the present day.

Captn. Maconochie has always maintained, and maintains stronger than ever in his latest report, dated the 10th Jan. last, that, in order to a full trial of his experiment, his marks ought to bear a definite value, and so undoubtedly they ought; but it is out of the power of the Governor or any Colonial Authority to give them a value inconsistent with the terms of the Statute

* Marginal note.—General views of the Social System, Printed at Hobart Town in 1839, Page 19.
above referred to; and to affix a value to them, consistently with
the periods of servitude prescribed by the 2nd Clause of that
Statute, would be in no way satisfactory to Captn. Maconochie,
indeed it would be to render his system altogether nugatory.

16. Of the efficacy of the system of Marks, supposing them to
have, as they doubtless should have, a definite value, I may not
entertain so high an opinion as Captn. Maconochie; but I never­
theless consider that Marks may be made very useful in the
Management of Convicts. One objection to them, however, is
that there is a strong tendency to make a lavish use of them; and
doubtless (for he confesses it himself) a lavish use of them has
been made by Captn. Maconochie.

If a Convict under a sentence of transportation for Life can
have the prospect opened to him of becoming free at the end
of one or two years by the acquisition of Marks, he will doubt­
less desire and strongly exert himself to acquire them; but so he
would, if instead of Marks, he had to acquire anything else,
which would produce to him the same effect. Marks, to produce
their full effect, should be distributed daily, and vary in number
according to a man's daily conduct and to the quantity of work
performed by him; but, in such case, the distribution of them
must in a large establishment be entrusted to subordinate agents,
who will not be above the suspicion of favoritism or even of cor­
rupition. Whoever has the power of granting Marks must have
the power also of withholding them, a fearful power, as affecting
the liberty of his fellowmen, to be exercised by any individual.

Captn. Maconochie does not allow any Overseer to deprive a
man of his daily allowance of Marks, without bringing him to
Court; and the consequence is that, for weeks and months to­
gether, the same men receive the same number of Marks, though
it is scarcely possible that they behave equally well throughout
the whole period.

In a large Establishment, it appears to me that the distribu­
tion of Marks must be attended with one or other of these incon­
vieniences, either they must be distributed almost indiscrimin­
ately, in which case they will cease to be a test of good conduct,
or the distribution of them must virtually be entrusted to in­
ferior Agents. In the distribution of rewards and punishments,
there is always this difficulty; it is indeed an inherent one; and,
by my observations, I only mean to point out that the expedient
of "Marks" does not remove it.

Captn. Maconochie wishes that his Marks should bear the fixed
value of 1d. each; but I am disposed to think they should each represent one hour's labour. This would not prevent the intro­
duction of taskwork, neither would it prevent the giving to the
Marks a money value; it would rather on the contrary assist in fixing what that money value ought to be. The Mark also should represent an hour’s labour, such as the Prisoner by moderate (not overstrained) exertion might be able to afford, in the trade or occupation (if any) to which he has been trained. This would equalize the different tasks, which men would have to perform for the acquisition of their freedom, whereas, under Captn. Maconochie’s system of giving more Marks to an educated man, or to a tradesman than to a Laborer, a sentence of transportation for Life passed on a good Artificer, or (which is worse) upon a clever rogue, becomes less than one of 10 or even of 7 years, passed on a common Laborer. The man Elliott, mentioned above, has at times received as many as 130 Marks a day, whereas the common allowance to an unskilled Laborer is 22. Supposing, on Captn. Maconochie’s principle, each man to spend ten Marks a day, and to put by the rest, Elliott would obtain 8,000 Marks, the price of his freedom (supposing him to be a Convict for Life) in 67 days, whereas it would take a common Laborer 500 days to acquire 6,000 Marks, the price of freedom for a man under a Sentence of Seven years.

17. In respect to the principle of mutual responsibility, which is in fact the foundation of the social system, I will only say that I have found it answer very well, as far as the distribution of rewards or earnings is concerned, but not in the infliction of fines or punishments; there is something in punishing one man or woman (for my experience has been gained in part at the Female Factory at Parramatta) for the fault of another, at which the sense of common justice revolts. Captn. Maconochie is of opinion that the principle of mutual responsibility was less objected to by the “Old” than the “New Hands”; but all the Officers of the Old Establishment, whom I questioned, concurred in saying that, though they would work “like Tigers” for Marks, if Marks could procure their freedom, they did not more than the “New Hands” like that part of Captn. Maconochie’s system, which would punish one man for faults committed by another.

18. I now pass to the consideration of the doubly convicted Prisoners or “Old Hands” at Norfolk Island; and, after having animadverted as I have done on Captn. Maconochie’s measures in respect to the Experimental Prisoners, it is a relief to me to be able to say that, of his management of the “Old Hands,” I can speak with almost unqualified approbation, that is to say, since they were separated from the others. These men had suffered, and suffered severely, before Captn. Maconochie assumed the management of them, and their minds had consequently been brought to a state, in which the manifestation of kindness on
1843.
1 April.

Proposal by A. Maconochie for mark system for "penal" convicts.

Objections to proposal.

the part of their Ruler was likely to make the best impression on them.* Great and merciful as have been the ameliorations introduced into their condition, I could not perceive, either from personal observation or the reports of others, that they had led to evil consequences, at all to be put in comparison with the benefits which they have produced.

Captn. Maconochie is now anxious (as indeed he ever has been) that the "Old Hands" should be placed on the "Mark System," that is to say, that a definite number of Marks should be fixed as the price of each man's return to New South Wales; and that of course, on the completion of the number, every man should be brought back to the Colony. To such an arrangement, that is to say, to the giving in respect to these men a definite value to the Marks, the Statute above alluded to does not stand opposed, since all or nearly all of them have been longer in servitude than the terms prescribed by the 2nd and 3rd Wm. IV, C. 62; and moreover as they are, with few exceptions;† suffering under second convictions for offences committed in New South Wales, they would not in returning to the Colony obtain freedom or even Tickets of Leave; but, being simply freed from their Colonial convictions, would for the most part fall back on their original sentences. Those only, whose original sentences had expired before they were convicted in the Colony, and the Capital Respites under first convictions, would on returning to it become free.

The number of the "Old Hands" or doubly convicted is now 876; and among them are men, very many too, who have been guilty of the highest offences that men can commit; if the Mark System were applied to them without exception, the whole of them would, within a comparatively short period, return to New South Wales; and I cannot contemplate the possibility of their return without alarm; by the Colonists generally, I am certain it would be viewed with terror.

Whilst therefore I cannot for these reasons accede to the proposal so often made to me, and now repeated by Captn. Maconochie, of putting the "Old Hands" indiscriminately on the Mark system, I shall make it my business seriously to consider whether it may not be introduced amongst a portion of them.

* Marginal note.—In justice to Captn. Maconochie's Predecessors, I should however say that the severe system of Discipline was relaxed before he went to the island. A relaxation was made by Major Anderson, as soon as it perhaps safely could be after the Mutiny of 1834; and a far greater relaxation by Major Ryan.

† Marginal note.—The exceptions are persons respited from Death, who by the proviso added to the 5th Clause of the Local Ordinance, 3rd Wm. IV, No. 3, might be sent to Norfolk Island, even though they had never before been convicted. The persons, who have under this proviso been sent to Norfolk Island, were for the most part Soldiers.
19. Your Lordship is aware that, shortly after Captn. Maconochie arrived on the Island (in March, 1839), indeed before he had been there a week, he abolished all distinctions between the two Bodies of Prisoners, or between the "New" and the "Old Hands," and put them all on the Mark system; but that, after the lapse of about three months, the "Old Hands" were by my order replaced on their former footing. Of the propriety, nay, absolute necessity of the order which I then gave, I have never entertained a doubt; indeed, had I not given it, the whole of the doubly convicted would long ere the present time have been returned upon my hands without my having the means of disposing of them, either in New South Wales or elsewhere. That the disapprobation, which I then expressed of Captn. Maconochie's proceedings, damaged him, I cannot doubt, or that it tended to give color and additional currency to the exaggerated reports which were subsequently spread abroad of the evil effects of his system of management. His position is, however, now so much improved that he finds at least willing agents in his own Officers; and my visit to the Island will further, I think, have produced a good effect in supporting his authority.

20. The relaxations in the severe discipline, to which the doubly convicted at Norfolk Island were formerly subjected, do not consist solely in the diminished use of the Lash or of Irons, but also and perhaps more essentially in various smaller matters, the importance of which can hardly be estimated by anyone who has not been on the Island.

Formerly, when not actually at work and also during the whole of the Sabbath Day, the Prisoners were confined in a yard, surrounded by a high Wall; now they are allowed to walk about the Settlement (or Village), though not to rove over the Island, also to fish and to bathe in the sea. Formerly, their Bread was composed entirely of Maize Meal; now, they are allowed to mix with the Maize Meal, Sweet Potatoes of their own growth; and of this simple, and to the Government inexpensive alteration, it is impossible, without tasting the Bread, to judge of the value. Formerly, they had a Garden only between 3 or 4 Men; now, every man has his Garden (the sixteenth part of an acre); they have also two additional hours in the week allowed to them for working in their Gardens. Formerly, they were not allowed to have knives or any sharp Instruments or Tools; now it is no offence to have them. Formerly, no men were allowed to sleep out of Barracks except such as were in charge of Sheep or Cattle;

*Marginal note.—Captn. Maconochie has indeed within the last six months resumed the use of the Lash to a considerable extent, as well as the occasional use of Irons.
now, many men are allowed to sleep in Huts, which have been erected for their accommodation near to the places where they work; Men for instance who are engaged in cutting Timber or firewood, in Sawing, or in making Charcoal.

This latter arrangement has been greatly objected to, as affording the men facilities for committing depredations; but, on the other hand, it adds much to their comfort, places them nearer to their work, and saves the time formerly consumed in going to and from their Barracks; it affords the means of giving small indulgences to well-conducted men; and, on the whole, though the effect of it may be more questionable, I am disposed to think it has worked well.

The permission to carry knives, though it may have occasioned one or two assaults which otherwise would not have been committed, has not in any great degree augmented the number of such offences, whilst it has done away altogether with the numerous punishments which were formerly inflicted for having knives without permission.

I have already stated that the "Old Hands" have suffered less during the last three years from sickness than the "New," and that their general appearance is less sickly. It is certain that they work harder, for on this point there is no difference of opinion on the Island. The Superintendent of Agriculture stated to me deliberately, that he would rather have ten "Old Hands" to do any given piece of work than twenty of the "New."

I have also already remarked that unnatural offences are less prevalent among the "Old Hands" than the "New."

In point of cleanliness, there is a striking superiority in the "Old Hands," not indeed so much over the "New," as over the generality of Convicts in New South Wales, and especially those in Government Service.

The Convict Barrack in the Settlement (the one belonging to the "Old Hands") is in everything that regards comfort (if such a word can with propriety be used) very superior to the great Convict Barrack in the Town of Sydney, called "Hyde Park." Attached to this Barrack, and within the Inclosure Wall of it, are two Chapels, one Protestant, the other Catholic, which have been erected by Capt'n Maconochie; and, though the erection of them without authority was made a matter of charge against him, I cannot but speak in terms of commendation of them, and bear witness to the humanizing effect, which attendance in them seems to be producing in the minds of the Prisoners.
The "New Hands" or Experimental Prisoners have no Chapel; but Divine Service is performed for them, Catholic as well as Protestant, in parts of their Barrack Rooms at the farm called "Longridge." I attended during the time of Service at both places.

22. Since the relaxations have been introduced of which I have spoken with approbation, it can I think scarcely be doubted that the physical condition of a doubly convicted Prisoner at Norfolk Island is better than that of a Convict in an Iron Gang in New South Wales or at Cockatoo Island, to which men are sent on their first return to the Colony from Norfolk Island, or lastly, even than that of an ordinary Prisoner of the Crown in the service of Government in New South Wales.

What is it then which makes the life of a Convict at Norfolk Island so peculiarly irksome? or what is it which makes men ready to run any risk, or endure any hardship, in order to get away from it?

The daring attempts, which have even of late been made to escape, would seem to prove that the desire to get away from it is nearly as strong, under the administration of Captn. Maconochie, as it has been under that of any of his Predecessors; and it is as strong among the "New Hands" as the "Old."

The reason, I believe, to be found in the extreme isolation of the place, in their being so entirely cut off from Society, or from even a view or a glimpse of Society, and more especially from the Society of women.

The yearning of their hearts towards society is indescribable; it constitutes their torment; it is a punishment greater than the Lash, or any other that man can inflict upon them. This torment too is also greatly increased by the state of uncertainty in which they live; the sentences of many of them are for Life; in respect to many, it has also been further recommended by the Judges, who tried them, that they should never return to the Colony; yet none of them are without the hope of returning; and, according to the present system of remitting punishments, all may even expect to return.

These facts might lead to important reflections on the subject of the remission of punishments, as well as on the superiority of Insular Penitentiaries. An unhappy wretch shut up in a Cell in the State Prison at Philadelphia, or in that now building at Pentonville, may be more completely secluded than a doubly convicted offender at Norfolk Island; but he never can be convinced that his return to the society, after which he yearns, is as difficult.
Transportation to Norfolk Island, notwithstanding the fertility of its soil, its genial climate and beautiful scenery, is therefore a far greater punishment than transportation to New South Wales or Van Diemen's Land; and consequently there is the less reason to augment the hardships of transportation by supplementary punishments, a milder system of management may, ceteris paribus, be adopted.

In Assignment, a man is a Slave, but still he is a Slave in society; and, to persons of unrefined minds or such as do not revolt at Slavery, the condition of Assignment is often a mild, and even an enjoyable one, and very generally sought for in preference to Government Service. Assignment is the greatest and worst of lotteries; but human life itself is a lottery; it is at least made up of some principles which are fixed, and some fortuitous; and, if the fortuitous ones were wholly taken away, Man's inducement to amend his condition by his own exertions would be destroyed; his life would be hardly endurable.

23. It seems to me proper now to notice two subjects, in respect to which much imputation has been cast in Capt'n Maconochie's system of management.

The first is the alleged idleness of the Prisoners, Old as well as New, or the little labour which is required from them; the second, the alleged increase of crime as well as its impunity.

Without going the length of saying that the men are permitted to be idle, it cannot I think be denied that the quantity of labour obtained from them is less now than it formerly was; and I have already said that the "New Hands" do less work than the "Old." In the Agricultural Department, where the falling off in the produce of labour is most felt, the "New Hands" work principally by Task; the "Old Hands" have also been partially allowed to work by Task; though this indulgence, for such it is considered, they were for some misconduct deprived of at the time of my visit.

Everyone, who has had the control of forced laborers such as Slaves or Convicts, knows that, in the absence of extreme severity, it is by Taskwork only that anything approaching to an adequate quantity of labor can be extracted from them. But, in order to extract this adequate quantity, the tasks must be sufficient, and they must be well not carelessly performed. In some instances, the Tasks have been reduced by Capt'n Maconochie; in others, they remain the same as before he had charge of the Island; and, though it would be difficult to adduce strict proof of the fact, I think it may be admitted that they are, and especially in the Agricultural Department, not so well performed as they formerly were.
By the establishment also of a Police, consisting of about one hundred of the most efficient men taken from both Bodies of Prisoners, the amount of Labor available for the purposes of Government has been greatly diminished. From the various Returns, which I obtained from the different Officers charged with the daily distribution of the men, I have myself compiled one (which is herewith enclosed), intended to shew (at least in an approximate manner) how the labor of the 1,469 Prisoners on the Island, at the time of my visit, was daily disposed of. The Return is made up for the 10th March, the day previous to that of my arrival; and I satisfied myself that the distribution of the men on that day might be taken for the purpose, which I had in view, as a fair average of what is usual. I cannot hesitate to say that a much large quantity of productive labor ought to be, and must be extracted from them; but, this being a matter of local arrangement, I need not here pursue it further.

In respect to the alleged increase of Crime, and the way in which it is said to go unpunished, I am happy to be able to express my persuasion that the reports, which have reached Sydney, and which I especially alluded to in my Despatch of the 15th Augt., 1842, No. 145, are much exaggerated. It is true that Capt'n Maconochie, during the last few months, has been more severe in his punishments than he previously had been; but the accounts, which I have alluded to, must, even in respect to the occurrences to which they related, have been, as far as I can judge, overcolored. Some crimes of magnitude have occurred, which perhaps scarcely would have been committed under the stricter rule of his Predecessors, such as a Robbery committed about a year ago on the Sabbath Day during the time of Divine Service in the house of Dr. Reid (the assistant Surgeon of the Establishment); another Robbery in daylight, at the house of the Superintendent of Agriculture (Mr. Pery); and an audacious Robbery in Capt'n Maconochie's own house, only a few nights before my arrival. But the perpetrators of all these offences were detected and punished.

The Robbery of the Commissariat Store, on which very serious accusations against Capt'n Maconochie were founded (as reported in my Despatch last mentioned, No. 145 of 1842), was remarkable rather for its ingenuity than its daring, and could not have been committed without the connivance of the Sentry, who therefore must be considered the most guilty party; and a Robbery at the Officers' Mess Room could scarcely have been committed, had only common vigilance been observed.
1843.
1 April.

Causes of increase of crime.

Problem of disposal of Norfolk island.

More Sheep have been stolen, or made away with, than formerly; and more Boats have been built (or attempts made to build Boats) for the purpose of escaping from the Island; but the increase in these offences is to be attributed to the fact already mentioned, that more men are now allowed to sleep out of Barracks than formerly; and whatever increase of Crime may have been occasioned by the additional facilities thus afforded for its commission, has been, I am disposed to think, balanced by a diminution in other offences.*

24. I next come to the consideration of the future purposes to which Norfolk Island is to be applied.

For the last three years, the transportation of doubly convicted offenders to it from New South Wales has ceased; and the number of doubly convicted on the Island has been reduced from 1,278 on the 1st March, 1840, to 872 on the 12th March, 1843; and this number is further in the continued process of reduction. The New or Experimental Prisoners (now 595 in number) are also very speedily to be transferred to Van Diemen's Land; so that, unless new Prisoners of one Class or the other be sent to Norfolk Island within a year, it may be doubted whether the number of men remaining on the Island will be sufficient to maintain the cultivation of it, and to keep in repair the numerous buildings belonging to Government, whilst almost the whole expenses of a large establishment in respect to Superintendence must be kept up.

The decision therefore of Her Majesty's Government, as to the purposes to which the Island is henceforth to be applied, is a matter which is of pressing importance. In the concluding part of my Despatch, No. 147 of the 15th Augt., 1842, when writing on this subject, I said that, whilst Norfolk Island is admirably adapted to the purposes of a strictly penal station, it scarcely appeared to me adapted to any other. The more accurate acquaintance with the Island, which I have now acquired, fully confirms me in this opinion, with the sole modification that it is adapted not only to a strictly penal establishment, but to a penal establishment of any description, though of course one system of management only should be adopted on it and not two, as has been the case for the last three years.

Captn. Maconochie indeed still continues to think the Island ill adapted to the trial of his system, and still hopes to be removed to King's Island in Bass' Straits; and I must still admit, as I ever have done, that, if his system be to be tried, it is very desirable it should be tried in a locality which he approves.

* Marginal note.—This account of the state of Crime is somewhat different from that which I gave, before I had visited the Island, in my Despatch, No. 144 of the 15th Augt., 1842.
Whether Capt'n. Maconochie's system shall further be tried or not, is of course a question for the decision of Her Majesty's Government; and, without either advocating or discouraging the further trial of it, I feel it right to say that I should regret to see the experience wholly thrown away, which Capt'n. Maconochie has, during the last three years, gained in the management of Prisoners.

He admits that, in respect to the manner in which his principles should be applied, experience has taught him some useful lessons. He is fully aware of the necessity of a sterner and more severe application of his principles than any which he has yet attempted, and especially in the early or punitory stages of his system; and he fully also admits that, in the distribution of Marks (the great engine of his system), he has hitherto been too lavish.

Capt'n. Maconochie indeed still maintains that the object of all Prison Discipline should be exclusively the reform of the Criminals, and deprecates, as much as ever, the idea of making punishments exemplary, or as he prefers to term it vindictive. He allows however that punishment, and punishment too of a severe nature, is a necessary part of Convict Discipline; and, if this object be secured, as it might be by the positive order of Government, I do not see that it matters much whether the punishment be inflicted theoretically as a terror to evil doers, or, as Capt'n. Maconochie would have it, as the first operation in the process of a cure or, on the principle to use his own expression, that the amputating knife or actual cautery is used by the Surgeon.

Should no further trial of Captain Maconochie's system be considered expedient by Her Majesty's Government, but Norfolk Island still be retained as a Penal Station, as I have ventured to recommend it should be in the concluding words of my Despatch of the 15th Augt., 1842, No. 147, the question will naturally arise whether or not Captain Maconochie is to be continued in charge of it. From what I have stated in approbation of his management of the doubly convicted Prisoners, it may be gathered that I should not myself object to his continuing in charge of them; but I must submit that it should be on the express condition of his adhering implicitly to the instructions, which he may from time to time receive from the Government of this Colony. So long as the Prisoners under his charge are ultimately destined to return to New South Wales, this condition, I consider to be (in justice to the Colony), an indispensable one; but, on the other hand, if Capt'n. Maconochie be placed in charge of Prisoners, who are in no case to be sent or returned to New South Wales, I should anxiously desire to see him relieved.
1843. 1 April.

Problems re Norfolk island.

Expenditure at Norfolk island.

from any dependence on the Government of it. The illdefined nature of Captn. Maconochie’s position has hitherto been productive of much inconvenience; and has greatly encouraged the redundancy of argument and repetitions of theory, which everywhere pervade his official correspondence, which pervade it indeed to such a degree as to render it tedious, unsatisfactory and even obscure.

25. Should it be determined to abandon Norfolk Island altogether as a Penal Station, I can only refer to what I have said in respect to the disposal of it in my Despatch of the 15th Augt. last, to the effect that the entire abandonment of it will be attended by a great sacrifice of property, whilst the retention of it as a Colony will lead to expences scarcely to be compensated by any advantage to be derived from it.

26. It remains for me yet to say a few words respecting the expences of the Island. I have already stated that they must be reduced; and, should it be proposed to leave Captn. Maconochie in charge of the Island, a reduction in the expence of it should be made an absolute condition of his remaining there. The obvious and only legitimate way, in which the expences can be lessened, will be by increasing the produce of it; and this increase of produce must be looked for by the application of more labor to the Soil, not by the trial of experiments founded on speculations or theories, experiments, that is to say, attended with a certain outlay, but of which the success, however sanguinely it may be counted on, must be problematical.

Captn. Maconochie having been in command of the Island three years, I have called for Returns of the whole expenditure during the last six, so as to comprehend not only his own three years, but also the three last of the management of his Predecessors; and, from the Returns furnished to me by the Officers of the Commissariat, the Ordnance and the Engineer Departments, I have caused the accompanying General Return to be compiled. By this Return it appears that the average expence of a Convict at Norfolk Island, during the first period of three years, was £10 18s. 4d. per annum, and, during the last period of three years, £13 3s. 11d., the increase being very nearly at the rate of 21 per cent. This expence is moreover in each case independent of the whole cost of maintaining the Garrison, consisting on the average of about 160 men, also exclusive of salaries or the cost of Superintendence, the amount of which was during the first period about £1,717 and in the latter £2,880 per annum, or an increase on the former of about 56 per cent. But this increase is chiefly to be attributed to the substitution of a Civil for a Military Commandant, and to the additions which have been made to the Establishments for religious instruction.
GIPPS TO STANLEY.

It will further be seen, and especially by comparing the year 1838 with 1839, that the expenses of the Island principally depend on the productiveness or unproductiveness of the Crops. In 1838, when the Crops were very abundant, the expense of maintaining each Prisoner fell to £1 14s. 2d. In 1839, when the Crops failed, both at Norfolk Island and in New South Wales, it rose to £17 19s. 10d.; but the year 1839 was not one of Captain Macnab's years.

I have, &c.,

Geo. GIPPS.

[Enclosure No. 1.]

RETURN shewing the manner in which the Prisoners at Norfolk Island were employed on the 10th March, 1843.

1. Doubly convicted Prisoners, called the "Old Hands." Men.

- Overseers ........................................ 60
- Mechanics ........................................ 65
- Field Laborers, including repair of Roads .......... 208
- In charge of Stock, including Bullock Drivers ...... 43
- Clerks and Messengers ................................ 10
- Tailors, Shoemakers, etc. .................................. 2
- School masters ........................................... 2
- Cooks and Sweepers ...................................... 14
- Water Carriers ......................................... 13
- Cutting Brooms, and gathering Lemons ................. 6
- Barbers ............................................. 5
- Cutting wood for fuel .................................. 18
- Commissariat Store and Bakehouse .............. 20
- Dressing Flax, and making Rope ......................... 8
- Grinding Corn (Water Mill) .......................... 5
- Signal Men ........................................... 3
- Watchmen, Gatekeepers, Storekeepers ............. 20
- Dairymen and Milkmen .................................. 15
- Officers, Constables, and their Hutkeepers or Assistants 76
- Wardsmen in charge of Prisoners' Barracks .... 2
- Watchmen at the Prisoners' Gardens .................. 4
- Servants to Officers, Civil and Military .......... 109
- Repairing Officers' Stockyards ......................... 3
- Scourgers ........................................ 2
- In Gaol .............................................. 19
- In Hospital ........................................... 8
- Invalids, and exempt from Work ....................... 49
- Hospital Attendants .................................. 8
- Gaol Attendants ....................................... 4
- Loiterers, Casuals, etc., etc. ......................... 24
- Total ................................................. 576


- Mechanics ........................................ 53
- Laborers, Overseers included .................... 263
- Commissariat Department ............................ 1
- Clerks ............................................ 4
- Servants ........................................... 19
- Cooks and Storekeepers ............................. 11
- Camp Attendants and Hutkeepers .................... 44
- Police ............................................. 66
- Band ............................................... 11
- Wardsmen .......................................... 3
- In Gaol ............................................. 9
- Invalids, and exempt from labor..................... 23
- Total ............................................. 593
<table>
<thead>
<tr>
<th>Year</th>
<th>1837</th>
<th>1838</th>
<th>1839</th>
<th>1840</th>
<th>1841</th>
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<tr>
<td>Costs</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
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<td>Commissariat</td>
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<td>Provisions</td>
<td>11,106 9 8</td>
<td>13,064 3 4</td>
<td>18,976 4 10</td>
<td>20,466 14 5</td>
<td>19,121 11 7</td>
<td>16,790 15 0</td>
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<td>Conveyance</td>
<td>2,475 17 6</td>
<td>2,895 17 8</td>
<td>2,149 3 10</td>
<td>2,061 9 4</td>
<td>1,796 19 9</td>
<td>1,755 12 10</td>
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<tr>
<td>Ordinance</td>
<td>2,262 19 10</td>
<td>2,757 19 9</td>
<td>3,585 17 11</td>
<td>5,700 16 1</td>
<td>4,427 5 3</td>
<td>3,085 2 0</td>
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<td>Engineer</td>
<td>191 0 10</td>
<td>296 0 10</td>
<td>379 1 1</td>
<td>749 12 5</td>
<td>300 0 3</td>
<td>237 1 5</td>
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<tr>
<td>Deduct value of grain produced on the Island</td>
<td>£16,096 7 10</td>
<td>19,501 10 9</td>
<td>14,552 12 8</td>
<td>25,977 12 3</td>
<td>25,656 16 10</td>
<td>22,471 14 3</td>
</tr>
<tr>
<td>Number of prisoners on the Island</td>
<td>1,200</td>
<td>1,400</td>
<td>1,500</td>
<td>1,643</td>
<td>1,830</td>
<td>1,678</td>
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<tr>
<td>Average cost per prisoner</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
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<tr>
<td>10 6 1</td>
<td>14 2</td>
<td>17 19 10</td>
<td>13 9 0</td>
<td>12 19 4</td>
<td>13 4 5</td>
<td></td>
</tr>
<tr>
<td>Do on the average of 3 years</td>
<td>£1 18 4</td>
<td>£13 3 11</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Salaries</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
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<td>1,525 4 1</td>
<td>1,750 0 1</td>
<td>1,806 7 4</td>
<td>2,101 5 4</td>
<td>2,778 9 11</td>
<td>3,160 4 10</td>
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<tr>
<td>Average</td>
<td>£1 717 6 8</td>
<td>£2,689 6 8</td>
<td></td>
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GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 44, per ship Royal George; acknowledged by
lord Stanley, 5th September, 1843.)

My Lord,
Government House, 1st April, 1843.

On the subject of the proposed removal from Norfolk
Island to Van Diemen’s Land of the Prisoners, who have been
for the last three years under the experimental management of
Capt'n Maconochie, I have the honor to transmit herewith Copies
of letters which have passed between this Government and that
of Van Diemen’s Land; and, in so doing, I beg leave to explain
that my reasons for desiring to remove these men to Van Die-
men’s Land (fully reported in my Despatch to Your Lordship,
No. 147 of the 15th Augt., 1842) were founded, first, on the
desire (sanctioned by Lord J. Russell’s Despatch No. 321 of the
1st Augt., 1841) to make good, as far as possible, the expecta-
tions which had been held out to them; and secondly, relieve the
Home Government from the expenses, which in August last I
feared would be incurred, were they allowed to remain at Norfolk
Island.

The letter from the Colonial Secretary of Van Diemen’s Land
will shew to Your Lordship the great reluctance with which
these Prisoners will be received as Holders of Tickets of Leave
by the Government of that Colony; and I have to add that, from
private letters which I have received from Sir John Franklin,
as well as from numerous other sources of information, I am led
greatly to apprehend that, if the men be sent to Van Diemen’s
Land at the present season of the year, that is to say, at the
commencement of Winter, they will on their arrival be subjected
to great difficulties, and that, partly from the scarcity of employ-
ment, and partly from the prejudices which have been excited
against them, very few of them will be able to earn a livelihood.

I would further beg to refer to the Paragraphs Nos. 7 and 8
in my Report on Norfolk Island of this day’s date, to shew that
the expenses have not been incurred, which in Augt. last I
apprehended; and that the maintenance of the Prisoners at Nor-
folk Island does not now cost the Government more than it would,
if they had not received the indulgence of Tickets of Leave;
and I have in consequence to report to Your Lordship that,
taking all these matters into consideration, and having fully
conferred on them with Capt'n Maconochie during my late
visit to Norfolk Island, I have determined not to remove the men
from Norfolk Island to Van Diemen’s Land until the commence-
ment of the next Spring. I trust this determination will meet
Your Lordship’s approval.

1843.
1 April.

Transmission of letters re proposed
removal of convicts to Tasmania.

Reasons for
proposal.

Objections in
Tasmania

to holders of
tickets of leave

from Norfolk
Island.

Removal of
convicts to
be postponed.

SER. I. VOL. XXII.—2 S
Letter acknowledged.

1843. 1 April.

Respecting these men, I would further if necessary beg to refer to my Despatch, No. 97 of the 26th May, 1842.

I have, &c.,

Geo. Gipps.

[Enclosure No. 1.]

Colonial Secretary Boyes to Colonial Secretary Thomson.

Van Diemen's Land.

Sir,

I am directed by Lieutenant Governor Sir John Franklin to acquaint you that His Excellency has had under his consideration your letter of the 29th August last, in which you report, by direction of Governor Sir George Gipps, that His Excellency, acting on the discretion vested in him by the Secretary of State, has decided on breaking up Captain Macouchie's experimental establishment in the course of the month of March next, and on transferring the whole of the Prisoners, in the condition of Ticket of Leave holders, to Van Diemen's Land, with the exception of such as on account of misconduct may not be deemed eligible for the indulgence of a Ticket of Leave.

His Excellency will be prepared to receive the Convicts whom Sir George Gipps thus proposes to transfer to this Colony; but He has deemed it necessary that it should be pointed out to Sir George Gipps that they will be treated in all respects as the other Convicts who arrive from England, and that they will thus be placed in a less favorable position than the one which they occupy at Norfolk Island.

To treat them in the manner, which it appears to His Excellency is contemplated by Sir George Gipps, could not be done without establishing two different Systems of Convict discipline, which it would be impossible for His Excellency to sanction; and the only course, which is in fact open to His Excellency, is that they should be treated with, and in the same manner as those prisoners, who are already here, and whose periods of transportation are respectively similar to theirs.

I am further to request that you will have the goodness to furnish, for Sir John Franklin's information, a Copy of the Form of "Ticket" which it appears the Convicts now hold in Norfolk Island, and at the same time to point out to you that His Excellency has no powers under the Act of Parliament to grant Tickets of Leave in this Colony, except after periods of four, six and eight years' transportation respectively.

I have, &c.,

W. Boyes.

[Enclosure No. 2.]

Colonial Secretary Thomson to Colonial Secretary at Van Diemen's Land.

Sydney, 28th Jan., 1843.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 11th instant, in reply to the communication which was made to you by His Excellency's commands on the 29th of August last, and in which you state that His Excellency Sir John Franklin is prepared to receive the Convicts whom it is proposed to remove from Norfolk Island to Van Diemen's Land, but that they will be treated in all respects as other Convicts who
GIPPS TO STANLEY.

 Với reference to my Despatch of this day's date, No. 43, containing the report of my visit to Norfolk Island, I have the
1843.  
1 April.  
Payment for passage to Norfolk Island.

1843.  
3 April.  
Transmission of annual reports re aborigines.

HISTORICAL RECORDS OF AUSTRALIA.

honor to inform Your Lordship that I caused the regulated allowance for the entertainment of myself and Suite on board Her Majesty's Ship "Hazard" to be paid out of Convict funds to Captn. Bell, R.N., of that Ship; and I trust that, on Your Lordship's recommendation, this payment, amounting to £144 may be sanctioned by the Lords of the Treasury.

The persons, whom I took with me on this occasion, were my Private Secretary, Aide de Camp and the Principal Superintendent of Convicts.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 46, per ship Royal George; acknowledged by Lord Stanley, 29th September, 1843.)

My Lord, Government House, 3rd April, 1843.

Agreeably to the instructions contained in Lord J. Russell's Despatch, No. 132 of the 25th Augt., 1840, I have the honor to forward herewith the Annual Reports for 1842 of the different Officers of this Government employed in the civilization or protection of the Aborigines and also from the different Missionary Establishments receiving aid from the Government.

The following is a List of the Reports:

1. Report of the Mission at Wellington Valley in connexion with the Church of England;
2. Report of the German Mission at Moreton Bay in connexion with the Presbyterian Church.

Reports from the Crown Commissioners employed in the older parts of the Colony in the undermentioned Districts:


Reports from Port Phillip:


Crown Commissioners' Reports, from the undermentioned Districts:


I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

ANNUAL Report of the Aboriginal Mission at Wellington Valley addressed to The Honble. E. Deas Thomson, Colonial Secretary.

Sir,  
In attempting to furnish the Colonial Government with a Report of the State and proceedings of this Mission during the
past year, I candidly acknowledge I am at a loss what to say; I would rather keep silence altogether, for I really can speak of no improvement of any consequence, either in the generality of the Aborigines of this District, or in those who are more or less attached to the Mission, whilst every year seems to bring fresh trials to add to those baneful influences, which have long acted so unfavorably upon the morals of these untutored children of the forest.

For a time I was beginning to hope that several of our young people would become more steady, for, during the greater part of the year, there were three couples, sometimes four, living at the Mission, which is something unusual, for these Aborigines generally become more unsettled and addicted to their wandering habits, when they live as husband and wife together, than when single; but in a measure, I am disappointed in my expectations; for the very couple, who had always most steady and useful when single, and even for a time when united, have gradually yielded to bad and uncivilised habits, and have now for several weeks been wandering in the Bush. There are two young women, however, staying, who for many months, the one for the whole year, remained and conducted themselves tolerably well, although their husbands have repeatedly gone away. One of these young men has, above all others, disappointed me; for he had, for years afforded more hope than any other of a better principle gaining ground in him by degrees. Indeed, it is truly distressing to me, when I consider the serious reflection which at times he evinced, the anxious enquiries after Religious and other useful information, and the striking observations which he made from time to time, for more than three years, to see him once more in a measure fall back in heathen customs. Nor has his better judgment utterly left him; he often acknowledges he knows he is doing wrong, but adds he cannot help it: he imagines, if he was separated from his Black countrymen, he would become a better man. The influence of the elderly men, by threatening and superstitions notions, is certainly very strong; they seem to contrive every scheme, they can, to keep the rising generation in a savage state. Another young man, the same who was so prominently introduced to His Excellency the Governor on his visit two years since as one far advanced in civilization, has almost entirely returned to wild habits; he has been more unsettled for these 18 months past than ever I have known him to be before. The Men in general, whether old or young, single or married, have, during the last year, led more of a savage life than I have known them to do for years. For 8 or 10 months, they have been mostly engaged in preparations for a fight, or were off on fighting excursions. They certainly do rarely any serious harm to each other: but it is on account of these disturbances among them, principally, that they are so often drawn away into the bush. On one occasion they seemed to have premeditated rather a serious engagement, when I, having received an intimation of it, hastened to Mr. Commissioner Alman for assistance, who kindly, together with some other Gentlemen and Police, accompanied me to the scene of battle. It was with much difficulty we could prevent them from determinate fighting; they made repeated attacks and were very passionate. All my young men, I regret to say, joined the ranks; no reasoning could detain them. They will go when challenged, lest they should be called cowards, or their friends urge them for assistance.
1843.
3 April.
Annual report of aboriginal mission at Wellington valley.

I have availed myself, in a few instances, of the kind allowance of His Excellency to give rewards for industry, improvements and good conduct; but, I am sorry to say, have seen no good fruit of it as yet. Indeed those few, of whose late conduct I have already complained, are the principal parties that previously had received rewards. They can, in general, bear little or no encouragement; they seem to be fit only, as yet, for rigourous measures. I feel more and more convinced that no advantages of civilisation or European comforts, held out to them, will tend much to civilize them. Numerous and striking instances have produced in me the conviction that their habits never will be settled, or they enjoy a civilized life, although they may seemingly be civilized, until they are truly Christianized. I mean, so as to have a Christian principle implanted in their minds. They want moral power, nay, power from above, to overcome their innate disposition and the opposing influence of others. Past experience has shown that they will, for years, do remarkably well, and put some Europeans to shame by their conduct and manners, and yet return once more to the ways of their fathers. One very discouraging feature in their character is that they scarcely ever form a grateful attachment to a person, which is of a lasting nature. So long as they are not truly converted to Christianity, I can think only of one remedy to improve their manners, and render them more useful members of Society. viz., to put them under certain restrictions by interfering with their customs and laws; though I am aware of the difficulties and objections raised against any such proceedings. It is lamentable to observe how soon the majority of these unfortunate Blacks fall in with European vices (of which they certainly see far more, than of good morals). Drunkenness now, since we have two public Houses in the neighbourhood, has become very general among them; they usually spend their earnings in spiritous liquors. On this account, their anxiety for money has become very great; they will hardly do any thing of consequence now without payment in money. During our last sheep washing and shearing, a number made themselves very useful; the former they did with very little European assistance; in the latter, shearing, some made also a good effort. I, therefore, to encourage them paid them fairly; but to my great grief, they spent the several pounds they had between them within a few shillings in spirits. The prohibition against supplying the Blacks with spirits seems to be cunningly evaded; if they cannot obtain them at the public house themselves, they find, alas, too many helping hands among Europeans to fetch what they want for them. Thus by giving them money, I am rather liable to encourage them for evil than for good. I have long dreaded public Houses, and my apprehensions are now verified.

We have repeatedly, during the year, had considerable numbers visiting at the Mission; and some would have continued longer, had we not been so sadly inconvenienced through want of water. But, having had the water to fetch such a distance, we could scarcely afford a sufficiency for those who are attached to the Mission. Several have told me, "we cannot stay with you where there is no water." The Native is not comfortable when he cannot encamp near a bed of water, or at least a Water-hole; he requires in summer not only much for drinking, but will often bathe. I have long regretted that the locality of this Mission should be so-
unfavorable in this respect; in fact, for the last two or three years, it was utterly unsuitable; I therefore had intended to urge strongly its removal; for I often thought I would rather live in a Bark but near water, than to continue in such a dry place as the present. However, very unexpectedly, I had the pleasure, in the latter days of December, to see the Bell river running bank high, after almost every body had despaired of its running again, it having not run for five years, and for miles been dried up these two or three years. I feel truly thankful to Almighty God, and trust he will once more be gracious to this dry and barren land.

In conclusion, I lament to say that, for the last six months, since the departure of the Agriculturist, my hands have been fully occupied in secular affairs, so much so that I have had to neglect almost entirely the proper sphere of my calling. I have to act as common overseer and Store-keeper, etc., etc., almost from morning to night, a business which I know but little of and much less delight in. I sincerely hope I shall, ere long, be relieved of such a burden, and see some better arrangements made, that I may have time and opportunity to make proper efforts without which we cannot expect the Divine blessing.

Wellington Valley, 9th January, 1843.

James Gunther.

[Enclosure No. 2.]

Report of Transactions relative to the Aborigines in the District of Moreton Bay for the year 1842.

The wild habits of the Aborigines are the same as they were in the former year; but they have not been so troublesome this year to the Settlers of this District as they were before. Their fights have likewise been less in number, two or three only having taken place between the neighbouring and the distant Tribes; and, as far as I could discover, one individual only was killed. The number of deaths has also been small in comparison with that of the former year. The Aborigines are, therefore, on an average, as numerous as at the end of the year 1841. viz., from about one thousand to one thousand five hundred, fifty miles in circuit.

The exact number of the various Tribes is difficult to be ascertained, as it scarcely ever happens that all the members of one Tribe are collected at one and the same spot, a few of them generally straying in the Bush separate from the rest. The number of individuals composing one distinct Tribe may vary from eighty to one hundred and fifty, or even more.

They live in a state of nudity, except that in very few instances they wear some Kangaroo or Opossum skins sewed together. Here and there a Blanket may be seen among them, which they have received from the German Missionaries as a reward for services rendered.

They subsist on almost every kind of Animals, roots, nuts, honey, etc., the procuring of which is frequently connected with much toil. Their food is sometimes plenty, and at other times scanty, according to the season.

The sicknesses, they are subject to, are chiefly consumption and Rheumatism; and many of them, Children not excepted, are afflicted with the Venereal disease. The Males in almost every Tribe are more numerous than the females; the former are in proportion to the latter, on an average, as three to two.
In general, it may be said that those, who have been with white people, are in some degree civilized, having become useful in performing common manual labour; and in particular, and more especially this may be applied to those who have stayed for a shorter or longer period with the Missionaries. The Adults may have made a little progress in Religious knowledge by their intercourse with the Missionaries when at their station, or in the Bush, when the latter are travelling among them, which they frequently do; but the progress, they may thus have made, is almost impossible to be traced or pointed out.

The Children are instructed at the Mission Station twice a day, in the morning and afternoon, about five hours altogether, though there be but two or three present. There is likewise, as far as practicable, a school kept in the Bush by these Missionaries, whose turn it is to travel among the Natives. The method of instruction, they have adopted, is similar to that used in Infant Schools. Besides that the Children are taught the principles of Religion, they are instructed in spelling, reading, ciphering, and writing. In the Schoolroom, they write with Chalk on a Board, and in the Bush with Charcoal on a sheet of Bark, or with a Stick in the sand. The progress they have made bears, however, an inferior proportion to the time and strength which have been spent upon them; not so much on account of their being in want of faculties, as by reason of their unsettled and fugitive habits.

[Enclosure No. 3.]

MR. J. ALLMAN TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office,
Wellington, 31st Decr., 1842.

Sir,

In accordance with the instructions of the Government, I beg leave to submit the following information respecting the Aboriginal Natives located in my District, and the result of my observations on their habits and customs, since the transmission of my last report.

During the past year, I have had opportunities of communicating with those natives frequenting the Lower Lachlan River District in considerable numbers. I cannot say that I have remarked any Amelioration in their moral or social condition; whilst, amongst those in the more immediate neighbourhood of Wellington Valley, I very much fear the establishment of Two Public Houses has been productive of any thing but advantage to them.

Those Natives, with whom I have been in communication on the Lower Lachlan, all appear to be quiet and well disposed, and are of considerable service to the Stockholders in many respects.

I am sorry to say that the same good understanding does not exist with the Natives on the Lower Bogan, who are inclined to be troublesome, and to take advantage of any opportunity afforded them of making aggressions on the Whites. I allude to the Blacks who inhabit that part of the Bogan which is not now taken up by settlers, and which has already been the scene of an unfortunate occurrence, which has occupied the attention of the Government.

I have, &c.

J. ALLMAN, J.P., Commr. of Crown Lands.
GIPPS TO STANLEY.

[Enclosure No. 4.]


The Aboriginal Natives in this District, where stations have been formed many years (fifteen or sixteen), are found by the Settler very useful, for which he remunerates them with Clothes and Food. The labour, they are required to perform being uncertain and irregular as to its demand, is the cause of their not being more employed than they really are; but, from their general disposition for idleness, it would be difficult to have any one of them brought to that state where dependence could be put for the due execution of any particular work, they may be required to perform. The Natives being ignorant of our Laws, it would be rigorous on our part to put them in force on such unfortunate people, without in the first place endeavouring to establish civilization to some extent amongst them.

It will often happen that, when you may have brought an Aboriginal Native to almost have that degree of feeling to be compared with a white person, that he will be compelled by the other Natives to return to the Bush, and will remain for some considerable time absent; during that time, it will be found, on his return to the station, that he has lost all his zeal for any industry he may have acquired beforehand.

The numbers in those parts long located by white people are decreasing very fast from disease long prevalent amongst them. In those parts where the white people are few and newly located (on the lower Macquarie and Castlereagh Rivers), the Natives are found very numerous and athletic, both male and female. They seldom come in number to any Station when in this primitive State, but generally in small detached parties, which is a forerunner to give information to the whole Tribe. It is during this period, when Stations are newly formed, that any outrage takes place on the part of the Aborigines; and when a proper feeling is formed with the white people, and no improper conduct on the part of the Whites, there is little risk to be run of any outrage being committed.

Graham D. Hunter, C.C.L.

[Enclosure No. 5.]

MR. J. LAMBIE TO COLONIAL SECRETARY THOMSON.


Sir,

I have the honor to Report, for the information of His Excellency the Governor, in reference to your letter of the 2d July, 1841, and in district of Manero, accompanying papers respecting the Aborigines, that little change has taken place in their condition in this District during the past year. Some of the Tribes, particularly those on the Coast, continue, as formerly stated, occasionally to assist in sheep washing, Hoing and Reaping; but their services cannot be relied on, for, when most required, they are frequently found to be absent on some hunting or shooting excursion.

Three of the young men accompanied some of the parties, who first took stock into Gipps’ Land, and have remained there acting as Stockmen; one of them now owns several head of Cattle, which
he has received in compensation of his services, and which appear to attach him to his employment; but the others seem less contented, and intend to return to their Tribes.

The Census herewith forwarded is exclusive of Gipps' Land. There the Natives have not yet come in communication with the Stock owners, and no correct estimate could be obtained of the number, but which I have reason to think is considerable.

I have, &c.,

JOHN LAMBIE. C. C. Lands.

[Sub-enclosure.]

CENSUS of the Aborigines in the District of Manero for the year 1842, accompanying letter to the Honble. The Colonial Secretary, dated 11th January, 1843.

<table>
<thead>
<tr>
<th>Names of Places usually frequented.</th>
<th>Males.</th>
<th>Females.</th>
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<tr>
<td></td>
<td>Above 12 years of age</td>
<td>Under 12 years of age</td>
</tr>
<tr>
<td>Tolbodildo</td>
<td>7</td>
<td>7</td>
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<tr>
<td>Norawa</td>
<td>14</td>
<td>8</td>
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<tr>
<td>Boat Alley, Borgala and Gundai</td>
<td>80</td>
<td>20</td>
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<tr>
<td>Wendilla, Marahrine and Bowerga</td>
<td>16</td>
<td>15</td>
</tr>
<tr>
<td>Twofold Bay</td>
<td>34</td>
<td>13</td>
</tr>
<tr>
<td>Cape Howe</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>Pambula</td>
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<td>1</td>
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<tr>
<td>Biggbah</td>
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<td>Omeo</td>
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<td>Maharatta</td>
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<td>6</td>
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<tr>
<td>Mowenbar</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Snowy River</td>
<td>25</td>
<td>7</td>
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<td></td>
<td>345</td>
<td>121</td>
</tr>
</tbody>
</table>

[Enclosure No. 6.]

REPORT on the Condition of the Aboriginal Natives of the Murrumbidgee District.

1st. Supposed number of Blacks in the Murrumbidgee District—One thousand five hundred.

2d. Temporary Residence—At Tumut, 50; Mungaboreena, 100; Courang, 50; Howlong, 100; Munenmurrenbong, 50; Gulpha River, 200.

3d. Change in their Social Condition. As yet in this District, they have shown but little value for social comforts. Two young men named "Matong Jamie" and "Tommy," the latter the son of the Chief "Bengelimong," have been murdered by treachery, and a female child belonging to an old Man "Mickey" carried off at night by hostile Blacks. I lament to report that Infanticide Still continues frequent amongst them; and I have recently discovered that they kill all the half caste male Children.

4th Schools. No establishment of this nature in the District, and, to do any good in the reformation of the Aboriginal Natives, Missionaries must learn the Native language and go beyond the settlements, and remain with the Tribe, and endeavour to instruct the
Children, and securing the Tribe to which they might attach themselves from all restless apprehension of an onslaught from another Tribe by having a small protecting force near them.

5th. State and Prospects. Living chiefly by Hunting and Fishing, and many of them wandering from Station to Station, afraid to remain long at any one Station for fear of incurring the dislike of those of their Tribe, who, from various causes, may not have gained the same favor with the whites.


[Enclosure No. 7.]

YEARLY Report upon the Condition, etc., of the Aborigines inhabiting the Lachlan District.


I do not consider the condition of the Natives improving, neither do their habits in any material point change. I have frequently endeavoured to persuade the Aborigines to remain at my Station for the purpose of giving them instruction; but they have invariably left after remaining a few months, and taken to their wandering habits through the Bush.

There are from seven to eight hundred Blacks in the Lachlan District. They have no particular place of residence, but generally camp upon the banks of the Rivers, remaining only two or three days in the same place.

There is no change in the social condition of the Natives; they lead a wild and wandering life, males and females living in the same camp. The men have two or three wives called “gins.” Fights frequently take place between the different Tribes, when the strongest party carry off the “gins” belonging to the other.

The present state of the Natives is rather better than formerly, owing to the kindness they receive from Government in issuing Blankets, etc. The settlers are also very good to them, occasionally supplying provisions, particularly meat, which prevents the Blacks from spearing and driving the Cattle from their runs; and no disputes take place between the men in charge of the Stock and the Aborigines.

I do not consider there is any great hope that the future prospects of the Natives will improve, as they have such a great dislike to remain long in one place, or to labour of any kind; and I think, as the Country becomes inhabited, they gradually disappear. I have endeavoured to obtain Children from the different Tribes for the purpose of sending them to School, but have never succeeded.


[Enclosure No. 8.]

MR. R. G. MASSIE TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands’ Office, McLeay River, 9th Jan., 1843.

Sir,

I have the honor to enclose the accompanying Report on the Aborigines of this District, and regret that, in consequence of my having been here only for such a very short time, the information I can afford is so very trifling.

The Blacks immediately on the McLeay from Trial Bay up to Mr. Hitchcock’s station on the head of that River, a distance of about one hundred and twenty miles, are fast diminishing in
numbers; they appear harmless and inoffensive, although totally
disinclined to work; this partly arises from subsistence being so
easily obtained from the quantity of fish in the River, and partly
from the indolence of disposition peculiar to their race, and which
the settlers in this District appear to have taken but little pains
to combat against.

In the more distant parts of my District, at the Nambucca, Bel-
lingen Rivers, etc., the Natives are much more numerous, altho'
they steadily avoid all intercourse with the white population. This
arises from the wanton aggressions committed on them by the
Sawyers upon their first going to the Nambucca, and which the
Blacks appear to remember; since however I have taken charge of
the District, I have not been able to hear of a single instance in
which they have been molested. On my first coming up, the Police
took one Black prisoner, who was accused of having killed several
white Shepherds on this River some years back. I forwarded him
to Port Macquarie, where he was detained in Gaol for about three
weeks; but, as no one could identify him, he was discharged; he is
now in the District, and appears perfectly harmless and well be-
haved.

ROBERT GEO. MASSIE, C. C. Lands.

[Enclosure No. 9.]

MR. O. FRY TO COLONIAL SECRETARY THOMSON:

Commissioner of Crown Lands Office,
Clarence River, 24th Feb'y., 1843.

Sir,

As this is the first Report which I have had the honor to lay
before you, exclusively relating to the Aborigines in this District,
I shall premise my observations by stating what I conceive to be
their number and distribution throughout the tract of Country at
present under my charge.

The subsistence of the Natives in this portion of the Colony being
in a great measure derived from fishing, the localities which they
inhabit are consequently the immediate banks of the Rivers Clar-
ence and Richmond, together with those of several minor Streams
running into them. The vicinity of the Clarence, including its
numerous sources, I have observed to be occupied by seven distinct
Tribes, each varying from fifty to one hundred and fifty in number.
The Richmond, being in point of magnitude considerably inferior
to the Clarence, sustains a population proportionate to its extent;
four Tribes, amounting perhaps to four hundred individuals, appear-
to have been its sole possessors previous to the arrival of the
Europeans. Owing to the dense and impervious Brush, with which
the Country to the Northward of the Richmond is covered, it has
hitherto been found quite impossible to explore it; I am therefore
necessarily ignorant as to the precise situation of its occupants;
but, judging from its extent, I conceive that, throughout the entire
District of Clarence River, the Aborigines may be safely stated to
exceed two thousand in number.

The manners and customs of the primitive inhabitants of New
South Wales are so generally known and so very similar, that I
consider it superfluous to allude further than to such distinctions
as appear to me to exist between the Tribes on the Clarence, and
those I have known in other Districts; the most striking of which
is the disinclination they evince to almost any intercourse with the
setlers, a circumstance rather difficult to account for as I believe
them to have been invariably treated with kindness and humanity;
the fact however is manifested by the exceeding unfrequency and
the short duration of their visits to the Stations; nor can they be
prevailed on to allow a white person to approach their Camps, and
in no instance have they ever become domesticated or attached
themselves to any of the establishments on the River. A great
scarcity of Arms and a want of energy is also apparent when con­
trasting them with other Tribes; but both these circumstances may
be attributed to their food, which consisting principally of Fish and
Honey is procured with facility, and without the aid of those wea­
pons so indispensable where the Kangaroo and Emu are the chief
means of existence. Referring to their conduct and demeanour to­
wards the European Residents in the District, I regret to State
that, during the last twelve months, besides some inconsiderable
Thefts, Three outrages connected with Murder have been com­
mited by them, each equally unprovoked, and all exactly corre­
sponding in the details of their execution. However, as steps have
been taken to prevent aggressions of so melancholy a description
in future, I am induced to believe that their recurrence need not be
anticipated.

I have, &c.,

OLIVER FRY.

[Enclosure No. 10.]

MR. G. J. MACDONALD TO COLONIAL SECRETARY THOMSON.

Crown Commissioner's Office,

In conformity with the Instructions conveyed to me in your
letter of 2d July, 1841, I do myself the honor of transmitting you, for the information of His Excellency the Governor, this my second
Annual Report of the condition and prospects of the Aboriginal
Tribes frequenting the District of New England.

It would be adverse to the fact, if I were to affirm that any
general progression or improvement had been manifested during the
past year in the Moral or Social condition of this indigenous People;
or that, there is much probability of any material amelioration
taking place in future among so scattered, distrustful and dis­
united a race; and more especially in the absence of any public
institutions for the advancement of such a laudable purpose; yet I
am happy in again being enabled to state that in one great and
paramount particular, viz., the diminution of hostile feeling and
outrage on the part of the Shepherds and Stockmen towards the
Aborigines, and the comparative cessation of their attacks on the
life and property of the Europeans (in which, former years were
ever so rife and prolific of frequent and savage retaliations) a
marked and undeniable improvement is everywhere apparent: the
only instance of the contrary, that has come to my knowledge since
my last report, having been an attack of three Natives upon three
Labourers at the Station of a Mr. Nowland in March, 1842, in which
two of the Labourers were killed and the third narrowly effected his
escape; and it would appear from the evidence of the survivor that
these unfortunate men lost their lives almost or entirely from
their utter want of all courage and self possession; and, altho' I
exerted every effort in the course of the Investigation to elicit and
disentangle the truth of the cause which induced and originated
this outrage, it was without avail; yet, from its occurring on a
newly formed and isolated Station, the probability is that these
men were either looked upon by the Natives and treated as
intruders and enemies, or that it was in retaliation of some old 
offence committed upon them in former years; for the Revenge of 
the Australian savage lives a life of long duration, and it is ever 
their custom to take that revenge whenever and wherever the oppor-
tunity may offer.

In numbers, the Tribes do not appear to have suffered any diminu-
tion, either from the ravages of disease or War. Their intercourse 
with the stock holders seems to be more frequent, and on a more 
trustful and friendly footing than formerly; indeed there are but 
few Stations in the District that have not now one or two Natives 
constantly on the establishment; and it has become a common and 
constant practice with the Proprietors in their journeys to take one 
with them as an attendant or servant; but, as labourers and shep-
herds, they are not. I regret to say, so generally or so advantage-
ously employed as I think they might be.

In conclusion. I beg to state that, on all occasions of their visit-
ing the Border Police Station, it is my earnest endeavour to encour-
age and promote that good feeling that seems mutually to be grow-
ing up between the two Races, and in my official and ordinary 
intercourse with them to carry but, as much as may be in my 
power, the humane and enlightened Instructions of Her Majesty's 
Government.

I have, &c.

G. J. MACDONALD,
Commissioner of Crown Lands.

[Enclosures Nos. 11 to 16.]

These were reports on the aborigines in the districts of Port 
Phillip and Portland bay, copies of which will be found in a volume 
in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 47, per ship Royal George; acknowledged by 
Lord Stanley, 15th December, 1843.)

My Lord,

Government House, 5th April, 1843.

I have the honor to report to Your Lordship that I have 
caused payment to be made out of the funds of this Colony of 
the sum of £224 3s. 10d., being the amount of Law expenses in-
curred by an order addressed to the Attorney General of New 
South Wales by Mr. Charles Bourchier, Assistant Solicitor to 
the Treasury, dated the 10th June, 1841.

Not having received any instructions, either from Your Lord-
ship or the Lords of the Treasury, on the subject to which Mr. 
Bourchier’s letter relates, I declined in the first instance to inter-
fere in it, or to authorize the payment of any money on account 
of it; but the hardship of keeping the parties out of their money 
being represented to me, I subsequently consented to do so, taking 
by way of precaution a Bond for repayment of any portion of the 
charges which may be disallowed by the Lords of the Treasury.
I transmit herewith Copies of the most important papers relating to this business, but offer no comment on them, considering that such explanation, as the Lords of the Treasury may require, can best be afforded by Mr. Bourchier.

I have, in conclusion, to request Your Lordship's authority for repaying to the Colonial Treasury the amount above stated, £224 3s. 10d. out of the Military Chest. I have, &c., Geo. Gipps.

[Enclosures.]
Copies of these papers are not available.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 49, per ship Maitland.)

Sir,
Downing Street, 6th April, 1843.

I have the honor to transmit to you, herewith, a Warrant for Letters Patent to be passed under the Public Seal of the Colony of New South Wales, appointing Captain Joseph Childs, of the Royal Marines, to the office of Superintendent of Norfolk Island.

I have, &c., Stanley.

[Enclosure.]
A copy of this warrant is not available.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch marked “Private,” per ship Maitland.)

Sir,
Downing Street, 6 April, 1843.

I have received your Dispatch, No. 177 of the 24th of September last, reporting the execution of the Native named Figara, alias Allipute, alias Noger, for the Murder of Mr. Codd. You also enclose a Copy of the Minute, which was made by the Executive Council when the Report of the Judge on the case of the Prisoner was brought under consideration.

It is not without hesitation that, in a case of this kind, I express my doubt as to the Wisdom of the course which has been taken, as I am perfectly aware that it was adopted by you in reluctant obedience to what you regarded as an indispensable public duty.

I, therefore, do not hazard the expression of my doubts on the subject in a Public Dispatch; but, in this private form of communication, I think it right to observe that Mr. La Trobe expressed his opinion that the Murder had been occasioned by such a provocation as would greatly extenuate, though it might not
justify the Act, an apology of peculiar force in the case of a Savage. On what ground, Mr. La Trobe attributed the offence to such a cause is not explained; but it does not appear that, in the deliberations of yourself and the Executive Council on the subject, any notice was taken of Mr. La Trobe’s statement, or that any enquiry was instituted to ascertain the accuracy of it.

If so material a plea in the Prisoner’s favor was really overlooked or unheeded, it would be difficult to justify the execution of the Capital Sentence. If it was not overlooked, some Record ought to have been preserved and transmitted of the reasons, on which it was overruled.

These are always both painful and difficult cases.

The application of our Law to punish the Crimes of Savage Men is probably inevitable; but you, I am well assured, will concur with me in thinking that in every such Case the necessity should be distinctly established.

I have, &c,

STANLEY.

7 April.

Transmission of address from legislative council.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 48, per ship Royal George; acknowledged by lord Stanley, 2nd September, 1843.)

My Lord,

Government House, 7th April, 1843.

I have the satisfaction to forward herewith to Your Lordship a Copy of an address from the Members of the Legislative Council of New South Wales, which was presented to me on the 28th ulto., as also a Copy of my Answer to the same.

In my Despatch of the 24th Febly. last, No. 34, I reported that the Session (in all probability the last) of the Legislative Council had been closed, the Act having been passed, which I introduced to regulate the election of Members of the New Council to be established under the provisions of the 5th and 6th Vict., C. 76.

I have, &c,

GEO. GIPPS.

[Enclosure.]

[This address was printed in the “Votes and Proceedings” of the legislative council.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 50, received via Port Phillip.)

10 April.

Transmission of letter from C. J. La Trobe.

Sir,

Downing Street, 10th April, 1843.

I have received from the Superintendent at Port Phillip a Communication, of which the enclosed is a Copy, on the subject of a representation, also enclosed, from Mr. Howitt, of
certain circumstances by which he considers himself to have been aggrieved in the purchase of Land at Melbourne. The claim seems to be grounded on the following circumstances:—

In June, 1840, Mr. Howitt purchased nearly 100 acres at a distance of 5 miles from Melbourne for about £600, or at the rate of about £6 per Acre. Shortly afterwards arrived Instructions which established a fixed and uniform price of £1 per Acre on Lands at Port Phillip. Mr. Howitt thereupon contends that either he ought to be paid back £500 in money, or else to have 500 acres given him in Land.

I need scarcely say that I agree with Mr. Latrobe that no such demand could be admitted, and you will inform Mr. Howitt of my decision to that effect.

I am, &c.,

STANLEY.

[Enclosure No. 1.]

MR. C. J. LA TROBE TO LORD STANLEY.

Superintendent’s Office,
Melbourne, 1st Augt., 1842.

In acknowledging the receipt of a despatch from Her Majesty’s Secretary of State, dated the 6th August, 1841, informing me that his Lordship had received a letter from Mr. Richd. Howitt, dated the 27th of February, 1841, bringing under His Lordship’s consideration certain circumstances by which he conceived himself aggrieved in the purchase of Land at Melbourne; and further desiring that, as this communication had been transmitted to His Lordship without passing thro’ my office, I would apply to the writer for a copy of it, and forward such copy with my report, it is my duty to state that, having called upon Mr. Howitt for a copy of the above letter, I am given to understand that, as the original draft was mislaid or destroyed, it was out of his power to furnish it to me. To the best of Mr. Howitt’s recollection, however, the purport of the communication was as follows:—That, at the Government Land Sale by Auction at Melbourne in June, 1840, Mr. Howitt purchased an allotment of 95 Acres at the price of £6 8s. per Acre making a total of £608; that shortly after this period, by instructions from the Secretary of State, the uniform price system was determined upon, and therefore Mr. Howitt considered that, as any of the unsold Crown Land adjoining might be purchased at £1 per acre, it was but just that the sum of £513 should be refunded to him or that 500 additional acres should be awarded. It is perhaps unnecessary to observe further upon this demand than that, under any circumstances, it could not be acceded to.

However much reason Mr. Howitt may have to consider himself aggrieved, in common with all the purchasers of Land at Sales by auction, by the sudden and unforeseen change of system, the regulations, laid down by His Excellency the Governor, that no Land within 5 miles of the township of Melbourne should be sold under the uniform system, was a measure that protected the interests of...
1843.
10 April.

Application by R. Howitt re purchase of land.

Mr. Howitt as well as by far the greater majority of those who had purchased Crown Lands at a similarly high price under the first system of Sales by auction. I have, &c.,

C. J. LA TROBE.

[Enclosure No. 2.]

MR. R. HOWITT TO LORD JOHN RUSSELL.

My Lord, Melbourne, Australia Felix, 27 Feb'y., 1841.

Before I left England, I solicited an official appointment, thinking it not impossible for one Poet, altho' a statesman, to assist another Poet. I have now another request to make which is briefly this that you would direct £513 to be returned to me from the Colonial Land Fund or otherwise order 513 acres of the unsold Crown Lands in the District to be put into my possession by the Government Agents at the Land office in Melbourne.

The 513 Acres will make me an equitable compensation as it regards the New Law of £1 per Acre about to take place here. I shall then have 608 acres of Land for the 608 Pounds which I paid for 95 Acres of Land to the Government Agents in Melbourne.

Justice in the Governor of a great nation is a good example for the people. My Lord, there have been great names in the House of Russell. Wise Patrons of literary persons and of Literature, but it seems that I am to date my ruin from your Legislation. My whole Capital is at stake and on this account I have written boldly what I strongly felt, openly and publicly.

I am, &c.,

RICHARD HOWITT.

P.S.—The Land was purchased at the Governt. Sale June 10th, 1840, and is five miles from Melbourne.

11 April.

Transmission of returns re intestate estates from Port Phillip.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 50. per ship Royal George.)

My Lord, Government House, 11th April, 1843.

Referring to the Despatch No. 1, which was addressed to Your Lordship on the 1st ulto. by the Colonial Secretary during my absence from Sydney, I have now the honor to forward two Returns, which have been received from Port Phillip, of all Estates of Intestates, which have in that District been placed for collection under the charge of the Deputy Registrar of the Supreme Court.

Should the Returns forwarded by the Colonial Secretary have been, agreeably to the desire of the Judges, published in the London Gazette, I would beg to submit to Your Lordship the propriety of also publishing the present Returns.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these returns are not available.]
STANLEY TO GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 51, per ship Royal George; acknowledged by Lord Stanley, 14th March, 1844.)

My Lord,

Government House, 13th April, 1843.

I have the honor to forward herewith Copies of the following documents lately received from Captn. Macarthur at Port Essington:


On the subject of this report, I would beg leave to refer to Lord J. Russell's Despatch to myself of the 27th June, 1841, No. 296, and to my replies to the same of the 5th May, and 3rd Septt., 1842, Nos. 80 and 155.

2. A further report, dated the lst Octt., 1842, with a return of the mean temperature of each month, in the four years that Captn. Macarthur has passed at Port Essington.

These accounts are, I consider, on the whole satisfactory; and I consequently venture to repeat the expression of my hope that the Settlement may not be abandoned. I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these reports will be found in a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 51, received via Port Phillip.)

Sir,

Downing Street, 14 April, 1843.

With reference to my Dispatch No. 30 of the 27th February last, I have now to acquaint you that the Queen has been pleased to confirm and allow the Act of your Government, No. 12, entitled,

"An Act to amend an Act for subjecting Vessels coming to New South Wales from certain places to the performance of Quarantine."

With regard to the Act, No. 18, entitled, "An Act further to amend an Act entitled an Act for the better preservation of the Ports, Harbours, Havens, Roadsteads, Channels, Navigable Creeks, and Rivers in New South Wales, and for the better regulation of Shipping in the same," I have to observe that it confers certain exceptional advantages as to Pilotage to particular Classes of Vessels.

These Advantages are as follows:

1. No Pilotage shall be charged on any Vessel registered in Sydney, or on any Steam Vessel while employed respectively on
the Coasting Trade from any one Port of New South Wales to another, unless the Master shall require and receive the Assistance of a Pilot.

2. The Schedule of Pilotage dues also contains the like exemption of Vessels registered in Sydney and not exceeding 50 Tons registered Tonnage.

3. With respect to Port Phillip, it is enacted that all Vessels, being regular Traders and registered in Sydney or Van Diemen's Land, entering or departing from the said Harbour of Port Phillip, shall, whether they take a Pilot or not, pay one fourth of the prescribed rates for the time being of Pilotage so prescribed as aforesaid.

I am not prepared to object to the exemption of Coasters from Pilotage; but I conceive that the general exemption from Pilotage dues of Vessels under 50 Tons registered at Sydney, and the advantage given in respect of such dues in the Harbour of Port Phillip to Vessels being regular Traders (which are not necessarily Coasters) registered in Sydney or Van Diemen's Land, is contrary to the 14th Section of the Passengers Act inasmuch as British Vessels, not owned in one of those Colonies, cannot participate in this exemption or advantages.

I am also of opinion that, if it should so happen that the Proprietor of a Vessel, registered in the United Kingdom or any other Colony, should think fit to employ it in the Coasting Trade of New South Wales, and the Ownership should be such as not to admit of the registry being changed, these would not be sufficient grounds for placing such Vessel on a less advantageous footing than those actually registered at Sydney.

I am, therefore, of opinion that, although the first of the above mentioned advantages does not contravene the 14th Section of the Passengers Act, it is nevertheless objectionable.

Where exemptions of this nature apply to voyages which are not Coasting Voyages, or Voyages between the Colony and other parts of Her Majesty's Dominions, such exemptions must not be confined to British Vessels, but must apply under like circumstances to Vessels of these Countries with which her Majesty may have Treaties of Reciprocity, when such Treaties extend so far as to require equalization of Shipping Dues in Colonial Ports.

Her Majesty has, therefore, been pleased to disallow the Act; and you will propose to the Legislative Council the enactment of a Law free from those objections which I have pointed out.

I am, &c.,

Stanley.
GIPPS TO STANLEY.

LOD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 52, received via Port Phillip.)

Sir,
Downing Street, 15 April, 1843.

I have received your Dispatch No. 158 of the 6th of September, 1842, forwarding a Memorial from Mr. Terence Aubrey Murray, on behalf of his sister Mrs. Bunn, complaining of the amount of compensation, which had been awarded to Mr. Bunn's Estate for certain Land, which had been withdrawn from him in the year 1836.

You will acquaint the Memorialist that, after a careful consideration of the case, I can see no ground for increasing the compensation which had been offered.

I have, &c.,
S TANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 52, per ship Royal George.)

My Lord,
Government House, 15th April, 1843.

Having had the honor to receive Your Lordship's Despatch, No. 107 of the 17th May, 1842, I caused, as therein directed, the Post Master at Melbourne to be called on for such explanation as he might be able to offer, respecting a letter which had reached Mr. W. W. Dunn with the seals broken; and I have herewith the honor to submit to Your Lordship Copies of two letters relating to this matter, one from the Post Master General (Mr. Raymond) to the Colonial Secretary, the other from Mr. David Kelsh, the late Post Master at Melbourne, to Mr. Kemp, the present Post Master at that place.

I have, &c.,
GEO. GIPPS.

P.S.—The Envelope which was enclosed in Your Lordship's Despatch is returned.

[Enclosure No. 1.]

Mr. James Raymond to Colonial Secretary Thomson.

Sir,
General Post Office, Sydney, 27th Febry., 1843.

In acknowledging the receipt of your Letter of the 20th October, enclosing a Copy of a Despatch from the Secretary of State dated 17th May, 1842, No. 107, respecting a Letter received by Mr. W. W. Dunn, both Seals of which are stated to have been broken open and the enclosures abstracted.

I now do myself the honor to inform you that, having referred to the Postmaster of Melbourne for his Report, it appears that the letter alluded to was forwarded by way of Launceston, Van Diemen's Land in the Ship "St. George," and Mr. Kelsh, who was
Report re complaint by J. Raymond; and by D. Kelsh.

Postmaster of Melbourne at the time, asserts that it was despatched by him as received which statement Mr. Edward C. Dunn, the Writer of the Letter, believes to be correct.

Under these circumstances, I can only come to the conclusion that Mr. Dunn inadvertently omitted to enclose the Document alleged to have been in the Letter or that, as suggested by the Postmaster of Melbourne, the Letter may have adhered to another as is frequently the case, and in separating them in the Post Office on arrival in England the Seals may have been accidentally broken, and probably the enclosures lost in its transmission subsequently.

I should have answered your Letter before, but I was desirous of obtaining the Statement of the late Postmaster of Melbourne now enclosed, which I only received this day in consequence of Mr. Kelsh having become a Settler some distance in the Interior.

I have, &c.,

JAS. RAYMOND.

[Enclosure No. 2.]

MR. D. KELSH TO MR. H. D. KEMP.

Sir, Melbourne, 17th February, 1843.

In reference to Mr. Dunn's complaint as to delay in the forwarding hence for London a Letter, said to have been posted by him in August, 1841, and again in reference to the loss of the Documents said to have been enclosed therein, I request you will lay before Mr. Raymond my Statement as follows:—

As regards the supposed delay in the transmit of the Letter, I have some slight recollections and Mr. Dunn, whom I have seen on the subject, says he cannot deny but that such was the case, that, altho' the letter was marked via Sydney, yet, learning at the time of posting it, there was a probability of an early Mail for London by the St. George via Launceston, he determined upon having it sent by the latter conveyance, the "via Sydney" having been omitted to be marked out. The Letter would accordingly be put by for the Mail per St. George, and the delay till October must have arisen from advices having reached me per Corsair Steamer, which traded regularly between Melbourne and Launceston at that time, of protracted delay in her time of Sailing, and the first Mail for the St. George, by which it had been arranged the letter should be sent, has been that of the 1st November, which it went; with respect to the loss of the Documents said to have been forwarded therein, I can only assert in the strongest terms that the letter was forwarded in the same manner in which it was posted here, and I am prepared to support that by affidavit, if necessary.

Letters for London Mails frequently adhere together by the Seals upon arrival here, and the like will of course be the case upon arrival there of Mails from this Port; and the Seal of Mr. Dunn's Letter may have been broken in separating it from another.

This is the closest explanation I can give at this remote period, and I trust it may prove satisfactory.

I have, &c.,

DAVID KELSH.

I have read the foregoing Letter of Mr. Kelsh's; and, upon further consideration and so far as my Memory will serve, I believe his Statement to be correct.

EDWARD C. DUNN.
GIPPS TO STANLEY.

1843.
16 April.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 53, received via Port Phillip.)

SIR,
Downing Street, 16 April, 1843.

I have to acknowledge the receipt of your Dispatch No. 198 of the 23d of October last, forwarding a loyal address of congratulation from the Moderator and Synod of Australia on Her Majesty's escape from the attempt, which was made on Her Majesty's life in the month of May, 1842.

Having had the honor of laying this Address before The Queen, Her Majesty has commanded me to direct that you would express to the Moderator and Synod the satisfaction, which Her Majesty has experienced at receiving that Address.

I have, &c.,
STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 54, received via Port Phillip.)

SIR,
Downing Street, 17 April, 1843.

I have received your Dispatch No. 200 of the 26th of October, 1842, in which you request permission to issue letters of authorised Denization to the Revd. John Christian Simon Handt, a native of Germany, who is desirous of qualifying himself to hold Land in 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.

I have, &c.,
STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 53, per ship St. George; acknowledged by Lord Stanley, 30th September, 1843.)

MY LORD,
Government House, 17th April, 1843.

I have the honor herewith to forward, for the Gracious Transmission of acts of council, Three Acts passed by the Legislative Council of this Colony in its late extraordinary sitting whereof the commencement was reported in my Despatch, No. 18 of the 25th January, and the close in that of the 24th Feb'y last, No. 34. 6th Vict., No. 16.—"An Act to provide for the division of the Colony of New South Wales into Electoral Districts, and for the Election of Members to serve in the Legislative Council."

This Act was passed pursuant to the instructions contained in Your Lordship's Despatch, No. 181 of the 5th Sept., 1842; and is supplementary to the Act of Parliament for the Government of New South Wales, 5th and 6th Vict., C. 76.
It provides for the division of the Colony into Electoral Districts, the establishment of a Registration of Voters, the Issue and Return of Writs for the Election of Members of Council, and for the trial of contested Elections.

In the formation of Electoral Districts, no new divisions have been introduced, though it has been necessary in most cases to include two, and in some instances three, Counties in a District.

There being 24 Members to be elected, it was judged expedient that one Fourth of the whole should be chosen by Town Constituencies, and accordingly, in addition to those of Sydney and Melbourne (which under the Act of Parliament are to return the former two Members, and the latter one), the three following constituencies have been created, each returning one Member, namely,

1. The Town of Parramatta.
2. A District of Boroughs, or County Towns, contained in the County of Cumberland;
3. A District of Boroughs in the County of Northumberland.

In the parts of the Act which relate to the Registration of Voters, it was necessary to entrust to the Clerks of the different Police Benches and Chief Constables the duties, which in England are performed by the Overseers of the Poor; and, in the Revision of the Lists, the Magistrates of the Territory have, in order to save expense, been required to act instead of Barristers.

Clauses from 36. to 48, inclusively, relate to the trial of Election Petitions, and provide a Court for the purpose, which, though of a novel nature, may it is hoped be found to work in a satisfactory manner.

Clauses from 49 to 54 relate to the detection and punishment of Bribery.

The Act was passed very nearly in the form in which I presented it to the Council, few alterations, and those of an unimportant nature, having been made in it.

Attached to the Act are two Circulars which I caused to be issued, for the guidance of Magistrates and Returning officers acting under it.

6th Vict., No. 17.—"An Act to amend an Act, passed in the fourth year of Her Majesty's Reign, intituled an Act to provide for the trial by Jury in Civil and Criminal Cases, in the Circuit and other Courts within the Colony of New South Wales and its Dependencies."

This Act was passed pursuant to the instructions contained in Lord J. Russell's Dispatch, No. 304 of the 8th July, 1841, the object of it simply being to enable the Royal assent to be with propriety given to the Act of Council of 1840, 4th Vict., No. 28.
The present Act ought to have been passed at the same time with the 6th Vict., No. 4 (transmitted with my Despatch No. 215 of the 17th Novr., 1842); and I have to apologize for the oversight, to which only the delay which has occurred is to be attributed.

6th Vict. No. 18.—"An Act to remove doubts in respect to the exercise of certain powers by the Councils of the City of Sydney and Town of Melbourne, and to declare the competency of Witnesses and the jurisdiction of Magistrates in certain cases within the same."

This Act was, as its title imports, passed to remove doubts in respect to certain operations of the Acts, passed in the earlier portion of the Session of 1842, to incorporate the Towns of Sydney and Melbourne. No matter of importance is involved in any portion of it.

I trust that these Acts may, on your Lordship's recommendation, be graciously allowed by Her Majesty. I have, &c,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 55, received via Port Phillip; acknowledged by Sir George Gipps, 3rd October, 1843.)

Sir, Downing Street, 18th April, 1843.

With reference to my Dispatch No. 208 of the 8th of November, 1842, I transmit to you herewith the enclosed Copy of an Application from the Revd. Mr. Heptonstall for the usual allowance for the passage of a Roman Catholic Clergyman to proceed from this Country to New South Wales to supply the vacancy occasioned by the appointment of the Revd. Mr. Murphy as Vicar General in the room of Dr. Ullathorne resigned.

I also transmit a Copy of the answer which I directed to be returned to Mr. Heptonstall.

I have, &c,

STANLEY.

[Enclosure No. 1.]

REV. THOMAS HEPTONSTALL TO LORD STANLEY.

My Lord, Acton, 23rd March, 1843.

By a letter dated Downing Street, Nov. 8, 1842, the Rt. Revd. Dr. Polding had the honor of being informed that Your Lordship had notified to the Governor of New South Wales that Dr. Ullathorne had resigned the Office of Vicar General, and that authority had been given to the Governor to pay to the Revd. Mr. Murphy the Stipend allowed to that Office, on the understanding that Mr. Murphy should resign his Situation of Roman Catholic Chaplain to the Gaols at Sydney.

By this arrangement a vacancy has been occasioned in the Roman Catholic Establishment of New South Wales, and I respectfully
solicit that the usual Sum for Outfit and Passage may be allowed on my presenting the name of a Catholic Clergyman accompanied with satisfactory testimonials.

I have, &c.,

THOS. HEPTONSTALL.

[Enclosure No. 2.]

UNDER SECRETARY HOPE TO REVD. THOMAS HEPTONSTALL.

Sir, Downing Street, 18 April, 1843.

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 23d Ultimo, in which you request that the usual Sum for Outfit and passage may be allowed to a Catholic Clergyman to proceed from this Country to New South Wales, to supply the vacancy occasioned by the appointment of the Revd. Mr. Murphy as Vicar General in the room of Dr. Ullathorne resigned.

His Lordship desires me to acquaint you, in reply, that, until he shall have been informed by the Governor of New South Wales of the actual resignation by Mr. Murphy of the Chaplaincy which he held previously to his appointment to the Office of Vicar General, and of no other person having been nominated to the Vacancy, it will not be in his power to sanction any grant for the passage of a Clergyman from this Country.

I have, &c.,

G. W. HOPE.

SIR GEORGE GIPPS TO LORD STANLEY.

Government House, 18th April, 1843.

I have had the honor to receive Your Lordship's Despatch, marked "Separate" of the 7th Sept., 1842, directing me to report on a letter which was addressed to Your Lordship's Under Secretary on the 21st July last by the Commissioners of Colonial Lands and Emigration, on the subject of the Administration of the Lands of this Colony, which are situated beyond what are called the "Boundaries of Location"; and I have accordingly to submit to Your Lordship the following observations:—

There is perhaps no object of greater importance to the Colony than the due Administration of the Lands in question; and the various documents, referred to in the Commissioners' letter, will I trust shew that the matter has received due attention from this Government.

The two Chief objects, to be looked to, are in my opinion the following:—First, to preserve the rights of the Crown to the Lands, or, in other words, to guard against any prescriptive title to them being obtained against the Crown by virtue of the occupation of them under License; and Secondly, to draw a Revenue from the Lands, whilst they are so held under Licenses of occupation.

In respect to the first object, it is scarcely necessary for me to remark that we have not only to guard against a title by Legal
In respect to the second point, or that of drawing a Revenue from the Lands whilst held under Lease or License, I would observe that, since our Land Sales have so remarkably fallen off, it is to this source that we must in a great measure look, if we desire to carry on Immigration without resorting to a Loan.

Besides these two principal objects, there is in the Administration of these Lands what may be called an open question, the point involved in it being, whether or not some modified right in the nature of that of preemption may not be given to parties, who, whilst in the occupation of such lands, may have erected buildings or made other improvements on them; this question is a difficult one to deal with, and I have always objected to the acknowledgment of any absolute right of preemption, because it would be scarcely possible to grant or acknowledge such a right without at the same time granting the right of the occupier to the undisturbed possession of the Land, up to the time when the right of preemption should commence. The Lands are the unquestionable property of the Crown; and they are held in trust by the Government for the benefit of the People of the whole British Empire. The Crown has not simply the right of a Landlord over them, but it exercises that right under the obligation of a Trustee; and I have accordingly always insisted on my power to withhold, or withdraw a License, though of course not in the spirit of favouritism or for any other purpose than that of the public good.

But without ceding any right of the Crown, or renouncing any public advantage, some compensation might be given to a person, who, having for a series of years held Crown Lands under a License, may have erected buildings upon them, or otherwise substantially improved them. This would, in fact, be only to give under certain restrictions, to a squatter, what in America is called the value of his "Betterments."

I have frequently declared before the Public of this Colony my views respecting the Administration of the Lands of the Crown; and, having particularly done so on the last day of the Ordinary Session of the Legislative Council for 1842, I take the liberty of enclosing a Copy of the speech which I then delivered, and which I caused to be printed, principally as an authentic record of my opinions on the important subjects which then came under the discussion of the Council in connexion with that of Immigration.
During the six months which have elapsed since my opinions were thus delivered, nothing has occurred to produce any important alteration in them. I have, &c.,

GEO. GIPPS.

[Enclosure.]

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

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 56, received via Port Phillip.)

Sir,

Downing Street, 19 April, 1843.

Having referred to the Lords Commissioners of the Treasury your Dispatch, No. 167 of the 14th September last, enclosing a Petition from Mr. R. G. Dunlop of Sydney, complaining that his sufferance privileges had been withdrawn by the Collector of the Customs,

I have been informed by their Lordships that, before they can form any opinion on the subject, they must await the receipt of further information and explanations, which the Collector of the Customs in New South Wales has been called upon to furnish.

I am, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 55, per ship St. George.)

My Lord,

Government House, 19th April, 1843.

The increase of the Legislative Council of this Colony from fourteen to thirty six Members having rendered necessary an increased accommodation for the Body, I beg to report to Your Lordship that, during the late extraordinary session of the Council, I appointed a Committee to enquire into and report how such accommodation could best be afforded; and the Report of this Committee I have now the honor to enclose.

Your Lordship will perceive by it that the Committee recommended the erection of a new Room* adjoining the present Chamber, at the estimated cost of £2,000, and I have further to report that, as the accommodation will be required in the month of August next, the work is already in progress.

There is one circumstance, however, connected with this Building, which renders it necessary that I should bring the matter especially under your Lordship's Notice. The Building,* to which the addition is to be made, is the North Wing of what has long been called the General Hospital. Up to the year 1829, it was occupied as a Quarter for Medical Officers on the Civil or

* Note 55.
Convict Establishment; but, in 1829, the larger part of it was appropriated by Governor Darling for the accommodation of the Councils, Legislative and Executive, established under the Constitution created for the Colony by the 9th Geo. IV, C. 83, and, since 1829, one Medical Officer only has been accommodated in this Wing of the Building.

The accompanying sketch will explain the nature of the whole of the buildings known under the name of the General Hospital, and which consists of a Central Body and two detached Wings. The Central Body is still occupied as a Convict Hospital; the South Wing has been given over to the Sydney Dispensary, under the authority contained in Lord J. Russell's Despatch of the 25th May, 1840, No. 68, and the North Wing is the building, which forms the subject of this Despatch.

Respecting the buildings in general, the circumstances under which they were built, and the divided interest held in them by the Home and Local Governments, I would beg leave to refer to my own Despatch, No. 107 of the 25th July, 1839.

What I would now respectfully solicit from Your Lordship is that I may have authority to regard in future the North Wing of this Building as belonging to the Colonial Government; and that the whole of it may be appropriated to the purposes of the two Councils (Legislative and Executive), the Colony providing the Medical Officer, who now occupies about one third of it, with another and sufficient residence. The part of the building, which the Surgeon occupies, is in a very dilapidated state; and the whole Wing indeed is in want of extensive repairs.

I should add that, though the building is nominally in charge of the Ordnance Officers, it stands on their Returns not as belonging to the Ordnance but to the Treasury.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

[The report of the committee was printed in the "Votes and Proceedings" of the legislative council.]
Stationery, and Printed Forms for Convict Services in New South Wales for the year ending the 31st of March, 1844.

Having referred these Dispatches 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 for the preparation and transmission to the Colony of the several Articles specified in the Demands, provided there shall not appear to be anything in the description or quantities of them unusual or unnecessary with reference to the services for which they are required.

I have, &c,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 58, received via Port Phillip.)

Sir, Downing Street, 21st April, 1843.

I have the honor to acknowledge the receipt of your Dispatch No. 197 of the 22d October, 1842, in which you report that Mr. Le Sœuf, who had been suspended from the office of Assistant Protector of Aborigines at Port Phillip had been reinstated in that office, and request that your Dispatch No. 135 of the 29th of July, 1842, reporting the suspension of Mr. Le Sœuf, may be cancelled.

In compliance with that request, I have cancelled your Dispatch above mentioned.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 56, per ship St. George; acknowledged by lord Stanley, 18th November, 1843.)

My Lord, Government House, 21st April, 1843.

In forwarding a Memorial from the Water Police Magistrate of Sydney, I incidentally reported, in my Despatch of the 30th August, 1842, No. 152, that a very large seizure of Spirits had been made in Broken Bay Harbour, situate about fourteen miles to the Northward of Sydney; and, from my despatches, No. 167 of the 14th Septr., 1842, and Nos. 39 and 41 of the 29th and 31st March last, some further particulars may be gathered of the nature of the smuggling transactions, which have been carried on in the locality alluded to.

I have now to report to Your Lordship that, in consequence of the frequent transactions of this nature, carried on at Broken Bay, I have, at the urgent representation of the Collector of
Customs, sanctioned the formation of a Custom House Station at that place, of which the strength and annual expense is stated below.

I do not deem it necessary to go into any further particulars respecting this establishment, as they will doubtless be reported to the Commissioners of Customs by the Collector at Sydney. I may, however, add that more than ten years ago the formation of a Custom House Establishment at Broken Bay was under consideration, and that the correspondence, which then took place, may be traced at the Custom House in London, by referring to a letter from the Collector and Comptroller at Sydney to the Commissioners dated the 15th August, 1831.

I have, &c,

Geo. Gipps.

P.S.—Strength and annual expense of the Custom's Establishment at Broken Bay.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer's Salary (including £50 per annum to find himself a Residence and Buildings for the Boat's Crew, Watchhouse, etc.)</td>
<td>£225 0 0</td>
</tr>
<tr>
<td>Free Coxswain at 2s. 6d. per day</td>
<td>45 12 6</td>
</tr>
<tr>
<td>Five Prisoners of the Crown at 6d. do</td>
<td>45 12 6</td>
</tr>
<tr>
<td>Six Rations at 1s. 4d. per day each</td>
<td>112 10 0</td>
</tr>
<tr>
<td>Two suits of Clothing for five men at £2 each suit</td>
<td>20 0 0</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>£448 15 0</strong></td>
</tr>
</tbody>
</table>

The above is exclusive of repair of Boats, etc.

G.G.

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Lord Stanley to Sir George Gipps.

(Despatch No. 59, received via Port Phillip.)

Sir,

Downing Street, 22d April, 1843.

I have the honor to acknowledge the receipt of your Dispatch of the 28th of October, 1842, No. 202, forwarding a Memorial addressed to me by Mr. Thomas Scott Townsend, an Assistant in the Surveyor General's Department in New South Wales, praying that he may be promoted to the rank of Surveyor over the Heads of Messrs. Rawnsley and Wade.

I have to direct that you will acquaint Mr. Townsend that I regret my inability to comply with the prayer of his Petition, but you will inform him at the same time that I am happy to receive from you a favorable report of his conduct and an expression of your readiness to give a fair consideration to his claims for promotion as occasion may offer.

I have, &c,

Stanley.
HISTORICAL RECORDS OF AUSTRALIA.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 57, per ship St. George.)

My Lord,

Government House, 23rd April, 1843.

I have had the honor to receive Your Lordship's Despatch, No. 188 of the 13th Septt. last, with which were transmitted to me copies of various papers relating to the detention of the Emigrant Ship "Theresa" at Pernambuco, in the months of February, March and April, 1842; but, having in my Despatch of the 30th Septt., 1842, No. 180, reported the arrival of this Vessel at Sydney, and the measures which I had taken to secure the repayment of the expenses on her account at Pernambuco, I presume it is only necessary for me to refer to that Despatch.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 60, received via Port Phillip.)

24 April.

Sir,

Downing Street, 24th April, 1843.

I have the honor to acknowledge the receipt of your Despatch No. 201 of the 27th October, 1842, forwarding a statement addressed to me by Mr. Robert Dixon in explanation of the charges preferred against him, which led to his removal from the office of Assistant Surveyor in New South Wales.

Your will acquaint Mr. Dixon that, after an attentive consideration of that statement and of the remarks from yourself by which it is accompanied, I am compelled to adhere to the decision on his case which was communicated to you in my Despatch of the 28th December, 1841.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(A circular despatch, received via Port Phillip.)

25 April.

Sir,

Downing Street, 24th April, 1843.

It has become my melancholy duty to communicate to you the intelligence of the decease of His Royal Highness The Duke of Sussex, which took place at Kensington Palace on Friday, the 21st instant.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 61, received via Port Phillip.)

Sir,

Downing Street, 25 April, 1843.

I transmit to you herewith the Copy of two Reports from the Commissioners of Land and Emigration, enclosing Copy of a Representation from Mr. Patrick Wood, the purchaser from that
Board of a Land order in the Port Phillip District of New South Wales.

I should wish to receive any observations which you may have to offer on this statement; and, in the meantime, I have to direct that, unless there be any objection which cannot be foreseen here, the Holders of Orders from the Land and Emigration Board shall be offered an option of tendering them at any sale of public Land, whether by Auction or otherwise, as equal to the amount of money which was paid for them in this Country instead of the parties being restricted to merely selecting an equivalent amount of Country Lands.

I have, &c,

STANLEY.

[Enclosure No. 1.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir, 9 Park St., Westminster, 13th April, 1843.

We have the honor to transmit for Lord Stanley's information the enclosed copy of a representation from Mr. Patrick Wood, who purchased a Land Order on Port Phillip from this Board.

In September, 1840, Mr. Wood paid at this Office two sums of £640 each, for which he obtained orders for himself and his brother in Law, Dr. Officer, entitling them to select two quantities of 640 Acres in the Port Phillip District of New South Wales. The conditions of the Land Orders were that the parties should select their Lands according to the Rules, which might be in force at the time in the Colony. We do not understand Mr. Wood to allege that this condition has been violated. In so far on the other hand, as he complains generally of the Regulations themselves or of the manner in which they have been carried into effect, we have explained to him that it would have been more regular that this complaint should have come from his friends in the Colony through the Governor, in order that it might be accompanied by any explanations which it might require; but we would suggest that it should be sent to the Governor with a view to receiving any observations he may deem necessary. We think it right to state that it was never intended that the Holders of Land Orders should be put in any worse condition than Purchasers in the Colony.

On referring to the accounts, we find that ten persons in all, of whom a list is enclosed, obtained Orders from this Office to select specific quantities of land at Port Phillip, such orders having only been issued while a fixed price prevailed. We do not know whether any others, besides those purchased by Mr. Wood, may still be outstanding; but we think it will be desirable that the Governor should report on this point, and further that he should be instructed, unless there be any objection which cannot be foreseen here, to offer the holders of such Orders an option of tendering them at any sale of Public Land whether by Auction or otherwise as equal to the amount of money, which was paid for them in England, instead of the parties being restricted to merely selecting an equivalent amount of Country Lands.

We have, &c,

T. FREND. ELLIOT.

EDWARD E. VILLIERS.
1843.
25 April.

Complaint by P. Wood re system for location of land orders at Port Phillip.

HISTORICAL RECORDS OF AUSTRALIA.

[Sub-enclosure No. 1.]

MR. P. WOOD TO MR. S. WALCOTT.

Sir,

20 Royal Circus, Edinburgh, 13th March, 1843.

In the month of September, 1840, I purchased at your office two Orders for Land to be taken at Port Phillip of a Square Mile each, the one in my own name, the other in that of my brother in Law, Robert Officer, who is jointly concerned with me in a Stock Establishment at that Settlement.

When the Land Orders arrived out, the Governor of New South Wales would not permit their being located, but directed them to lie over until more Land was surveyed and exposed for sale, which occasioned a tedious delay; and, when the Land was at last open for selection, it turned out that by a secret arrangement the valuable lots had become the property of retired Officers; but on this it is unnecessary for me to enlarge as a statement* respecting the transaction has been submitted to the Right Honble. the Secretary for the Colonies.

In September last, land situated in four remote parishes was opened for Public Sale, and all those who held orders for land were directed to make a selection previous to the 19th of that month. The greater part of the land put up for sale at that time was of a very inferior description, and hardly any of it fit for Cultivation; but as the Stockrest of a Company, in which I have a share, was included in it. Land Orders to the extent of 4,230 Acres were located on our account, some of which had been held for years until this opportunity was afforded of taking them.

I trust it is quite unnecessary for me to point out the gross injustice of attempting to compel the holders of Land orders to locate them in situations where they will not secure their Stockrests nor prove advantageous in any way. I do hope that the Commissrs. for Colonial Lands will see that those, who purchase from them, are treated with common honesty. Neither my Land Order nor that of Dr. Officer has yet been located, and I hope we will not be prevented from making a selection when a suitable opportunity offers. I am quite aware that it would be attended with serious inconvenience allowing the Land orders to lie over for a number of years; but some delay must frequently take place in consequence of the measures adopted by the Government, and the tardy progress of the Surveys in some of the Land Orders issued from Your Office. I understand that the time for locating them is stated to be limited to five years, which appears to me to be a wise regulation.

A party at Melbourne sent out People to examine Gipps's Land about a year and a half ago, which cost them £1,300, and Mr. La Trobe assured them that they would be treated in the most favorable manner in consequence of this Outlay. They purchased a special survey, but, up to the 11th October, they had not been able to obtain possession of any land. As Port Phillip has proved a very unfortunate concern for most of those who have been in any way connected with it, I do think that the Local Government should act with kindness towards those who had invested their funds in the purchase of land.

I remain, &c.,

PATRICK WOOD.

* Note 56.
**List of Persons who have obtained Orders for specific quantities of Land in Port Phillip; shewing also the number of Acres to which they are entitled, and the date of their Land Orders.**

<table>
<thead>
<tr>
<th>Date of Land order</th>
<th>Name</th>
<th>Number of acres</th>
<th>Amount received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840. Septr. 12</td>
<td>Mr. William Cross</td>
<td>640</td>
<td>£640</td>
</tr>
<tr>
<td>1840. Oct. 18</td>
<td>Mr. Robert Officer</td>
<td>640</td>
<td>£640</td>
</tr>
<tr>
<td>1840. Oct. 26</td>
<td>Capt. R. Mackenzie</td>
<td>320</td>
<td>£320</td>
</tr>
<tr>
<td>1841. Feb. 5</td>
<td>Richd. Hamner Bunbury, Esq., R.N.</td>
<td>320</td>
<td>£320</td>
</tr>
<tr>
<td>1841. Nov. 11</td>
<td>Adolphus Goldsmith, Esq.</td>
<td>320</td>
<td>£320</td>
</tr>
<tr>
<td>1841. April 27</td>
<td>John Lindsay, Esq.</td>
<td>320</td>
<td>£320</td>
</tr>
<tr>
<td>1841. June 9</td>
<td>John Campion, Esq.</td>
<td>320</td>
<td>£320</td>
</tr>
<tr>
<td>1842. Sept. 18</td>
<td>Henry Dendy, Esq.</td>
<td>5,120</td>
<td>£5,120</td>
</tr>
</tbody>
</table>

**Land and Emigration Commissioners to Under Secretary Stephen.**

Sir, 9 Park Street, Westminster, 20th April, 1843.

In reference to our letter of the 13th Instant, we have the honour to transmit herewith a further letter from Mr. Patrick Wood, in order that, should the Papers we previously enclosed be sent to the Governor, this communication may accompany the rest of the correspondence. We beg at the same time to enclose a copy of our letter to Mr. Wood, to which this one from that gentleman is an answer.

We have, &c.,

T. Frederk. Elliot.
Edward E. Villiers.

**Mr. P. Wood to Mr. S. Walcott.**

Sir, 20 Royal Circus, Edinburgh, 15th April, 1843.

I have the honour to acknowledge receipt of your letter of the 12th Instant, and have to state that it was my intention to complain of a Regulation made by the Governor of New South Wales respecting the Location of Land Orders which in my opinion was most grossly unjust, as it was attempted to force the Holders of them to take their Land in Parishes where their Stock runs were not situated, and where they had no wish to acquire Land. A protest was taken by my agent against this Regulation, and it is satisfactory for me to be able to state that it has not been enforced, as a letter of 12th December states "Sir George Gipps has declared that they (the Holders of Land Orders) are admitted to have the right of selection of all Land at present open for Sale, or which may hereafter be open."

I am aware that the regular line to have been adopted was to have made a complaint through the Governor; but, as the Regulation published appeared to me to be a most arbitrary Act, I deemed...
it proper at once to apply to the Commissioners, the more especially as on a former occasion, when a complaint was given Mr. La Trobe to forward, he stated it as his opinion that it had better not be sent as it would be of little use to complain to the Governor against his own Act.

As the position of the Port Philip Settlers is as bad as possible in consequence of the depreciation in the value of Stock and wool, I felt confident that the Land Commissioners would be disposed to prevent any unnecessary hardship from being imposed upon those who purchased Land Orders.

I remain, &c.,

PATRICK WOOD.

[Sub-enclosure No. 2.]

MR. S. WALCOTT TO MR. P. WOOD.

Colonial Land and Emigration Office, 9 Park Street, Westminster, 12th April, 1843.

I am directed by the Colonial Land and Emigration Commissioners to acknowledge your letter of the 15th Ultimo, respecting your Land order and that of your brother-in-law, Mr. Robt. Officer.

The conditions of the orders were that the parties should be entitled to select their Lands according to the Regulations which might be in force in the Colony. The Commissioners do not understand you to complain that the condition has been violated. In so far on the other hand as you complain of the Regulations themselves, or of the manner in which they are carried into execution, I am to state that it would have been more regular that the complaint should have been forwarded by your friends or Agents in the Colony in the regular channel through the Governor, in order to be accompanied by any explanations which he might think necessary. I am to acquaint you however that it will be forwarded to the Governor for that purpose.

With regard to the duration of your order, I am to state that all such documents were afterwards issued for periods of five years, and that there is no probability that an earlier limit would be placed on the validity of the one which you obtained. It will be a question, however, whether the Holders of them should not in future be allowed an option of tendering them at any of the sales of Public Land as equivalent to the amount of Land paid for them, instead of being confined to selecting a corresponding extent of Country Lands.

I have, &c.,

S. WALCOTT, Secretary.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, received via Port Phillip.)

Sir, Downing Street, 26th April, 1843.

It is my pleasing duty to announce to you that, on the Morning of the 25th instant, at 5 minutes past 4 o'clock, The Queen was happily delivered of a Princess, to the great joy of the Nation and of all the Royal Family. Her Majesty and the Infant Princess have, through Divine mercy, continued to do well up to the present time.

I have, &c.,

STANLEY.
GIPPS TO STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 62, received via Port Phillip.)

Sir,

Downing Street, 26 April, 1843.

I have received your Dispatch No. 207 of the 4th of November, 1842, forwarding a Petition addressed to The Queen by certain Inhabitants of the District of Port Phillip, praying that the conduct of the Judges of the Supreme Court of Sydney may be investigated and that they may be restrained from interfering with the proceedings of the Supreme Court of Port Phillip.

I have to direct that you will acquaint the Petitioners that I have laid their petition before The Queen, who was pleased to receive it very graciously, but that Her Majesty has not been advised to issue any directions on the subject to which the Petition refers.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 59, per ship St. George; acknowledged by Lord Stanley, 28th September, 1843.)

My Lord,

Government House, 26th April, 1843.

I have the honor herewith to forward a letter and Memorial, addressed to Your Lordship by Sir Thomas Mitchell, the Surveyor General of this Colony, wherein a claim is preferred of Salary at the rate of £650 per Annum, for having superintended the making of Roads and Bridges in the Colony during the period of (I believe) about eight years, although, during the whole of that time, he received the full Salary of Surveyor General, £1,000 a year, and had moreover the assistance of a Deputy, who was paid at first £500 and latterly £650 per annum.

The duty of Superintending the formation of Roads and Bridges was clearly at the time a part of the business of the Surveyor General, though he was, and I think very properly, relieved from it under the Government of my Predecessor in 1836.

A compliance with the extraordinary request preferred by the Surveyor General is of course out of the question; but I think it proper to explain to Your Lordship the circumstances under which it has arisen.

My attention having been drawn by the Auditor General, towards the close of the last year, to the difficulty which he experienced in getting various Officers of the Government to account for advances of Public money made to them for the service of their Departments, I called on that Officer for a Return of all unadjusted accounts of this nature, and was surprised to
receive from him a Return, of which the sum total amounted to upwards of £43,000. These advances were for the most part of recent date, and admitted of easy adjustment; but there were also some of old standing, and among them sums to the amount of £513 which had remained unadjusted in the Surveyor General's Department since the year 1836. In order to enforce the immediate adjustment of these accounts, and all others of the same nature, I caused Circular letters to be written on the 11th December last, to all the parties concerned, requiring them to adjust all their outstanding accounts by the end of that Month; I also gave directions, either at the same time or shortly afterwards, that no payment whatever, either on account of salary or otherwise, should be made without my special order, to any Officer whatsoever, who should in future have any unadjusted accounts outstanding; and I further directed that, in every future advance Warrant, the day should be stated, on which the advances were to be adjusted, before the Warrant authorizing the Advance was brought to me for signature.

A correspondence somewhat tedious and obscure ensued between the Surveyor General, the Auditor and the Treasurer, respecting the unadjusted accounts of the Surveyor General's Department; but, nothing conclusive being arrived at in the course of three months, the Treasurer, acting on the order which I had given, refused at the beginning of the present month of April to issue the Salary due to the Surveyor General for the month of March. This brought the matter to a Crisis; and the enclosed Copy of a Minute made by myself on the 15th instant will shew how it was disposed of.

The Surveyor General, irritated as it would seem by the delay in the issue of his Salary, though it was one of less than 14 days, has brought his grievances before your Lordship.

I can have no desire to underrate the services rendered by Sir Thos. Mitchell to this Colony; but, without doing so, I may observe that there is no officer of this Government who has less reason to complain of any want of indulgence from it. He has been allowed to publish in his own name, and for his own advantage, Surveys performed by the Department, of which he is at the head, as well as the narration of his own travels, performed at the public expense; he has received some valuable grants of Land, and very recently a gratuity of above £1,000 in money; and, between 1837 and 1842, he enjoyed Leave of Absence for an uninterrupted period of more than four years.

I have, &c.,

Geo. Gipps.
SIR THOMAS MITCHELL TO LORD STANLEY.

Surveyor General's Office,
Sydney, 10th April, 1843.

The accompanying Memorial, setting forth my claim to Salary Submission for the time during which I superintended the Department of Roads, Bridges and Public Works of this Colony, is not, as may at first seem, submitted or the claim urged only because of a disallowance by the present Governor of my salary as Surveyor General.

The claim arises out of unrequited services of many years, the most arduous yet least acknowledged service of any I have ever rendered to my Country, during a life devoted to it, improvidently devoted to it I may say, as far as regards the kind of service and any emoluments arising from office.

During the period alluded to in the Memorial, I had the entire charge and responsibility of four Departments, to three of which there are now again separate heads, each of whom is paid; yet my naked salary, without any allowance for travelling expenses, a house or fees of any kind, has been all I have received, even when at the head of four departments, with the exception only of the special reward for my discoveries, unanimously voted to me by the non-official members of the Legislative Council last year, and for which I have reason to be grateful to them as well as to Your Lordship and Her Majesty's Government.

The difficulties of my position have been such, in carrying various plans of public works into effect, that my personal interests here, as far as they depended on the favor of Governors, have been wholly sacrificed; but it may be sufficient, perhaps for the present, to state in general terms to Your Lordship that the more I have labored to fulfill with exactness the views of the Government at home, the less it has seemed to be my good fortune to please the Governors of the Colony.

When I first arrived here, Grants of land were offered in the Government Gazette for the discovery of roads, where I have since formed high ways, where mail carriages pass. I hoped that a Land grant for all my roads and other services would have been the appropriate reward. This it appears cannot now be, and my sense of the Public services, I have rendered in this branch still wholly unrequited, is now awakened by a disallowance of my present salary on account of the Roads I formerly made. The value of this Salary to me, My Lord, has been the same for sixteen years, viz., Eight hundred and twenty four pounds per annum, the sum which remains after deducting one hundred and seventy six pounds of half pay, saved to the British Treasury by my holding this laborious appointment.

When I look around me, My Lord, and see the progressive encrease of salary in other offices during these sixteen years; when I perceive in the legal profession the rise of official members, while they are engaged also professionally, and witness in the army (my own profession) the very officer, who has succeeded me as a Civil Officer, stepping over my head as a military officer, and yet still receiving that salary as a Civil Officer, for which I am now compelled to submit a hard earned claim, I cannot, My Lord, but
feel that this claim is as well founded as any ever brought either against the British Treasury or the funds of this Colony, where the land sales have produced nearly a million sterling.

I beg leave in conclusion, to refer Your Lordship to a report* formerly called for from me by Your Lordship’s letter to Sir Richard Bourke of 15th June, 1833, for a more full and plain statement of the nature of the case, which forms the basis of the claims I have put forward, than I think myself at present called upon to make, and I have, &c.,

T. L. MITCHELL, Sr. Gl.

* Note 57.
8th. That the officer, who preceded Memorialist in the Department of Roads and Bridges, received a Salary and allowances of £630 per annum; and the Officer, who succeeded him in that charge, receives now a Salary of £500 and £150 for travelling expenses, although receiving full pay also in Her Majesty's Service as an Officer in the Corps of Royal Engineers.

9th. That Your Lordship’s Memorialist is disqualified from receiving even his half pay as a Field Officer in the Army by purchased promotion, only because of the civil appointment he holds in the Colony.

10th. That Your Lordship’s Memorialist received from the late Governor a letter (copy of which is hereunto appended) which letter affords, He would submit, very good testimony that most of the great roads of this Colony were either made or improved by Memorialist (Voucher No. 2).

11th. That Memorialist’s single salary for the past month as Surveyor General of the Colony has been withheld by order of Governor Sir George Gipps, in order to the perfect adjustment of advances made for work done on the public roads in 1836, at a time when Memorialist was engaged in the discovery and Exploration of Australia Felix, having left his Deputy in charge of the official business at Sydney (Voucher No. 3).

12th. That Your Lordship’s Memorialist, conscious of having made many laborious efforts and taken much pains to render the Roads and Bridges of this Colony worthy of the name of Britain, and that He has been animated with zeal for the honor of his country in forming the Roads of this Colony, confidently hopes Your Lordship will not suffer him to be a loser by the performance of such services, or the only Surveyor of Roads wholly unpaid as such, but yet required to pay now for the carelessness of others.

13th. Memorialist therefore humbly prays that Your Lordship will move the Lords of Her Majesty’s Treasury to direct that salary and allowance for travelling expenses, equal to what is now paid to Lieutenant Colonel Barney of the Royal Engineers as Surveyor of Roads and Bridges, be paid to Memorialist for the period during which he superintended the affairs of that Department.

14th. Memorialist would also further entreat Your Lordship, should the grounds of this claim appear to require local investigation, that it may be directed to be referred either to a Committee of the New Legislative Council, or to Commissioners specially appointed on the part of the Crown, for a Report on the design and use of the roads, bridges, streets, and other public improvements effected or proposed to be effected in this Colony by Memorialist, having reference also to his Report dated 2nd September, 1834, called for from Memorialist by Your Lordship’s letter addressed to Governor Sir Richard Bourke of 15th June, 1833.

And Your Lordship’s Memorialist will ever pray, etc.

T. L. Mitchell.

Sydney, New South Wales, dated the 10th day of April, 1843.

[Voucher No. 1.]

MR. W. LITHGOW TO SIR THOMAS MITCHELL.

Sir,

In reply to your letter of this date, I readily admit that I am aware you were anxious to avoid as much as possible all personal responsibility as to pecuniary matters when superintending the Department of Roads and Bridges, and that from your Absence from Sydney the money business of the Department was necessarily transacted in the Office in your name.
From the enquiries I have made and the documents which have passed my inspection, I anticipate not the smallest difficulty in adjusting the advances on account of clearing the roads to Illawarra, as there can be no doubt that a sum of at least twenty five per cent, is still due to the Contractor Mr. George Brown.

All that is wanted is the measurement of the extent of the clearing which he has performed, which I understand you have taken measures to effect; and, on your reporting that no time will be lost in doing so, I am not aware, after the explanations which have been given on the other points, that there would remain any grounds for suspension of Salary.

I have, &c.,

W. Lithgow, Auditor Gl.

EXTRACT of a letter from the Honorable The Colonial Treasurer to the Honorable The Colonial Secretary, dated 7th April, 1843.

"BELIEVING that everything had been properly adjusted by the Surveyor General, and having to fresh communication from Mr. Lithgow on the subject, I did not stop his Salary for the last two months; and I find now that every account, which..."
the Auditor can require, is furnished and that he is only waiting for a certificate from a Surveyor of certain work done at Illawarra his salary at the urgent request of the Auditor General is now stopped.

"There is another disputed account in the Department of the Surveyor General; but, as His Excellency the Governor has declared his intention of referring that matter to the decision of the Commissioners of Audit in England, I presume until their decision is known no further steps for the recovery of this amount will be taken in the Colony."

**[Enclosure No. 2.]**

**COPY of a Minute dated 15th April, 1843, made by His Excellency Sir George Gipps on a correspondence between the Colonial Secretary and the Colonial Treasurer, Auditor General and Surveyor General, relating to certain advances, made in the years 1835 and 1836, for the service of the Road Branch of the Surveyor General's Department; which were reported as un-adjusted on the 30th November, 1842.**

HAVING this day gone through with the Auditor General the Papers relating to the unadjusted Accounts of the Surveyor General's Department, I agree with that Officer in thinking that the Surveyor General's explanation is satisfactory as far as relates to the two sums of £95 3s. 4d. and £95 7s. 10d., paid by the Surveyor General for Salaries in the year 1836. These sums appear indeed (as the matter now stands) to have been charged twice against the Public; but it is to the Treasurer, and not to the Surveyor General, that I must look for an Explanation of this circumstance.

In like manner it appears to me that the Colonial Treasurer is to be looked to, and not the Surveyor General, for an explanation of the double payment of £112 10s. which appears to have been made to Mr. W. H. Estall in October, 1836.

In respect to these three sums collectively amounting to £303 1s. 2d., I consider the Surveyor General to be therefore discharged from any further liability.

With respect to the two Advances together amounting to £207, made to Mr. George Browne in the year 1836 for clearing Roads in Illawarra, there is no reason to suppose that any over-payment has been made; on the contrary it is probable that there is a Balance still due to Mr. Browne.

I cannot however but remark that there has been great irregularity in allowing this account to remain unclosed for a period of between six and seven years, an irregularity which certainly appears to me to be chargeable chiefly on the Department wherein it occurred, though undoubtedly it is the business of the Auditor General and Treasurer, and particularly the former to see that all accounts are closed in proper time.

There appears further to be a difference of £3 between the Treasurer and the Surveyor General, but in respect to which I can see no grounds for a decision. It relates to a simple question whether or not this sum was repaid by the Surveyor General to the Treasurer; and, in absence of proof to the contrary, I think it is to be presumed that it was repaid.

The only responsibility, which now rests on the Surveyor General, is in respect to the adjustment of Browne's account; and, as an irregularity only and not a loss to the Public is involved in the matter, an extension of two months may be given to him for the settlement of it; the order therefore respecting the withholding of Payments from the Surveyor General, may be suspended until the 15th of June, when it will again come in force without any further
My Lord, Government House, 28th April, 1843.

I have the honor herewith to forward a Memorial, which has been addressed to Your Lordship by Mr. James Ralfe, late of the Surveyor General’s Department in this Colony.

As Mr. Ralfe has, I regret to say, stated his case most incorrectly and disingenuously, it becomes my duty to lay the facts of it before Your Lordship.

Mr. Ralfe, who had long been remarkable for his insubordinate conduct, was, on the 4th May, 1840, placed by the Head of his Department under what are called “Stoppages,” that is to say, his salary was suspended, and the question of his removal from the Department was only postponed on his writing on the 18th of that month a letter of apology, and offering to undertake a survey by Contract.

The system of Contract Surveying had then been lately introduced by myself as an experiment, by which I hoped the expenses of the Survey Department might be lessened; and the demand for Land was then so great that it was scarcely possible to bring it fast enough into the Market; also about the same time, this Government had to supply Surveyors to New Zealand, which had not then been formed into a separate Colony; but for these circumstances Mr. Ralfe would have been removed in 1840.

Mr. Ralfe’s contract was for one year certain, and liable to be subsequently put an end to, at three months’ notice by either party.

Shortly after the expiration of the year, the circumstances of the Colony became very much altered; in consequence of the demand for Land having almost entirely ceased, the contract of Mr. Ralfe was brought to a conclusion; and the question then arose, whether Mr. Ralfe should return to the Department. To this, the Surveyor General objected, and a long correspondence ensued, which led to the proposal that Mr. Ralfe should receive a retiring gratuity of £150.

I long objected to this proposal on the grounds that the circumstances under which he left the Department were not such as
to entitle him to any mark of my approbation; and, when I at length acceded to it, I did so chiefly on the grounds that he had suffered unexpected losses, in having to dispose of his Surveyor's Equipment, consisting of Horses, Oxen, etc., at prices far lower than he had purchased them at. I certainly thought, however, that, in giving him the £150, I got rid altogether of his claims; and, when I found that such was not the case, I endeavoured to recall the gratuity, but not until it was too late.

In the course of the Correspondence, it appeared that Mr. Ralfe was not only chargeable with great incorrectness in his Surveys, and general insubordination in his conduct, but that he moreover was so involved in pecuniary difficulties, as to be unable to give his undivided attention to his Public duties, even in the event of his being entrusted with any.

Attached to this Despatch are the following documents:

Copy of a Minute in Sir Richard Bourke's writing, deciding on a complaint against Mr. Ralfe, brought before him in the year 1837.

Copy of Mr. Ralfe's apology to the Deputy Surveyor General of the 18th May, 1840.

Copy of a letter from the Surveyor General of the 11th Novr., 1841, enclosing one from Mr. Ralfe of the 9th October, 1841.

Copy of the Surveyor General's letter, declining to recommend Mr. Ralfe's return to the Department.

Copy of the Surveyor General's letter of the 15th February, 1842, proposing a gratuity in Land to Mr. Ralfe, which I could not accede to.

Copy of the Surveyor General's letter of the 4th April, 1842, on which the gratuity of £150 was granted. I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

THE Memorial of James Ralfe, Surveyor in New South Wales,

To the Right Honorable the Secretary of State for the Colonies,

Respectfully Sheweth,

That your Memorialist embarked from England in January, 1825, with an appointment from Lord Bathurst to the Surveyor General's Department in this Colony, and served therein upwards of fifteen years as a salaried Surveyor, when His Excellency the Governor Sir George Gipps having been pleased to introduce a system of surveying by contract,

Your Memorialist was induced, by the reproaches as well as persuasions of the Acting Surveyor General, to comply with His Excellency's wishes, and accordingly in July, 1840, entered into an Agreement with Her Majesty's local Government to mark off into Parishes and prepare for sale a large extent of Country at the rate of Two pence farthing per acre with the most explicit written
stipulation that your Memorialist should still retain his official rank; upon the faith of which your Memorialist purchased from the Government Horses, Oxen and Field equipments to the amount of one hundred and seventy nine pounds, and entered into heavy engagements for provisions and Stores.

Your Memorialist further sheweth that, at the expiration of twelve months, The Surveyor General Sir Thomas Livingstone Mitchell renewed that Contract.

That your Memorialist, after incurring additional expeence for supplies and the repairs of Equipments, was in four Months suddenly deprived of it; and, as your Memorialist would not dispose of a single animal or article owing to the calamitous depression of the times, your Memorialist was put to the ruinous loss of nearly four hundred Pounds.

Your Memorialist further sheweth that, about the same period (November, 1841), eight newly appointed Surveyors arrived unexpectedly from England. That His Excellency Sir George Gipps would not then reinstate your Memorialist in his rank in the Survey Department; that His Excellency would not purchase back the animals and equipment for the use of that Department; and that His Excellency would not grant your Memorialist any enquiry or hearing or take into consideration your Memorialist's claims to a gratuity.

Your Memorialist further sheweth that the Surveyor General communicated to His Excellency his regret that your Memorialist should leave his department under such circumstances after rendering such “long and considerable important services to the Colony,” and recommended your Memorialist’s claims for a gratuity for favorable consideration; still His Excellency was unmoved, so that your Memorialist was reduced to total ruin and destitution, having never obtained a grant of Land and possessing no other income for the maintenance of himself and family but what his official situation afforded him.

And your Memorialist further sheweth that, at the expiration of five months, your Memorialist received a communication from the Surveyor General, stating that His Excellency had been pleased to grant your Memorialist a retiring gratuity of one hundred and fifty pounds in lieu of purchasing the animals and equipments.

Your Memorialist therefore earnestly treats Your Lordship's perusal of that letter, by which it will obviously appear that that sum was made to answer the twofold purpose of offering compensation for the losses your Memorialist sustained by the sudden privation of his Contract, and a retiring gratuity as well. say seventy five pounds for the loss of nearly four hundred pounds and a like sum for seventeen years' services.

Your memorialist earnestly but most respectfully submits that your Memorialist was never informed, on the receipt of his appointment in England, that your Memorialist would be liable to be dismissed by the Colonial Authorities; and your Memorialist was always given to understand that, in the event of reduction, there was a scale of gratuities graduated according to the length of services of the Surveyors reduced, which your Memorialist has seen verified in several instances.

Your memorialist therefore humbly prays that your Lordship will be pleased to take into consideration the long and important services of your memorialist, the losses he has sustained, and the
utter destitution to which he is reduced, and to grant to your Memorialist (who never enjoyed like the other Surveyors a grant of Land) a gratuity proportionate to seventeen Years' Colonial service. And your Memorialist as in duty bound will ever pray.

JAMES RALFE, Surveyor.

Port Macquarie, New South Wales, 31 March, 1843.

[Sub-enclosure.]

SIR THOMAS MITCHELL TO MR. J. RALFE.


Having forwarded to His Excellency The Governor your letter of the 11th ultimo, in which you urge that your equipment be taken at a Valuation, with a recommendation that, instead of complying with your request, which would have been to purchase articles not required by the Department, you should be allowed a retiring Gratuity of One hundred and fifty pounds, I have received a letter in reply from the Colonial Secretary, stating that His Excellency had acceded to my recommendation; and I have to express my satisfaction that His Excellency has been pleased to re-consider your case, and to decide thus favorably. The Colonial Treasurer has authority to pay you this money.

I have, &c, T. L. MITCHELL, Surveyor General.

[Enclosure No. 2.]

MEMORANDUM of Sir Richard Bourke, on a letter from the Surveyor General of date 6th April, 1837, transmitting a letter from Mr. Surveyor Ralfe.

Let Mr. Ralfe be informed that I have perused his letter with great disgust, and that I have requested the Head of his Department to watch narrowly over his proceedings and to report for my information any failure in the punctual discharge of his duty, for which, if no satisfactory reason can be given, he must expect to be severely dealt with. Mr. Ralfe should recollect that his conduct has been previously brought under my notice by the Head of his Department in no favorable light, and that I must fear he met on these occasions with more indulgence than, from the Style of his letter now under consideration, he appears to deserve.

18th April. R.B.

[Enclosure No. 3.]

MR. J. RALFE TO SIR T. MITCHELL.

Sir, Port Macquarie, 18 May, 1840.

I have the honor to acknowledge the receipt of your letter of the 7th Instant, No. 40/101, apprising me that His Excellency the Governor has directed “that my pay and allowances be suspended from the 4th Instant, until I shall have evinced a conviction of the propriety of conducting my official correspondence to you, the Head of my Department, in becoming terms.”

I beg leave in reply to state for your satisfaction, as well as the information of His Excellency, that I am extremely sorry for having made use of any expressions in my correspondence with you, which you should consider unbecoming; and, in making this acknowledgment, I assure you I never at any time contemplated making use of any language at all inconsistent with my situation as an officer under your orders; and when I add that in future my correspondence shall be conducted in the most respectful manner, I trust you will be pleased to accept this as an apology.

I have, &c, JAMES RALFE, Surveyor.
1841.
28 April.

Transmission of letter from J. Ralfe.

Proposed termination of contract with J. Ralfe.

[Enclosure No. 4.]

SIR THOMAS MITCHELL TO COLONIAL SECRETARY THOMSON.

Surveyor General's Office,

Sir, Sydney, 11th November, 1841.

I have the honor to transmit for His Excellency the Governor's perusal a letter, which I have received from Mr. James Ralfe, a Surveyor in this Department, but now Surveying by contract on the South Bank of the River McLeay, and to explain, for His Excellency's information, that, tho' it was originally intended to make advances on the work of the Contract Surveyors at the rate of Seventy five per cent, as the work proceeded, and until the contract terminated, that the full amount of every Account has been passed thro' this Office on its appearing that the work charged for had been satisfactorily performed; but that Mr. Ralfe's surveys have generally borne so little appearance of accuracy as to compel me to return them to him for corrections and explanations; to such an extent indeed has this proceeded that I now beg to recommend his discontinuance as a Contract Surveyor, the term of twelve months, during which alone it was intended that his contract should continue unless renewed, having expired in June last.

The terms, in which Mr. Ralfe continues his Official correspondence, are of such a character as to compel me to refer to your letter on the subject No. 37/273 of the 24th April, 1837, which I beg may be laid before His Excellency with a request that I may be informed of what further Steps should be taken to bring Mr. Ralfe to a sense of the necessity for conducting his Official correspondence in a more becoming manner. I have, &c.,

T. L. MITCHELL, Sr. Gl.

[Sub-enclosure.]

MR. J. RALFE TO SIR THOMAS MITCHELL.

Sir, Port Macquarie, Sydney, 9th October, 1841.

In calling your attention to that part of your Letter of the 17th of last April, No. 127, wherein you are pleased to affirm that the stipulation mentioned in the Deputy Surveyor General's Letter No. 40/246, viz. that, "as my work proceeded, advances would be made me at the rate of 75 per cent, upon the whole," implies that the remaining 25 per cent, was to be retained in the Hands of the Government to ensure the accuracy of my work. I beg leave to remind you that you have totally disregarded the part of my contract with the Government by withholding the whole of my earnings, until it pleased you to send back my Plans for some trifling amendment, Months elapsing before they reach me, and in several Instances they have not been returned at all; still the payment for them is withheld, and once I was forced to visit Sydney at an enormous Expense and loss of time.

My losses therefore have been so great, which I can prove, and I am apprehensive the consequence will be so serious, that I shall be driven to the necessity of seeking some compensation for the Injuries I have sustained by this non-fulfilment of the Contract.

I therefore earnestly but respectfully solicit your just adherence to the terms of payment stipulated for. I have, &c.,

JAMES RALFE, Surveyor.

[Enclosure No. 5.]

SIR THOMAS MITCHELL TO COLONIAL SECRETARY THOMSON.

Sir, Surveyor General's Office, 27 December, 1841.

I have the honor to transmit herewith for the consideration of His Excellency the Governor a letter enclosing a Memorial which I have received from Mr. Ralfe, late a Surveyor in this Department, on the subject of his recent removal, and the purchase of his
GIPPS TO STANLEY.

Equipment, etc.; and to state that I feel much regret in being unable to recommend a compliance with the prayer of Mr. Ralfe's Memorial, at least as regards his continuance in the Department.

I have, &c,

T. L. MITCHELL, Surveyor General.

[Enclosure No. 6.]

SIR THOMAS MITCHELL TO COLONIAL SECRETARY THOMSON.

Surveyor General's Office,

Sir, Sydney, 15th February, 1842.

I have the honor to submit, for the consideration of His Excellency the Governor, a letter which has been addressed to me by Mr. Ralfe, containing a statement of the length of his services and his present circumstances, and concluding with a request that I will make application in his behalf. After seventeen years' service in the department, and during which Mr. Ralfe has performed some of considerable importance, I must say that I feel very sincere regret to see this officer leave it under such circumstances; and, although my thanks are due to His Excellency the Governor for supporting me in my authority over the members of the Department, I trust I may be permitted to recommend Mr. Ralfe's claim to favorable consideration after so many years service. A money gratuity seems, however, to be quite out of the question, from the present state of the land fund, but there is abundance of land; and I beg leave to suggest that by granting a portion to a man who has measured so much would be the most convenient mode of disposing of such a claim.

I have, &c,

T. L. MITCHELL, Sr. Gl.

[Enclosure No. 7.]

SIR THOMAS MITCHELL TO COLONIAL SECRETARY THOMSON.

Surveyor General's Office,

Sir, Sydney, 4th April, 1842.

Having communicated to Mr. Ralfe the decision of His Excellency the Governor respecting the purchase of his equipment, as intimated to me in your letter of the 25th of February last, No. 42/111, I have received from that Gentlemen the enclosed letter urging that his equipment be taken from him at a valuation, which I beg to submit for His Excellency's decision.

To purchase these articles however, sold at a valuation, would under present circumstances, I beg to report, be an useless expenditure of public money, which I cannot consistently recommend; but I would beg to be permitted again to bring under His Excellency's most favorable consideration the length of time Mr. Ralfe has been employed in the Department, his removal from which has been occasioned in a measure by an infirmity of temper and want of judgement, and to suggest that, if it be possible to grant to Mr. Ralfe a retiring gratuity of one hundred and fifty Pounds or two hundred Pounds, it will perhaps be the most satisfactory mode of meeting his renewed and urgent appeal.

I have, &c,

T. L. MITCHELL, Sr. Gl.
[Sub-enclosure.]

MR. J. RALFE TO SIR T. MITCHELL.

Sir, Port Macquarie, 1st March, 1842.

In reply to the Colonial Secretary's letter of the 25th Ultimo No. 101 (enclosed in yours of the 4th instant), informing me that His Excellency the Governor cannot take back the Horses and Oxen at the prices I paid for them, I beg leave to state, for the information of His Excellency, that I took some of those from the Government at a valuation; and, though I was compelled to make an advance of 50 per cent upon their original cost, I never complained because I confidently concluded I should have been permitted to complete my Contract; but, as that was so suddenly put a Stop to, before I could properly redeem my outlay, I did think that those animals would have been taken back at the same prices; but, as that has been refused, I hope His Excellency will have no objection to take them all at the valuation of the same Gentlemen who valued them on the occasion alluded to. Four Months having now very nearly expired since I was deprived of both my employment as a Contract Surveyor and also my official Salary, I am so reduced in circumstances that I can no longer afford to maintain the animals, and keep the Equipment at my own Expense and risk. I am therefore under the absolute necessity, let my losses be what they may, of letting them go to the Government upon its own terms; if it is only to alleviate in some measure the pressing anxiety and State of Suspense, I am kept in by the daily expectation of having what little property I have earned in a servitude of 17 seventeen Years seized and sacrificed towards the liquidation of the just and protracted demands of my creditors.

I have, &c.,

JAMES RALFE.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 63, received via Port Phillip.)

Sir, Downing Street, 29th April, 1843.

Her Majesty's Government having had under their consideration the question raised in your Dispatch of the 18th of July, 1842, No. 125, whether American or other Foreign Whalers can legally be allowed to sell for consumption in New South Wales a sufficiency of their oil to defray the expenses of refit, etc., I have now to acquaint you that the following Instructions have been issued by the Lords Commissioners of the Treasury to the Board of Customs on the subject, namely, that they will give the requisite authority to the Officers of their Department in New South Wales for complying with your proposition that American or other Foreign Whalers, frequenting the ports of the Colony, may be allowed to sell for consumption in the Colony a sufficiency of the oil made on board their Vessels to defray any expenses they may incur for Repairs, Stores, or Provisions, subject to the payment upon the oil thus sold of such duties as may be legally due on the Importation of Oil of Foreign taking and manufacture; and that they should be permitted within the Harbours of the Colony to transfer their oil to other Ships of their respective Countries for transmission to those Countries.

I have, &c.,

STANLEY.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 64, received via Port Phillip.)

Sir,
Downing Street, 29th April, 1843.

Referring you to my Despatch of the 26th of January last, No. 14, and to the Enclosures which accompanied it, on the subject of Convict Discipline in the Australian Colonies, I have now, in prosecution of that correspondence, to address to you the following communication:—

You have already been apprized of my intention to relieve Captain Maconochie from the Superintendence of the Convict Establishment at Norfolk Island. In pursuance of that design, Captain Childs has been appointed to succeed him, and will proceed thither by the Vessel, which conveys this Despatch. Captain Childs will, therefore, touch at Sydney on his outward voyage. At that place, he will have the advantage of receiving from yourself the most recent intelligence on the state of the Settlement, with all such suggestions and instructions as your Experience may enable you to convey to him for his guidance in the discharge of the duty which he has undertaken.

But, before I advert further to the trust reposed in Captain Childs, I am anxious to record the grounds on which I have thought it my duty to dispense with the further services of Captain Maconochie. It would be the source of the most sincere regret to me if the grounds of that decision should be misunderstood or represented in a sense unfavourable to that Officer's character. For such a representation, there would not be any basis whatever in truth.

From all the means of information within my reach, I am happily able to ascribe to Captain Maconochie a most earnest solicitude for the welfare of a Class of Society, whose claims to compassion and benevolence have seldom been so keenly felt by persons in his station of life. From the same means of knowledge, I am able to give Captain Maconochie the fullest credit for having declined no fatigue, privation or responsibility, which was requisite for carrying into effect his views for the moral and physical improvement of the Convicts at Norfolk Island. In estimating the success of his endeavours, I do not forget that the scene of action assigned to him was not that which he himself have chosen, and was not exempt from some peculiar disadvantages which might have been avoided in a more favorable situation. Neither am I at all disposed to depreciate the results of his experiment for improving the character and the condition of the Convicts under his charge. On the contrary, I gladly acknowledge that his efforts appear to have been rewarded by the
1843.

29 April.

Failure of system of A. Maconochie.

Moral results of system.

Dread of punishment of transportation diminished by system.

Decline of crimes of violence and outrage, and by the growth of humane and kindly feelings in the minds of the persons under his care.

But with these acknowledgments, I am bound to connect the declaration that Captain Maconochie’s projects appear to me to have been unsuccessful, and that the failure of them is to be ascribed to causes which cannot cease to operate so long as the Superintendence of the Convicts at Norfolk Island shall remain in his hands. The concurrent testimonies of all competent witnesses convince me that what may have been gained by the relaxation of discipline in an increased mildness of demeanour has been more than compensated by the growth of moral and social evils of another kind. Crimes, unattended with violence, but not on that account the less offensive and pernicious, appear, unhappily, to have been on the increase. With the stern severity of punishment has, as I collect, disappeared the wholesome and invigorating influence of a firm and resolute discipline. The terrors of a gaol (formerly perhaps enhanced with ill-judged and culpable rigour) appear to have given way to a system of dissolute idleness, and of trafficking in the transferable rewards assigned to the prisoners. I find no proof of the growth, under Captain Maconochie’s plans, of that renovation or improvement of the religious and moral character, which was promised as one of the surest fruits and highest advantages of his experiment. On the contrary, I fear that the ministers of religion, who have resorted to the place, have brought from it most unfavourable impressions on this subject. And, even though the general aspect of docility and subordination may have prevailed, yet the exceptions are such and so formidable as to show that the spirit of lawless violence had, in many cases at least, been soothed rather than corrected.

To this general summary of the moral results within Norfolk Island itself must be added the effect produced on those who may have been meditating crime in this country, or other parts of the Queen’s Dominions. Captain Maconochie’s plans, whatever else may be their recommendations, labour at least under the serious disadvantage of impairing the dread of the punishments of transportation. Reports of the occasional indulgences and festivities granted by him to the convicts have reached the great cities of the United Kingdom and all the other places from which the convict population is most habitually recruited. Those scenes were, of course, exceptions; but it is almost as much a matter of course that they should be regarded not as occasional departures from the habit of life prevailing among the convicts, but as illustrations of the habit itself. To whatever extent this...
error has prevailed, Captain Maconochie's proceedings have contributed to defeat the ends for which his Office and the Settlement under his superintendence have been maintained.

A minor, but still a very serious evil is the great and indefinite expense, of which the execution of Captain Maconochie's plan has been productive. It has been such as to defy all previous calculation, and as greatly to embarrass the Commissariat Officers at Norfolk Island, and at Sydney, in finding funds to meet the great and unforeseen demand upon them. While the outlay has been large without example, the labours of the Convicts seems scarcely to have been rendered available at all in reduction of it.

Great as the mischiefs which I have enumerated are, my respect for Captain Maconochie's motives and character would probably have induced me to make the attempt of committing to his care the Superintendence of the system about to be introduced, if two conclusive objections had not stood in my way. First, Captain Maconochie is pledged to a different course of proceeding, and has defended it in a succession of Papers so elaborate and ingenious as to forbid the hope that he could really abandon views so deeply cherished in favour of a Plan, which, in the detail at least, has little in common with his own. And, secondly, animated as he is, and has ever been, by a sanguine and confident reliance on the success of his own experiment, Captain Maconochie has shown that the instructions of a superior though remote authority are insufficient to divert him from the prosecution of his own pre-determined course of conduct. Sincere as my respect for him is, I cannot entrust the execution of my designs to an Officer, on whose concurrence in my judgment or on whose obedience to my directions I am not entitled to rely.

It is for these reasons that Captain Childs has been selected to carry into execution the intentions regarding Norfolk Island, which are explained in my Despatches* to Sir John Franklin (No. 175 of the 25th Novr., 1842, and No. 182 of the 12th Decr. of the same year). From these Despatches, you will have learnt that Norfolk Island is in my contemplation. To that part of this arrangement, I fully adhere. But legal difficulties, to be removed only by the aid of Parliament, have hitherto prevented, and must continue for some time to come, to prevent the completion of my purpose. I do not regret the delay. On the contrary I regard it as fortunate that, on his arrival at Sydney, and for some considerable time afterwards, Captain Childs will find Norfolk Island still within the precincts of your Command. He will have the advantage of commencing his operations not under a Superior as new

* Note 58.
to the whole subject as himself, but under the guidance of an Officer on whose large experience regarding the administration of affairs at Norfolk Island he will be entitled to place the most implicit reliance.

In my Despatch of the 25th November I have indicated, First, what is the class of convicts who are to be sent to Norfolk Island; Secondly, how the length of the detention of each Convict there is to be determined; Thirdly, How they are to be employed there; Fourthly, How hope and fear are to be brought to bear on the Convict during this period, so as to give him effective motives for good conduct; Fifthly, How security is to be taken against the hasty or capricious adjudication of reward or penalty; Sixthly, How security is to be taken for the maintenance of the Public Peace; and Seventhly, By what means Norfolk Island is to be sufficiently relieved of the Convicts at present dwelling there as to leave it open for the reception of such as may hereafter be transported to that place. It is not my present purpose to enlarge on these topics. My object is merely to notice a little more in detail some of the methods by which, as it seems to me, Captain Childs would most effectually accomplish the general design.

First. I think it highly important that his daily proceedings should, to the utmost possible extent, be defined, beforehand, by specific Regulations, and should be left as little as may be to the impulses of the moment, to the fluctuating views by which, in a situation of so much novelty, any man’s judgment must be more or less distracted. Such Regulations will be best formed by mature reflection and progressive experience. But, in the meantime, and for the prevention of errors at the Commencement, it will be right that a series of provisional Rules should be established under your own immediate authority for Captain Child’s observance. They should embrace everything relating to the Government, the Discipline, and the Care of the Convicts. By their Government, I understand all that relates to their employment, to their classification, and to the distribution of the authority to be exercised over them by the various Officers to whom they will be subject. By their discipline, I understand all that relates to the assignment and enforcement of Rewards and of Punishments. And, by the Care of the Convicts, I understand all that effects their Religious and Moral Instruction, the preservation of their health, the charge of them in Sickness, and the maintenance of cleanliness, sobriety, decency and order amongst them. These are topics which branch out into a vast variety of minute details. By attempting to anticipate and provide for them at
this distance from the scene of action, I should rather embarrass than assist you. I limit myself to what is general and most important.

With regard to the Government of the Convicts in Norfolk Island, the universal and inflexible rule must be that every man capable of bodily labour must be constrained to the steady performance of it, not for his own personal advantage, but as the consequence of sentence to which the Law has subjected him. Compulsory and unrequited toil must be the rule; and, irksome and distressing as it may be, a steadfast adherence to that rule will be indispensable.

So far as the resources at the command of the Superintendent may admit of it, the due classification of the Prisoners will be an object of great moment. In the absence of female Prisoners, and of Convicts of immature years, and where, unhappily, the whole Body will be persons selected from Offenders of the worst description, there will, of course, be much fewer motives than in the Gaols and Penitentiaries of England for separating fellow-sufferers from each other. But, even at Norfolk Island, there will be marked differences of moral and of physical character or constitution, and distinctions of docility, of progressive improvement, and of progressive deterioration, which may render the arrangement of the whole into different Classes highly conducive to their common welfare.

Nothing will be more calculated to promote and insure the success of Captain Child's efforts than a well-defined division of duties and distribution of responsibility amongst those who are to act in subordination to him. To each should, if possible, be given a written manual of Instructions for his guidance, and from each should be exacted a periodical report of the discharge of the duties confided to him.

Under the Head of Discipline, Rules should be established defining the various gradations of Punishments to be inflicted, and of Mitigations of Punishment to be allowed. Of course, much must be left to discretion in a case of this kind. But, as far as that discretion can be narrowed by definite Regulation, the effect will be to check all arbitrary, capricious and irascible feelings on the part of those by whom the penalty or the reward is to be assigned. It may be difficult or impossible to define all the acts of base or good conduct to be checked or to be encouraged; but it will be practicable to prescribe what shall be the nature, and what the amount, of the corrections or of the indulgence to be awarded under any circumstances.

Under the Head of Care of Convicts, Rules should be carefully framed to give the Ministers of Religion free and frequent
access to the Prisoners, and to enable them to converse in private
as often as the Teacher may think it desirable. Provision should
also be made for the punctual celebration of Public Worship, at
which all the prisoners should be required, according to their
different Religious Persuasions, to attend. Similar facilities
should be secured to the Medical Attendants, whose Requisitions
for the supply of Medicines and Medical Comforts must be
strictly fulfilled. Both from the Ministers of Religion and from
the Medical Attendants periodical reports should be required of
the state and progress of the people under their care.

How far it may be practicable by positive Regulations to take
any effectual securities for maintaining cleanliness, sobriety and
decency, I cannot undertake to say. But they are objects of such
paramount importance that nothing must be neglected which
has any apparent tendency to promote them. With regard to per­
conal cleanliness and abstinence in the use of intoxicating liquors,
there would seem no insuperable difficulty in laying down specific
plans for securing to the Prisoners those inestimable advantages.
The prevention of moral evils of another Class may, perhaps, be
partly effected in the same way, though, probably, nothing but
constant vigilance and an inflexible rigour in enforcing the App­
propriate punishments, will be sufficient to restrain, effectually,
the immoralties to which I refer.

Under these or similar Heads, the Rules, which your experi­
ence may suggest, and which may seem to you and to Captain
Childs best adapted for the purpose, must be promulgated in
Norfolk Island and must there have the force of Law until dis­
allowed by Her Majesty. As amendments or additions shall,
from time to time, be required, they will be proposed by Captain
Childs for your provisional sanction, or for the sanction of the
Lieutenant Governor of Van Diemen’s Land after the annexation
of that Island to that Government. When so sanctioned, they
will become valid and binding until disallowed by the Queen.

Secondly. I have next to advert to the subject of the Expendi­
ture to be incurred for the maintenance of the Convicts in Nor­
folk Island, to aid which, to a great extent, it is of course the
appropriate and exclusive province of the Lords of the Treasury
to prescribe whatever may be necessary for regulating the issue
of Money, the purchase and supply of Articles of consumption,
and the like. It is, therefore, quite remote from my intention to
interfere in the slightest degree with the duties of the Officers
of the Commissariat either at Norfolk Island or in New South
Wales. Whenever the proposed transfer of Norfolk Island to the
Government of Van Diemen’s Land shall be effected, the Lords
of the Treasury will, probably, have to issue new Instructions
to their Officers in the Australian Colonies on these subjects. In the meantime, I have to direct the attention of yourself and of Captain Childs to the urgent necessity for maintaining the utmost possible economy in the expenditure for Convict Services at Norfolk Island, which may be compatible with the effective discharge of them. You are well aware how exceedingly great has been the pressure on the Public Revenue of this Kingdom under this Head; and you are probably prepared to concur in my own opinion that, under a more circumspect management, that pressure might have been materially diminished. It is, however, indisputable that no effective check on extravagance of this kind can be exercised by a remote Authority. Her Majesty's Government must look to you and to Captain Childs for the introduction and the enforcement of such Regulations as may be necessary for that purpose. The practical suggestions, which I have to make with this view, may be resolved into two general Heads.

First. It is necessary that the Officers, who are to act in subordination to Captain Childs, should not be more numerous, or in the receipt of a larger remuneration than the exigencies of the service really require. It will, therefore, be necessary to undertake a careful revision of the existing Establishment, and it will also be requisite carefully to select from the members of it those persons, who may be best qualified for the execution of the duties with which the subordinate Officers at Norfolk Island will hereafter be entrusted. I enclose a List of the proposed Establishment, looking to you to assist Captain Childs in the utmost of your power in the choice of the Individuals by whom the several contemplated Offices should be filled. Very clear and urgent motives ought to be alleged in favour of the passing over of any one already employed, in order to make room for any new Candidate for such employment.

Secondly. It is an object of great importance maturely to consider how far the Labour of the Convicts at Norfolk Island can be made available for their maintenance, and to reducing the charge against the Government for provisions, wages of labour, building and other materials. With so great a manual power at his command, the Superintendent ought apparently to be able to render his Establishment independent of any foreign supply of the ordinary Articles of Consumption; and, considering the difficulty of providing employment for all the people under his charge it might be supposed that the necessity of urging them to labour for their own subsistence would be rather a welcome obligation than the reverse.
1848.
29 April.

You will direct the careful attention of Captain Childs to this subject of economy in Convict Expenditure, and will transmit to me his and your own Reports on the methods by which such economy might be best promoted.

Lastly, I have to notice the necessity which will arise on the change of Superintendence and of System for avoiding any breach of faith with the Convicts, who have been living under Captain Maconochie's Superintendence. That Officer's pledges to them must be strictly redeemed, and the expectations, which he has encouraged, must be scrupulously satisfied. His own information and advice will be the best guides, which he can follow on this subject. You will instruct Captain Childs to derive from this most authentic source all requisite intelligence regarding the claims of individuals to any Indulgence or benefit; and you will authorize him to take the necessary steps for securing such advantages to every one whose title to them may be so established.

I propose to transmit this Despatch by a Convict Vessel which it is proposed to send on a direct voyage from this Country to Norfolk Island, having on board a large Body of transported Convicts of the worst description. After touching at Sydney, the Vessel will proceed to her place of destination. It will be your duty to consider carefully whether the Military Force stationed at Norfolk Island will probably be equal, under the altered circumstances of the case, to the demands which may be made upon them. If your conclusion should be that there is any serious ground for distrust on the subject, you will desire the Lieutenant General Commanding Her Majesty's Forces at Sydney to reinforce the Troops stationed at Norfolk Island by such a Detachment as it may be in his power to make.

On so fertile a subject as the Government of Prisoners in a state of things so peculiar as that which must prevail at Norfolk Island, a multitude of suggestions present themselves on which I might be disposed to comment, if I were not solicitous to avoid distracting your attention and my own from matters of Chief importance to those of a secondary interest. I therefore decline, for the present, to enter more at large into the various discussions to which the question invites me. For my immediate purpose, it may be sufficient to have touched on the topics already noticed. But I cannot close this Despatch without recording how earnest is the solicitude which Her Majesty's Government feel for the success of their efforts to introduce an amended system of Convict Discipline, and how gladly they will receive and consider those full reports on every branch of the subject, which it is to be hoped that the experience of Captain Childs will
be able to furnish periodically, and in all requisite detail. In this
branch of his duties, also, he will, I trust, be guided by your
experience, as it will be in your power to point out to him how
such reports can be compiled and arranged in the manner most
conducive to perspicuity and practical usefulness.

I have, &c.,

STANLEY.

[Enclosure.]

PROPOSED Appointments for the Penal Settlements at Norfolk
Island.

Appointments proposed at Norfolk Island.

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
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<tbody>
<tr>
<td>One Superintendent with a Civil Salary of</td>
<td>£600</td>
</tr>
<tr>
<td>(being a Field Officer, with Military Pay and</td>
<td>s. d.</td>
</tr>
<tr>
<td>Allowances)</td>
<td></td>
</tr>
<tr>
<td>One Visiting Magistrate, with forage in kind</td>
<td>£182</td>
</tr>
<tr>
<td>One Superintendent to each 300 Convicts, with</td>
<td>£200</td>
</tr>
<tr>
<td>Salary at the rate of</td>
<td>s. d.</td>
</tr>
<tr>
<td>One Assistant Superintendent to each 100</td>
<td>£75</td>
</tr>
<tr>
<td>Convicts, with Salary at the rate of</td>
<td>s. d.</td>
</tr>
<tr>
<td>Two Religious Instructors, each at</td>
<td>£250</td>
</tr>
<tr>
<td>One Storekeeper at</td>
<td>£200</td>
</tr>
<tr>
<td>One Assistant ditto at</td>
<td>£120</td>
</tr>
<tr>
<td>Three Clerks</td>
<td></td>
</tr>
<tr>
<td>One at</td>
<td>£150</td>
</tr>
<tr>
<td>One at</td>
<td>£100</td>
</tr>
<tr>
<td>One at</td>
<td>£100</td>
</tr>
</tbody>
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SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 61, per ship St. George.)

My Lord,

Government House, 30th April, 1843.

I have the honor to report to Your Lordship that Mr. S. F. Milford arrived in this Colony on the 1st Jan.; and that,
under the directions contained in Your Lordship's Despatch,
No. 175 of the 26th August, 1842, he was sworn into the Office of
Master in Equity on the 24th of the same month of January in
the present year.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 65, per ship Clara.)

Sir,

Downing Street, 1st May, 1843.

I have the honor to acknowledge the receipt of your Dis-
patch No. 188 of the 13th of October, 1842, forwarding Lists of
Immigrants landed at Port Phillip from the "Earl of Durham"
and the "Platina" on account of Mr. Dendy, the purchaser of a
special Survey in that District.
This Dispatch was referred, according to your suggestion, to the Commissioners of Colonial Land and Emigration, and I transmit to you herewith, for your information and guidance, a copy of the Report which has been furnished by that Board on the subject.

I have, &c.,

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir, 9 Park Street, Westminster, 21 April, 1843.

In pursuance of Lord Stanley's directions contained in your letter of the 21st Ultimo, We have perused Sir George Gipps's despatch, No. 188 of the 13th October last, forwarding Lists of Immigrants landed at Port Phillip from the "Earl of Durham" and the "Platina" on account of Mr. Dendy, the purchaser of a special survey.

Sir George Gipps states that he is not aware of the precise terms on which these persons had been sent out; but that he has caused the Bounties to be calculated which would have been payable on them, if they had come on the Bounty System, and he encloses the results. He also points out that, among the Passengers by the Lord Durham, are several who are not eligible under the Bounty Regulations.

We have the honor to state that the terms, under which the Emigrants mentioned in this Despatch went out, were those according to which a Purchaser, who paid for a certain amount of Colonial Land in this Country, was entitled to name a corresponding number of Laborers to be taken out on his behalf, if approved by our Board. This arrangement, having been submitted to the Secretary of State, appears to have been communicated to the Governor, at the time it was made, in a Despatch from the Colonial Department dated the 5th Augt. 1840. The Superintendent also at Port Phillip, to which part of New South Wales alone any Emigrants have been sent out by this method, has been furnished from this Office for his information with copies of the Agreement, under which it has been customary to provide for the conveyance of such persons; and, in the particular case of the "Earl of Durham" which varied in some respects from previous vessels, he was supplied with an exact copy of the agreement made for that ship. As the original rules of Selection afterwards underwent some slight modifications, which we believe were not forwarded to the Governor, we beg to enclose a few extra copies of them in their present shape.

On looking to the cases which it is mentioned would have been ineligible for Bounty, we find that they amount to six, being Laborers whose callings do not fall within the limited list contained in the Bounty Regulations. But we have to report that they were not excluded by the Rules under which they were sent out. And when it is stated that these parties consisted of one Surveyor, two Brickmakers, two Shoemakers, and a Nailer, we think it will be apparent that they are of a description by whose introduction
the Colony can hardly be considered to have suffered. Indeed it is
remarkable that, in the last General Report from the Agent at
Sydney, both Sawyers and Brickmakers are particularly alluded to
as desirable, with an observation also that the former are always
paid for by the Colonial Government. Although, therefore, it is
ture that, under the Bounty Regulations, the Ship owner might
at the discretion of the Local Government have been subjected to a
forfeiture of £308 on the introduction of the above mentioned
laborers, we beg to state that he was not liable to any such penalty
under the arrangement by which they were carried out, and that,
before the receipt of the present Despatch, he had, according to
the contract, received the sum stipulated to be paid to him for their
passage.

With reference to the calculation which the Governor has caused
to be made of the amount these Emigrants would have cost under
Bounty, it may be proper to mention that, by the actual agreement
respecting them, their passage money was to include Medical Super-
tendence and all other charges, while we observe that the Lists
transmitted to us are confined to a statement of Bounties, without
including the Gratuities payable to the Surgeon and other parties.
We annex a Memorandum including those expenses, by which it
will be seen that the total cost of introducing the 230 Passengers
by the “Earl of Durham” and Platina would have been £2,073
under the Bounty System, and that the actual cost has been £1,313,
so that there has been a saving of £160 or about £1 3s. a head.

We do not attach any particular importance to this result,
occurring on so limited a scale, or wish to draw any practical in-
fERENCE from a single instance; but, as the lists in question may
have been drawn out with a view to some general statistical pur-
poses, we have thought it would be desirable to render the informa-
tion complete.

We have, &c.

T. Fredk. Elliot.
Edward E. Villiers.

[Sub-enclosure.]

Mem. Shewing what would have been the total cost of all the Emi-
grants by the “Earl of Durham” and “Platina” on Bounty, and
what has been the actual cost.

9 Park Street, Westminster, 21st April, 1843.

1. 19 Passengers pr. “Earl of Durham”—
   Bounties ....................................... £1,693 0 0
   Gratuity to Surgeon ................................. 62 9 6
   “ Master, etc. ................................... 38 13 6
   “ Hospital Man .................................... 3 0 0
   “ Constables ..................................... 4 0 0
   “ Schoolmaster ................................... 5 0 0
   Total ............................................. £1,826 3 0

2. 20 Passengers pr. “Platina”—
   Bounties ......................................... 250 0 0
   Gratuities ......................................... 17 0 0
   Total ............................................. £267 0 0

Total cost of the above Emigrants—

“Earl of Durham” ................................ 1,660 1 10
“Platina” ......................................... 233 6 2

Saving ............................................. £159 16 0
Sir George Gipps to Lord Stanley.
(Despatch No. 63, per ship St. George; acknowledged by Lord Stanley, 29th September, 1843.)

My Lord,

Government House, 5th May, 1843.

I have the honor herewith to forward a Memorial, which has this day been put into my hands by a highly respectable Deputation from the Association which has been formed in this Colony, for promoting the introduction into it of Laborers from India. The Memorial is addressed to Your Lordship, and is signed by 686 persons, including a very large proportion of the proprietors of Land and Stock in the Colony and 104 Magistrates, out of a total number of 365.

I cannot however forward it, without referring to the Petition against the Immigration of Labourers from India, which was transmitted to Your Lordship with my Despatch No. 37 of the 27th March last, very numerously signed, principally by persons of the working Classes.

Having not only in Despatches to successive Secretaries of State, but also in addresses to the Legislative Council, frequently expressed the extreme regret with which I should see the Colony driven to the necessity of introducing Coolies, whilst I cannot but at the same time admit the urgent want of cheap labour in the Colony, I feel I shall best discharge my own duty by submitting the Petition, without further comment, to Your Lordship.

I have, &c.,
GEO. GIPPS.

P.S.—The Document which I forward is a Copy only; but the Original signatures are deposited in the Office of the Secretary of this Colony.

[Enclosure.]

The Memorial of the Undersigned Members of the Association for Obtaining Permission to Import Coolies, or other Labourers from India.

To the Right Honorable Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies, etc., etc., etc.,

Respectfully Sheweth,

That Memorialists, as Members of the above Association, being Agriculturists, Stockholders and others, employers of labour in New South Wales, respectfully entreat your Lordship's attention to the inevitable ruin with which they are now threatened from the scarcity of labour.

That, in the present depressed and embarrassed State of the Colony, "originating in causes to which they deem it unnecessary to advert," Memorialists cannot calculate upon any assistance from that source of Revenue from which Immigration has been hitherto supported, or at all events not to an amount commensurate with the necessities of the community.
GIPPS TO STANLEY.

That under these circumstances the attention of your Memorialists has been directed to the means by which the class of labourers in more immediate demand may be most readily obtained, the scarcity of labour already felt, and the high rate of wages demanded, being to an extent quite incompatible with the Growth of Wool.

That the advantages derived from the Importation of Hill Coolies or Dhangurs into the Mauritius, and the experiment partially but successfully tried a few years ago of their introduction into New South Wales, have induced your Memorialists to look to India as a quarter from whence, and at an early period, a Class of Immigrants might be obtained in every respect suited to the pressing wants of Memorialists; experience having shown that the Class alluded to are well qualified for pastoral pursuits, in which their services would be principally required.

That Memorialists have seen, with much interest, a copy of your Lordship’s Despatch “No. 47, dated 22nd January, 1842,” addressed to His Excellency Sir Lionel Smith, together with an order in Council respecting the introduction of free labour into the Mauritius from India, from which they anticipate the immediate removal of the prohibition by which such Immigration has for some time been suspended.

That, should your Lordship be pleased to extend to this Colony the benefit of the measure in question, Memorialists will be prepared to adopt the principles contained in that Despatch, which your Memorialists conceive has been framed with a view to secure the protection of the Emigrant Indian Labourer; and which object Memorialists propose to attain in a mode as satisfactory as that prescribed by your Lordship, but at the same time by one better suited to the circumstances of the Colony and more within the means of Memorialists to accomplish (Appendix No. 1).

That Memorialists are the more sanguine that your Lordship will extend to them the boon they solicit, inasmuch as many of the objections which might be urged against the introduction of Indian Labourers into other Colonies do not apply to New South Wales, “Appendix No. 2”; and they would respectfully suggest to your Lordship that the employment of Coolies as Shepherds would not interfere with the Europeans engaged in other branches of industry, such European Labourers being generally averse to pastoral pursuits, whilst the Coolies have been found well adapted for that employment and have exhibited a remarkable example of honesty, sobriety, and thrift, the latter being strongly exemplified in the sums which many of them have deposited in the Savings Bank during a few years’ service. “See Appendix No. 3.”

Memorialists trust that your Lordship, in conceding the object of their prayer, will perceive that the interests of humanity and the welfare of this Colony would be alike consulted. It is well known that the race, which Memorialists are desirous to import, are
frequently exposed to the most painful privations in their own Country, and that famine itself is not an unusual occurrence amongst them. Their removal to this Colony, which possesses a climate congenial to the Indian constitution, and where the reward of Labour is so much superior to that afforded in their own Country as to enable them to return to India at the expiration of their contracts, with a competence to them sufficient for life, would therefore not only promote their present relief but also secure their future and permanent interests.

Your Lordship’s Memorialists likewise respectfully submit that the introduction of Coolies into and their residence in this Colony cannot fail to a certain extent to communicate to them the habits of civilized life, and, by the removal of prejudices, render them more accessible to the influence and adoption of Christian principles. Memorialists would respectfully refer your Lordship to the last Report of the Committee of the Legislative Council of this Colony on Immigration, in which it is stated that they, “the Committee, deem the continuance of Immigration to be altogether indispensable to the improvement and even to the maintenance of the Colony.” And Memorialists would urge the fact that the copious Stream of Immigration, which has flowed from the United Kingdom to New South Wales during the last two years, has produced only a temporary relief of their necessities, an extraordinary portion of the Immigrants having themselves become employers of labour, and thus increased the difficulties of the Settler, the natural increase of whose flocks annually demands an increasing supply of Shepherds.

With such important considerations before your Lordship, Memorialists feel assured that your Lordship will not hesitate as to the propriety of acceding to their prayer, the expedient which they now present to your Lordship’s attention being, in the estimation of Memorialists, the only one calculated to avert the ruin with which they are now threatened, and to promote that return to prosperity, which, in the same manner as the abundance and cheapness of convict labour created their former Land fund, may again enable the Colony under improved resources to recur to the Mother Country for Immigrants.

[here follow Signatures.]

[Appendix No. 1.]

One of the Clauses in the Order of Council on the removal of restrictions on Coolie Emigration to the Mauritius, if enforced with regard to New South Wales, would render Immigration from India to this Country almost impossible, on account of the heavy expense.

It is stipulated that only one passenger shall be embarked for every Two Register Tons; when Ships having Immigrants on Board are permitted to leave Calcutta, at all seasons of the year or particularly during the prevalence of the South West Monsoon (from March to September or October), the above clause is no doubt a necessary Stipulation on account of the great heat and humidity combined, so prevalent during this Monsoon, such a state of the atmosphere in Tropical Climates invariably producing disease amongst human beings especially if crowded together on Ship board.

But, if it were prohibited under heavy penalties for any Emigrant Ship to leave India bound for New South Wales at any season of the year except during the North East Monsoon, the above stipulation would be rendered quite unnecessary; on the contrary, if consulting the interests of humanity, Coolies can be Shipped from Calcutta to the Mauritius (as they are now) in the ratio of one Coolie for every Two Tons Register, during the South West Monsoon, they could with much greater safety and comfort to the Immigrants themselves be Shipped to New South Wales in the ratio of Two Coolies for every ton Register, during the prevalence of the North East Monsoon; a reference to Nautical Men acquainted with the Navigation of the Indian Seas will establish this fact beyond all doubt.
It is also stipulated that every such Immigrant on arrival, and for forty eight hours after, shall continue unengaged by any engagement; although this may be suited to the Mauritius, it would be attended with much inconvenience if enforced with reference to Coolies arriving in New South Wales; no doubt it was advisable to make the line of distinction between the arrival of free Immigrants and a cargo of slaves as broad and marked as possible. In an old Slave holding Country like the Mauritius, this may be necessary; but it is not at all adapted to the circumstances of New South Wales, for this reason, it is manifestly the interest of all parties that the sooner the Immigrants meet with engagements the better; this proviso would have the effect of causing delay and increased expenses.

But as the above regulations were framed entirely with a view to protect the rights of the Indian Immigrants. It might safely be left to the wisdom of His Excellency and the Legislative Council, having the same object in view, to enact such a law as would be more suited to the circumstances of the Colony.

[Appendix No. 2.]

The powerful address made by Lord Brougham on one occasion against granting permission on the part of Her Majesty's Government to allow Indian Immigration, objections being based on the palpable fallacy that the Hill Coolies are Hindoos, which they to Indian are not, being pagans, it is respectfully submitted that the whole superstructure of His argument must fall to the ground.

It has been asked by the opponents of Indian Immigration, why go to Asia for a coloured race to tend the flocks and herds of the Country, when the aborigines still exist in considerable numbers in Australia; the answer to this is very simple: The Country produces in such abundance the food with which they are satisfied, that all attempts to induce them to Labour for any length of time have hitherto proved abortive, the task of attempting to civilize them has not been left to individuals but has been undertaken by the Government of the Country; and now at the end of fifty years what has been the result, what have the Australian Aborigines learned from holding intercourse with Europeans; positively nothing, except it may be to practice some of the white man's vices.

The disadvantages attending the blending of the two races, European and Indian, are not by any means so formidable as it is commonly asserted. The disadvantages attending the blending of the two races, European and Indian, have been carefully viewed, and the General reflection or fact is, that the sooner the Immigrants meet with engagements the better; this proviso would have the effect of causing delay and increased expenses.

But as the above regulations were framed entirely with a view to protect the rights of the Indian Immigrants. It might safely be left to the wisdom of His Excellency and the Legislative Council, having the same object in view, to enact such a law as would be more suited to the circumstances of the Colony.
money deposited in savings bank by coolies.

By a Document dated 4th February, 1843, duly attested by Mr. Miller the Accountant of the Savings Bank, Sydney, it appears that about Ten or Twelve Coolies commenced depositing in the Savings Bank in July, 1838, and, during the years 1839, 1840 and 41, had accumulated Sums varying from Twelve Pounds to Sixteen Pounds Sterling each.

Lord Stanley to Sir George Gipps.

(Despatch No. 66, per ship Clara; acknowledged by Sir George Gipps, 5th January, 1844.)

Sir, Downing Street, 6th May, 1843.

I transmit to you herewith the Copy of a letter from Sarah Mather, making enquiry respecting her son Ellis James Mather. You will be so good as to furnish me with any information, which you may be able to obtain on the subject. I have, &c,

Stanley.

Mrs. Mather to Lord Stanley.

My Lord, 2 High Street, Newington Surrey, 28 April, 1843.

My Son, Ellis James Mather, left this Country in the year 1823 and proceeded to the Settlement of Honduras, from thence he went to the Dutch Colony of Batavia, and, the last time I received any intelligence respecting him, it was reported that he was at Sydney, New South Wales, or Hobart Town, Van Diemen's Land. I have therefore to request that your Lordship, having the Colonial Department under your charge, will direct the Governors of the two last mentioned Colonies to enquire if such a person is known; as I am naturally very anxious to learn his fate whether he be living or dead. By obtaining for me this information, your Lordship will confer on me a great kindness. and awaiting the favor of a reply from your Lordship's Office.

I have, &c,

Sarah Mather.

Lord Stanley to Sir George Gipps.

(A circular despatch, per ship Clara.)

Sir, Downing Street, 6th May, 1843.

The Lords Commissioners of Her Majesty's Treasury having stated to me that, in some instances, irregularity has occurred in the manner in which Bills drawn on them by the Governors of some of Her Majesty's Colonies are advised of, I have to desire that, in any case in which the execution of your public duty you may have to draw Bills either on their Lordships or on the Paymaster of Civil Services, you will take especial care to advise their Lordships or the Paymaster of Civil Services, as the case may be, of such Bill, independently of any report on the subject which you may address to me.

I have, &c,

Stanley.
Sir George Gipps to Lord Stanley.

Government House, 6th May, 1843.

My Lord,

In my Despatch No. 40 of the 31st March last, when reporting on the proposal to grant a Charter to the Union Bank of Australia, I incidentally mentioned that public attention was then very painfully directed to the subject of Banking, in consequence of its having been discovered that the affairs of the Bank of Australia (not the Union Bank of Australia) had been grossly mismanaged, and I gave a few instances of the mismanagement which I reported.

I have now to inform Your Lordship that instances of more direct fraud, though not of greater mismanagement, have within these few days been brought to light in respect to the Sydney Bank; and that much distrust exists in the public mind in regard even to some of the other Banks.

In the Sydney Bank, it is discovered that large sums of money have been applied by the Manager and Accountant to their own use; by the former it is said to the amount of £4,000, by the latter of £4,500; and also, that every Clerk in the establishment has been allowed, in a greater or less degree, to anticipate his Salary, or, in other words, to make use of the funds of the Bank.

I have also further to report that the Port Phillip Bank has suspended its operations, though under what circumstances I am as yet not thoroughly informed.

By the enclosed Return of Banks in the Colony (which is carried down to a period three months later than the Return forwarded with my Despatch of the 31st March last), it will be seen that the Sydney Bank and the Port Phillip Bank are happily the least important of the whole, the paid up Capital of the former being £153,720, and of the latter £52,915 only.

Though cautious to avoid the imputation of needlessly spreading alarm, I have on various occasions, as well in my Despatches to your Lordship as in my place in the Legislative Council, expressed my apprehension of the evils, which were likely to result from the extent to which speculations on borrowed money have been carried on in this Colony, and the facility with which persons of no real substance obtained Discounts at the Banks. Recent events have only confirmed the opinions, which I have long entertained and often expressed, that nearly all the evils, under which this Colony has laboured and is now labouring more severely than ever, are to be ascribed to the reckless rapidity with which Capital of all sorts, but especially Banking Capital, was poured into it, seeking greedy gains at usurious interest...
between the years 1834 and 1840, the mischief beginning with the commencement of Business by the Chartered Bank of Australasia in 1836.

In the year 1834, there were two Banks* only in the Colony, their united paid up Capital being on the 1st January in that year £84,321. Nine years later, or on the 1st January, 1843, there were seven Banks,* with Capital paid up to the amount of £2,300,955.

The following table shews the number of Banks in the Colony, with their collective paid up Capital, on the first day of January in each year from 1834 to 1843, both inclusive†:—

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Banks</th>
<th>Paid up Capital</th>
</tr>
</thead>
<tbody>
<tr>
<td>1834</td>
<td>2</td>
<td>£84,321</td>
</tr>
<tr>
<td>1835</td>
<td>3</td>
<td>142,870</td>
</tr>
<tr>
<td>1836</td>
<td>4</td>
<td>452,631</td>
</tr>
<tr>
<td>1837</td>
<td>4</td>
<td>528,408</td>
</tr>
<tr>
<td>1838</td>
<td>4</td>
<td>685,527</td>
</tr>
<tr>
<td>1839</td>
<td>5</td>
<td>1,012,742</td>
</tr>
<tr>
<td>1840</td>
<td>5</td>
<td>1,300,875</td>
</tr>
<tr>
<td>1841</td>
<td>6</td>
<td>1,717,020</td>
</tr>
<tr>
<td>1842</td>
<td>7</td>
<td>1,995,093</td>
</tr>
<tr>
<td>1843</td>
<td>7</td>
<td>2,300,955</td>
</tr>
</tbody>
</table>

It is a remarkable fact that this great abundance of Banking Capital has not, since 1834, produced a reduction in the rate of Interest, but, on the contrary, that the interest of money continued to rise, until it attained in 1841 and 1842, in some cases, 15 per cent. in Sydney, and even 20 per cent. in Port Phillip. This fact must, I fear, be taken as proof that the Lenders of Money in New South Wales, looking to a high rate of interest rather than to the security of their Capital, have lent largely to parties, who never ought to have been trusted.

The same fact was, I believe, observed in the United States during the years which preceded 1837, and accounted for in the same manner.

I have further to inform Your Lordship that, during Monday and Tuesday last, the 1st and 2d of the present Month, a run was made upon the Savings Bank of New South Wales, and that, during those two days, deposits to the amount of more than £20,000 were withdrawn; but a Committee which I (at the request of the Trustees) immediately appointed to enquire into the affairs of the Bank, having reported very favorably of its actual condition and of the integrity with which it has been managed, I think I am warranted in saying that confidence is already restored to it.

* Note 59.
† Marginal note.—Two of these Banks, however, Vizt.: the Bank of Australasia and the Union Bank of Australia trade in the other Australian Colonies, as well as in N. S. Wales.
The Committee of Inquiry was composed of the following gentlemen:—Mr. Miller, the Deputy Commissary General, Mr. Hastings Elwin, a gentleman well known at the Colonial Office, having acted as Commissioner for the Distribution of the compensation money granted by Parliament under the Act for the Abolition of Slavery, and Mr. Thomas Icely, a retired Merchant of Sydney, possessing large Estates in the Colony, and enjoying the full confidence of the public.

In the midst of so much pecuniary distress, it is consolatory to me to be able to report to Your Lordship that the Government is able to meet its engagements, and that, notwithstanding we sell no Land, I have been able in the four first months of the present year to pay off Debentures to the amount of £27,900.

The total Amount of Debentures issued in 1842 was, as reported in my Despatch No. 116 of the 8th July, 1842, £49,500, of which sum only £21,600 now remains outstanding.

The fact of having paid off these Debentures will sufficiently prove to Your Lordship that I have succeeded in keeping the ordinary expenses of Government well within its income. In the course, however, of a few days, I shall be able to forward the accounts of the year 1842, exhibiting the same more plainly; these accounts (in the shape in which they are usually laid before the Legislative Council) being now in the hands of the Printer.

I have, &c.,

GEO. GIPPS.

[Enclosure,]
[This was the usual printed return.*]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 67, per ship Clara.)

Sir,

Downing Street, 7 May, 1843.

I transmit to you, herewith, for your information a copy of a Despatch which I have addressed to Lt. Governor Sir Eardley Wilmot on his departure for Van Diemen's Land, with reference to the question of Convict Discipline in that Colony.

I have, &c.,

STANLEY.

[Enclosure.]

LORD STANLEY TO LIEUT.-GOVERNOR SIR E. WILMOT.

Sir,

Downing Street, 24th April, 1843.

Having in my Despatch No. 1 of the 11th transmitted to you a Warrant under Her Majesty's Sign Manual, authorising you to assume and execute the Office of Lieut. Governor of the Island of Van Diemen's Land and its Dependencies, I now bring together

* Note 53.
some miscellaneous Instructions which will be necessary for your
guidance in the discharge of the trust which Her Majesty has thus
been pleased to confide to you. For a general complete explanation
of the duties and powers of Your Office I refer you to the Com-
mission* under the Great Seal addressed to Sir George Gipps, which
it will be your duty to administer, and to the general Instructions
accompanying it under Her Majesty’s Signet and Sign Manual.

First, The Salary of your immediate Predecessors has been £2,500
per annum. But they have enjoyed very considerable additional
Emoluments. These appear to have been the occupation of a Gov-
ernment House at Hobarton, of a Country residence about 20 Miles
distant from that place, and of a dwelling House at Launceston.
They have also had the occupation, rent free, of a larger Govern-
ment Farm and of an extensive Kitchen Garden. For the main-
tenance of the Farm and Garden, there has been an annual vote
of £500. Convict Labor has been employed in the cultivation of
them, and the Domestic Establishment of the Lieut. Governor has
also been supplied by Convicts rendering to him a gratuitous service.
Hence forward the Lieut. Govr.’s Salary will be £3,500 per annum.
But he must renounce every other pecuniary advantage or source
of Emolument, excepting only his official Residence at Hobarton. If
indeed your own personal or domestic convenience should require
the occupation of the Farm or the Country Residence already men-
tioned, there will be no objection to your availing yourself of them.
But if you should do so, the charges of cultivation, repair, etc.,
must be sustained entirely by yourself unaided by any allowance
from the Public Treasury for the purpose.

Secondly. The practice of employing Convicts about the Resi-
dence or the Person of the Lieut. Governor or his Family must be
wholly discontinued, and the prohibition must apply to every other
Public Officer. If you or they should have occasion to hire any
Convict Servant, the hiring must be effected, and the wages paid,
precisely in the same manner, as in the case of the private employer
of any such Servants. The result will be that the Holders of Pro-
bation Passes or of Tickets of Leave will be the only class of Con-
victs from which Domestic or other servants can be engaged by
yourself or by any other Public Officers in Van Diemen’s Land.

Third. Referring you to my Despatches No. 175 of the 25th Novr.,
1842; and No. 182 of the 12th Decr. of the same year, and also
referring you to my Despatch No. 255 of the same date, the accompa-
nying correspondence between this Department and the Home Office and the Lords of the Treasury
(The dates of which are enumerated in the margin), I am to
desire that, in concurrence with the Colonial Secretary, the
Comptroller of Convicts, and the Head of the local Commissariat,
you would take the earliest opportunity of preparing and trans-
mitting to me the Estimates for Convict Services for the year
1844-5.

Fourth. In reference to the same series of documents, I have
further to direct that the Comptroller of Convicts be required to
proceed with the utmost practicable promptitude in framing all
such Rules as will be necessary for carrying these Instructions
into effect. Such Rules will determine the number of the Probation
Gangs, the locality of each Gang, the precise labor to be assigned
to each, the Officers under whose more immediate inspection and
authority such labor is to be performed, the duty, responsibility
and subordination of every such Officer; with all the more minute
details of the service which it may be possible to reduce into the

* Note 60.
form of positive Regulations. It will be your duty to revise and sanction such Regulations before they are established as the General Rule of conduct for the Officers of that Department. The vigilant enforcement of a due observance of them will be the Comptroller's duty. They will continue in force until Her Majesty's Pleasure shall be known; and, unless then disallowed by Her, the Instructions contained in the Despatches I have enumerated will form the basis and afford the principles on which all such Regulations must be framed.

I enclose a list of the contemplated Convict Establishment. If any reduction shall appear to you to be practicable, it must of course be made. No new Candidate for Public Employment must be introduced into this Branch of the Public Service so long as a Competent Candidate shall present himself amongst the persons who have already been employed in it. You will be much on your guard against giving rise to embarrassing claims for Compensation for loss of office.

Fifth. I have to call your particular attention to that part of the Instructions already mentioned, which relates to periodical Returns. You will be careful to see that the utmost possible expedition is used in preparing and transmitting to this Country such a preliminary Return as may place Her Majesty's Government in possession of a complete view of the number of the Convicts of each Class and of either Sex, of their distribution, localities and employments, and of whatever else can throw light on their state and prospects at the commencement of your Administration.

Sixth. I enclose an Act of the present Session of Parliament (6 Vict., Chap. 7), which has been passed in pursuance of the intention announced in my Despatch of 25th November last. The result is that henceforward no Pardon can be granted to a Transported Convict except by the Queen Herself, under whose order it will be competent to you to issue a Pardon in Her Majesty's name. But the power of granting Remissions or Mitigations of Punishment, falling short of an actual Pardon, may now be exercised by you within the limits prescribed by the Instructions already mentioned. In the exercise of that power, you will give effect to every promise or expectation of such indulgences which may have been held out by your immediate Predecessor.

Seventh. It is my earnest hope that it will be in your power to effect a considerable reduction of the charge hitherto thrown on the British Treasury for the maintenance of Convicts in Van Diemen's Land. I found this hope partly on the prospect of a better revised and corrected Estimate, and partly on the Conviction I entertain that, with such a command of labor and with such means of employing it in producing all the first necessaries of life, you will find it possible to make the Convicts contribute very largely to their own subsistence. This is the first and most essential object to which their labor should be directed; nor is it easy to understand how, if firmly and judiciously directed, it should fail to produce such a resource in ample abundance.

I cannot quit this subject without impressing on you the necessity of maintaining the most unreserved and confidential intercourse with the Comptroller of Convicts on the subject of his peculiar province, nor the equally necessary duty of laboring to prevent the growth of jealousies between that Officer and the Colonial Secretary, on whose functions, as hitherto understood, he will make a considerable encroachment. Any such schism will be best prevented.

1843.
May 7.

Instructions to
Sir E. Wilmot W

Convict establishment;

Periodical returns;
Pardons and
remissions of
punishment;

And reduction
in cost of
maintenance
of convicts.
by distinctly defining their respective duties at the commencement, and by requiring the Comptroller to give the Colonial Secretary the fullest access to all documentary and other information on topics which may have been brought by the Comptroller under your notice, and on which he may have received Instructions directly from yourself. It is my earnest hope and firm conviction that the remembrance how much the Public Interest is involved in their cordial cooperation will stifle in its origin every feeling which, if indulged, might lead to discord and alienation between them.

Eighth. You will have difficulties of no ordinary kind to encounter in what relates to the critical subject of the Religious Instruction of the Convicts. In my Despatches, already referred to, I have explained the relation in which their Religious Teachers are to stand to the Comptroller of Convicts. If that Officer should think it necessary to proceed to the extreme measure of removing any Religious Minister, you will of course very maturely weigh the grounds of any such measure before you sanction it. If it should affect any Minister of the Established Church of England, you will not act without a full previous communication with the Bishop of the Diocese. With respect to the Classification of the Prisoners, the best consideration I can give to the subject leads me to think that it would be desirable that separate Gangs should be formed, consisting as far as possible exclusively of Protestants, or exclusively of Roman Catholics, in order that the Ministrations of Teachers of the Protestant and the Roman Catholic Churches may not be brought into an open and active rivalry with each other. There may, of course, be countervailing disadvantages in such an arrangement. I am, therefore, better satisfied to commend the subject to your careful attention than to fetter you by any positive Instructions respecting it. I have, &c,

STANLEY.

[Sub-enclosure No. 1.]
[This was a parliamentary paper, entitled "Convict Discipline and Estimates," printed 3rd April, 1843.]

[Sub-enclosure No. 2.]
[This was a copy of the statute, 6 Vict., c. vii.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despach No. 6s, per ship Clara.)

Sir,

Downing Street, 8th May, 1843.

I have to acknowledge the receipt of your Dispatches No. 164 of the 11th and No. 165 of the 12th September, 1842, transmitting requisitions from the Principal Medical Officer for Medicines and Stationery for the Convict Medical Department in New South Wales, for the year 1843.

Having referred those Requisitions to the Director General of the Army Medical Department, I enclose Copies of two Reports furnished by that officer, in which he suggests certain deductions in the Requisitions.

I forwarded Sir James Macgrigor's Reports for the consideration of the Lords Commissioners of the Treasury, who have stated
STANLEY TO GIPPS.

that they have ordered the Articles to be forwarded to the Colony subject to the modifications suggested by the Director General.

I have to desire that you will take such measures as will ensure the regular transmission with future requisitions of the more complete explanatory information adverted to in Sir James McGrigor's report of the 24th March. I have, &c.,

STANLEY.

[Enclosure No. 1.]

SIR JAMES MCGRIGOR TO UNDER SECRETARY STEPHEN.

Sir, Army Medical Department, 24th March, 1843.

I have the honor to acknowledge the receipt of your Letter Proposal for of the 18th Instant enclosing a Requisition for Medicines and Stationery for the Convict Medical Department in New South Wales for the year 1843; and, in returning the same herewith, I have the honor to submit, for the information of Lord Stanley, that this demand is in my opinion unnecessarily large in the items noticed in a list herewith enclosed; and I would therefore recommend that this Requisition may be subjected to the deductions enumerated in the said List.

In suggesting these deductions I have been guided by the latest data in my possession, viz., an annual Return of the receipts and issues of Medicines from the 1st April, 1840, to the 31st March, 1841 (animadverted upon for the information of the Secretary of State for the Colonies in my Letter to the Deputy Secretary at War, dated 24th May last), and the Invoices of subsequent supplies, dated 8th March, 1841, and 2nd June, 1842.

The following quotations from these documents and from the present Requisition are given as instances of an excessive demand, which I would recommend to be brought under the special notice of the Governor of the Colony in order that His Excellency may caution the Principal Medical Officer against making an unusually large Requisition without explaining his reasons for it; as it will be seen that the quantities now required, added to the two last supplies and to the quantities which remained in store on the 31st March, 1841, are equal to five times the Expenditure of the year ended 31st March, 1841, viz.:

[Here followed a comparative list of quantities of certain medicines, which has been omitted.]

I would however observe that, in recommending a reduced supply according to the best of my judgment on the information I possess, this Requisition may have been calculated for an increase either in sickness or in the number of Convicts; and such increase, if it existed, might have warranted the Principal Medical Officer in making an additional demand, but it should have induced him to report the same.

Upon his explanation or upon receiving information from you on these points, it may be proper to modify the deductions now suggested or to authorize a supplementary supply before the period of the next annual Requisition.

I have, &c.,

J. McGRIGOR, Director General.

[Sub-enclosure.]

[This list of drugs has been omitted.]
1843.
8 May.

Modification of reductions.

[Enclosure No. 2.]

SIR JAMES MCGRIGOR TO UNDER SECRETARY STEPHEN.

Sir,

Army Medical Department, 11th April, 1843.

Referring to my Letter of the 30th Ultimo, acknowledging the receipt of your communication of the 24th of that month, which was accompanied by the Returns of medicines and Stationery of the Convict Medical department in New South Wales for the Year ended the 31st March, 1842, I have the honor to submit for the consideration of Lord Stanley that, in consequence of an increased expenditure of Medicines with which I was unacquainted till these Returns reached me on the 25th Ulto., I am of opinion that it would be proper to withdraw wholly or in part four of the deductions in the Requisition for Medicines, which I recommended in my Letter of the 24th Ulto., vizt.:

\[
\begin{array}{|c|c|c|c|}
\hline
\text{Articles} & \text{Required} & \text{Recommended on 24 Ulto. but now withdrawn} & \text{Now recommended} \\
\hline
\text{Cerat Getaeri} & \text{lb. 200} & \text{lb. 100} & \text{lb. 150} \\
\text{Resin} & \text{100} & \text{60} & \text{90} \\
\text{Mag. Sulph} & \text{2,500} & \text{1,500} & \text{2,500} \\
\text{Rhei Centrit} & \text{60} & \text{40} & \text{60} \\
\text{Old Linen Sheets} & \text{No. 200} & \text{No. 50} & \text{No. 50} \\
\hline
\end{array}
\]

The Return of Medicines above alluded to has been carefully examined, and, with the exceptions noticed in the enclosed extract thereof, and subject to the same remarks which I made on the previous Return of the 24th May last, it appears to be correct.

I have, &c,

J. McGRIGOR, Director General.

Agreement for rebuilding military barracks at Sydney.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 65, per ship Harlequin; acknowledged by Lord Stanley, 21st December, 1843.)

My Lord,

Government House, 8th May, 1843.

The object of this despatch is to bring under your Lordship's consideration, the nature of the agreement which subsists between the Board of Ordnance and this Government for rebuilding the Military Barracks* in or near the Town of Sydney.

On this subject, it is necessary for me to refer to my Despatch of the 17th August, 1840, No. 112, wherewith I transmitted to Lord John Russell a copy of the Report of a Committee of the Legislative Council of New South Wales, dated the 16th June in the same year; and I beg to report that on the 3rd August, 1840, I officially notified to the then Commanding Engineer (by a letter from the Colonial Secretary) that I was prepared to act on the report of the Committee, the conditions of the Report being that the total expense to the Colony should not exceed £60,000.

I have also to report to your Lordship that the Barracks were accordingly commenced in the early part of 1841; and that, up

* Note 61.
to the present time, sums amounting in the whole to £9,500 have been advanced on account of the work from the funds of the Colony; and further demands are likely to be made by the Ordnance Officers on the Local Treasury, at the rate of from £3,000 to £5,000 per quarter, during the next three or four years.

I need scarcely remind your Lordship of the great change which has taken place in the financial condition of this Colony, or of the great fall in the value of property in it, which has occurred since the arrangement respecting the rebuilding of these Barracks was entered into in 1840. The advance of so large a sum as £60,000 may be attended with inconvenience to the Local Government; and the Land, on which the present Barracks stand when ultimately handed over to the Colony and sold, may produce far less than it was estimated at in 1840.

As, however the value of property is less depreciated in Sydney than in any other part of the Colony, and our Revenue is still equal to all demands upon it, I should scarcely be under the necessity of asking for your Lordship's interference in this matter, were it not that claims have recently been put forth by the Ordnance Officers in the Colony, inconsistent with the report of the Committee of 1840, or with the conditions on which I authorized the commencement of the work.

The Ordnance Officers, founding their claim on a passage in a letter from Mr. Byham to Mr. Stephen of the 31st May, 1839, assert that the Colony is bound to defray the whole expense of the erection of the Barracks, whatever that expense may be, whilst simultaneously with this claim (or antecedent to it) they have proposed alterations in the style of building to be adopted (such as the substitution of slates for shingles, etc.), calculated to increase the expense of the work. The demand also was made, though it was subsequently withdrawn, of having a Hospital included in the New Buildings, though there is no Hospital, and never was one, on the Land which is to be given up to the Colony.

The object of this Despatch is therefore to solicit your Lordship's interference to protect the Colony against any larger charge than that specified in the conditions on which alone I authorized the commencement of the work; and the reasonableness of my request will, I trust, be apparent, when it is considered that the Ordnance Officers in the Colony have the execution of the work entirely in their own hands, and that, consequently, it will otherwise be in their power to run the Colony up to an indefinite expense.

I have intimated to the Ordnance Officers the nature of this Despatch, in order that they may make such report on the subject to their Board, as may appear to them necessary. I beg,
however, to add that nothing of an unpleasant nature has occurred between myself and them on the occasion; and that I do not mean in any manner to accuse them of overstepping what they consider the proper line of their duty. I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 66, per ship Harlequin; acknowledged by lord Stanley, 20th October, 1843.)


At the request of Capt. Maconochie, I transmit to your Lordship a copy of a letter, which I received yesterday from that officer, and which, though it is without date, appears to have been written shortly after my visit to Norfolk Island in March last.

The document does not seem to require any comment from me, nor does it contain anything which would induce me to alter the opinion expressed in my Report to your Lordship of the 1st April last, No. 43.

I have, &c.,

[Enclosure.]

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 69, per ship Clara.)

10 May. Sir, Downing Street, 10th May, 1843.

I transmit to you herewith the Copy of a letter from the Clerk Assistant of the Parliament to my Under Secretary enclosing an application, which had been received from the Clerk of the Councils in New South Wales to be furnished with a regular supply of all papers printed by order of the House of Lords, which may have reference to the affairs of the Colony. I also transmit a copy of the answer, which I directed to be returned to that letter.

In pointing out the unusual course adopted by the Colonial Government in this Instance of communicating directly with a branch of the Government in this Country instead of with the Head of this office, I have to desire that you will address to me any report or requisition which you may think it desirable to make regarding the Documents applied for by the Clerk of the Council.

It would be convenient for the sake of reference that a complete set of the records, which appear to have been sent to the House of Lords, should be furnished for the use of this office.

I have, &c.,

STANLEY.
MR. J. W. BIRCH TO UNDER SECRETARY HOPE.

Sir, 

House of Lords, 1st May, 1843.

The inclosed letter has been received by Sir Geo. H. Rose as Clerk of the Parliaments, who has placed it in my hands; and, before an answer is returned to the application for Parliamentary papers printed by the Ho. of Lords relating to the affairs of the Colony, I wish to know whether the Colonial Office sees any objection to acceding to the request contained in the letter of Mr. Merewether. May I beg the favor of you to return the letter inclosed with your answer.

I remain, &c.,

J. W. BIRCH.

[Sub-enclosure.

MR. P. L. S. MEREWETHER TO SIR GEORGE ROSE.

Sir, 

Colonial Office, Sydney, N. S. Wales, 8th October, 1842.

I have the honor by direction of His Excellency to transmit to you herewith complete Copies of the several documents laid before the Legislative Council of this Colony, and by them ordered to be printed, in the Sessions of the years 1835, 6, 7, 8, 9 and 1840, 1, as well as a copy of such of the Documents of the Sessions of the present year (1842) as have as yet been printed; and I am further instructed by His Excellency to inform you that copies of all Documents, which may be printed for the Council in future sessions, will be regularly transmitted to you, as opportunities offer; and to request that you will oblige His Excellency in return by supplying me regularly with one or two sets of all Papers printed by order of the House of Lords, which bear any reference to the Colony of New South Wales, commencing from the earliest practicable and convenient date, for the use of the Executive and Legislative Councils.

I have, &c.,

F. L. S. MEREWETHER, Clerk of the Councils.

[Enclosure No. 2.

UNDER SECRETARY HOPE TO MR. J. W. BIRCH.

Sir, 

Downing Street, 9th May, 1843.

I have laid before Lord Stanley your Letter of the 1st instant, enclosing an application (herewith returned) which has been received by the Clerk of the Parliaments from the Clerk of the Councils at New South Wales to be furnished with a regular supply of all Papers, printed by order of the House of Lords which have reference to the affairs of the Colony.

Lord Stanley directs me to request that you will acquaint Sir George Rose that he will take an early opportunity of communicating with the Governor of New South Wales on the subject of that application, and his Lordship would suggest that Mr. Merewether's Letter should, in the meantime, remain unanswered.

I have, &c.,

G. W. HOPE.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 67, per ship Harlequin.)

My Lord, 

Government House, 10th May, 1843.

The accounts of Revenue and expenditure for the year 1842 having been made up in the usual manner by the Auditor General, and printed, I do myself the honor to forward to your Lordship herewith a copy of the same.
Appended to this Despatch is a copy of the Remarks on the Revenue and Expenditure of the year, which I have prepared for my usual Financial Minute, which Minute, however, will probably not be published before the month of August next, as the meeting of the (New) Legislative Council cannot take place before the middle or end of July.

The statement, respecting our Ordinary Revenue exhibited in my remarks, will, I trust, be satisfactory to your Lordship; and will confirm what I stated in my Despatch of the 20th Sepr., 1842, No. 173, namely, that, so long as Immigration remain suspended, our Revenue will enable us to meet all our engagements, notwithstanding that we sell no Land.

In my Despatch of the 10th Feby., 1842, No. 30, I submitted to your Lordship a Synopsis of the Revenue and Expenditure of the Colony during the four years that I had then held the Government of New South Wales, exclusive on the one hand of the Land Fund, and on the other of the Expenditure chargeable on it.

Another year having now elapsed, I beg leave to transmit the same statement, with a continuation to the end of 1842.

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
<th>Excess in expenditure over Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
<td>211,988</td>
<td>323,736</td>
<td>111,747</td>
</tr>
<tr>
<td>1839</td>
<td>259,740</td>
<td>346,541</td>
<td>86,501</td>
</tr>
<tr>
<td>1840</td>
<td>335,084</td>
<td>331,775</td>
<td>3,308</td>
</tr>
<tr>
<td>1841</td>
<td>403,592</td>
<td>330,507</td>
<td>73,084</td>
</tr>
<tr>
<td>1842</td>
<td>414,156</td>
<td>339,022</td>
<td>75,133</td>
</tr>
</tbody>
</table>

I have, &c.,

GEO. GIPPS.

P.S.—In a separate Despatch of this day’s date, No. 68, I transmit a comparative statement of the Revenue received, during the first Quarter of the year 1842 and the first Quarter of the present year.

[Enclosure No. 1.]

[These papers will be found in the “Votes and Proceedings” of the legislative council.]

[Enclosure No. 2.]

Notes for my Financial Minute of 1843.

The Revenue of 1842 was:

Ordinary .................. £367,213
Crown (exclusive of Land Fund) 46,942

and a reference to my Minute of the 6th July, 1841, will show that it was estimated at—

Ordinary .................. 311,748
Crown (exclusive of Land Fund) 23,299

335,048
NOTES for my Financial Minute of 1843—continued,

It follows, therefore, that (exclusive of the Land Fund) the Revenue of 1842 exceeded the expectations, which in 1841 were formed of it, by the sum of £79,167 19 2.

The Revenue of 1842 was (as above stated) 414,156 8 2
And that of 1841 was according to my Minute of 26th July, 1842 403,302 8 2

Consequently the Revenue of 1842 exceeded that of 1841 by £10,564 0 0

Again—
The probable expenditure of 1842 was estimated at £399,549 1 0
Or deducting sums chargeable on the Land Fund 30,287 18 8

And the expenditure (exclusive of sums chargeable on the Land Fund) having been 339,022 12 5

It follows that there has been a saving on the estimates of £60,526 8 7

And again—
The revenue of 1842 (exclusive of the Land Fund) having been 414,156 8 2
And the Expenditure (exclusive of sums chargeable on the Land Fund) 339,022 12 5

The revenue (exclusive of the Land Fund) has exceeded the charges on it by £75,133 15 9

On the other hand, the Land Fund has so fallen off as to be insufficient to meet even the expense of the Survey Department, leaving nothing for the other expenses which are chargeable on it.

The charges on the Land Fund for 1842 were (exclusive of Immigration):

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey and Sale of Land</td>
<td>31,123</td>
<td>18</td>
<td>10</td>
</tr>
<tr>
<td>Aborigines</td>
<td>15,118</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

And the produce of Land sold, only £46,242 18 7

Leaving (exclusive of Immigration) a deficiency of £31,668 8 3

Exclusive therefore of Immigration, which is now suspended, there was in 1842 a surplus in the Ordinary Revenue of £75,133 15 9
And a deficiency in the Land Fund of £31,668 8 3

and therefore, a real Surplus of Revenue (exclusive of Immigration) of £43,465 7 6
### Historical Records of Australia

#### [Enclosure No. 2]—continued.

Notes for my Financial Minute of 1843—continued.

The Revenue and Expenditure of the year are given in the usual way by the Auditor General; but the same may be exhibited in the form in which I have usually shown it in my Financial Minutes, and contrasted with the Revenue and Expenditure of 1841, thus:

#### Revenue

<table>
<thead>
<tr>
<th>Year</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841</td>
<td>28,343</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>1842</td>
<td>39,576</td>
<td>8</td>
<td>0</td>
</tr>
</tbody>
</table>

1. Direct Taxation

2. Indirect Taxation

Total raised by Taxation £277,664 15 9

3. Rents and Dues

4. Sale of Govt. property

5. Fees of Office

6. Fines and Seizures

7. Surcharges recovered

8. Interest on Public Monies

9. Post Office

10. Crown Revenue (exclusive of Land Fund)

11. Land Fund, or produce of the sale of Land

Total £493,804 13 9

Ordinary Revenue for 1841 and 1842 £373,655 1 6

Ordinary Expenditure do do £367,213 16 9

Produce of the Land Fund in 1841 and 1842 £350,507 8 6

Surplus Expenditure £438,740 5 10

#### Expenditure

<table>
<thead>
<tr>
<th>Year</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841</td>
<td>58,692</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>1842</td>
<td>56,911</td>
<td>13</td>
<td>11</td>
</tr>
</tbody>
</table>

1. Government

2. Administration of Justice

3. Police

4. Gaols

5. Works and Buildings

6. Town Surveyor of Sydney

7. Clergy

8. Schools

9. Post office

10. Public and Charitable Institutions

11. Drawbacks

12. Specially Voted

Total Expenditure £739,786 6 10

Chargeable on the Land Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey and sale of Land</td>
<td>31,656</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td>Aborigines</td>
<td>15,650</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td>Immigration</td>
<td>331,971</td>
<td>9</td>
<td>0</td>
</tr>
</tbody>
</table>

Ordinary Expenditure (as above) £382,278 18 4

Total Expenditure £500,270 15 10
GIPPS TO STANLEY.

(Sir George Gipps to Lord Stanley.
(Despatch No. 68, per ship Harlequin.)

My Lord, Government House, 10th May, 1843.

I have the honor to transmit herewith Abstracts of the Revenue of the Colony for the first Quarter of the current year 1843, the same being divided into two parts, one for the old Districts of the Colony, the other for Port Phillip, and compared in each case with the Revenue of the first Quarter of 1842.

There is a decrease in the Revenue of each Division of the Colony, as compared with 1842, but not to an amount that should create alarm; and the falling off is not greater than I anticipated.

The decrease is:

- In the old parts of the Colony: £2,551 8 8
- In the Port Phillip District: 1,191 0 10

£3,742 9 6

In consequence of my having paid off Debentures to the amount of £27,900, our Treasury is at present very low; but I nevertheless hope to be able to carry on the Government without any serious inconvenience, though the Demands for the building of the New Barracks are heavy upon us, as reported in my Despatch of the 8th instant, No. 65.

GEO. GIPPS.

[Enclosure.

Copies of these abstracts will be found in the "Votes and Proceedings" of the legislative council.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 69, per ship Harlequin.)

My Lord, Government House, 11th May, 1843.

In my Despatch, No. 64 of the 8th instant, I informed your Lordship that, in consequence of a Run having taken place on the Savings Bank of the Colony, I had appointed a Board composed of—

The Deputy Commissary General, Mr. Elwin, and Mr. Icely, to enquire into, and report on the present condition of that institution. I have now the honor to enclose herewith a Copy of the Report made to me by these Gentlemen; and, having caused the same to be published for general information in the Government Gazette,* I am happy to be able to say that no demands have subsequently been made on the Bank, which it will not be easily enabled to meet.

* Note 62.
The occurrence of this Run has however satisfied me that very essential alterations are required in the constitution of the Bank; and I consequently propose to bring the whole subject under the consideration of the New Council, at the earliest possible period after its first meeting in July next.

I shall of course lay before the Council all the correspondence which has taken place in respect to the Bank in the Despatches noted in the margin. I have, &c.

[Enclosure.]

GEO. GIPPS.

[This report has been omitted.]

12 May.

Memorial received from H. H. Browne.

Recognition of claims of H. H. Browne.

I referred for the consideration of the Lords Commissioners of the Treasury your Dispatch No. 152 of the 30th of August, 1842, forwarding a Memorial addressed to that Board by Mr. H. H. Browne, Water Police Magistrate of Port Jackson, in which he protests against a seizure made over his Head by the Collector of Customs at Sydney.

I transmit to you herewith, for your information and guidance, the copy of a letter from the Secretary to the Board of Treasury enclosing an Extract of a report from the Commissioners of Customs on the subject, from which you will perceive that the title of Mr. Browne to the benefit arising from the seizure in question has been recognized by Her Majesty's Government.

I have, &c.

STANLEY.

MR. G. CLERK TO UNDER SECRETARY STEPHEN.

Sir, Treasury, 2d May, 1843.

In reference to your Letter of the 17th January last, enclosing Copy of a Despatch from the Governor of New South Wales, forwarding a Memorial of Mr. Hutchinson Hothersall Browne, Water Police Magistrate of Port Jackson, in which he protests against a seizure made over his Head by the Collector of the Customs, I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for the information of Lord Stanley, the enclosed Extract of a Report from the Board of Customs on the subject; and I am to request that you will state to His Lordship that My Lords have signified their concurrence in the opinion of the Commissioners in regard to the claim of the Superintendent of the Sydney Water Police to the benefit of the seizure to which the Despatch related, and their approval of the steps taken by the Commissioners in regard both to the claim of the Collector at Sydney to the seizure, and to the renewal in the most ample terms of

*Marginal note.—From Sir Geo. Gipps: 1840, 10th Feb., No. 16; 1841, 12th October, No. 206. From the Secy. of State: 1840, 12th Oct., No. 163; 1842, 14th July, No. 150.
STANLEY TO GIPPS.

the Deputation to the Superintendent of the Water Police, and My Lords have further authorized the Commissioners to forward to New South Wales the necessary orders for the distribution of the proceeds of the seizure, and for rewarding the Informer and Assistant.

I am, &c.

G. CLERK.

[Sub-enclosure.]

EXTRACT of a Report from the Commissioners of Customs, Dated 21st March, 1843.

We report,

That, by the Colonial Act, 3d Victoria, No. 3, dated the 24th July, 1839, Section 35, it is enacted that all Ships, Vessels and Boats, and all Goods whatsoever liable to forfeiture under that or any other Act relating to Customs, shall and may be seized in any place either upon Land or Water by any Officer or Officers of Her Majesty’s Navy on full pay, or by any Officer or Officers of Customs, or by any Officer having authority to seize from the Commissioners of Her Majesty’s Customs or the Governor of the said Colony; and all Ships, Vessels, Boats and Goods, so seized, shall, as soon as conveniently may be, be delivered into the care of the proper Officers appointed to receive the same.

That, under the authority of the provisions of the above recited Act, the Collector of Customs at Sydney, upon the 11th January, 1841, granted under his hand with the sanction of His Excellency the Governor, a Deputation to Mr. Brown (Copy of which is annexed to his Memorial to your Lordships marked A), empowering him in his capacity of Superintendent of Water Police, and also the Inspectors and Conductors of Water Police, acting under his (Mr. Brown’s) orders, to make seizures of all Goods landed contrary to Law; also of all Spirits and Tobacco run from any Ship or Vessel, as well as of Boats not licensed under the provisions of the aforesaid Act.

That, from a Report which has been recently received from the Collector of this Revenue at Sydney, detailing the circumstances which led to the seizure of the Spirits, the subject of Mr. Brown’s present application to your Lordships, it appears that certain parties had been in the habit of Shipping Spirits and Tobacco from the Bonding Warehouses of the Port of Sydney, ostensibly for the South Sea Islands, Lumback, and other places, but with the ultimate intention of relanding them on unfrequented parts of the Coast of New South Wales, and in which fraudulent landings there is reason to believe that the Parties have been but too successful to the serious injury of the Revenue of the Colony, altho’ every exertion have been made by the Revenue Cutter and the Colonial Authorities to prevent such illegal practices.

That some Weeks previous to the period at which the present seizure was made, information had been given to the Officers of Customs at Sydney that a quantity of Brandy and Rum, which had been shipped from the Bonding Warehouses at Sydney for the Dutch Island of Lumback by a Vessel called the “Fair Barbarian” had been returned at a place called Broken Bay, about 18 Miles to the Northward of the Port of Sydney; and that, altho’ the Landing Surveyor had been dispatched with the Revenue Cutter for the purpose of searching the Cottages and adjoining Neighbourhood, The search proved ineffectual.
1843.  
12 May.  
Report by commissioners of customs re claims of H. H. Browne.

That, some weeks subsequently to this search, Daniel Farrell, a settler residing at Pitt Water situated upon the Hawkesbury River, about 45 miles to the northward of Sydney, but distant 27 miles from the place where the search had been previously made by the Revenue Cutter, while employed in cutting wood upon the 13th June last, accompanied by his servant James Tooney, a prisoner of the Crown holding a Ticket of Leave, accidentally discovered close to the water and concealed under a rock, upwards of 100 hogsheads and quarter casks of spirits.

That, immediately after the discovery of the spirits, Farrell, who had no doubt but that they had been illegally landed, dispatched his servant Tooney on his (Farrell's) horse to Sydney, to inform the customs authorities of the discovery, while he (Farrell) kept watch in order that the spirits might not be removed during Tooney's absence.

It would however appear that upon Tooney's arrival at Sydney, he was met by the water police constables, who, knowing him to be a crown prisoner holding a ticket of leave, brought him to their superior officer, the superintendent of water police, Mr. Brown, and to whom he gave the information which he had been directed by Farrell to communicate to the custom house authorities at Sydney.

That, upon the receipt of this information, Mr. Brown immediately proceeded in the police schooner "Ariel" with a whale boat and armed crew to the Hawkesbury River, on the night of the day on which he received the information, and, by virtue of the deputation which had been granted to him by the collector of this revenue, dated the 11th January, 1841, he succeeded in making seizure of the spirits which had been discovered by Farrell, and which consisted of 98 casks, containing about 2,450 gallons of Brandy, also 29 casks containing 1,480 gallons of Rum; and, upon the 28th June following, he made a further discovery of 9 casks of Brandy in the same neighbourhood; both which seizures are valued at about £2,000 sterling and which Mr. Brown conveyed to Sydney and lodged in the Queen's warehouse at that port.

We beg leave further to state that, after the seizure had been made by the superintendent of water police and brought to Sydney, the collector of customs at that port disputed the legal right and powers of Mr. Brown to make the said seizure, upon the ground that, in granting the deputation, it had been his (the collector's) intention to limit its powers to seize to the harbour of Port Jackson; and that it was only through haste and the hurry of business that he had omitted to define the extent of the authority, which he had intended to confer upon him; and thus, as the collector states, he inadvertently and unintentionally conferred upon Mr. Brown more extensive powers to seize than he had originally intended. The collector under these circumstances proposed to Mr. Brown that he should either make him (the collector) or Mr. Jeffrey, the landing surveyor, joint seizing officers with himself; but to which proposal Mr. Brown did not see fit to accede; and His Excellency the governor having declined to become arbitrator between the parties, the collector made seizure of the goods over the head of the superintendent of water police, upon the ground, as before stated, that he (Mr. Brown) was not legally authorized to seize upon the occasion in question.
With respect to the annexed Copy of a Despatch from the Governor of New South Wales to Her Majesty's principal Secretary of State for the Colonies, we have to express our concurrence in the opinion of the Governor that the question for consideration is whether Mr. Brown had, or had not, under the Deputation which had been granted to him by the Collector with the Governor's concurrence, a legal right to make the seizure; and upon this point we have to submit that Mr. Brown had legal Authority under the Deputation, which he held, to seize the Spirits on the occasion in question; and under the circumstances, whatever the original intention might have been on the part of the Collector to limit the powers of the Superintendent of Water Police to seize within the Harbour of Port Jackson, the Deputation was general and unrestricted in its operation; we consider Mr. Brown to be the Seizing Officer, and as such entitled to the benefit resulting from the said seizure; and that neither the Collector nor the Landing Surveyor are entitled to participate therein.

We beg leave further to state that, as it appeared from the Collector's representation that he had cancelled Mr. Brown's Deputation, we have apprised him that he should have consulted the Governor, and obtained His Excellency's directions previously to his having adopted that course; and we have caused a communication of a similar nature to be addressed to the Governor, informing His Excellency at the same time that, as it appeared from the annexed Copy of his Despatch to Her Majesty's Secretary of State for the Colonies, dated the 30th August last, to be His Excellency's opinion that, in granting to the Superintendent of Water Police a Deputation of the nature in question, the amplest powers should be granted to that Officer (whose jurisdiction as a Magistrate extends throughout the Territory of New South Wales) for the prevention of smuggling which the Laws of Customs would admit of, we had requested him in the exercise of the power vested in him by the Colonial Act, 3d Victoria, No. 3, dated 24th July, 1839, Section 35, to issue his authority to the Party entrusted with the duties of Superintendent of Water Police, conferring upon that Officer the fullest powers to make seizures within such parts of the Government of New South Wales as might appear advisable and expedient.

It may be proper to add that We have signified to Our Collector at Sydney our disapproval of the practice, which has prevailed in that Colony of sending the Landing Surveyor to distance from the Port for the purpose of making seizures, and we have directed the latter Officer to confine himself to his own more immediate and legitimate Duties, Vizt., that of superintending and checking the Water side Officers in the examination of and delivery from Warehouse of Goods subject to duties of Customs, being of opinion that the duty of searching for smuggled Goods on the Coast, or in the interior of the Country, or at a distance from the Port, should devolve upon the Tide Surveyor, the Revenue Cutter, and such Officers as the Governor may see fit to depute for the prevention of Smuggling.

With respect to the latter part of the Governor's Despatch, wherein he states that the Bonds entered into by the parties upon the exportation of the Spirits in question, conditional that they should not be relanded in the Colony, the penalties in which amount to £10,000, have been put in Suit, and that, if judgment be obtained upon them, the value of the seizure will be greatly enhanced. We
have to state that, in the event of the Penalties on the Bonds being recovered, the same would accrue to, and become the property of the Crown, and that neither the Collector (who could only be considered in the light of an Ex Officio Prosecutor) nor the Superintendent of Water Police would be entitled to any portion thereof, without Your Lordships' specific authority, upon a consideration of any special circumstances which might be brought under your Lordships' notice, and which might induce your Lordships to grant some further reward to the Parties concerned beyond their legal share of the proceeds of the seizure; and we will cause a communication to that effect to be made to our Officers in New South Wales accordingly.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 70, per ship Harlequin; acknowledged by lord Stanley. 31st October, 1843.)

My Lord,

Government House, 12th May, 1843.

I have the honor to forward herewith Copies of two letters, which reached me yesterday by the Schooner "Sanspareille" from Tahiti. The first is a letter in the Tahitian and English languages from the Queen, protesting against the late proceedings of the French, and asking protection from the English Government; the second is from the British Consul, enclosing the Queen's letter.

I have also to inform your Lordship that, by a private letter from Captn. Nicholas, I learn that he proposes to remain at Tahiti in Her Majesty's Ship "Vindictive," until the French Rear Admiral Du Petit Thouars shall arrive there.

I cannot look without some degree of apprehension to the consequences which may result from the meeting of these two Officers at Tahiti, in their respective ships, which are nearly of equal force; but my Despatches of the 5th November, 1842, No. 208, and 28th Jany., 1843, No. 21, will shew that I have done all in my power to guard against an event, which might embarrass Her Majesty's Government.

I have, &c,

GEO. GIPPS.

[Enclosure No. 1.]

QUEEN POMARE TO SIR GEORGE GIPPS.

[A copy of the letter in the Tahitian language preceded the following]:—


Papeete, Tahiti, Feb'y., 1843.

O Governor, and The Commander in Chief of New South Wales, and its Dependencies.

Health and peace to you in God. This is what I have to say to you. I am overtaken with great trouble. I am now situated in the Cannon's Mouth of the French.
I never wished the protection of the French; they forced it upon me by frightening me with their Guns at the time of my being heavy in the family way.

The French have Established the New Government, and the New Flag, which never was with my free will or wish. They have put aside my Old Government, and the Flag which Britain gave me.

And now this is what I have to say to you, the Commander in Chief of New South Wales; do not by any means cast me off or forsake me. Assist me in my great trouble. Deliver me from the fear of the French; be quick to my assistance, and to the assistance of the British subjects who reside in my land; be quick and do not delay in assisting me; send a Ship of War and rescue me from Captivity; If I am not quickly assisted in my present great difficulties, I shall be cut in the root of my Government.

I have written letters to the English Admiral (Admiral Thomas) and the Queen of England, appealing for speedy assistance, in sending Ships of War to watch over me that I may not be taken by France.

That the Admiral himself may quickly come, is my wish. Health and Peace to you.

POMARE,
Queen of Tahiti, etc., etc., etc.

[Enclosure No. 2.]

MR. C. B. WILSON TO SIR GEORGE GIPPS.

Sir,
British Consulate, Tahiti, 12th Febly., 1843.

I have the honor to inform your Excellency that, at a meeting of all the Chiefs and people of Tahiti, held on the 5th Inst., Her Majesty Queen Pomare protested against the proceedings of the French in Establishing the present "Provisional Government" and changing the Flag of her Country; and, in the presence of Sir Thomas Thompson, Capt'n. of H.M.S. "Talbot," the Foreign Consul, and Myself, Her Majesty, Chiefs and people appealed to the British Government for protection.

From the statements of Queen Pomare, Her Chiefs, and people at the above meeting, it is evident that the "Provisional Government" of Tahiti has been established through the intrigues of the French Consul and the threats of the Rear Admiral A. Du Petit Thouars.

Her Majesty's Ship "Talbot" arrived here on the 13th Ult. from the South American Station, sent here by the Rear Admiral Thomas, to enquire into the state of affairs. Sir Thomas Thompson has fully investigated the affair and returns immediately to his Commander in Chief with full particulars of the transactions of the French at these Islands.

The present state of affairs at these Islands demand, for British Interest, the presence of a British Ship of War continually.

I have also the honor to enclose to your Excellency a letter with an attested translation attached, addressed to your Excellency by Her Majesty, Queen Pomare, appealing to your Excellency for aid during the unsettled state of Her Majesty's Government.

I have, &c,

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 71, per ship Harlequin.)
My Lord,
Government House, 13th May, 1843.
I have herewith the honor to forward a Copy of the Bill furnished by the Civil Solicitor in this Colony, for Law expenses in the case of the Queen v. Nowlan, which Bill ought to have been forwarded with my Despatch No. 47, of the 5th April last, but was not delivered to me in time to accompany it.
I have, &c,
[Enclosure.]
GEO. GIPPS.

[Enclosure No. 1.] GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 73, per ship Harlequin ; acknowledged by lord Stanley, 18th October, 1843.)
My Lord,
Government House, 15th May, 1843.
With reference to my Despatch No. 60, of the 28th April last, on the subject of a Memorial from Mr. James Ralfe, lately of the Surveyor General’s Department, I have the honor to transmit copies of two further documents, shewing the little estimation in which Mr. Ralfe was held, before I assumed the Government of New South Wales which I did on the 24th February, 1838.
I have, &c,
[Enclosure No. 1.]
GEO. GIPPS.

DEP.-SURVEYOR-GENERAL PERRY TO COLONIAL SECRETARY.
Surveyor General’s Office,
Sir, Sydney, 16th January, 1838.
I have the honor to transmit to you, for the consideration of His Excellency the Acting Governor, the accompanying Letter from Mr. Surveyor Ralfe in reply to one which I addressed to him upon his application (enclosed herewith) for an addition to his pay, to which he considered himself entitled in consequence of the retirement of Mr. Richards from the Public Service.
Whether this augmentation to Salary can be claimed as an established right is not a question for me to determine; but I cannot concur in the view that Mr. Ralfe has taken of the subject, namely that, as a matter of right, an officer steps by his own appointment into a vacancy occasioned by the retirement of one in a grade of Salary above him.
The first paragraph of Mr. Ralfe’s letter now under notice recites generally the substance of my reply to his application for the increase claimed, and in which I adduced only two instances of what appeared to me to be remissness on his part, although many other instances might have been referred to; but I considered that two were sufficient for my immediate purpose, and those I mentioned were glaring cases of neglect.
In reply, however, to a Subsequent application for leave to come to Sydney upon private business, I reminded Mr. Ralfe that there were (69) Sixty nine portions of land in his district requiring to be
measured for Sale, according to the instructions that had been from time to time addressed to him; and His Excellency is aware that the non-measurement of these lands form a subject of constant complaint and frequently of application for permission to withdraw the Selection, thereby occasioning considerable inconvenience in conducting the public business.

As a reason for neglecting to measure the lands applied for long ago by Mr. Bowman, Mr. Ralfe desires me to observe the disposition of the different sections, and states that, owing to the want of information upon the Map furnished from the Office, he has to find the Streams and then to trace them.

It is really painful to follow the whole train of Mr. Ralfe’s reasoning upon such points; but I would merely observe that the information upon the Maps is or ought to be derived from the Surveyors employed in the field; otherwise it would be unnecessary to attach so many assistants to the establishment of the Surveyor General.

As to the garbled quotation from Sir Richard Bourke’s Despatch to Mr. Biddulph, I cannot for a moment imagine that it was intended to vest in the Subordinate Officers of this Department a discretion to neglect their duty; and, as Sir Richard Bourke’s sentiments with respect to the tenor of Mr. Ralfe’s correspondence upon a former occasion have been distinctly expressed, I am sorry to be compelled once more to bring the Subject under notice; but the tone of the present letter seems to render it necessary that I should receive His Excellency’s instructions, which I have accordingly the honor to request. I have, &c.

S. A. Perry,
Deputy Surveyor General.

P.S.—I have several other Letters from Mr. Ralfe written in a Similar Style, but I have generally thrown them aside as unworthy of my attention. S. A. Perry.

On the above Letter the following minute was made by Colonel Snodgrass, then administering the Government of New South Wales:

There is quite enough shown in this Letter of the Deputy Surveyor General to prevent Mr. Surveyor Ralfe’s claim from being entertained favorably, and I cannot consider his letter of the 5th January as written in a proper tone to the Head of the Department.

7 Feb y.

[Enclosure No. 2.]

Dep.-Surveyor-General Perry to Colonial Secretary.

Sir,

In compliance with the importunities of Mr. Surveyor Ralfe, I have the honor to transmit to you for the information of His Excellency the Governor the accompanying letter from that gentleman, urging his claim to increase of salary in consequence of the resignation of a Surveyor Senior to him, and of the advancement of an Assistant Surveyor to the rank of Surveyor. I am unwilling to trouble His Excellency with the voluminous correspondence upon which the decision has been given; but I have merely to state generally that Mr. Ralfe has unfortunately not succeeded in affording that satisfaction in conducting the duties of his District, which would insuire to him the recommendation of the Head of His Department for the customary advantage attendant upon length of service.
With respect to the concluding paragraph of his letter, I can only attribute his failure in bringing up the arrears, of which I felt I had reason to complain, to one cause, viz., that he has chosen to fix his head quarters at one extremity of his District; and I have to observe that, although he states that he has five populous Counties to survey, the whole of his correspondence is dated St. Heliers, while a considerable mass of his work lies at the opposite end of the County beyond.

S. A. Perry, Dy. S. G.

On the above letter, the following Minute was made by Sir George Gipps who had then recently assumed the Government of New South Wales:

It is a general principle that no increase of pay can be granted without the recommendation of the Head of the Department to which the applicant belongs, and there is certainly nothing in the Letter of Mr. Ralfe to justify a deviation from this salutary rule.

10th Apl.

G.G.

LORD STANLEY TO SIR GEORGE GIPPS.

(Sendpatch No. 72, per ship Clara.)

Sir, Downing Street, 16th May, 1843.

I have received a printed Circular, dated the 6th of January, 1843, and signed by Mr. Francis Merewether, the Clerk of the Councils, transmitting copies of the Acts of New South Wales passed in the Session of 1842.

I beg to refer you to my Despatch No. 69 of the 10th Instant, in which I pointed out the irregularity of that mode of communication with Her Majesty's Government.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Sendpatch No. 74, per ship Harlequin; acknowledged by lord Stanley, 19th October, 1843.)

My Lord, Government House, 16th May, 1843.

With reference to my Despatch of the 1st April last No. 43, containing my Report on Norfolk Island, I have the honor hereewith to forward to your Lordship, a copy of a letter which (by the first opportunity after my return to Sydney) I caused to be addressed to Captn. Macconochie, on the subject principally of the Agricultural Department of the Island.

Your Lordship will perceive by the first paragraph of this letter that I have sent to Captn. Macconochie a copy of my Despatch of the 1st April, already referred to.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 16th May, 1843, will be found in a volume in series III.]
GIPPS TO STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Clara.)

Sir, Downing Street, 18th May, 1843.

It is my wish that, in future you should discourage applications from the Public Functionaries serving under your Government for Leave of Absence to return to England on the ground of urgent private affairs, and that you should refuse to comply with any such application, unless you are satisfied that the case is really so urgent as to be all but indispensable. Even in that case, you will limit the duration of Leave of Absence within such a period as the exigencies of the occasion may appear to you to demand.

I have, &c.

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 74, per ship Clara.)

Sir, Downing Street, 19th May, 1843.

I have received your Dispatch No. 220 of the 19th November last, requesting permission to issue letters of Denization to Mr. Nicholas Hyeronimus, a native of the Duchy of Luxembourg.

I have to convey to you Her Majesty's authority for issuing to that Gentleman Letters of Denization under the Local Act of the Colony.

I have, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 75, per ship Harlequin; acknowledged by lord Stanley, 15th March, 1844.)

My Lord, Government House, 19th May, 1843.

In the years 1838 and 1839, a correspondence* took place respecting the working of Coal in the Port Phillip District, which ended by a despatch from Lord Normanby to myself dated the 3d July, 1839 (No. 84), deciding that Coal might be worked in that District notwithstanding the monopoly of the Australian Agricultural Company.

A similar question has recently arisen in respect to Moreton Bay; and, as the cases are precisely the same (save only that Moreton Bay is 300 miles nearer to the Company's Coal Mines), I consider it must be disposed of on the same principle.

Not having, however, authority to act in the matter without the orders of the Secretary of State, I am under the necessity of referring it to your Lordship.

My Lord, Government House, 19th May, 1843.

In the years 1838 and 1839, a correspondence* took place respecting the working of Coal in the Port Phillip District, which ended by a despatch from Lord Normanby to myself dated the 3d July, 1839 (No. 84), deciding that Coal might be worked in that District notwithstanding the monopoly of the Australian Agricultural Company.

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* Marginal note.—From Sir George Gipps, No. 84, 7th June, 1838. From the Secretary of State, No. 9, 12th Jan., 1839: No. 84, 3rd July, 1839.
The case is clearly, I hope, stated in the accompanying Memorandum; and as a copy of that Memorandum has been handed to Captn. King, the Company's Commissioner in New South Wales, the letter of Captn. King, whereof a copy is herewith enclosed, may be considered to embody the objections likely to be urged by the Company against the measure.

I have, &c.,
GEO. GIPPS.

[Enclosure No. 1.]

Minute of His Excellency Sir George Gipps, dated 2nd April, 1843, on the right of the Government to authorize the working of Coal at Moreton Bay.

The Restrictions, imposed upon the Government of New South Wales in consequence of the agreement of the Home Government with the Australian Agricultural Company, are specified in the following words in Sir G. Murray's Despatch to General Darling of the 31st July, 1828, No. 18:—

"His Majesty's Government deem it proper to desire that, for the next 31 years, no Government will Grant or Convey any Coal Mine or Land containing any Coal Mine without a specific exception of the Coal in such Grant or Conveyance, nor afford any assistance in Convict labour for the working of any Coal Mine to any other Company, or to any Individual or Individuals, without the previous sanction of the Government at home, a sanction which would probably be granted if the Company should avail themselves of their Monopoly to impose an exorbitant price upon Coal the produce of their Mines."

2dly. By Mr. Labouchere's Letter to Mr. Brownrigg of the 27th February, 1839, of which a Copy was inclosed to me in Lord Glenelg's Despatch No. 84 of the 3rd July, 1839, it is shewn that the Law Officers of the Crown in England were of opinion that "the Letter, written on the 31st July, 1828, by order of Sir G. Murray to the Company, does not appear to be in any material respect different from the Despatch of the same date from Sir G. Murray to General Darling."

That, although the only circumstance particularly mentioned in the Letter and Despatch of the 31st July, 1828, as likely to induce the Home Government to interfere with the Monopoly of the Company is the sale of Coal at an exorbitant price, yet the power reserved is quite general and might be exercised whenever any circumstances should render it necessary, and in truth, unless the Company mean to say that they will supply Coal in abundance at Port Phillip from their Mines at Newcastle, at the same price at which Coal might be raised and sold from the Mines supposed to exist in the Neighbourhood of Port Phillip, the Law Officers think the case, contemplated by the Despatch of the 31st July, 1828, will have arisen: the excess of Cost occasioned by the Carriage of the Coals 700 miles will make the price at Port Phillip an exorbitant price within the fair meaning of the Parties, when they were settling the terms of the agreement in July, 1828.
GIPPS TO STANLEY.

3. Having the above Papers before him, the Secretary of State authorised me by his Despatch No. 84 of the 3rd July, 1839, to take such measures as might appear most advisable for securing to the Settlers at Port Phillip the benefit of the Mines, situated or supposed to be situated in their District.

4. Substituting only Moreton Bay for Port Phillip and 400 miles for 700, the above Documents may be equally applicable to one place as to the other.

5. But, though there can be no doubt of the nature of the decision which the Secretary of State will give, whenever the case is referred to him, no reference has yet been made, and consequently strictly speaking I am not yet released in respect to Moreton Bay from the restrictions imposed on the Governor by the Despatch of the 31st July, 1828. I can therefore for the present grant no Land without reserving Coal, nor can I grant Convict Labour to assist in working it.

I am not, however, restricted from allowing Coal to be worked by free Labour on Lands, which are ungranted; and such permission (though not an exclusive permission) may be granted to any person making a specific application for it, and paying such a reasonable fee as may be fixed for a License.

I shall forthwith apply to the Secretary of State for permission to extend to the District of Moreton Bay the advantage secured to that of Port Phillip by Lord Glenelg's Despatch of the 3rd July, 1839; and, though in the meantime Deeds of Grant cannot be issued without the reservation of Coal, such reservation may of course be ultimately given up, or annulled as I hope it will be.

2 April, 1843. G.G.

[Enclosure No. 2.]

CAPTAIN KING TO COLONIAL SECRETARY THOMSON.

Sir, Port Stephens, 6th May, 1843.

I have the honor to acknowledge the receipt of your letter of the 27th April, enclosing to me the Copy of a Minute of His Excellency Sir George Gipps, dated 2nd April, with reference to a decision of His Excellency on the subject of working the Coal at Moreton Bay.

As the decision of His Excellency upon the subject has been communicated to me without giving me an opportunity of advancing such arguments against it, as I certainly could have done, it would be disrespectful now to urge them, nor indeed would it avail anything in as much as the measure has been promulgated, and a recommendation been forwarded by His Excellency to Her Majesty's Principal Secretary of State for the Colonies, to sanction an infringement of the stipulations under which the Australian Agricultural Company have been working the Coal Mines at Newcastle.

But I feel it to be my duty, with due deference to His Excellency's authority, to protest respectfully, but in the strongest manner, against the granting of any License to any Company, Individual, or Individuals, to work Coal on any Government ground at Moreton Bay; because such a License would be a direct evasion, and entirely opposed to the fair and equitable reading as well as the spirit and letter of the terms of the agreement between Her Majesty's Home Government and the Directors of the Australian Agricultural Company; and which terms have, in every way, been fulfilled on the part of the Company.

2 April, 1843.

G.G.

Sir G. Gipps to right of coal-mining at Moreton Bay.
HISTORICAL RECORDS OF AUSTRALIA.

It is also my duty to observe that, with reference to the opinions of the Law Officers, as quoted by His Excellency, it has not yet been proved, and I feel convinced that it is not the fact that the cost of freighting Coal to Moreton Bay will be more than the expense of working it there; nor that a case of exorbitancy has been made out to justify the interference of Her Majesty's Secretary of State.

The freight to Port Phillip is more than double (I believe) that to Moreton Bay; and yet, notwithstanding the people there have permission to work their Mines, they get all the Coal they require from Newcastle.

Requesting that you will submit the above to His Excellency at a fitting opportunity.

I have, &c.,

PHILIP P. KING,
Comm'r. of the A. A. Compy.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 75, per ship Clara; acknowledged by Sir George Gipps, 19th December, 1843.)

Sir, Downing Street, 20th May, 1843.

I transmit to you herewith the Copy of a letter which I have received from Mr. H. N. McDougall, complaining of the numerous hardships to which his son is represented to have been subjected by Mr. G. D. Smythe, a Government Land Surveyor, to whom he had engaged himself as an assistant on his arrival in New South Wales.

I have to desire that you will institute an enquiry into, and report to me whether there is any foundation for the charges preferred against Mr. Smythe.

I have, &c.,

STANLEY.

Lieutenant McDougall to Lord Stanley.

My Lord,

Portaskaig Islay, 7th May, 1843.

In consequence of a Letter I had from my Son, Archd. D. McDougall, from Melbourne, N. S. Wales, of 16th Sept. last. I beg leave to trouble Your Lordship to mention for Your Lordship's information what he says; he arrived there in Oct., 1841, and immediately thereafter engaged with G. D. Smythe one of the Govt. Land Surveyors as his assistant; he now says that he had to leave his situation in consequence of the shameful manner in which he was treated by Smyth, and to give in detail the numerous hardships, he endured during the six months' Campaign he had with him, would take up more space than the limited pages of a Letter would contain; suffice it to say, that he placed him on a barren desolate Island in the West Port Bay. in charge of some Tents and some other articles, and made him go there promising to be back in three days to take him off. But he never made his appearance for six weeks; language cannot express, he says, "the misery I suffered, on that horrible spot," and to add to his calamity he was for 6 days without a draft of fresh water.
GIPPS TO STANLEY.

I trust Your Lordship will excuse the liberty I have taken in addressing you with this detail, and beg to request Your Lordship would be pleased to order an Official enquiry on Smyth's inhuman conduct; when my Son was taken off the Island, he could hardly walk half a mile, indeed it was a wonder that he was alive. My Son had very strong certificates of his character from Mr. Campbell of Islay, to whom he was well known, also from Mr. Campbell of Juna, and Capt. McNeill of Collonsay: Major St. John, the head Police Magistrate, and D. C. Simson, Melbourne, can prove the facts as already stated to them by my Son.

May I request the honor of hearing from your Lordship.

I have &c.

H. N. McDougall.
Lt. H.P. 91 Regt.

SIR GEORGE GIPPS TO LORD STANLEY.

(My Despatch No. 76, per ship Talent; acknowledged by Lord Stanley, 28th December, 1843.)

My Lord,

My Lord, Government House, 20th May, 1843.

I propose in my present Despatch to bring before Your Lordship an account of the changes, which have taken place in the Establishment called the Female Factory at Parramatta, since the date of my Despatch to Lord John Russell, No. 142 of the 1st October, 1840; and, in so doing, I shall have occasion incidentally to touch on the subject of the treatment in general of Females under sentence of Transportation in this Colony.

2. In my Despatch above mentioned of the 1st October, 1840, I reported,

1st. The erection of a range of Cells, for the purpose of affording the means of placing a portion of the Women in separate confinement.

2ndly. The means which I had resorted to for affording employment for the Women, and the profit which had been derived from it.

3rdly. The number of Women and Children who had been in the Factory on the first day of each Quarter from the 1st January, 1837, to the 1st September, 1840.

4thly. My reasons for desiring the abolition of assignment (especially in Sydney).

5thly. That I had restricted the issue of what are called 1st Class Rations to 130 Women.

6thly. The reasons why I did not consider it desirable to appoint a Committee of Ladies to superintend the Institution.

3. In my present report, it will not be necessary to take up the different subjects exactly in the same order; and, as Lord John Russell in acknowledging the receipt of my Despatch, expressed an expectation, that (Transportation having ceased) the number
of Female Convicts in the Factory would speedily be diminished, I think it right to commence by explaining why the expectations of His Lordship have as yet been only partially fulfilled.

4th. The chief reason is that assignment has been discontinued, as well as Transportation; and that consequently Female Prisoners are discharged from the Factory only on obtaining their freedom, or Tickets of Leave, instead of, as formerly, to assigned service; whilst, notwithstanding the discontinuance of Transportation, there is still a constant influx of Women into the Factory, in consequence of the cancellation of Tickets of Leave, or the withdrawal of Women from Private service on account of their own misconduct, or of their illtreatment by their Assignees. I need scarcely add that, much as I may desire to reduce the number of Women in the Factory, I cannot issue Tickets of Leave to those who have not been in the Colony the terms, required by the Clause so often complained of in the 2d and 3d Gul. IV, Ch. 62.

5. The accompanying Return (marked No. 1) is a continuation of the one which was furnished with my Despatch of the 1st October, 1840. It shews the number of women and Children in the Factory, on the first day of each month, from the 1st March, 1840, to the 1st May, 1843; and, from it, your Lordship will perceive that the number of Women in the Factory reached its maximum (1,203) in the month of July, 1842, since which it has been reduced to its present number 569.

6. But, although the increase of the number of women is chiefly to be attributed to the abolition of assignment, there was another cause acting concurrently with it, namely, the great Immigration into this Colony which took place in the latter part of 1841, and the beginning of 1842, and which rendered it more difficult than it formerly had been for convict Women, holding Tickets of Leave, to obtain employment. It was not until after this rapid Immigration had ceased, and the effects of it had in part worn off (or until about the month of July, 1842) that I could venture to allow Women in any considerable numbers to leave the Factory with Tickets of Leave; and even then, the holders of such Tickets were rapidly returned by the Magistrates, either as Vagrants, or for punishment in consequence of misconduct.

7. The crowded state of the Factory, which had ensued, produced discontent among the Inmates of it; and I soon became aware that, by the abolition of assignment, the condition of a Female Convict had become far more irksome than it formerly was. Representations, praying for the revival of assignment, were made to me almost every time I visited the Factory; but no
spirit of insubordination manifested itself, until about the month of October, 1842, when, on my visiting the establishment on my return from a journey into the interior, I found the Women in a state of great excitement. Their manner of addressing me was still respectful; but there was an air of determination in it which was altogether novel; and the peculiar hardship of their condition was, I perceived, perfectly understood by them. They represented that they had been sentenced to be Transported, but not to be imprisoned after Transportation; and contrasted (and I must say, with great force and truth) their condition with that of Women in the Penitentiary at Milbank, in which, it seemed some of them had been for prior offences imprisoned. They represented to me (and very correctly) that service in the Penitentiary of 3, 4 or 5 years respectively is by Law (7th Wm. IV and 1st Vict., C. 13) equal to Transportation for 7 years, for 14 years, and for life, whilst, in New South Wales, a Woman, instead of the said period of 3, 4, and 5 years, has after having been Transported, to serve 4, 6 or 8 years in a place (meaning the Factory) where the discipline is as severe as in the Penitentiary, and the privations and discomforts greater. Moreover that, after having served these 4, 6, or 8 years, she does not become free of her sentence (as is the case after service in the Penitentiary) but only becomes eligible for a Ticket of Leave, which may be cancelled at any hour.

8. Under these circumstances, I caused, in the beginning of November last, a Board to assemble for the purpose of enquiring into the actual condition of the Factory, and the complaints of the Women, the Board being composed of the Deputy Commissary General, the Principal Superintendent of Convicts, and a Medical Officer, all Servants of the Home and not of the Colonial Government. A Copy of the report made to me by these Officers is enclosed (appendix No. 2); and your Lordship will perceive that in it they represent very strongly the increased hardships to which the Women had become exposed, since the cessation of Assignment, and point out the necessity of ameliorating the condition of the Women, first by rendering the Building less crowded, secondly, by affording a better diet, and some few additional indulgences to those who must remain in it.

9. I immediately adopted the recommendation of the Board in respect to the diet of the Women, and endeavoured to reduce their numbers by a still more extensive issue of Tickets of Leave; but, this proving insufficient, I was driven to have recourse in February last, to what may be called a modified sort of assignment, or in other words, the placing of women in private service at such wages as I approved, instead of leaving them to seek employment for themselves, which they are allowed to do, when
Modified system of assignment adopted.

Orders re rations.

Inability to force due to fulfilment of contracts for provisions.

Ration for female convicts of third class.

1843.
20 May.

HISTORICAL RECORDS OF AUSTRALIA.

holding Tickets of Leave. The plan which I adopted is detailed in the Paper marked No. 3, in the appendix to this Despatch; and it will be seen that the object of it is to place Women in a condition which may be called midway between that of an assigned servant and the holder of a Ticket of Leave. Up to this time, 234 Women have been placed in private service on this plan, and the result seems as yet to be satisfactory.

10. In my Despatch of the 1st October, 1840, I reported that I had limited the issue of what are called first Class Rations to 130 of the best behaved of the Women, and had placed all the rest on the lower Ration, called that of the 3rd Class. This order, I, in November last, on the recommendation of the Board rescinded. In 1839, when I gave the order, the Women had for the first time the opportunity afforded to them of earning money, with which to purchase extra provisions for themselves. I hoped that the money they so earned (the sixth part of the profits on their needlework and washing) would be a sufficient compensation to them for the reduction in their ration; and so I am disposed to think it would have proved, had the Rations delivered to them been such as they were entitled to; but, in the year 1842, the contract had been taken at a very low rate, namely, 3½d. per diem for rations to women in the first and second classes and 2½d. in the 3d class; and the regulations of the Commissariat were found insufficient to ensure the delivery of articles of proper quality. The bad quality of the provisions is strongly commented on in the report of the Board, and the appearance of Scurvy among the women is in great part attributed to it.

11. Without the power of absolute rejection of articles not according to the contract, it is impossible, I believe, ever to make a Contractor honestly fulfil his engagements; yet this power is not, by the regulations of the commissariat, reserved even to the highest officer of the Government, or to the Governor himself; but, in case of any dispute about the quality of the rations, the Contractor is entitled to demand a reference to Arbitrators, who, I need scarcely say, in nine cases out of ten will decide against the Government. I have had very frequent and serious conversations with the Officer in charge of the Commissariat on this subject; and it has only been from the apprehension of materially increasing the Contract prices, that I have abstained from bringing the matter formally before Her Majesty’s Government.

12. The Ration for a Woman of the third class is:

- Bread, 12 ounces daily; Fresh Meat, 4; Maize Meal, 12;
- Vegetables, 8; Salt, ½; Soap, ¼;

and if delivered of sound and good quality is not, I think, insufficient for the maintenance of a Female Prisoner.
13. Another amelioration, which I introduced into the Factory, was the allowance of a small sum of money, never exceeding 10s., to enable a Woman, on her obtaining a Ticket of Leave, to proceed to the place of her destination, that is to say, to the part of the Colony, wherein it was expected that she would have the chance of maintaining herself respectably.

Whilst assignment lasted, few women got their Tickets direct from the Factory; but latterly great numbers of Women (sometimes from 20 to 50 in a week) have been discharged with Tickets from that Establishment; and it is essential to remark that a Woman in assigned service, on acquiring her Ticket, very frequently remains in the hired service of her former Assignee; and, though she may not do so, she has in her assigned service had the means of making Friends or acquaintances, so that she will seldom, on obtaining her Ticket, be altogether friendless; but that Women discharged from the Factory with Tickets of Leave are in very many cases absolutely friendless; and it is scarcely possible for them by any honest means to maintain themselves without assistance, during the first few days of their liberty.

In consideration of these circumstances, I, with the advice and concurrence of my Executive Council, caused an order to be embodied into the Regulations of the Factory, of which a copy is given, in Appendix No. 4. The Money (never exceeding 10s.) is however seldom given to the woman herself, but laid out for her benefit.

14. I have as yet only spoken of the discontent of the Women, but I have to add that on one occasion they broke into open violence. On the evening of the 17th February, 1843, two Women were discovered by the Sub-Matron to have scorched themselves for the purpose of escaping or of endeavouring to escape; and, on being ordered into confinement, they called for assistance to the Women who had just been locked up for the night, in one of the large Wards or sleeping apartments of the Establishment. The Women in this Ward, to the number of above 100, having succeeded in forcing the door, rushed out to their assistance, though they were too late to prevent their being safely deposited in the Cells. A regular riot then ensued, which was not quelled until not only the Police, but the Military also, had been called in. A number of Windows and doors were broken, and the Chief Constable received a contusion in the side; but no more serious mischief was done, and about eighty of the rioters were secured before daylight, either in the Cells of the establishment or in the Gaol of Parramatta, which is distant less than a quarter of a
1843.
20 May.

Riot in female factory.

Discontinuance of assignment.

Decrease of crime due to abolition of assignment.

15. Having thus spoken of the inconvenience which arose out of the abolition of assignment, it is only right that I should mention one great advantage which flowed from it, namely, a remarkable diminution in the amount of crime, and consequent punishment among the Women. But, before I enter on this subject, it seems to me proper to repeat a remark which I made on a former occasion, viz., that Women are confined in the first and second Classes of the Factory in consequence of their European sentences only, and not fresh offences committed in the Colony, in fact, that simple confinement in either of these classes is not punishment in the Colonial sense of the word, but is (since the abolition of assignment) the ordinary condition of Female Convicts in New South Wales. The Women in the 3rd or penal Class of the Factory are the only ones undergoing punishment for offences committed in the Colony.

16. So long as assignment lasted, Women were constantly passing in and out of the Factory, that is to say, women in assignment were constantly brought by their assignees before the Magistrate, and by the Magistrate sentenced to punishment in the Factory, to be on the completion of it returned to their assignees; but when assignment ceased, though those who had been assigned were not withdrawn, yet Women sent to the Factory for punishment were not returned to their former service, but, on completion of their punishment, passed from the 3rd into the first or second Class of the Factory; the consequence of which was that Assignees became on the one hand more careful how they brought their assigned Women before a Magistrate, and the Women themselves, knowing that if sent to the Factory they would not get out of it again until entitled to a Ticket of Leave, began to have a more salutary dread of being sent there.

17. The Assignment of Women in Sydney was discontinued in April, 1841, and throughout the Colony generally on the 1st December in the same year; and the effect of its discontinuance is strikingly shown in the Return herewith marked Appendix No. 5.

There were, in the two first months of 1841, upwards of 600 Women in the Factory undergoing punishment for offences...
GIPPS TO STANLEY.

committed in the Colony, whilst on the first day of the present
month (May, 1843) there were only 72, the number having
been as low as 34 at the end of November, 1842.

18. In my Despatch of the 1st October, 1840, I reported the
measures which I had adopted for giving employment to the
Women, and furnished an account of the earnings of their
labour, which was then confined to needlework only. I have
since provided considerable employment for them by Washing
for the Public; and I have the satisfaction to Report to your
Lordship that, since the first introduction of Needlework into the
Establishment in 1839, and of washing in 1841, the large sum of
£7,597 13s. 6d.* has been paid into the Commissariat Chest of
this Colony, the whole of which has been credited to the Public;
though as an offset against the amount £3,986 15s. 5d. earned for
washing is to be reckoned the expense of Soap, Fuel, etc.,, and
the indulgences granted to the Women who actually performed
the work, amounting to about one third of the whole sum. It
is from Needlework and Washing that this sum (£7,597 13s. 6d.)
has entirely been derived. In respect to the Needlework, the
only deduction to be made from the gross amount earned (£3,610
18s. 1d.) is the one sixth part allowed to the Women themselves,
and a small sum for contingent expenses; but, in respect to
Washing, about 19 per cent. on the gross receipts is first to be
deducted for the expense of Fuel, Soap, etc.,, and one sixth of
the remainder, which is allowed to the Women themselves.

Considerable quantities of Needlework have also been done by
the Women for different Departments of Government, for which,
as stated in my Despatch of the 1st October, 1840, no charge is
made; and some money has been earned by them in picking
Oakum; but, as there is scarcely any profit on this species of
work, it is not taken into account in the foregoing statement.

19. According to an approximate calculation made by the As-
sistant Commissary of Accounts, from the whole sum of £7,597
13s. 6d. paid into the Commissariat Chest, the following deduc-
tions should be made:—

<table>
<thead>
<tr>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To cover the expense of Fuel, Starch, Soap, etc.</td>
<td>1,098</td>
<td>9</td>
</tr>
<tr>
<td>Indulgences granted to the Women in the shape of extra issues of Bread, Sugar, etc.</td>
<td>1,210</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>£2,309</td>
</tr>
</tbody>
</table>

Which deducted from

Leaves a net profit up to the 31st December,
1842, of

| £ | 5,288 | 6 | 1 |

* Marginal note.—Needlework, £3,610 18s. 1d.; Washing, £3,986 15s. 5d.—
£7,597 13s. 6d.
20. I have earnestly been solicited by the Steward and Matron of the establishment to allow to them some per centage on this sum; and, as their labour and responsibility have been greatly increased since the first introduction of Needlework into the establishment, I have promised to bring their application under the consideration of your Lordship. It is doubtless desirable that the Chief Officers of the Establishment should have an interest in the work performed at the Factory, in order that it may be carefully done; and also that they may exert themselves to obtain as much employment as possible for the Women.

An allowance of 5 per cent. on the net amount, credited to the Public, would produce (on £5,288) £264; and if I were authorised to give this sum in gratuities, I would propose that it should be thus divided:

To the Matron 2 per cent., £105 12s.; To the Sub-matron 1 do, £52 16s.; To the House Steward, £105 12s.—£264; sums which can scarcely be called large when it is considered that they are the reward of more than three years' labour.

In order, however, that the question may be fairly before your Lordship, I think it right to state the salaries and advantages which they respectively enjoy.

The House Steward and the Matron (Man and wife) have accommodation for themselves and family in the building, but no Rations, and a salary between them of £300 a year.

Sub-Matron has accommodation in the building, and a Salary of £75 per annum, but no ration or other allowance.

I have, &c.,

GEO. GIPPS.

[Appendix No. 1.]

NEW SOUTH WALES.

RETURN of the Number of Women and Children in the female Factory at Parramatta on the first day of each month from the 1st March, 1840, to the 1st May, 1843.

<table>
<thead>
<tr>
<th>Month</th>
<th>Women</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st March</td>
<td>870</td>
<td>258</td>
</tr>
<tr>
<td>&quot; April</td>
<td>829</td>
<td>261</td>
</tr>
<tr>
<td>&quot; May</td>
<td>768</td>
<td>260</td>
</tr>
<tr>
<td>&quot; June</td>
<td>713</td>
<td>267</td>
</tr>
<tr>
<td>&quot; July</td>
<td>707</td>
<td>274</td>
</tr>
<tr>
<td>&quot; August</td>
<td>745</td>
<td>284</td>
</tr>
<tr>
<td>&quot; September</td>
<td>850</td>
<td>353</td>
</tr>
<tr>
<td>&quot; October</td>
<td>841</td>
<td>364</td>
</tr>
<tr>
<td>&quot; November</td>
<td>791</td>
<td>370</td>
</tr>
<tr>
<td>&quot; December</td>
<td>790</td>
<td>372</td>
</tr>
<tr>
<td>1841</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st January</td>
<td>844</td>
<td>278</td>
</tr>
<tr>
<td>&quot; February</td>
<td>918</td>
<td>396</td>
</tr>
<tr>
<td>&quot; March</td>
<td>967</td>
<td>396</td>
</tr>
<tr>
<td>&quot; April</td>
<td>895</td>
<td>398</td>
</tr>
<tr>
<td>&quot; May</td>
<td>871</td>
<td>398</td>
</tr>
<tr>
<td>&quot; June</td>
<td>929</td>
<td>403</td>
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<tr>
<td>&quot; July</td>
<td>887</td>
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<tr>
<td>&quot; August</td>
<td>902</td>
<td>390</td>
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<tr>
<td>&quot; September</td>
<td>889</td>
<td>400</td>
</tr>
<tr>
<td>&quot; October</td>
<td>906</td>
<td>329</td>
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<tr>
<td>&quot; November</td>
<td>929</td>
<td>329</td>
</tr>
<tr>
<td>&quot; December</td>
<td>942</td>
<td>291</td>
</tr>
</tbody>
</table>
RETURN of the Number of Women and Children, etc.—continued.

<table>
<thead>
<tr>
<th>Year</th>
<th>Women</th>
<th>Children</th>
<th>Year</th>
<th>Women</th>
<th>Children</th>
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</thead>
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<tr>
<td>1842</td>
<td>1,027</td>
<td>290</td>
<td>1843</td>
<td>1,182</td>
<td>283</td>
</tr>
<tr>
<td>1st January</td>
<td>1,027</td>
<td>290</td>
<td>1st October</td>
<td>1,182</td>
<td>283</td>
</tr>
<tr>
<td>February</td>
<td>1,085</td>
<td>301</td>
<td>November</td>
<td>1,089</td>
<td>266</td>
</tr>
<tr>
<td>March</td>
<td>1,123</td>
<td>299</td>
<td>December</td>
<td>877</td>
<td>222</td>
</tr>
<tr>
<td>April</td>
<td>1,171</td>
<td>299</td>
<td>April</td>
<td>1,171</td>
<td>299</td>
</tr>
<tr>
<td>May</td>
<td>1,154</td>
<td>277</td>
<td>May</td>
<td>1,154</td>
<td>277</td>
</tr>
<tr>
<td>June</td>
<td>1,183</td>
<td>252</td>
<td>June</td>
<td>1,183</td>
<td>252</td>
</tr>
<tr>
<td>July</td>
<td>1,083</td>
<td>263</td>
<td>July</td>
<td>1,083</td>
<td>263</td>
</tr>
<tr>
<td>August</td>
<td>1,190</td>
<td>261</td>
<td>August</td>
<td>1,190</td>
<td>261</td>
</tr>
<tr>
<td>September</td>
<td>1,188</td>
<td>272</td>
<td>September</td>
<td>1,188</td>
<td>272</td>
</tr>
</tbody>
</table>

Returns of women and children in female factory.

[Appendix Nos. 2 and 4.]

[Copies of these papers are not available.]

[Appendix No. 3.]

FEMALE SERVANTS.

Colonial Secretary's Office, Sydney. 28th Feb., 1843.

His Excellency the Governor having approved of an arrangement, proposed by the Visiting Justice of the Female Factory, for placing some of the best conducted Women in private service, the same is to be carried into effect, under the following Regulations:

1st. Applications for servants are to be made direct to the Visiting Justice of the Factory, and must be recommended by at least one Magistrate or Clergyman, who will take care that the applicant is of unexceptionable character.

2nd. The Master or Mistress will be required to pay to the Servant wages varying from £8 to £10 a year, to be fixed by the visiting Justice, according to her qualifications; and every application must contain an engagement to that effect.

3rd. The Servant, after being six months in service, will be allowed to change her situation by giving one month's notice, but the change will only be allowed under the sanction of the Police Magistrate, or Bench of Magistrates of the District, who will take care that the prisoner does not engage with any one, who is not of an unexceptionable character, and that the transfer is immediately reported to the Principal Superintendent of Convicts.

4th. If the Woman should not, at the expiration of the Month's Notice, have secured another approved situation, she is to be returned through the Bench of the District to the Female Factory, and a sum not exceeding ten shillings is to be deducted from her wages, and paid by her employer, to pay the expense of her conveyance.

5th. In like manner, the Master or Mistress, after six months, may give the servant notice of one month, to enable her to provide another situation; and, if unable to procure other employment, she is to be returned through the Bench of the District to the Female Factory; a charge not exceeding ten shillings, at the discretion of the Bench, being made on her employer to cover the expense of her conveyance to Parramatta.

6th. If any Woman in service should misconduct herself, she is to be taken before the Bench of the District; and no servant returned to the Factory for punishment will be again placed in private service for at least twelve months; but no charge in such case will be made on the employer.

7th. Persons, receiving servants under these Regulations, will be required to pay before receiving them, the sum fixed in the Regulations of 29th Novr., 1840, viz., 10s. in Sydney, and 5s. in any smaller Town.

By His Excellency's Command,

E. Deas Thomson.
### NEW SOUTH WALES.

**RETURN shewing the number of Women in the Female Factory at Parramatta, under punishment for offences committed in the Colony, on the last day in each month in the years 1839, 1840, 1841 and 1842, and the four first months of 1843.**

<table>
<thead>
<tr>
<th>Month</th>
<th>Confined in cells</th>
<th>Waiting for confinement, the cells being filled</th>
<th>Under other descriptions of punishments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>9</td>
<td>None</td>
<td>333</td>
<td>341</td>
</tr>
<tr>
<td>February</td>
<td>8</td>
<td>..</td>
<td>313</td>
<td>361</td>
</tr>
<tr>
<td>March</td>
<td>8</td>
<td>..</td>
<td>347</td>
<td>350</td>
</tr>
<tr>
<td>April</td>
<td>8</td>
<td>..</td>
<td>374</td>
<td>382</td>
</tr>
<tr>
<td>May</td>
<td>8</td>
<td>..</td>
<td>358</td>
<td>396</td>
</tr>
<tr>
<td>June</td>
<td>11</td>
<td>..</td>
<td>357</td>
<td>385</td>
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<tr>
<td>July</td>
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<td>..</td>
<td>330</td>
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<td>August</td>
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<td>..</td>
<td>319</td>
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</tr>
<tr>
<td>September</td>
<td>45</td>
<td>..</td>
<td>275</td>
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<td>October</td>
<td>59</td>
<td>..</td>
<td>292</td>
<td>291</td>
</tr>
<tr>
<td>November</td>
<td>39</td>
<td>..</td>
<td>208</td>
<td>247</td>
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<tr>
<td>December</td>
<td>47</td>
<td>..</td>
<td>252</td>
<td>299</td>
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<td>February</td>
<td>72</td>
<td>33</td>
<td>173</td>
<td>276</td>
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<td>72</td>
<td>44</td>
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<td>371</td>
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<td>April</td>
<td>72</td>
<td>37</td>
<td>152</td>
<td>264</td>
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<td>May</td>
<td>72</td>
<td>45</td>
<td>149</td>
<td>296</td>
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<tr>
<td>June</td>
<td>72</td>
<td>46</td>
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<td>277</td>
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<tr>
<td>July</td>
<td>72</td>
<td>57</td>
<td>121</td>
<td>350</td>
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<td>August</td>
<td>72</td>
<td>169</td>
<td>50</td>
<td>391</td>
</tr>
<tr>
<td>September</td>
<td>72</td>
<td>182</td>
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<td>72</td>
<td>104</td>
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<td>255</td>
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<td>176</td>
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<td>December</td>
<td>72</td>
<td>241</td>
<td>234</td>
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</tr>
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<td></td>
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<td>January</td>
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<td>226</td>
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<td>72</td>
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<td>370</td>
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<td>June</td>
<td>44</td>
<td>None</td>
<td>243</td>
<td>396</td>
</tr>
<tr>
<td>July</td>
<td>34</td>
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<td>September</td>
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<td>October</td>
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<td>264</td>
<td>380</td>
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<td>November</td>
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<td>None</td>
<td>277</td>
<td>349</td>
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<tr>
<td>February</td>
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<td>April</td>
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<td>May</td>
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<td>906</td>
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<td>June</td>
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</tr>
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<td>44</td>
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<td></td>
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<td>January</td>
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<td>61</td>
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<tr>
<td>February</td>
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<tr>
<td>April</td>
<td>5</td>
<td>..</td>
<td>67</td>
<td>72</td>
</tr>
</tbody>
</table>

* Marginal note.—The new Range of cells was first occupied in this month.
† Marginal note.—The increase in the number confined in cells in this month was occasioned by the Riot in the Factory spoken of in Paragraph 14 of the Despatch.
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 77, per ship Talent; acknowledged by Lord Stanley, 16th March, 1844.)

My Lord,

Government House, 20th May, 1843.

Having in my Despatch of this day's date, No. 76, reported on the present state of the Female Factory, or (more properly speaking) Prison at Parramatta, the present seems to me a proper opportunity to reply to your Lordship's Despatch No. 118 of the 28th May, 1842, wherein, on the supposition, that the power of placing Females in separate confinement did not exist in New South Wales, I was directed to propose to the Legislative Council the passing of an Ordinance, which should contain enactments similar to those of the 2nd, 3rd, and 4th Clauses of the 2nd and 3rd Vict., Ch. 56.

I beg leave consequently to report to Your Lordship that the statutory 10th Clause of the Prison Act of this Colony (4th Vict., No. 29, punishment passed the 16th December, 1840) embodies the substance of the three sections alluded to in the 2nd and 3rd Vict., Ch. 56.

The Home Inspectors of Prisons appear to have been led to mistake by suppose that such powers did not exist in this Colony by a passage in my Despatch, No. 205, of the 10th October, 1841, wherein I stated that, since light had been admitted into the Cells, and imprisonment in dark cells had been declared illegal, the Judges had no power to punish a woman convicted before them of any second offence (short of Murder) in any severer degree, than I formerly considered I had the power to punish women, who had committed no second transportable offence, but had been guilty only of irregularity in the Factory; I would however beg leave to point out that neither the 9th Clause of the Local Act (4th Vict., No. 29) nor the 2nd, 3rd, and 4th Clauses of the Imperial Act, 2nd and 3rd Vict., Ch. 56, confer any powers on the Judges, the powers granted by them being vested (if I rightly construe the Acts) in the Gaolers, Visiting Justices, or persons having the immediate control of the Gaol, and in New South Wales, virtually in the Executive.

I failed, however, in my Despatch of the 10th October, 1841, to point out that the Judges have, under the 3rd Vict., No. 22, even as altered by the 5th Vict., No. 3, a power which I never exercised or claimed, viz., that of directing a Woman to be placed on bread and water for periods of 20 days at a time.

To give to the Judges the power of sentencing Women to long periods of either solitary or separate confinement would be very inconvenient, and might entail on the Government the necessity of building a vast number of additional Cells.
As some misapprehension may still exist as to the punishments which can legally be inflicted on Women in the Female Factory, I beg leave to offer the following explanations.

The Prisoners are of two descriptions, 1st, Women who are undergoing no other sentence than that of Transportation, pronounced on them in Europe, but who, not having served the periods required by the 2nd and 3rd Wm. IV, C. 62, are not eligible for Tickets of Leave, and who consequently are detained in the Factory, simply because they cannot otherwise be disposed of. These Women may be placed in the small Cells for refractory conduct, and on bread and water for any period not exceeding three days; or they may, either for refractory conduct or habitual irregularity, be placed for any length of time in the larger Cells (that is to say, in what is called separate confinement, in contradistinction to Solitary); but, whilst in such separate confinement they are not on bread and water, their treatment being, I believe, the same as that to which Women are subjected in the Inspectors' Prisons in England. These same Women, being already Convicts, may also, for any offence such for instance as pilfering or rioting in the Factory, be tried under the summary Punishment Act of the Colony, 3rd Wm. IV, No. 3, before a Magistrate (or two Magistrates, if the case be serious) but without a Jury; and, if convicted, they immediately fall into the Class of Prisoners, who are undergoing a second punishment, cumulative on the first.

2. The second Class of Prisoners (or as it is generally called the 3rd, because the second Class consists of Women, who are distinguished from the rest only by their having Children at the breast) consists of Women, who are labouring under sentences pronounced on them for offences committed in the Colony, which sentences are, by the 34th Sec. of the 3rd Gul. IV, No. 3, cumulative on the first, whether pronounced in the Supreme Court, at Quarter Sessions, or by Magistrates, as before mentioned, exercising summary Jurisdiction. Women, who are thus suffering under a second or cumulative sentence, are the only ones who can be placed in the small Cells for more than three days; but even Women of this class cannot be kept in the small Cells for more than 20 days at a time, though, since light has been let into them, they are sometimes (and especially in cold weather) considered more comfortable than the larger ones.

Confinement in the 3rd Class (as it is called) of the Factory is also a cumulative punishment for transported Women, convicted of Offences in the Colony; and, though by Law this confinement ought to be accompanied with hard labour, it is in practice only simple confinement on a lower ration than that of
the first and second classes, and it does not carry with it imprison-
ment in the cells. Before the range of 72 Cells was built, that is to say, before the year 1839, this simple confinement in the 3rd Class was the most common punishment to which women were subjected; but, since the completion of the Cells in 1839, it has been less frequently resorted to, though it is still a legal punishment. The chief effect of it is that the time, which a woman is kept in the 3rd Class, is not reckoned in the working out of her European sentence; so that a woman, sentenced in England for seven years, may in consequence of a number of such cumulative sentences be eight or ten years or even longer in the Colony, before she becomes free.

In conclusion, I have to remark that I have spoken in this Des-patch only of Women who came to the Colony in the condition of Convicts.

The Law in respect to other women is much the same as in England, and their punishment also the same; and they may in the ordinary Gaols of the Colony be placed in separate confine-
ment (as well as men) under the 9th Clause, already spoken of, of the Local Prison Act, 4th Vict., No. 29. I have, &c.

GEO. GIPPS.
I regret that, in consequence of an oversight on the part of the Clerk who copied the report, the transmission of it, which ought to have taken place in January last, has been delayed until now.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this report is not available.]

Lord Stanley to Sir George Gipps.

(Despatch No. 76, per ship Clara.)

Sir, Downing Street, 22 May, 1843.

I have received and have laid before The Queen Your Despatch No. 172 of the 19th September last, submitting for the Royal Allowance Two Private Acts, passed by the Legislative Council of New South Wales during their Session of 1842, Vizt., An Act entitled “An Act for facilitating proceedings by and against a certain joint Stock Company called the Australasian Sugar Company and for other purposes therein mentioned,” and an Act entitled “An Act to enable the Trustees for the time being of the will of Samuel Foster, late of Birmingham, Gentleman, deceased, to grant leases of Land in the Colony of New South Wales.”

I have received The Queen’s Commands to signify to you that Her Majesty has been pleased to confirm and allow these Acts.

With reference however to the first of these Acts, I wish to point out to you the inexpediency of giving in future any encouragement of Companies established for Trading purposes as contradistinguished from Insurance Companies and Banking Institutions, unless the purposes are such as require necessarily a large Capital and a numerous Association of persons.

I have, &c.,

Stanley.

Sir George Gipps to Lord Stanley.

(Despatch No. 80, per ship Talent.)

My Lord, Government House, 24th May, 1843.

Having had the honor, on the 27th February last, to receive your Lordship’s Despatch, No. 192 of the 22nd September, 1842, enclosing a copy of an application from Messrs. F. Huth and Co. on the part of Mr. Meinertzhagen of Sydney, I lost no time in causing enquiry to be made, respecting the alleged application from Mr. Meinertzhagen for Letters of Denization, and I ascertained from Mr. Meinertzhagen that no application
1843. 24 May.

Proposed letters of denization for H. Meinertzhagen.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 77, per ship Clara.)

Sir,

Downing Street, 25th May, 1843.

I have received your Dispatch No. 214 of the 16th of November last, and, under the circumstances which you have reported, I approve of the Leave of absence which you have granted to Mr. Justice Willis to enable him to return to Europe for the recovery of his health. I do not perceive however any sufficient reason for authorizing any increased charge on the Colony on account of Mr. Willis's absence, and unless I learn that Mr. Willis consented to waive the whole of his Salary during his leave, or unless the result of enquiries to be hereafter made shall satisfy me that Mr. Willis's return in the Character of a Judge cannot be permitted, I fear that I must decline to sanction the engagement into which you have entered for allowing Mr. Manning the full salary of the Office. In any case, you will understand that Mr. Manning's appointment must be considered only temporary.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 81, per ship Talent.)

My Lord,

Government House, 26th May, 1843.

I have had the honor to receive your Lordship's Despatch, No. 209 of the 15th November, 1842, by which I was authorized to pay Bounties on the Emigrants by the Ship "Sir Charles Napier," notwithstanding that the Vessel did not sail from England until after the 1st November, 1841.

I have the honor to enclose herewith a copy of the letter which, in consequence of the receipt of your Lordship's Despatch, I
1843.
26 May.

Inability to pay bounties on immigrants per ship Sir Charles Napier, caused to be written to the Agents of the “Sir Charles Napier” in Sydney, and for the reasons which still operate to prevent the payment of Bounties on the Emigrants by this Vessel, I beg leave to refer to my own Despatch, No. 111 of the 26th June, 1842.

I have, &c,

GEO. GIPPS.

[Enclosure.]

COLONIAL SECRETARY THOMSON TO MESSRS. GILCHRIST AND ALEXANDER.

Colonial Secretary's Office, Sydney, 5th May, 1843.

Gentlemen,

With reference to the conversation which the Governor had with Mr. Gilchrist on Monday last, respecting the claim of Mr. Reid of Glasgow to Bounties on Emigrants by the Ship “Sir Charles Napier,” and also to the Letter which was written to you from this Office on the 20th of June, 1842, I am directed by His Excellency to state that, having received a Despatch from the Secretary of State dated the 15th November, 1842, certifying that the departure from England of the “Sir Charles Napier” after the 1st of November, 1841, was sanctioned by the Commissioners of Colonial Land and Emigration, the difficulty in respect to the payment of the Bounties on those Emigrants is removed so far as that difficulty rested on the fact of the Ships having sailed after the said First day of November, 1841. The other reasons for withholding the Bounties remain however, His Excellency regrets to say, in full force; and they must still prevent His making any payment on account of the Emigrants in question, except under the direction of the Secretary of State, to whom the whole matter was referred by a Despatch from Himself dated the 26th June, 1842, which left Sydney by the Ship “Anne” on the 13th July, and a Duplicate of the same by the “Honduras” on the 2nd of September last.

I have, &c,

E. DEAS THOMSON.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 78, per ship Clara; acknowledged by Sir George Gipps, 28th November, 1843.)

27 May.

Despatches and memorial received.

Sir,

Downing Street, 27th May, 1843.

I have received your Dispatches Nos. 111 and 153 of the 26th of June and 1st of September, 1842, reporting the circumstances under which you had refused to pay Bounties on the Emigrants imported into New South Wales in the name of Mr. Francis Reid of Glasgow by the Ship “Sir Charles Napier.” I have also received a Memorial from Messrs. Lockett of Liverpool, the owners of the Vessel, a Copy of which I enclose.

On a consideration of these papers, there appears to be no doubt that a great part of the Emigrants taken out in the “Sir
Charles Napier” were of an improper description, that highly disorderly conduct prevailed on board during the voyage, and that some of the officers of the Ship were unworthy of the trust they held.

I have directed the Emigration Board to institute enquiries into the objectionable selection of the Emigrants.

In the meanwhile, however, the papers now before me are sufficient to enable me to arrive at a conclusion on the representation of the Claimants to the Bounty.

The facts of the case have appeared to me to be as follows:—

On the arrival of the “Sir Charles Napier” at Sydney, The Immigration Board rejected 27 Males, 50 Females and 25 Children, in all 102 Emigrants, as being disqualified, and approved and passed 67 Males, 54 Females and 18 Children, in all 139, as being eligible for Bounty.

The parties were apprized that the Bounties on these last might have been paid under ordinary circumstances, but that the disclosures before the Immigration Board were such as to make you consider it imperative on you to construe in the strictest manner against the Claimants every Clause in the established Regulations. You thereupon refused Bounty upon the Reasons for the whole Party on the following grounds:—

1st. That the Emigrants were not selected by the person (Mr. Reid), who was authorized to send them out or by his Agents.

2ndly. That the Emigrants were not supplied on the voyage with a sufficiency of Water, etc.

3rdly. That they did not sail from England until four days after the 1st of November, 1841, the last day open for the purpose to any Bounty Agents.

Against these conclusions, the Messrs. Lockett remonstrate. They acknowledge with regret the evils that have been complained of, but they contend that none of them are traceable to the owners of the Ship. The disorderly conduct on board they ascribe in great measure to the death of the original Master. They argue that the ineligibility of the Emigrants, respecting whom they had been deceived, is sufficiently visited by the refusal of the Bounties upon those parties, and that the misconduct of the officers meets its proper punishment in the loss of their gratuities, on which last point they add that the mate, who became Master, has received from them his dismissal; and, having offered these remarks on the evils of the general nature to which you had adverted, they object for the following reasons: to the technical grounds, on which you had exercised the right to refuse the whole of the Bounties on this Vessel.
1843.
27 May.

Reasons
for protest.

1st. With regard to the objection that the Emigrants were not selected by Mr. Reid, they produce a Correspondence shewing that the Emigrants were selected and dispatched with his knowledge and under his authority, and they point out that his right to proceed by that kind of delegation has been sanctioned by the universal practice of the Colonial Government.

2ndly. On the Charge of an insufficiency in the supply of Water, Messrs. Lockett point out several important defects in the evidence of the Complainants and make out a strong case for believing both that there was an ample supply of Water on board and also no material deficiency in the issue. It appears to me that their representations on this subject must be admitted to be valid when taken in conjunction with the following Extract from the report of the Emigration Board, which examined the Witnesses, and which will be found to apply to the preceding objection as well as to the one now under consideration. "We are not of opinion that the affreighters can be charged with either a short supply or a short issue of Provisions and Water, though Complaints are preferred by some of the Immigrants on these grounds; nor would it be easy to set aside Mr. Reid's claim to the Bounties on the ground of the Immigrants not having been selected in pursuance of his authority, though it appears to us that he has had nothing to do with their selection, and that his respectability therefore has proved to be no guarantee for the faithful execution of the order entrusted to him."

3d. The third objection is that the Ship had sailed four days after the period when the Despatch of Bounty Vessels was to cease. But it will have been learned in the Colony before this time that the delay was sanctioned by this Department.

Such being the case, while the evils which have come under notice in the case of the "Sir Charles Napier" cannot be too strongly condemned, it appears to me that the technical grounds on which the Local Government refused to pay even for those of the passengers, who were passed as eligible, cannot be maintained; and that there is not the power of properly withholding the payment on more than those Emigrants who were declared ineligible. It may be observed that, as these last amounted to nearly one half of the whole number of Passengers, the loss of Bounties on them will still constitute a very considerable mulct.

For the foregoing reasons, I feel bound to direct the payment to the representatives of the Parties in the Colony of the Bounty on the Passengers, who were passed by the Immigration Board.

I have, &c.,

Stanley
To the Right Honble. Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies, etc., etc., etc.

Most respectfully Sheweth,

That Memorialists are the owners of the Ship "Sir Charles Napier," and that, through Messrs. George Brown and Harrison, Shipbrokers and Agents, she was chartered to Messrs. Ingleby and Brown, all of Liverpool, the said Charterers agreeing by the Charter party to supply the legal complement of passengers, and that such passengers should be of a Class entitling the Shipowners to the usual Bounty at Sydney.

That at Sydney, the Immigration Board "passed" a certain portion of her passengers, vizt., 67 Males, 54 Females, and 18 Children, all strictly scrutinized, but "passed" as being eligible for the Bounty; and rejected the rest, vizt., 27 Males, 50 females, and 25 Children as being "disqualified," and the Governor altogether refuses to grant the Bounty on either the former or the latter, and rejects the claim in toto.

That the Governor's objections are of a twofold nature, I. affecting the Class of passengers; and 2d affecting the Ship and the Ship's Officers, the former being primary, so that, if it should appear that the passengers objected to were in reality of a Class not such as were entitled to the Bounty, Memorialists must have recourse to the Charterers and their Agents for the fulfilment of their Contract; but, as the Bounty or Passage money in abeyance amounts to so large a sum as £4,061, hence Memorialists' humbly hope they may not have occasion to come upon those parties for so serious a sum, if the Justice of the Claim on the Colonial Government can be made apparent (as they trust) to your Lordship's satisfaction.

That much of the conduct and circumstances which induced the Governor (as his Secretary expresses it in an Official Letter of 20th June, 1842) "to construe, in the strictest manner, against the Claimants every Clause in the established regulations," arose from the death of the old Master, Captain Huxtable, under whose command she sailed hence, and for upwards of two Months of her passage, and the accession of the Chief Mate as new Master during the remainder of the passage; hence, to withhold Bounties on technical exceptions "strictly construed" from disapproval of the conduct of the new Master would be to punish innocent Shipowners for a Visitation of Providence in the death of the old Master.

That Memorialists (quite as much as the Immigration Board) lament that anything should have occurred during any part of the Passage, indicating a forgetfulness of propriety on the part of the Chief Mate, who so became Acting Master. It appears that he fell in Love with one of the Females, whom, however, he married at Sydney after arrival; and the proof thereof, their Marriage Certificate, was transmitted to the Governor's Secretary by the Agents at Sydney on the 2d July, 1842. But, although he was so forgetful of the force of crampife as to give her a kiss in presence of some of the Ship's Company, and to be much in her Company because paying his Addresses to her, yet we cannot find throughout the whole Evidence before the Immigration Board (and which
Memorial of W. and J. Lockett re refusal of bounties on immigrants per ship Sir Charles Napier.

Evidence was of most hostile animus towards him) that there is a single assertion, even, that he was guilty of any criminal connection with her who is now his Wife. We doubt not that a stricter discipline and a more befitting remembrance of what was due to and in the way of example towards maintaining order and decorum would have prevailed, but for the unfortunate decease of the old Master at Sea. Our "Letter of Sailing Instructions" Strictly enjoined on him every attention to these points. It stated "We have every confidence that you will see that the passengers have their full allowance; and that the greatest economy is used in dispensing the Stores. Every thing depends upon kind and proper treatment of your passengers as to the Bounty." And even as respects the Mate who so became Master, we had the highest Testimonials with him when he entered our employ, and we had till now reposed every confidence in his sense of propriety. His falling in Love seems to have been the root of much evil and bitterness between him and the Surgeon, and very mischievous in weakening general co-operation and rigid attention to propriety; but your Lordship's Memorialists humbly urge that these are circumstances (specially with the added visitation of Providence in the death of the old Master) which no Shipowner can foresee or control, much less be justly punished for. On the contrary, the appropriate punishment falls on the parties themselves, and by the "established regulation" which, for misconduct, withhold from this Master and some of the other Officers the usual Gratuities. This new Master suffered a double punishment, vizt., forfeiture of his gratuity, and of his situation too, for we have discarded him.

That having thus adverted to the moving causes (so far as affects the Ship) which induced the Governor to take three technical exceptions against the Claim; Memorialists beg leave to answer each of the three in reverse order, vizt.:

The 11th technical exception raised was "that the Emigrants were not supplied on the Voyage with a sufficiency of Water." We submit that this is disproved by the fact that Lieutenant Henry, the Emigration Agent here, specially looked to this; and then certified that the Ship was "provided with all things requisite for the sustenance, health and necessary comfort of the Emigrants during the voyage." It appears that Hargraves, the Second Mate, who became Chief Mate and quarrelled with the new Master by his own admission, and raked up everything in his disfavour, depreciated the quantum of water served out at first; but admits that it was done with a discretionary view, vizt., to serve out less on days the Emigrants had no Soup, and more on Soup days; besides which there was a uniform increase of Water served out as soon as the Doctor desired it; had the Doctor done his duty and desired no discretionary rations of Water but uniform rations, sooner than he did desire it, it would have been complied with. It is remarkable None of the Emigrants examined by the Board, seem to have made the least complaint as to the allowance of Water, except, vizt., an Irish Publichouse Keeper O'Brien; yet he himself had never...
complained till after he got to Sydney; and another Man named Hollingworth, who by his own admission to the Immigration Board had conspired to forge his own Certificates; he alludes to a short supply of Water, but he convicts himself of falsehood by saying he himself had the serving out of provisions for a Week together without supervision, without curtailment, that is, as liberally as he pleased: Had there been any complaints on board of a shortness of Water, it would have transpired; but that there was no ground for any such complaint seems undeniable from the fact that (excepting the decease of the Master and four young Infants born, we conceive, since she sailed) We have not heard of a single death out of all that large number of Souls; the whole were in the highest health. On arrival at Sydney even, long as they were, there was a liberal surplus supply of Water, thereby corroborating the original correctness of Lieutenant Henry's Certificate that there was Water on board in plenty. If the Emigrants did not ask for more than they wanted, and if in that number (as aggregated) it made a total difference of a few Gallons, minus the prescribed rations (as to individuals), still the supply was there, whatever was the consumption. And the objection raised by the Mate, who admits quarrelling with the new Master, is plainly from Captiousness; and is not warranted by anything like a short supply of Water on the part of the owners in Victualling the Ship; in fact, we put on board 1,000 Gallons of Water beyond the stipulated supply for Passengers and Crew; and if economy, at one part of the Voyage, was used in husbanding the Water, it was solely owing to the terrific (Winter) Weather, they had had to keep them so long on their Voyage, nearly double the usual time, from this to 1° North of the Line, as proved by the enclosed (postmarked) Letter from the Surgeon (the Chief Accuser) up to which time he says all was "going on well."

The 1st technical exception taken by the Governor alone remains to be answered; which was "that the Emigrants were not selected by the person (Mr. Reid) who was authorized to send them out, or by his Agents." Memorialists beg to assure your Lordship that these Emigrants were shipped precisely in the same way and in part under the self same License, as Emigrants by other Vessels on which the Bounties are allowed and have been paid already, as we have ascertained on application to Messrs. Wm. Smith and Son of this Town, and others. Mr. Reid's own Letters (in Triplicate) are respectfully appended, wherein he writes that he authorizes these Emigrants being sent out under his License (duly exhibited at the office of the Board of Colonial Lands and Emigration) and whereby he appoints us his Agents in Sydney to receive the Bounties, and states that Messrs. Geo. Brown and Harrison were shipping them under his authority as his Agents. Wherefore, seeing that this very mode, in various previous instances, sufficed to entitle to the Bounties, After the Sydney Government had thus established a precedent in a novel system of Emigration, of which Shipowners could glean little except from the practice under Precedents, it would be the height of injustice towards innocent Shipowners for that Government to turn round on them and declare in effect that that Government had suddenly gained a "new light" and must insist on a new sense of what constituted an Agent to Mr. Reid; and yet all this unprecedented and anti-precedented procedure to be owing to a stern view of the conduct of the Ship's Officers (not of the Ship's owners) from their laxity after the Master's illness

1843.
27 May.
Memorial of W. and J. Lockett re refusal of bounties on immigrants per ship Sir Charles Napier.
HISTORICAL RECORDS OF AUSTRALIA.

1843.  
27 May.  
Memorial of W. and J. Lockett re refusal of bounties on immigrants per ship Sir Charles Napier.  

and death, and above all to be owing to a consequent and expressed determination, on the part of the Governor, "to construe in the strictest manner, against the Claimants, every Clause in the established regulations"; whereas if there be any meaning at all in the word "established," undeniably it cannot but mean that pre-existing usage adopted by the Governor in all prior similar cases (as to Licenses) in all which Bounties were granted. Hence at the eleventh hour to deviate from and to reverse all prior usage would be to treat British Shipowners, living in a free and professedly Christian Country, with more of arbitrariness and less of Justice than they might expect in the most uncivilized and despotic Nation.

With regard to the Class of Emigrants "selected," Your Lordship's Memorialists had no concern whatever in the selection; but would have spurned with indignation the idea of palming improper persons on the List of Bounty Passengers. Your Lordship (from bringing in a better Passenger Act) will be well aware how difficult it is for Shipowners to take security against that body of persons called "Passenger Agents," who are always more or less Sub-Agents in these Emigrant Vessels. But even against the Sub-Agent, in the case Mr. Byrnes, there does not appear any allegation of guilty overt acts on his part, although (if one or two doubtful characters may be credited) a Clerk or Assistant in his Office appears (at after hours) to have acted the part of a modern Gehaze in extorting trifling sums of money for himself, from those whom the Shipowners, the Charterers, and the Principal Agents, all alike, believed were going out "totally gratuitously." How far the Witnesses are worthy of credit in impeaching even the Sub-Agent's Assistant, we cannot with certainty ascertain. It will be obvious that, as "particeps-criminis," the impeachments of each Witness also impeach himself, as a party whose veracity was not to be depended on here, and by a parity scarcely more to be depended on there; yea, evidently such as for the sake of a couple of shillings would say anything, whatever any active and vindictive opposer of the Master might wish. As was half admitted in the able report of the Legislative Council, dated Sydney, 26th August, 1842, referring to Official Certificates as probably impeaching the privilege of withholding the Bounties, does seem (and really is) grievous hardship that when these parties come on board with Certificates, which the Emigration Officer here Officially Certifies to be correct, and that the parties appear to be moreover what they describe themselves, that these parties (for bribes perhaps at Sydney) shall be with impunity permitted, yea encouraged, to turn round and tell the Immigration Board, in effect, that they had cheated the Ship, and knowing they were not such as they pretended themselves to be. We humbly submit they should be committed for punishment at Sydney, if their story prove true; and yet, inasmuch as their false story here was officially certified to appear to be true, we are not convinced that they are not what they first sedulously pretended here, but after unsaid there.

Wherefore, as the sum in abeyance is very serious, and as we are persuaded that no imputation can rest on our characters, as Ship owners, for we diligently fitted up and equipped our Vessel according to Lieutenant Henry, the Emigration Officer's directions and approval; and, as the bulk of the Emigrants were actually "passed" by the Immigration Board, in spite of its strictest scrutiny and of every objection snatched at, we humbly and earnestly
STANLEY TO GIPPS.

pray that Your Lordship will be pleased to interpose and to direct that Justice may be meted out in this case, which British Merchants feel it is neither presumptuous nor unreasonable to expect from a British Government at which Your Lordship presides. And Your Lordship's Memorialists, as in duty bound, will ever pray.

Liverpool, 28th Feb., 1843.

Wm. and Jno. Lockett.

Corroborations appended, vizt.:
A. Postmarked Letter from the Surgeon, the Chief Accuser, shewing that for 54 days out "all going well."
B. Mr. Reid's Copy of his License.
C. Mr. Reid's Letter to the Colonial Secy, shewing these were shipped here by parties as his Agents.
D. Mr. Reid's Letter in further proof, power "to receipt" the Bounty.

[Sub-enclosure A.]

LETTER FROM THE LINE (1° NORTH OF IT).

Written by the Surgeon, who after turned out the Chief Accuser against the Ship; yet this has shown that for 34 days during the then lifetime of the old D. J. Turner, Master all was going on right. It further shews they had had tremendous weather and adverse Winds, which made them near twice the average time in reaching the Line, and reasonably accounts for not being lavish with Water.

Dear Sirs, Ship Sir Chas. Napier, Wednesday, 29th Decr., 1841.

I have just seen a homeward bound Vessel and I hasten to drop you a line. I regret exceedingly to state that our Captain, Mr. Huxtable, has been in a very dangerous state of health since we left the Channel; in consequence of the very unfavorable Winds, etc., we had, he suffered a great deal of want and anxiety. I regret he ever came on board this Vessel, as I am sure he was not Sea worthy;* if I should make use of the expression; he is very weak and debilitated; he wants fresh provisions badly; I asked him repeatedly to go to port, but he would not; I go on board this Vessel to get fresh provisions or preserves for him; he has a great Cough and his Legs are swollen. I fear he will not recover except we get some fresh provisions that he can eat; and, should anything happen him, I will at once order the Vessel to be brought into the nearest Port; such is my present determination; tho' we experienced awful rain and wind, etc., we only lost four Infant Children; all our other Passengers are going on well, and in very good health, considering what we experienced. I am myself as well as usual, which is a blessing to me and I trust to the other passengers as I endeavour to do my utmost for them.

Some of our Masts, etc., were broken in ten or fourteen days after our leaving Liverpool, but we have all right again.

I have only a few moments to write this, so I bid you farewell, hoping you will publish how we all are. Believe me, &c,

Longitude 24° 27', Latitude 1° 1' North. Surgeon to the Vessel.

[Sub-enclosure B.]

COLONIAL SECRETARY THOMSON TO MR. F. REID.

Colonial Secretary's Office, Sydney, New South Wales, 12th February, 1841.

Sir, I have the honor to acknowledge the receipt of your Letter of the 5th August, 1839, expressing your desire to be allowed to send Emigrants to Sydney and Port Phillip under the Regulations by which assistance towards providing them with a passage is granted by Government.

In reply, I am directed by His Excellency Sir Geo. Gipps to transmit to you a Copy of the Regulations, dated 3rd March, 1840, and to inform you that there will be no objection to your sending out Emigrants to this Colony if in conformity thereto, and provided you report to the Colonization Commissioners the Sailing of every Ship and number of persons embarked. Under present circumstances, however, Bounties cannot be guaranteed to you for more than five hundred Families or unmarried Couples.

I am directed to add that it will be absolutely necessary for you to have an Agent in Sydney, authorized to act for you, and to receive the Bounties.

I have, &c,

E. DEAS THOMSON.

* Marginal note.—This Captain had sailed in our employ for several years; when he last sailed, we perceived no difference in his health; he was always a thin spare man.
1843.
27 May.

Appointment of agents to receive bounties.

Sir, Glasgow, 26th October, 1841.

The Ship “Sir Charles Napier,” Captain W. C. Davies, being now about to sail from Liverpool for Sydney with Emigrants selected and forwarded on the Credit granted me by you dated 12th February last, I beg to request you will settle the amount of Bounty payable on landing of the said Emigrants with Messrs. Gilchrist and Alexander, whose receipt will be binding.

I am, &c.,

FRANCIS REID.

[Sub-enclosure C.1.]

MR. F. REID TO COLONIAL SECRETARY THOMSON.

SIR GEORGE GIPPS TO LORD STANLEY.

Government House, 28th May, 1843.

With reference to the Despatch No. 4, which was addressed to your Lordship on the 13th March last by the Colonial Secretary during my absence at Norfolk Island, I have the honor to forward herewith a Return from Port Phillip of all monies belonging to the Estates of deceased Intestates, placed under the charge of the Deputy Registrar of the Supreme Court at Port Phillip for collection, and remaining deposited in the Savings Bank at Melbourne on the 31st December, 1842.

Should the Return forwarded by the Colonial Secretary have been, agreeably to the desire of the Judges, published in the London Gazette, I would beg to submit to your Lordship the propriety of also publishing the present Return.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this return will be found in a volume in series III.]
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 80, per ship Clara; acknowledged by Sir George Gipps, 15th November, 1843.)

Sir, Downing Street, 29th May, 1843.

I have received from Captain Lewis, 80th Regiment, a request by communication, dated Melbourne, the 1st of November last, bringing under my consideration his claim to a civil appointment at Moreton Bay.

As this communication has been sent to me from the Colony by Captain Lewis and has not been forwarded through you, I have to direct that you will call upon him for a copy of it and that you will transmit that copy to me with any observations upon it which you may have to offer.

I take this opportunity of calling your attention to the fact that I have as yet received no detailed report of the proposed establishment at the New Settlement of Moreton Bay.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 81, per ship Clara.)

Sir, Downing Street, 30th May, 1843.

I have received your dispatches Nos. 174 and 175 of the 21st and 22nd of September last, the former reporting the refusal of bounties on the whole of the emigrants introduced by Mr. Forsyth in the "Earl of Durham," the other enclosing the complaint of the agent of the ship owners of the refusal of those bounties.

I have also received a representation from Mr. G. Willis, the owner of the "Earl of Durham," of which I enclose a copy.

Having referred the whole case for the consideration of the colonial land and emigration commissioners, I transmit to you a copy of their report, accompanied by a copy of a further explanation which they had obtained from Messrs. Carter and Bonus on the subject.

I concur in the view taken by the commissioners, and I have accordingly authorized the colonial agent general to pay to Mr. Willis the sum of eight hundred and sixty one pounds, being the amount of bounties due on the emigrants who were admitted in the colony to have been eligible. At the same time, I have not felt myself justified in admitting the claim put forward to interest on the amount.

I have, &c.,

STANLEY.
MR. G. WILLIS TO LORD STANLEY.

Scarborough, 4th March, 1843.

My Lord,

I take the liberty of submitting to your Lordship the enclosed Copy of a Letter, dated Sydney, 20th August, 1842, from the Colonial Secretary of New South Wales to my Agent there, refusing payment of Bounties on the introduction of Immigrants into the Colony by my Ship the "Earl of Durham."

The decision of His Excellency the Governor being evidently founded on a misapprehension of the authority granted by Lord John Russell with reference to the Immigrants in question, I respectfully beg to call your Lordship's attention to the transaction as it occurred in this Country.

Mr. William Forsyth, a Native of Scotland and Settler in New South Wales, having come home on a visit to his friends in the Summer of 1841, brought an authority from the Governor for the importation of 20 Labourers and their families under the regulations of the Colonial Bounty, dated 3rd March, 1840, with the bonâ fide intention of engaging that number of persons in Scotland for his own service in the Colony, and taking them out in the same Ship in which he proposed returning in the end of the year.

On 31st July, 1841, a Notice was issued by the Colonial Land and Emigration Commissioners under the authority of the Secretary of State, suspending Emigration under Bounty Orders to New South Wales after the 1st November following, in consequence of which Mr. Forsyth addressed a Letter to the Commissioners, dated 2nd August, setting forth the inconvenience to which the suspension would subject him, and requesting that it might be relaxed in his favour.

This application having been referred to the Colonial Office by the Commissioners' Letter of 4th August, 1841, was granted by Lord John Russell, and communicated by Mr. Stephen's Letter to the Commissioners, dated 18th of that Month; and I beg reference to the 3 Letters in question, which have appeared in Parliamentary paper No. 10 ordered by the House of Commons to be printed 6th Sept., 1841.

Your Lordship will observe that it is nowhere stated by Mr. Forsyth, as assumed in the Colonial Secretary's Letter, "that these Emigrants were engaged for his own service"; also that such engagement was not a condition either of the original authority granted at Sydney or of the special permission granted by the Secretary of State. On the contrary, it is expressly stipulated in the latter, in accordance with the recommendation of the Land and Emigration Commissioners, that the Emigrants should not sail earlier than the 1st January in order that they might form part of the general Bounty Emigration then expected to take place in 1842. I may further remark that, requiring the Emigrants to be under engagement to a particular Service, as a condition to free passages being granted to them, would have been in direct opposition to the known policy of Lord John Russell, who in the case of Bounty Emigration to Van Diemen's Land abolished a similar regulation which had been established by the Government of that Colony.

If therefore it were the fact, as stated in the Colonial Secretary's Letter, that the Emigrants in question were "sent out by Messrs. Carter and Bonus precisely in the way of their ordinary
business," I respectfully submit to your Lordship that there would be nothing in the transaction to relieve the Governor of New South Wales from his obligation to pay for the introduction of these Immigrants.

I am not willing however to rest my claim on that single position, because I infer that the Governor's refusal to pay is in reality founded upon a suspicion that the special permission granted by Lord John Russell was obtained under false pretences, and that the grounds of Mr. Forsyth's application, as set out in his Letter of 2nd August, were not stated in good faith but with a view of deceiving the Government at home; and, in order to remove such an impression, I respectfully solicit your Lordship's attention to the following narration of the facts of the case.

Mr. Forsyth applied to me through my London Agents, Messrs. Carter and Bonus, to provide accommodation in the "Earl of Durham" to Sydney for 20 families of Emigrants, and to receive in payment for their passage the Bounty Money allowed by the Colonial Government; he stated that he should sail himself in the "Honduras" about the end of November, and that his brother Mr. David Forsyth of Ballachraggan and his friend Mr. Robert Urquhart of Torres had undertaken to engage the Emigrants for him, and would have them in London ready to embark in the first Week of January. I was willing to enter into this arrangement provided Mr. Forsyth would give me an undertaking to pay the passage money of such portion of the stipulated number of Emigrants as might fail to embark; but I declined to incur the expense of preparing for them and reserving their Berths in the Ship without a guarantee of the number being procured, as I knew how great the uncertainty was of that class of Emigrants fulfilling the engagements they might make. At length an agreement was made that Mr. Forsyth's friends should be allowed until the 31st Decr, to declare whether they would undertake for the entire number of 20 families or any smaller number, and that after that date my Agents should be at liberty to engage those required to complete the order under the Bounty regulations, and that the ship should be delayed a sufficient time for that purpose.

Mr. D. Forsyth and Mr. Urquhart took great pains and employed parties in Neighbouring Districts to engage Labourers for the service of Mr. W. Forsyth; but, on account of the Season of the year, the expense of conveyance from the North of Scotland and other difficulties which intervened, they did not succeed.

Mr. D. Forsyth wrote on 31st Decr, that he did not calculate on sending more than 6 or 8 families altogether; on the 15th January Mr. Urquhart wrote that the number was reduced to two; and on 26th January that the two had disappointed him, in the one case from illness and in the other from want of means to remove the family. It was under these circumstances, and not until after 4th January, that Messrs. Carter and Bonus commenced engaging the Emigrants required to fill the berths reserved in the ship for Mr. Forsyth, and forwarded their Certificates as they came to hand to the Land and Emigration Commissioners for approval. It must have been quite evident to them, from the residences and occupations of many of the Emigrants, that they were not going out under engagement for the service of Mr. Forsyth; and, if there had been any understanding that the Emigrants taken out under Mr. Forsyth's authority were to be confined to persons so
Complaint by Cl. Willis re refusal of bounties on immigrants per ship Earl of Durham.

The expenses of the passage of these Emigrants were incurred by me more than 12 Months since; and it is a great inconvenience that the amount has not been reimbursed before this time. I trust that your Lordship will be pleased to take immediate steps, by which I may obtain payment of the Bounties due to me by the Government of New South Wales with the least possible delay, together with interest from the date at which the Immigrants were landed at Sydney.

I have, &c,

GEORGE WILLIS.

[Sub-enclosure.]

COLONIAL SECRETARY THOMSON TO MR. T. GORE.

Sir,

Colonial Secretary's Office, Sydney, 20th August, 1842.

I am directed by His Excellency the Governor to inform you that it has been reported by the Emigration Board, in a Letter dated 29th July last, that Bounties are claimed by you as Agent for Mr. Forsyth, on sixty nine persons alleged to have been brought to this Colony under a special permission from the Secretary of State, granted in consequence of an application made by Mr. Forsyth in England to the Land and Emigration Commissioners under date of the 2d August, 1841.

Of this application, as well as of the communication respecting it, which have been received by the Governor from the Secretary of State, I am directed to enclose Copies, and to observe to you that you cannot fail to perceive that the representations, by means of which Mr. Forsyth obtained permission to bring out a certain number of Emigrants, are not at all borne out by the circumstances under which the Emigrants by the "Earl of Durham" have been imported, and that therefore it is quite out of His Excellency's power to pay Bounties on them.

Mr. Forsyth obtained a preference over other persons equally with himself having claims on the local Government, by representing that these Emigrants were engaged for his own service, and that he not only had employment for them, but that he would suffer loss and inconvenience if not allowed to bring them out; whereas the Emigrants appear to have been sent out by Messrs. Carter and Bonus precisely in the way of their ordinary business, and the Emigrants have been dispersed over the Country and left to find employment for themselves, like ordinary Bounty Emigrants.

I am directed further to remark to you that, amongst the unmarried Emigrants on whom Bounty is claimed, there is one person Maria Hinkesman so clearly ineligible for Bounty that it is difficult to look upon her except as an unjustifiable attempt to obtain Bounties contrary to the intention and spirit of the Regulations.

This person, who was passed before the Board as a Servant of all work, is confessedly a Music Mistress and has already advertised to give Concerts in Sydney.

I have, &c,

E. DEAS THOMSON.

[Enclosure No. 2.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Sir,

Colonial Land and Emigration Office, 9 Park Street, Westminster, 6th May, 1843.

We beg leave to refer to your two letters of the 25th Ult., the one enclosing the Despatches from Sir George Gipps named in the margin reporting the refusal of Bounties on the whole of Mr. Forsyth's Immigrants by the "Earl of Durham," the other enclosing the Ship Owner's complaint of that refusal. Having since made enquiry of Messrs. Carter and Bonus on some parts of the case on which we thought that further evidence would be proper, we annex their reply dated the 2d Instant; and we now have the honor to submit the following Report for Lord Stanley's consideration:

Mr. Forsyth, a Settler in New South Wales, came to England in the Summer of 1841, and had provided himself before leaving the

* Marginal note.—No. 174, 21 Sept., 1842; No. 175, 22 Sept.
STANLEY TO GIPPS.

Colony with a permission to import Twenty Labourers with their families. Shortly after his arrival, notice appeared in the Gazette that no further exportation of Emigrants on Bounty was to take place in 1841 after the 1st November, and that persons, who might wish to send such Emigrants in the ensuing year, must produce their Orders at this office by the 1st of March, 1842. Mr. Forsyth thereupon represented that he had made all his arrangements for taking his own departure at the end of the current Year; that, if he sent out any Emigrants before the 1st of November, they would arrive before he could have any Employment for them; and that, if he sent them after the 1st of March, 1842, they would be too late for his purpose; and consequently that, unless some relaxation were made, he would lose the whole benefit of the permission given him by the Governor.

This, we must observe, was almost a solitary instance of a bona fide settler's applying to take out Labourers on his own behalf, according to the original intention of Emigration on Bounty. We felt bound to recommend it to favorable notice, and Lord John Russell assented to the application. But, in order not to produce thereby any addition to the expence of the Emigration of 1841, a condition was added that the People were not to be sent until after the 1st of January, 1842.

Mr. Forsyth proceeded to the Colony, as he had said he would do, towards the end of the Year. He therefore delegated to his brother, and a friend in Scotland, the collection of his Emigrants to sail after the permitted date; and he left behind him an Agreement for their conveyance. But, knowing the difficulty with which private parties obtained Emigrants, the Ship Owner demanded some security that he should not be disappointed of the numbers for whom he was to provide; and it seems to have been settled that, if by the 31st of December Mr. Forsyth's friends had failed to procure a sufficient number of Emigrants, they were to be obtained by the Shipowner's Agents, who were accustomed to the business. Mr. Forsyth's friends, it would appear, did exert themselves to procure Emigrants, but, as so often happens in such cases, obtained only a few, and by those few were disappointed towards the end of January, so that the Owner then employed his own Agents, and soon collected the proper numbers of eligible People.

These facts respecting the steps pursued for the collection and conveyance of the Emigrants are taken from Mr. Willis's letter. They are corroborated by the further communication which we annex from Messrs. Carter and Bonus, of which the several Enclosures, consisting of Letters from Mr. Forsyth and his friends, have been inspected by Us in original.

All the Emigrants except one female of too high a class are admitted to have been entirely unobjectionable. But, on their arrival, Sir George Gipps refused payment of Bounties on the whole upon the ground, as stated to the parties, that Mr. Forsyth had gained a preference over others by representing that these Emigrants were engaged for his own service, whereas they had in fact been sent out by Messrs. Carter and Bonus in the ordinary course of their business, and, instead of being sought for by Mr. Forsyth on landing and taken into his service, found employment casually like any other Emigrants.

The real point no doubt which must be supposed to have weighed with the Colonial Government is, as remarked in Mr. Willis's
Report on complaint of G. Willis re refusal of bounties on immigrants per ship Earl of Durham.

Letter, an impression that Mr. Forsyth had made his original request not in good faith, but with a view of deceiving the Government. On this subject, we would observe, first that the application in question was made early in August, 1841, at a period when nearly three months were still open to all parties to send as many thousand Emigrants as they pleased, and when also it was generally taken for granted that the Bounty Emigration would be recommenced in the following Spring.

It was not an application to send out a certain number of Emigrants who could not otherwise proceed, but a mere request for an accommodation in point of time respecting a party of people, whom it was quite competent to the Party to send at a less convenient period. We see no ground therefore for supposing that, in asking for indulgence under such circumstances, Mr. Forsyth had any wish to pass deception on the Government for the sake of the conveyance of a party of Twenty Emigrants and their Families.

We admit that there was some modification afterwards in the intention originally expressed by Mr. Forsyth; but we think that the facts, we have mentioned, show that it arose naturally out of a restriction imposed by the Government itself, and out of the course of subsequent events; and we should consider the enclosed Documents to furnish complete evidence that Mr. Forsyth was acting bona fide throughout the transaction. It is distinctly affirmed by the Messrs. Carter and Bonus that he was to receive no profit out of the Bounties, directly or indirectly. And the letters from his Brother prove that to the last he had wished his friends in England to find Emigrants for him and that, had they succeeded, those Emigrants were to be referred to parties whom he named in the Colony for directions how to act.

We have the honor to report, therefore, that we do not see any sufficient reason why the parties in this case should be subjected to a loss of upwards of £800 for the introduction of a confessedly useful body of Labourers.

The case, we observe, is one in which the faith was pledged not of the Colonial Government, but of the Government at Home. And, while we cannot support Mr. Willis’s application for interest, we feel called upon to recommend that the sum of £601, being the amount of Bounties, for which the Emigrants were admitted in the Colony to have been eligible, should be paid to the Claimant at once in this Country from any available Funds belonging to New South Wales.

There can be no doubt that Maria Hincksman was above the class of persons fit to receive a free passage. We have instituted enquiries into the circumstances under which she was admitted as a Bounty Emigrant, and it will be our duty on a future occasion to report the result.

We have, &c,

T. FREDK. ELLIOT.
EDWD. E. VILLIERS.

[Sub-enclosure No. 1.]

MESSRS. CARTER AND BONUS TO MR. S. WALCOTT.

Sir, No. 11 Leadenhall Street, 20 May, 1843.

In reply to your Enquiries on the subject of the application addressed by Mr. Geo. Willis to Lord Stanley on the 4th March last, we beg to state that, in the arrangement negotiated by Us between Mr. Willis and Mr. William Forsyth of Sydney for the conveyance of 20 Labourers and their families by the Ship “Earl of Durham” to New South Wales, we were distinctly assured by the latter gentleman and his brother, Mr. David Forsyth, who was in London with him, that measures
were already in progress for engaging the entire number of labourers above stated for Mr. Forsyth's service; and we are satisfied that he fully expected to succeed in that object, because he had no other inducement whatever for persisting in carrying into effect the authority he had received from the Colonial Government, and did not stipulate for any advantage to himself, directly or indirectly, from the Bounty, the whole of which was agreed to be received by Mr. Willis for the passage of the Emigrants.

We had furnished Mr. William Forsyth, before he came to London, with a number of the printed forms of Certificates for Emigrants, the receipt of which is acknowledged in his letter of 6th Octr., 1841, which we enclose; and we gave a further supply of those forms to his brother when here.

Not having received any of the Certificates back from Mr. D. Forsyth down to the 28th December, and the Ship being advertised to sail in January, we became very anxious respecting the numbers being filled up, and wrote to Mr. Forsyth on that day, urging him to send forward the certificates as soon as they were ready, and requesting to be informed whether we might rely on the whole number of Emigrants being furnished by him, or if it would be necessary for us to select any to complete his brother's grant; and we hand you herewith his reply, dated 31st December, 1841, together with two Letters from Mr. R. Urquhart of Torres, dated 15th and 26th January, 1842.

We did not issue a Certificate for an Emigrant to supply the place of Mr. Forsyth's labourers until after the receipt on the 4th Jany. of his brother's letter of 31st Decem., and we found it necessary to postpone the sailing of the Ship until the 10th of February in order that we might have time to get them collected.

We are, &c.

CARTER and BONUS.

[Sub-enclosure No. 2.]

Mr. W. Forsyth to Messrs. Carter and Bonus.


I am much obliged to you for the forms for Emigrants, which you lately sent me. I will return them as soon as they are filled up.

I intend myself to sail from London for Sydney about the 20th November, if I can obtain a Vessel; and, if you have any that will sail about that time, I should be glad to obtain a passage in her. Will you be good enough to give me the necessary information regarding the accommodation terms, etc.

If you have no Vessel of your own sailing about the time I want to leave, perhaps you would be kind enough to point out one, in which I could procure a passage.

I am, &c,

William Forsyth.

[Sub-enclosure No. 3.]

Mr. D. Forsyth to Messrs. Carter and Bonus.

Gentlemen, Ballachraggan, 31st Dec., 1841.

I am in receipt of yours of the 28th instant, and am sorry I cannot give you more satisfactory information with respect to the progress I have made in engaging Emigrants for my brother; many of the people here are wishful to emigrate, but are unable to pay their expenses to the place of embarkation; consequently I have engaged none here, but I understand a few have been engaged in Morayshire; but I do not think more than six or eight families altogether will be got to accept my brother's terms. I have desired Mr. R. Urquhart, Torres (the person who engaged those few) to write to you by to-morrow's Post and give you the number engaged, and likely to be got from that quarter. There is a Smack to sail from Inverness about the middle of January, by which I intend sending up the Emigrants; but, should I think of sending them by any other conveyance, I shall let you know.

In order to get the printed forms of application filled up, I shall offer a free passage to any eligible person who may be willing to emigrate without binding them to any service to my Brother, so that the grant may not be lost.

I am, &c,

David Forsyth.

[Sub-enclosure No. 4.]

Mr. R. Urquhart to Messrs. Carter and Bonus.

Gentlemen, Torres, 15th January, 1842.

I duly received your favor of the 4th, and Mr. Forsyth has communicated your letter to him of same date, and his reply.

The man referred to by Mr. D. Forsyth as having signed the engagement has a Family, but I understand they do not proceed to the Colony at present.

I enclose certificates of a family from Fort William (Cameron) who really intend and are most anxious to go out in the 'Earl of Durham,' but their being enabled...
to do so depends on advance of sum of £15, a sum which Mr. D. Forsyth says he
does not feel at liberty to grant on his Brother's Account.

Cameron expects the advance from another quarter; and, if he succeed, you
shall be immediately advised; but, in such an uncertainty, the berths must, as
intimated in Mr. D. Forsyth's letter, be considered at your disposal in the meantime
or until we advise you that the Parties are ready to proceed, if then you should
have room for them.

I am, &c.,
ROBERT URQUHART.

[Sub-enclosure No. 5.]

MR. R. URQUHART TO MESSRS. CARTER AND BUNES.

Gentlemen, Torres, 26th Jan., 1842.

I was favored with your's of the 20th, but delayed acknowledging it earlier
in expectation of some communication to day. Now One has reached me from
Cameron, and I find the man, formerly referred to as having signed an Agreement,
is so unwell at present that it would be imprudent to attempt the voyage in the
"Earl of Durham."

I am, &c.,
ROBT. URQUHART.

[Sub-enclosure No. 6.]

MR. D. FORSYTH TO MESSRS. CARTER AND BUNES.

Gentlemen, Balachraggan, 3d May, 1843.

I duly received your's of the 29th Ulto., and in reply beg to say that, before
my Brother left London in December, 1841, he asked me to engage for him in the
North 20 Emigrants or Families of a certain description, and get them forwarded
to London in time to go by the "Earl of Durham," which was advertised to sail
from London for Sydney on the 31st January, 1842. This I endeavoured to do, but
without success. I found many willing and anxious to emigrate but could not leave
the Country without an advance of money to pay their expenses to London, and to
purchase a few necessaries required on board of Ship, which I had no authority to
give. In the event of my not getting all or any of the 20 families to go out as
Servants to him, he desired me to give you notice in time that you might get the
Berths filled up with Emigrants from England, which I did about the middle of
January, 1842. About the end of the same month, I wrote to my Brother informing
him that I had failed in procuring any Emigrants for him, I was to give the most intelligent one of them the
charge of the others, and on the landing at Sydney he was to call at the Office of
Messrs. William Walker and Co. where he was to receive instructions how to proceed.

I am, &c.,
DAVID FORSYTH.

LORD STANLEY TO SIR GEORGE GIPPS.

(A private despatch, per ship Clara; acknowledged by
Sir George Gipps, 17th November, 1843.)

Sir, Downing Street, 2 June, 1843.

I enclose the Copy of a Letter which I have received from
Mr. Swanston one of Her Majesty's Counsel, on the subject of
a young Lady, named Augusta Maddock, residing at Sydney,
under the care of her brother-in-law and her Sister, Dr. and
Mrs. Litchfield.

I am totally unacquainted with the parties, to whom Mr. Swanston refers, who is himself known to me by reputation only as a
Barrister of eminence in the Court of Chancery here. The subject,
to which he refers, is not one in which it would be fitting
that either you or I should interfere officially. Yet I am unwilling to omit any attempt which it is in my power to make to assist the young Lady, respecting whom Mr. Swanston writes, for his character may be considered as a sufficient pledge for the truth of his statements; and she is not without a claim on this
STANLEY TO GIPPS.

Department, which it is right for me to recognize. Her father died in the West Indies in the immediate service of one of my Predecessors in Office; and was, I understand, a meritorious Public Officer.

I therefore recommend the case to you merely on the ground of charity towards a person who would seem to stand much in need of it. The charity she requires is not pecuniary relief, but good counsel, assistance, and protection in effecting her return home. I have no doubt that Mr. Plunkett would have the kindness to interest himself on this subject, and to do what can be done for Miss Maddock's defence against the malpractices by which she is said to be menaced, if you would privately communicate this Letter to him, and apprise him that the communication was made by my desire.

This, however, is a subject on which I cannot advance beyond this general suggestion. If you should find it impracticable or inexpedient to interfere; or if your interference should be likely to expose you to any serious personal inconvenience; or if it would in the slightest degree clash with your regular administration and course of Justice, you will of course not take any measure on the subject, nor invite Mr. Plunkett to do so.

I have, &c.,

STANLEY.

[Enclosure.]

MR. H. T. SWANSTON TO LORD STANLEY.

My Lord,

10 Chancery Lane, 29th May, 1843.

I take the liberty of addressing your Lordship on behalf of one of the daughters of the late Henry Maddock, Esqr., trusting that the circumstances of the case will afford an apology for the intrusion.

Mr. Maddock, having gone to the West Indies as one of the Commissioners of Colonial Inquiry, died there in the year 1823, leaving a Widow now deceased and six children with a very inadequate provision. One of the daughters married Dr. Litchfield, who in 1835 went to South Australia with a view of establishing himself in Medical practice. He was accompanied by his Wife and her youngest sister Augusta, then a Minor and unhappily of imbecile mind. Miss Augusta Maddock had previously resided with Dr. and Mrs. Litchfield and they proposed to take her with them in the expectation that after a few years they might all return to this Country; the little fortune of Augusta, which amounted then to about £400, remaining to be accumulated for her benefit. With this view a sum of about £50, arising from contributions which had been placed in the hands of the late Lord Henley, Mr. Basil Montagu and myself by friends of Mr. Maddock for the relief of the family, was paid to Dr. Litchfield towards the expenses of the voyage. Dr. Litchfield has been unsuccessful, and he is now residing at Sydney in New South Wales with his Wife and her sister Augusta in circumstances of pecuniary distress. Two Bills of Exchange have been drawn upon Mr. Montagu and me by Dr. Litchfield for

1843.
2 June.

Recommendation of assistance for A. Maddock.

Request for assistance in case of A. Maddock.
the reimbursement of expences incurred, as he states, on account of Augusta; but these we have of course, declined to honor. It appears that Miss Augusta Maddock who has attained the age of 21 years but remains in a state of imbecility, has been induced to affix her signature to a Bill of Exchange in favor of Dr. Litchfield for £30 drawn on Mr. Montagu and me, and this also we declined to accept by reason of her incompetence; but to prevent any inconvenience to which she might be exposed if the Bill were returned dishonored, the amount has been advanced and the bill taken out of the hands of the holder. The failure of the expectations which induced the friends of Miss Augusta Maddock to assent to her going abroad, and the precarious health of her sister Mrs. Litchfield, render them anxious for her return to London, where she will now be placed under the care of her brother Alfred Maddock, a Medical practitioner in Judd Street, Brunswick Square. The funds in the hands of Mr. Montagu and me will enable us to provide for her subsistence on a very humble scale, and we are prepared to defray the necessary expences of her passage to this Country. The sanction of persons in authority in the Colony may be most important for removing any obstacle to her departure, and ensuring her safe return. Arrangements have been made for her passage home by the Merchant ship the Persian, Captain Oppenheim, which is expected to sail in Novr. or Decr. next, and on board of which she will be under proper female protection.

I have ventured on this detail in the hope that, should the course which is proposed be approved, Your Lordship may be pleased to secure for the unhappy young lady whatever official protection may be fitly afforded to her.

H. T. SWANSTON.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 82, per ship Clara; acknowledged by Sir George Gipps, 19th November, 1843.)

Sir, Downing Street, 3 June, 1843.

The Lords Commissioners of the Treasury having intimated to me that they have directed an advance of £1,200 to be made to Mr. Barnard the Agent General for New South Wales for the service of that Colony, I have to desire that you will cause that sum to be repaid without delay into the Commissariat Chest.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 83, per ship Clara.)

Sir, Downing Street, 4 June, 1843.

I have received your Despatch No. 210 of the 8th of November last, with the Memorial therein enclosed from Mr. Richard Blackwell, praying that compensation may be awarded to him for an allotment of Land which he claimed in the Town of Liverpool, but which he failed to obtain.
STANLEY TO GIPPS.

Having fully considered that claim, I agree with you in opinion that this is a mere case of a purchase made on a bad title from a private Individual, and that it is a transaction in which there is no reason for making any compensation to the injured parties from the Public Revenue.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 85, per ship Talent; acknowledged by lord Stanley, 13th December, 1843.)

My Lord,

Government House, 4th June, 1843.

I have the honor to request your Lordship's permission to propose letters of Denization, under the Local Act of this Colony, 9th Geo. IV, No. 6, to Mr. C. F. Solling, a Native of Denmark, who has settled with his family in the District of Brisbane Water in this Colony.

I enclose a copy of the application which has been addressed to me by Mr. Solling; and I beg to state that I consider him quite eligible for the privilege which he now solicits from Your Lordship.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MR. C. F. SOLLING TO COLONIAL SECRETARY THOMSON.

Sir, Yambo, 22nd May, 1843.

Intending to settle permanently in this Colony, I have the honor to request that you will acquaint the Governor with my wish to obtain letters of Denization, and that His Excellency will forward my communication in the customary manner.

I beg leave to state that I am a native of Denmark, and am settled in the District of Brisbane Water, County of Northumberland.

I have, &c.,

C. F. SOLLING.

LORD STANLEY TO SIR GEORGE GIPPS.

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

Sir,

Downing Street, 5 June, 1843.

I have received your despatch No. 238 of the 20th of December last, with its various enclosures relative to the circumstances, which led to the removal of Mr. C. W. Sievewright from the Office of Assistant Protector of Aborigines. I should wish, if possible to avoid pursuing this affair further, as it is not of a character fit for public investigation.

I have, &c.,

STANLEY.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 86, per ship Talent; acknowledged by Lord Stanley, 13th December, 1843.)

My Lord,

Government House, 6th June, 1843.

I have the honor to request your Lordship's permission to issue letters of Denization, under the Local Act of this Colony, 9th Geo. IV, No. 6, to Mr. G. Peterson, a Native of Germany, who emigrated to this Colony in the year 1825.

I enclose a copy of the application which has been addressed to me by Mr. Peterson, wherein he states that he is possessed of considerable property, that he is married to an Englishwoman, by whom he has several children; and that his intention is not to quit the Colony of New South Wales.

GEO. GIPPS.

[Enclosure.]

MR. G. PETERSON TO COLONIAL SECRETARY THOMSON.

Sir,

George Street, Sydney, 26th May, 1843.

Being desirous of obtaining Letters of Denization from Her Majesty the Queen, I have the honor to request that you will lay before His Excellency the Governor the following statement of my claims for the same, and that His Excellency will be pleased to forward this my application to Her Majesty's Secretary of State for the Colonies.

With this view, I beg therefore to inform you that I was Born at Jubeck in Germany of German parents in the year 1806. That I emigrated to this Colony in the year 1825, and have been carrying on business in this Colony as a painter and Glazier, and at one time as a Ship owner, ever since that time, with the exception of an interval of about Seven years, during which time I was trading between this Colony and the British Colonies of the Mauritius and the Cape of Good Hope. That, during the time I have been in the Colony, I have purchased Land in various parts in and about Sydney, and have expended very large sums of money in erecting buildings thereon and improving the same. That, since my arrival in the Colony, I have married an Englishwoman one of Her Majesty's Subjects, by whom I have several Children. That it is not my intention to quit this Colony where my only resources are; and I am desirous therefore, for the protection of my own property and for the benefit of my Children, of becoming a denizen and a Subject of Her Majesty, conceiving that these my claims will be deemed sufficient for the Granting of Letters of Denization to me.

G. PETERSON.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 87, per ship Talent.)

My Lord,

Government House, 9th June, 1843.

I had the honor to receive on the 5th instant the Duplicate of your Lordship's Despatch, No. 201 of the 25th October, 1842,
with which were transmitted to me copies of a correspondence between the Colonial Department, the Horse Guards, and the Board of Ordnance, respecting an application from Lieut.-General Sir Maurice O'Connell for two Companies of Artillery to be added to his Command; and wherein I was directed by Your Lordship to furnish a full explanation respecting the erection of certain works of Defence, which were stated to have been authorized by me at Pinchgit Island and Bradley's Head, in the Harbour of Port Jackson.

In reply, I have the honor to report to your Lordship that the only authority, which I have ever given for the erection of Works of Defence in this Colony, was reported to the Secretary of State in my Despatch, No. 163 of the 21st October, 1840; and that, since I received Lord John Russell's answer to that Despatch (No. 290 of the 21st June, 1841), I have in no manner whatsoever interfered with the erection of Works of Defence in any part of the Colony.

I have, &c.,
Geo. Gipps.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 87, per ship Andromeda.)

Sir,
Downing Street, 11 June, 1843.

I have to acknowledge the receipt of your Despatch No. 245 of the 31st of December last, in which you report having made the following Appointments in the Colony under your Government:

1. Police Magistrate of Moreton Bay, Commander Wickham, Royal Navy.
2. Commissioner of Crown Lands for part of Moreton Bay, Stephen Simpson, Esquire, M.D.
3. Commissioner of Crown Lands for part of Moreton Bay, Christopher Rolleston, Esquire.

I have to convey to you my approval of the appointments in question, subject to the expenditure being sanctioned by the Legislative Council under the powers transferred to that Body by the Act of Parliament of 5 and 6 Vict., Cap. 76.

I have, &c.,
Stanley.
HISTORICAL RECORDS OF AUSTRALIA.

1843.
11 June.

[SIR GEORGE GIPPS TO LORD STANLEY.]
(Despatch No. 88, per ship Talent.)

My Lord,

Government House, 11th June, 1843.

I had the honor to receive on the 5th instant the Duplicate
of your Lordship’s Despatch, No. 198 of the 17th October, 1842,
wherein I am desired to furnish information respecting a person
named John Herbert, who was transferred from the 28th Regt. of
Foot to the Mounted Police of this Colony.

In reply, I have the honor to report to Your Lordship that
John Herbert is a Corporal, with the rank of Lance Serjeant in
the Mounted Police; and that he is stationed at the Lachlan
River in the Bathurst District of this Colony.

I have, &c.,

Geo. Gipps.

12 June.

[LORD STANLEY TO SIR GEORGE GIPPS.]
(A circular despatch, per ship Andromeda.)

Sir,

Downing Street, 12th June, 1843.

With reference to Lord J. Russell’s Despatch of 4th Sep­
tember, 1840, I have the honor to transmit to you, herewith,
5 Copies of the 2nd Volume of Reports of the cases heard before
the Judicial Committee of the Privy Council, in continuation of
the series of Reports, which accompanied Lord J. Russell’s Des­
patch above referred to.

I have to desire that you will deliver this Volume to the same
Officers in the Colony under your Government, as received the
previous Volume; and that you will obtain from the Colonial
Revenue, and remit to Mr. Peter Smith, the Chief Clerk of this
Office, the Sum of Seven pounds 17s. 6d. being the Price of the
Work.

I have, &c.,

Stanley.

12 June.

Transmission
of reports of
cases tried by
privy council.

REPORT REQUIRED RE W. LUSBY.

[SIR GEORGE GIPPS TO LORD STANLEY.]
(Despatch No. 88, per ship Andromeda; acknowledged by
Sir George Gipps, 17th December, 1843.)

Sir,

Downing Street, 12 June, 1843.

In transmitting to you the enclosed copy of a letter from
Major Lusby, I have to request that you will furnish me with
any information which you may be able to obtain respecting the
fate of his son “William Lusby,” who appears to have held the
situation of Manager to John Browne, Esqr., of Macquarie Place,
Patrick Plains.

I have, &c.,

Stanley.
GIPPS TO STANLEY.

[Enclosure.]

MAJOR LUSBY TO LORD STANLEY.

My Lord, Great Grimsby. 25th May, 1843.

In the year 1838, my youngest Son, William Lusby, went out to Sydney as a free Settler in East Australia, and became manager to John Brown, Esqr., of Macquarie Place, Patrick Plains, at one of his stock stations on the MacIntyre River, besides having Cattle of his own with other Property. It is only a few days since I received the melancholy Intelligence from Mr. Brown, that his stockman of the name of Slater and my Son had some words respecting the folding of the Cattle on the Evening of the 27th October last, when Slater kicked my son, who, having his fowling piece in his hand at the time, struck the Stockman with the Butt end of the Gun and it being loaded with Ball was unfortunately discharged, the Ball passing through the body of my son.

He lived until 12 O’Clock A.M. on the 28th October, and ’tis said a policeman attended and took a statement in writing before his Death, but neither the substance of which nor the number of the Policeman is mentioned, and I am far from being satisfied with the vagueness of the report until I have the statement or at least a copy of it.

That should there have been any foul play, the offender may be brought to Justice.

May I therefore beg the favor of your Lordship to order such statement, and any other Information your Lordship may think requisite, to be procured and sent to me; and, if I should have been erroneously advised in making application to Your Lordship, I trust under the distressing occurrence your Lordship will not only excuse it, but will honor me with a line saying to what office and to whom I must apply for the Document and Information required.

I have, &c.

JOHN LUSBY,
Major Comman’g Grimsby Volunteer Inf’y.

1844. 12 June.

GIPPS TO STANLEY.

(Sir George Gipps to Lord Stanley.

(Despatch No. 89, per ship Talent; acknowledged by lord Stanley, 12th January, 1844.)

My Lord, Government House, 12th June, 1843.

I have the honor to forward herewith a Petition, which has been addressed to Your Lordship by Mr. John Reeve, the holder of a Special Survey at Corner Inlet, otherwise called Gipps’ Land, complaining that, although he paid his money (£5,120) for his survey in April, 1841, and obtained his Deed of Grant for the same only in April, 1843, his claim for interest on the money, during the two years which elapsed, between the date of the payment of his money, and his legal possession of the Land, has not been admitted by this Government.

In reporting on Mr. Reeve’s case, I feel it necessary to request your Lordship’s attention to the concluding passage of my Despatch, No. 113 of the 14th May, 1841, wherein I remarked that
the Regulations respecting special surveys, issued in England towards the close of 1840, had caused the District of Corner Inlet or Gipps' Land to be opened to location entirely without my concurrence, and that the effect of it would probably be to force the Government to form Police and other Establishments in the District, that is to say, to involve the Government in expense and trouble.

I refer to this passage only as introductory to the subject, and not in answer to Mr. Reeve's complaint, it being incumbent (as I am well aware) on me to shew, not that the system of Special Surveys was calculated to involve this Government in difficulties, but to prove, that every exertion has been made by the Government, which could in reason be expected of it, to expedite the measurement of the lands selected as Special Surveys by Mr. Reeve and others, and that I have thus redeemed, as far as in my power lay, the pledges which were made to these gentlemen by the authorities at home.

It is with this view that I enclose two reports from Mr. La Trobe, which have been called for, in consequence of Mr. Reeve's complaint; and, if they satisfy your Lordship, as I think they will, that the delay in the issue of the Deed of Grant to Mr. Reeve was occasioned by his having selected his land in a District wherein the Government had no establishments, and not by any fault of the Government, I shall gladly leave, in your Lordship's hands, the decision of the question, whether or not Mr. Reeve be entitled to the interest he claims, and which at ten per cent. (the rate which is meant I presume by Mr. Reeve's expression of "Colonial Interest") would amount to £1,024.

I have particularly, however, to draw your Lordship's attention to the fact that Mr. Reeve and his associates in the purchase, though not in what Mr. Reeve calls legal possession of the land, were in actual possession of it from an early period in 1841; also that the delay in the measurement of the three special surveys at Corner Inlet (for there were two selections in that District, in addition to that of Mr. Reeve) was, as shewn in Mr. La Trobe's report, in part occasioned by the objections urged by Mr. Reeve and the other holders of Special Surveys to the extent of the Government Reserve.

Corner Inlet, being the probable seat of a future District Government similar to that of Melbourne, was a place at which, under the strictest interpretation of the Regulations respecting Special Surveys issued in England, a Government Reserve was authorized. The extent of that reserve was fixed (after the first survey of the place) by the Executive Council, with the advice and assistance of the Surveyor General; and the objections to it were, after mature deliberation, overruled by the Council. I enclose...
for your Lordship’s information, a Copy of the proceedings of the Executive Council, under which the Government Reserve was fixed at Corner Inlet, and subsequently confirmed; also an Outline shewing the relative situations and extent of the Reserve, and two out of three of the Special Surveys.

I must also draw your Lordship’s attention to the Fact that, notwithstanding the great demands which were made in 1841 on the Surveyor General’s Department for the service of New Zealand, then annexed to the Government of New South Wales, one of its best Officers (Mr. Townsend) was, according to the intention expressed in my Despatch of the 14th May, 1841, sent to Corner Inlet, on the first selection of a special Survey in the District; and a private Surveyor (Mr. Mainwaring Chitty) was engaged to accompany Mr. Townsend, though he failed to fulfil his engagement; and, after having occasioned to the Government a loss of upwards of £70, proceeded to Van Diemen’s Land where he subsequently became Insolvent.

As it appears to me not improbable that the case of Mr. Reeve may reach Your Lordship through a private channel, before this Despatch can arrive in England, I think it necessary, in order to guard against the possible imputation of delay, to state that the Petition, addressed to your Lordship by Mr. Reeve, reached me on the 15th May; that the information necessary to enable me to report on it was immediately called for from the Surveyor General; but, that Officer not being able to afford it, a reference became necessary to Mr. La Trobe, and that Mr. La Trobe’s answer (Enclosure No. 3) reached me only on the 10th instant; also, that this Despatch, written on the day of which it bears date, will be forwarded to England by the first Vessel that may leave the Colony.

I have, &c.,

Geo. Gipps.

[Enclosures.]

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

Sir,

Downing Street, 13 June, 1843.

I have received your Despatch of the 31st December last No. 246, reporting the appointment of Major Christie to the office of Agent of the Church and School Estates, vacant by the resignation of Mr. Bloxsome.

I have to convey to you my sanction of that appointment.

I have, &c.,

Stanley.
1843.
13 June.

Dismissal of E. Mayne.

My Lord,

Government House, 13 June, 1843.

I am sorry to have to report to Your Lordship that I have been under the necessity of removing Mr. Edward Mayne from the Office of Commissioner of Crown Lands in the District of Liverpool Plains in this Colony.

Mr. Mayne (a Brother of the gentleman of the same name, who is a Commissioner of the Metropolitan Police in London) having been strongly recommended to my notice by Lord Glenelg, Lord Mulgrave, and the late Mr. Drummond (under secretary for Ireland), was, in 1838, appointed a Commissioner of Crown Lands in the District of Liverpool Plains, the one in which the Massacre of the Aborigines had then recently occurred, for which seven white men were executed, as reported in my Despatch No. 200 of Decr., 1838.

For a time he did his duty much to my satisfaction; and indeed I thought it fortunate that I had secured for the Colony the services of so able an Officer; but he subsequently engaged in speculations, which I imagine distracted his attention from his duties, and certainly involved him in pecuniary difficulties.

The expenses of his District thenceforward became greatly increased, his accounts irregular, his conduct in numerous instances was complained of, and his property taken in Execution by the sheriff. These irregularities alone were sufficient to call for his removal; the immediate cause, however, of my removing him was that it came to my knowledge, in the course of the last year, that he not only had a Cattle Station in his own District, which is contrary to orders, but that he had neglected to charge himself with the fee payable on a License to occupy Crown Land (£10 per annum) or to levy the Assessment on his own Stock, which is payable under the Crown Lands Act, 2nd Vict., No. 27.

As Mr. Mayne has not appealed against the justice of his removal, I do not consider it necessary to forward to your Lordship any further particulars of his case.

In my Despatch to Your Lordship of this day's date, No. 91, I have explained the necessity, I am under, of greatly reducing the Surveyor General's Department, and of providing, as far as may be in my power, for the Officers whose services are no longer required in it; and I have further to report that I have consequently appointed an Officer of this Department, Mr. W. H. Wright, to perform the duties of Crown Commissioner in place of Mr. Mayne.
Mr. Mayne received, when he was first appointed (in 1838), £365 per annum, which salary was increased to £500 on the recommendation of the Legislative Council, when the Crown Lands Act (2nd Vict., No. 27) was passed in the beginning of 1839. Since, however, the price of all commodities has greatly decreased in New South Wales, and the extravagant notions passed away, which so long prevailed in the Colony, I have considered that the original salary for Crown Commissioners fixed by Sir Richard Bourke, namely £1 per diem, should (except in districts of large extent) be returned to; and I have consequently fixed Mr. Wright's salary at that rate.

I should perhaps remind your Lordship that Crown Commissioners beyond the boundaries live perpetually in the wilderness, that they are required at their own expense to provide themselves with horses, that they are magistrates and are charged with the performance of very responsible, as well as onerous duties, requiring them to be constantly on the move. Were this not understood, the salary even of £365 a year might appear an extravagant one.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 91, per ship Talent; acknowledged by Lord Stanley, 14th December, 1843.)

My Lord,

Government House, 13th June, 1843.

The almost total cessation of a demand for Crown Land in this Colony has forced upon me the necessity of greatly reducing the expenses of the Surveyor General's Department; and I accordingly, in the Estimates which are shortly to be presented to the New Legislative Council, propose to reduce the expenditure of it in the year 1844 by upwards of £10,000.

The total expense of the Department in each of the last five years has been as follows:—

1838, £19,096 13s.; 1839, £18,694 19s. 9d.; 1840, £21,697 9s. 9d.; 1841, £26,133 16s. 9d.; 1842, £26,384 17s. 10d.; and I propose, in the Estimate for 1844, to insert for this Department only £15,000, which sum may, and very probably will be reduced by the Legislative Council.

In order to provide, as far as possible for the Officers who must, in consequence of this reduction, be otherwise thrown out of employment, I propose to transfer several of them to what may be called (though the term has not hitherto been used) the Administration of the Domain of the Crown, or the Collection of

1843.
13 June.
Salary of E. Mayne.

and of
W. H. Wright.

Conditions of crown commissioners.
the Revenue derived from Quit Rents, Leases of Crown Lands, and Licenses to depasture Stock on the same (but altogether exclusive of the sale of Land).

This Revenue, according to my Annual Financial Expositions, has of late years rapidly increased;

It was in 1838, £9,396 3s. 10d.; 1839, £14,962 13s.; 1840, £23,299 12s. 1d.; 1841, £29,937 6s. 8d.; 1842, £46,942 11s. 5d.

In this same administration is included the Collection of the Assessment (which, however, is not Crown Revenue) raised on the Stock depastured on Crown Lands for the purpose of maintaining a Border Police (so called to distinguish it from the ordinary Mounted Police).

The produce of this assessment, including fines and fees, was in 1838, £4,780; 1839, £3,027 0s. 6d.; 1840, £10,249 13s. 9d.; 1841, £13,347 Is. 10d.; 1842, £23,898 19s. 3d.

The Officers, employed in the Administration of the Domain of the Crown, are called Crown Commissioners; the power they possess are defined by two Local Statutes 2d Vict., No. 27, and 5th Vict., No. 1.

The amount of their salaries and other expenses was in 1838, £2,864 13s. 4d.; 1839, £3,631 1s. 6d.; 1840, £4,443 15s. 2d.; 1841, £4,749; 1842, £4,933 11s. 7d.; which sums, being chargeable on the Crown Revenue collected, are not included in the Estimates submitted to the Council, though they are in the accounts rendered at the end of the year.

In my Despatch No. 54 of the 18th April last, I reported to your Lordship my views in respect to the administration of the portions of the Domain of the Crown which lye beyond what are called the Boundaries of Location; but I made no mention in it of the Lands within the same Boundaries, from which some Revenue is also drawn by means of Annual Leases or Licenses; nor of the Lands in the older parts of the Colony which are chargeable with Quit Rents. I need scarcely point out that the collection of Quit Rents is a measure by no means of a popular nature, and that much prudence in the execution of it is consequently required. Quit rents, however, to the amount of £10,028 13s. 10d., were collected in 1841, and £20,760 4s. 7d. in 1842.

In my Despatch of this day's date, No. 90, I have reported the appointment of Mr. Wright (a Surveyor and son of Colonel Wright of the Military College at Sandhurst) to the Office of a Crown Commissioner. I propose to employ in a similar manner two other officers of the Surveyor General's Department, Mr. Tyers and Mr. Smyth, in the District of Port Phillip; and, in the course of the next six or eight months, I hope to be able to
provide, either in the same or some other way, for all the Officers of the Department, whom it may be necessary to reduce, except those who by their previous conduct have failed to establish any claim upon myself or on my Government.

The chief object of this Despatch is therefore to solicit your Lordship's approval of the measures respecting them which I have in contemplation.

I have, &c.,

Geo. Gipps.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 90, per ship Andromeda.)

Sir, Downing Street, 14 June, 1843.

With reference to my Despatch No. 81, of the 30th Ultimo, on the subject of the Immigrants introduced into New South Wales by Mr. Forsyth, I now transmit to you for your information the copy of a report from the Commissioners of Colonial Land and Emigration containing the result of their inquiry into the circumstances, under which "Maria Hinkesman" now describing herself as a Professor of Music, obtained a passage amongst the Emigrants by the "Earl of Durham" under the description of a servant.

I have, &c.,

Stanley.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office, 9 Park St., Westminster, 30th May, 1843.

In reference to your letter of the 25th of March, and to our report of the 6th Instant, on the subject of Mr. Forsyth's Emigrants generally, We have now the honor to state that, in pursuance of the wish expressed in Sir George Gipps' despatch No. 175 of the 22nd September, 1842, we have inquired into the circumstances under which Maria Hinksman, a Professor of Music, obtained a Passage amongst those Emigrants under the description of a Servant.

We beg to enclose, for Lord Stanley's information and with a view to their being communicated to the Governor, the following documents, viz.:—

1. A Memorandum of the personal enquiries which we employed a gentleman in our office to make of the parties by whom this Emigrant's certificate had been signed.
2ndly. A Note from the Revd. Mr. Dodsworth, to whom, as his name occurred in the course of the inquiry, we wrote on the subject; and
3rdly. A Letter from Messrs. Carter and Bonus, who selected the Emigrants, accompanied by an affidavit from Mr. Carter, the Member of the firm who saw the several applicants for Passages, and by another affidavit confirming the first from the Clerk, who attended to the branch of the business.
It is quite obvious that Maria Hinkesman was a Musician, and never was a servant, and that, in getting a passage in that capacity, she would have passed a deception on the Government, had she not been detected in time and the Bounty withheld. But the question, to which we think that the Governor wished us more particularly to direct our attention, is how far she had also attempted an imposition on the Bounty Agents, or whether they were cognizant before hand of the real circumstances of the case. She stated to the Governor that, in applying for a passage, "she was accompanied by a gentleman," who explained "all the circumstances under which she was desirous to Emigrate."

The Messrs. Carter and Bonus express their regret that the name had not been communicated, in order that they might be able to offer some more decisive refutation than their own testimony.

As it is, they tender the affidavit of Mr. Carter, who declares that it was he who investigated every application for free passages; that he never saw Maria Hinkesman but once; that she was accompanied on that occasion by a man named James Kidd who seemed a respectable mechanic; that she stated herself to have been accustomed to gain her livelihood in domestic service; that he never heard the contrary from any person whatsoever; and that there was nothing in her appearance to lead him to suspect the falseness of the account given by herself and Kidd. The substance of this affidavit is confirmed by another from the Clerk, who attended to the Emigration Department of the Messrs. Carter's Business. We beg to say that, on referring to the list of Emigrants by the "Earl of Durham," we observe that a man named James Kidd was duly passed by the Board as a House Carpenter.

We conclude that under these circumstances, seeing that Miss Hinkesman is by her own account self convicted of a deception in putting her name to a certificate in which she was untruly described as a domestic servant, and not overlooking also the ambiguity of her expressions about an explanation of the circumstances "under which she was desirous to emigrate," the Governor will agree with us in thinking that there is no reason to suppose the Messrs. Carter and Bonus parties to the imposition attempted in this case.

We have, &c,

T. FREDK. ELLIOT.
EDWARD E. VILLIERS.

[Sub-enclosure No. 1.]

MEMORANDUM.

Colonial Land and Emigration Office, 8th April, 1843.

In obedience to the orders of the Commissioners, I this day called on Mr. Henry Hays, Seal and Copper Plate Engraver, No. 263 Regent Street, and showed him the Certificate of Maria Hinkesman (No. 7285 s) which purported to bear his signature as attesting her character, etc.

Mr. Hays stated as follows:—He would not say the signature was his; he did not know such a person as Maria Hinkesman or any such name; he could not say the signature was not his, but afterwards he remembered having signed a document, and stated that Maria Hinkesman was, to the best of his recollection, a servant to Edward James Hewitt, by whom the certificate was brought to him for his signature; that he signed it upon Mr. Hewitt's representation and at his request; further that he was much surprised to hear that she was giving concerts at Sydney and that he would state in writing all that he had now said, if required.
I also called on Mr. Edward James Hewitt, Confectioner, 188 Regent Street; he stated that he knew Maria Hinkesman; she was a Professor of Music; she once had Apartments in his house; she taught his sister music; she used to give concerts in London; never heard that she was Pianist to His late Majesty; she met with reverses in circumstances and afterwards went to live in a Gentleman's certificates of family in Regent's Park; thinks the name of the family was Dodsworth, and that M. Hinkesman was a Clergyman; She was a sort of Governess, and he considered therefore a Domestic Servant; He understood she was going to take a similar situation in New South Wales; he did not take the certificate to Mr. Hays and believes that Mr. Hays had signed it before it was brought to him; Will have no objection to state what he knows in writing if required.

22nd May, 1843.

I CALLED again this morning in pursuance of the directions of the Board on Mr. Hays, who now states that Maria Hinkesman never lived in his family but that she did live in the capacity, he thinks, of a Cook or Housekeeper to Mr. Shankarim, stated to be an eminent Professor of Music, who lodged at Hayes's Sisters, No. 188 Regent Street; His sister is dead; He does not know where Mr. Shankarim now lives. He repeated that Mr. Hewitt's signature was attached to Hinkesman's Certificate when he signed it; and he stated that Hinkesman might perhaps have gone into Mr. Shankarim's service, merely to qualify herself for a free passage.

Hayes's statement on both occasions were made in so equivocating a manner that I could attach no credit to his testimony.

R. B. COOPER.

[Sub-enclosure No. 2.]

REV'D. W. DODSWORTH TO MR. S. WALCOTT.

Sir, Gloucester Gate, 10th April, 1843.

I knew very little of Maria Hinkesman. She was introduced some years ago to a connection of mine by Mr. Mott, the Inventor of a Musical Instrument, as a person competent to give lessons in Music, and was so employed for a short. But she never lived in my family. She afterwards came into great distress, and I afforded some little relief, but, finding her guilty of some misrepresentation, I refused to do anything more for her.

This is all I know of her from the sort of person she was, I should doubt very much whether she ever filled the capacity of Domestic servant.

I am, &c.,

W. DODSWORTH.

[Sub-enclosure No. 3.]

MESSRS. CARTER AND BONUS TO MR. S. WALCOTT.

Sir, 11 Leadenhall Street, 18th May, 1843.

We had the honor of receiving your letter of the 2nd Instant, accompanied and by an extract from a Despatch from the Governor of New South Wales respecting the case of Maria Hinkesman, an Emigrant to Sydney under the Colonial Bounty by the ship "Earl of Durham," and we respectfully request that you will submit to the Colonial Land and Emigration Commissioners the enclosed declarations by our R. Carter and a young man, who has lately left our service.

We presume it is the intention of His Excellency to charge us with having claimed Bounty for Maria Hinkesman as a Domestic Servant with a knowledge that she was above the class of persons entitled to a free passage, and we have therefore thought it right to meet that charge with a direct negative in the most positive terms we could use; at the same time we must request attention to the fact that the charge in question rests entirely on the unsupported statement of the young woman herself, who by that statement was self convicted of being a party to a fraud, as she had signed the application to us for a passage in which she was described as a domestic servant.

We regret that the name and address of the Gentleman, who is said by Maria Hinkesman to have explained to us "the circumstances under which she desired to Emigrate," have not been communicated in the Governor's Despatch, as we might in that case have been able to contradict the statement on more satisfactory evidence than our own.

We are, &c.,

CARTER and BONUS.

[Sub-enclosure No. 4.]

DECLARATION BY R. CARTER.

R. CARTER, of Sussex Place, Regent's Park in the County of Middlesex, Declaration Partner in the Firm of Carter and Bonus, of Leadenhall Street in the City of London, ship Brokers and Emigration Agents, do hereby solemnly and sincerely
1843.
14 June.

Declaration by
R. Carter;

and by
G. Carter.

declare that the Emigration Department of the business of my said firm has been always entirely under my management, and that every application for a free passage to New South Wales under the Colonial Bounty has been investigated by me before being granted. And I further declare that application was made to me, in January, 1842, by James Kidd for a passage to Sydney by the ship "Earl of Durham" for himself, his Wife and five children, also for Margaret Forsyth and Ellen Kidd his sisters, and for Maria Hinkesman, Maria Rayley and Patience Bayley. And I further declare that I believed the said James Kidd, from his appearance and the Certificates he produced, to be a respectable Mechanic, and that he informed me that Maria Hinkesman had been and then was employed as a Domestic Servant, and she produced me a certificate to that effect, signed by Edward James Hewitt, a Confectioner, and Henry Hayes, a Seal Engraver residing in Regent Street, Westminster. And I further declare that I saw the said Maria Hinkesman on one occasion only, and that she was then accompanied by the said James Kidd and Margaret Forsyth and by no other person whatever to the best of my knowledge and belief. And I do further solemnly and sincerely declare that I was not at that time or at any other time informed by either of the said parties, or by any gentleman, or by any other person whatever, that the said Maria Hinkesman was or had been a musician, or a Professor or Teacher of Music, or that she then was or ever had been in any situation of life superior to or other than that of a Domestic servant. And I further declare that there was nothing in the dress, appearance or manners of the said Maria Hinkesman to cause a suspicion in my mind that her own statement and that of the said James Kidd to the effect that she was employed in Domestic service was false.

And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled an Act to repeal an Act of the present Session of Parliament, intituled an Act for the more effectual abolition of Oaths and Affirmations, taken and made in various Departments of the State, and to substitute Declarations in lieu thereof and for the more entire suppression of voluntary and extra judicial Oaths and Affidavits and to make other provisions for the abolition of unnecessary Oaths.

GEORGE CARTER.
Declared at the Justice Room, Guildhall, London, this Eighteenth day of May, 1843:—J. DICKE, Alderman.

[Sub-enclosure No. 5.]

DECLARATION BY MR. G. CARTER.

I. GEORGE CARTER, of 54 High Street in the Borough of Southwark, late Clerk to Messrs. Carter and Bonus of No. 11 Leadenhall Street in the City of London, do hereby solemnly and sincerely declare that I was in their employ in 1842 at the time the ship "Earl of Durham" conveyed Bounty Emigrants to Port Phillip and Sydney, and that I received the applications of nearly the whole of the Emigrants who wished to avail themselves of the Government Bounty by that ship. I further declare that I perfectly well remember Maria Hinkesman applying for a free passage, and that she only appeared at our office twice (both of which times she was accompanied by James Kidd, who also went out as Bounty Emigrant by that ship), the first time to obtain a printed form of application, and on the next occasion to bring it back; and I conscientiously declare that on both of those occasions she was only accompanied by the said James Kidd, and that she declared herself to be a regular and thorough "Domestic Servant," and that she had just left the service of Mr. Hayes, 168 Regent St., where she had been employed as a domestic, and her only reason for leaving his service was that she thought she could better herself at Sydney; and that not a single word was uttered in my presence, or to my knowledge to any other person, of her gaining her living by any other means, and her statement was authenticated by James Kidd, who declared that she was a domestic servant, and had just left the service of Mr. Hayes, and was then living with his sister Margaret Forsyth, and assisting her in her domestic occupations until she could obtain a free passage to Sydney.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the sixth year of the Reign of his late Majesty King William the Fourth, intituled an Act to repeal an Act of the present Session of Parliament entitled an Act for the more effectual abolition of Oaths and Affirmations, taken and made in various Departments of the State and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra judicial Oaths and Affidavits and to make other provisions for the abolition of unnecessary Oaths.

GEORGE CARTER.
Declared at the Mansion House, this tenth day of May, 1843:—J. HUMPHREY, Mayor, London.
SIR GEORGE GIPPS TO LORD STANLEY.

Government House, 15th June, 1843.

My Lord,

I had the honor to receive on the 5th instant your Lordship's Despatch, No. 219 of the 8th December, 1842, wherein I was directed to restore Mr. Rusden to the Office of an Assistant Surveyor in this Colony; and I have to report that Mr. Rusden has been restored accordingly.

I regret, however, that a sense of duty to myself compels me to submit some observations on the contents of your Lordship's Despatch of the 8th December last.

Your Lordship is therein first pleased to express regret at the delay, which is supposed by your Lordship to have taken place on my part, in forwarding Mr. Rusden's appeal, a letter from that gentleman having been received privately by your Lordship nearly five months before my Official report on his case reached England. I have therefore to point out to your Lordship that Reasons for the delay, which occurred in the transmission of my report, is to be attributed to Mr. Rusden himself, and not to me. Mr. Rusden's letter to your Lordship, dated the 1st January, 1842, was received by me on the 8th of that month; but, as a single copy of it only was forwarded, a duplicate and triplicate were written for, and received by me on the 25th of the same month. These papers, however, being still incomplete, Mr. Rusden was again written to on the 31st January, and required to furnish copies of a portion of the papers which he had neglected to forward; and, in consequence of his absence at Liverpool Plains, a distant part of the Colony, his reply dated the 28th March was not received until the 31st of that month; and my Despatch, though I know not when it reached your Lordship, was sent by the first Bag which I forwarded to England after that date. The Draft of my Despatch (now before me) is dated the 22d January, on which day it was in reality written; but in consequence of the incompleteness of Mr. Rusden's Papers, it was put by with a Memorandum on it that it could not be forwarded until the papers which had been written for should be received.

In respect to the main feature in Mr. Rusden's case, namely his removal from the Department of the Surveyor General, I cannot but greatly regret that Your Lordship should suppose I treated Mr. Rusden with harshness or injustice. Mr. Rusden had been for many years a discontented and almost useless member of the Surveyor General's Department; and, on being called on, under the circumstances stated in my Despatch of the 24th March, 1842, by the Surveyor General, I felt it my duty to take effectual
measures for putting a stop to the practice, so common amongst his Officers, of meeting every order with an excuse or a remonstrance.

There were features also in Mr. Rusden's case, which pointed him out as no unfit person to be dealt with in a peremptory manner; he was appointed an assistant Surveyor in 1830, but, in 1836, he resigned, because the Surveyor General would not remove him from the District (Argyle), in which he was then Surveying, to that of Hunter's River, in order that he might be near his Father,* who had in 1834 been appointed to the Office of Chaplain at Maitland. In 1837, he was, by the greatest indulgence of Sir Richard Bourke, re-appointed to the Department; and subsequently, by what I cannot but consider the weakness of the Deputy Surveyor General, was employed in the very District, which he had applied for, of the Hunter's River, and was allowed to remain in it, near to his family, and doing very little work for the Public for a period of nearly five years.

I have only in conclusion to observe that, being personally unacquainted with Mr. Rusden, I removed him from Office with no other view than that of relieving the Public and the Department from the expenses of an officer represented to be inefficient and useless.

I have, &c,

GEO. GIPPS.

P.S.—I transmit herewith a copy of Mr. Rusden's letter of resignation, dated the 10th August, 1836; also a copy of a letter, which, in consequence of Mr. Rusden's re-appointment to office, was addressed to the Surveyor General Sir Thomas Mitchell by the Deputy Surveyor General, Captm. Perry, on the 12th instant.

2nd P.S.—Since the completion of this Despatch, I find Mr. Rusden has again resigned, being for the 3rd time.

[Enclosure No. 1.]

MR. F. T. RUSDEN TO SURVEYOR-GENERAL MITCHELL.

Sir, Bolong, 10th August, 1836.

Having now applied two years to be placed near my family, and seeing no chance of my request being complied with, I have the honor to resign my situation as Assistant Surveyor in your Department and to request you will send a Surveyor to take charge of my district.

I have, &c,


[Enclosure No. 2.]

DEP. SURVEYOR-GENERAL PERRY TO SIR THOMAS MITCHELL.

Sir, Surveyor General's Office, 12th June, 1843.

Having noticed in the public correspondence the reappointment to this Department of Mr. F. Rusden, who voluntarily and deliberately resigned his office seven years ago, and, as the resignation took place during your absence and while the Department was
under my charge, I am induced as a justification of my own conduct in recommending its acceptance, as well as with a view to support the tottering discipline of the Department, to offer some explanation both as regards Mr. Rusden's original retirement and his subsequent temporary and alleged conditional readmission.

Referring to the correspondence that took place in 1836, it would appear that Mr. Rusden, availing himself of your absence in exploring the interior of the country, adverted to his repeated applications to be stationed near his family, and stated that seeing no chance of obtaining his object he resigned his situation. The letter of resignation was so distinct that I had no alternative but to lay it before the Governor; and the result was its acceptance as mentioned above. Mr. Rusden accordingly returned to domestic privacy on the banks of the Hunter. He had not expressed to me any feeling of hardship at being allowed to retire, nor any wish that the resignation should be withheld from the Home Government. In May, 1837, Mr. Rusden was re-appointed and ordered to be placed at the bottom of the list of Assistant Surveyors with pay at the rate of £200 a year, commencing from the date of his entering on service; and, as he was residing with his family at the Hunter, the Instructions for his employment were formed to save him the expense of a move immediately on his reappointment; but it was always contemplated that his domestic conveniences would be made subservient to his public duties, whenever the exigencies of the service rendered his removal necessary.

To enable him to perform his duties, he was provided with a full equipment and means of transport sufficient for an expedition to any part of New South Wales. But his preparatory arrangements to resume operations in the field occupied a considerable time, as would appear by the letters that I had occasion to address to him on the 5th August and 14th September, 1837, the latter enquiring when he intended to commence operations.

It seems, however, that, about that time he was wrangling for the Hunters River District as a Birthright, for, when I called upon him to explain an observation he had made to a brother Surveyor, viz., "that, although he stipulated before returning to the Department that he was to be stationed on the Hunter, it was not with the hope of getting a sinecure," he persisted in his claim in a Letter, which I forwarded to the Government on the 4th October, 1837, and, on the 4th February, 1838, wrote me a Letter expressing his surprise at the contents of mine of the 23rd January, calling upon him to relieve (in the County of Cumberland) the Surveyor who had been appointed to proceed to Port Phillip.

In the meantime, however, the Governor had distinctly denied any intention of doing more than allowing Mr. Rusden to return to the Department, leaving to me full discretion as to the distribution of its Officers. But the consequence of Mr. Rusden's temporizing was that the Port Phillip reinforcement had started leaving Cumberland denuded of Surveyors, and himself domiciliated on the Banks of the Hunter until your Return to this Country.

Having briefly stated the facts as far as my recollection serves me, I beg leave to refer to the Public Correspondence for their elucidation, and, with respect to the Letter of resignation to observe that it is evident Mr. Rusden was aware of your wish that he should be continued in the District where he was stationed, when you left Sydney; and, if he had been at all cognizant of the rules or even the etiquette of the service, he must have been sensible of
the impropriety of my introducing innovations the moment your
back was turned on head Quarters, and while you were still em-
ployed under this Government and at the head of your own Depart-
ment; and so, because I persisted in upholding your authority and
instructions, he resigned.

As regards my forwarding the resignation, I stated what I be-
lieved to be correct, viz., that he had been an efficient officer and
had performed his duty in a conscientious manner, but that owing
to the inclemency of the Weather the business of his District had
fallen considerably into arrear, and which involved the necessity
of moving a Draftsman to relieve him, thereby putting the Govern-
ment to expense and the Office to inconvenience. Mr. Rusden's re-
appointment was entirely the Act of the Government, no reference
having been made to me on the subject; and, although I could not
reasonably object to the re-appointment of one whom I had repre-
sented as an efficient Officer, yet I was not prepared to admit the
right of any subordinate in this Department either to select his
District or to refer to family convenience in conducting his Public
Duty.

The principles, I have embibed by long experience in the service,
are that the time and services of Officers of a Public Department
belong to the Public, who look to the Head of the Department for
a judicious distribution of those services, the subordinates of the
Department being responsible to the Head and to him only.

I have, &c,

Lord Stanley to Sir George Gipps.

(Despatch marked "Military No. 3," per ship Andromeda.)

Sir,
Downing Street, 17th June, 1843.

The Secretary at War having called my attention to the
propriety of granting some relief to the Officers of Her Majesty's
Troops, serving in New South Wales, in respect of the duty upon
Wine imported by them into the Colony for their consumption,
I am desirous that you should recommend this subject for the
favorable consideration of the Colonial Legislature.

In most of Her Majesty's Colonial Possessions a special allow-
ance is granted in aid of Regimental Messes; in others, wine is
a native production; and in the Eastern Colonies of Mauritius
and Ceylon, liberal allowances are paid out of local funds to Mili-
tary Officers.

It appears therefore to Her Majesty's Government that the
Officers of Regiments serving in Australia ought not to be sub-
jected in addition to the great expense of freight to so high
a duty as 15 per cent. upon the Wine imported by them for con-
sumption at their Messes; and I can scarcely entertain a doubt
that the Legislative Council of New South Wales will be readily
disposed to empower you to grant every reasonable satisfaction
to Her Majesty's Officers on that head. I have, &c,

STANLEY.
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 93, per ship Talent; acknowledged by Lord Stanley, 5th January, 1844.)

My Lord,

Government House, 17th June, 1843.

I have the honor to forward herewith a letter, which has been addressed to Your Lordship by Mr. Carter, praying to be allowed Salary at the rate of £650 a year, from the day on which he was superseded by Mr. Milford, in the situation (held by him under my appointment) of Master in Chancery, and the time at which he may be appointed to the Office of Registrar of the Colony.

The case of Mr. Carter may be gathered from my Despatch No. 238 of the 28th December, 1841; and your Lordship's Despatches, Nos. 175 of the 26th August, and 223 of the 15th Decr., 1842.

On the occurrence of a vacancy in the Office of Master in Chancery, by the illness and consequent incapacity of Dr. Kinchela, I appointed, on the 1st December, 1841, Mr. Carter temporarily to supply his place. Mr. Carter was however superseded on the 23d January last by Mr. Milford, who had received in England the appointment of Master from Your Lordship. Mr. Carter, on hearing of Mr. Milford's appointment, called on me and produced a letter from his Brother, wherein he was informed that Your Lordship had appointed him Registrar of the Colony. I explained to Mr. Carter that your Lordship had not, in reality, appointed him to any office; and that, though your Lordship had authorized me to appoint him Registrar of the Colony, I could not do so until that Office should be created, and that an Act of the Legislature would be required to create it, as well as a Vote of the Council to authorize the Salary which it was proposed to attach to it. Mr. Carter then asked to be appointed in the mean time Registrar of the Supreme Court; to which I replied that, as such an appointment would occasion additional expense to the Government, without any corresponding advantage whatsoever, I must pause before I made it.

I must now explain to your Lordship that, when I appointed Mr. Carter to act as Master in Chancery, he was almost the only person within my reach, qualified for the Office; and that, in recommending him for confirmation, I was actuated partly by the assurance of his capacity for the Office, which I received from the Chief Justice, and partly by a sense of compassion for the misfortunes, which, in his earlier official career, had befallen him.

It was by accident only that the Office of Registrar came to be vacant, shortly after I had appointed Mr. Carter to be Master; and I feel it right to state that, had the Office of Registrar been
1843.
17 June.

Registrar of supreme court and clerk of councils.

Division of office of clerk of councils.

Appointment of W. Carter as registrar of supreme court.

Opinion against request of W. Carter for salary.

Gratification at approval of policy of Sir G. Gipps.

 alone vacant, or vacant prior to that of Master, Mr. Carter is not the person whom I should have selected to fill it.

Your Lordship is aware that, since the suspension of Mr. Manning, reported in my Despatch No. 5 of the 16th January, 1842, Mr. Macpherson, late Clerk of the Legislative and Executive Councils, has performed the duties of Registrar of the Supreme Court, and Mr. Merewether (whose proper situation is that of Agent for Immigration) those of Clerk of the Councils. The alteration in the constitution of the Colony however, by which the Legislative Council is greatly increased and made in part an Elective Body, has caused me to doubt, whether the duties of Clerk of both Councils can any longer be advantageously held by the same person. The occasions, which the Governor may have to consult his Executive Council, will very probably be increased by this alteration in the Constitution; while the duties of Clerk to the Legislative Council can scarcely fail also to be augmented by it. What I propose therefore is that Mr. Macpherson shall (for the present) enter only on the duties of Clerk of the Legislative Council; and that Mr. Merewether shall, in addition to such duties as still appertain to the Office of Agent for Immigration, continue (until Your Lordship’s pleasure shall be known) to act as Clerk of the Executive Council, for which office, moreover, I may remark that a distinct provision is made in Schedule A of the Act for the Government of New South Wales, 5th and 6th Vict., C. 76. Under this arrangement, I have appointed Mr. Carter to act from the 1st July next as Registrar of the Supreme Court, until the necessary Act can be passed for constituting him Registrar of the Colony.

In respect to the main object of Mr. Carter’s letter to your Lordship, namely, the payment to him of Salary at the rate of £650 a year from the 23rd January last to the 1st July next, I have only to remark that it is one which I cannot undertake to advocate, though I shall of course conform myself to any orders on the subject, with which I may be honored by your Lordship.

I cannot conclude without expressing to Your Lordship, my grateful sense of the support, which will be afforded to me in the Colony at the present important juncture by the general tenor of your Lordship’s Despatch of the 15th December, 1842, giving as it does the stamp of your Lordship’s authority to the policy, which I have ever been steadily endeavouring to establish since my arrival in New South Wales, the policy I mean, which I announced to the Legislative Council on the 23rd July, 1839, in a Minute which met the approval of Lord John Russell (as conveyed to me in His Lordship’s Despatch No. 88 of the 28th June,
1840) and the same which induced me to bring twice before the Legislative Council, though unsuccessfully, a measure for the establishment of District Councils* in the Colony, the very measure, that is to say, spoken of with approbation by your Lordship, and which I am now on the point of carrying into effect under the powers conveyed to me by the 41st and succeeding sections of the Act for the Government of New South Wales, 5th and 6th Vict., C. 76.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MR. W. CARTER TO LORD STANLEY.

My Lord,

Sydney, 5th June, 1843.

In the month of December last, I received from my brother, Mr. John Carter of Liverpool, copies of letters written by your Lordship's direction (by your private Secretary) to Lord Sandow, Mr. Tollemache, Sir Philip Egerton, and Col. Egerton, in answer to their application for confirming to me the appointment of Master in Equity, which I held under the appointment of Sir George Gipps, the Governor of this Colony.

The letters transmitted to me are as follows:—C.O., Aug. 31/42.

Sir, I have been desired by Lord Stanley to inform you that, though he has been unable to confirm Mr. Carter (about whom you made an application some time ago) in the appointment of Master in Equity, N. S. Wales, to which he had been provisionally named, he has appointed him Register of the Supreme Court, Sydney, with a salary of £650. I have the honor to be, Sir, Your obedient servant, E. B. Wilbraham.

On the 18th of January last, His Excellency Sir George Gipps transmitted to me a copy of your Lordship's dispatch, dated 26th August, 1842, in which your Lordship is pleased to say, "I have also to authorize you to offer to Mr. Carter, now acting under your nomination as Master in Equity, the office of Registrar which it is intended to separate from the Registrarship of the Supreme Court, with a Salary of £650 a year."

Mr. Macpherson had been appointed by His Excellency The Governor Registrar of the Supreme Court, but his appointment was not confirmed by Your Lordship.

Upon the receipt of the copy of your Lordship's dispatch, and the letters written by your Lordship's private Secretary, I wrote on the 11th February last to His Excellency The Governor requesting that he would appoint me to the office of Registrar of the Supreme Court, which His Excellency declined to do, until he should receive your Lordship's dispatch, specifying the general arrangements intended to be made in the legal department of this Colony. I have the honor to inclose a copy of my letter to The Governor on the subject of my appointment.

In consequence of His Excellency's decision, I have not received any Salary for upwards of four months, tho' from your Lordship's dispatch, the letters to Lord Sandow, etc., and the nonconfirmation of Mr. Macpherson in the Office of Registrar, I have presumed that your Lordship intended that my appointment was to be an immediate one, but to be separated from the Office of the Registrarship of the Supreme Court on the final legal arrangements being made; but Mr. Macpherson continued to hold the office of Registrar.

* Note 64.
1843.
17 June.

Request by W. Carter for payment of salary pending appointment.

Under this impression, I take the liberty of respectfully requesting that Your Lordship will have the kindness to direct that I may be paid the arrears of my salary from the time that I gave up the office of Master in Equity to the day when the Governor shall appoint me Registrar of the Colony.

I beg respectfully to add that I have not written with the slightest intention of imputing blame to or finding fault with the decision of His Excellency The Governor, as I am certain that his decision has been what he considered the correct view of my case.

I beg, most respectfully, to express how deeply sensible I am of Your Lordship's kindness in giving me the appointment of Registrar of the Colony of New South Wales. I have, &c.,

WILLM. CARTER.

[Sub-enclosure.]

MR. W. CARTER TO SIR GEORGE GIPPS.

Sir, Sydney, 11th February, 1843.

After the last interview I had the honor of having with your Excellency on the subject of my appointment as Registrar, I called upon Mr. Macpherson, who explained to me the whole of his duties as Registrar of the Supreme Court; and I find that the whole of those duties (assuming that Mr. Milford performs the duties arising from intestates estates, and for the performance of which he receives an addition to his salary of £200 a year) are merely the duties which would attach to my office of Registrar of the Colony, with the exception of granting letters of administration and Probates of Wills, and which duties consist merely in putting the official seal of the Court to parchments already prepared by the Proctors or attorneys of the Court.

Under these circumstances, I trust Your Excellency will not think me unreasonable in requesting that I may be appointed Registrar of the Supreme Court, as that Officer has now only to perform the duties which will attach to the office of Registrar General of the Colony with the trifling exception I have mentioned, and which, I would willingly perform until the formal separation of the offices takes place, without any addition to my salary of £650 a year, which would be a saving at the rate of £150 a year to the Public.

I should not have taken the liberty of making this proposition, if, from the notes written by Lord Stanley's direction to Lord Sandow, Mr. Tolemache, etc., and which I had the honor of laying before your Excellency, it did not appear that his Lordship considered that my appointment would be an immediate one, tho', out of respect and delicacy to your Excellency, the appointment is given to Your Excellency. I may further add that I should have felt very considerable reluctance in making the proposition I have done, if I had not understood that my friend Mr. Macpherson would in that event return to his former situation of clerk of the Council.

I feel that I have no right to trouble Your Excellency with my private affairs, but perhaps you will excuse my saying that my not receiving my salary, up to the time I held the office of Master, and now not receiving the salary of Registrar, are, in their consequences, very serious to me. I have, &c.,

WILL. CARTER.

Sir George Gipps to Lord Stanley.

(My Lord,
Government House, 19th June, 1843.

I had the honor, on the 5th instant, to receive the Duplicate of your Lordship's Despatch, marked Confidential, of the 23rd September, 1842, enclosing Copies of a correspondence, which had been transmitted to Your Lordship from the Foreign Office, respecting the operations of a French Squadron under Rear Admiral Du Petit Thouars in the Pacific.

I regret that the original of your Lordship's Despatch has not reached me; and I have reason to apprehend that it must
STANLEY TO GIPPS.

have been lost in the ship "Chatham," which was wrecked a few months ago on her passage from England to this Colony.

I have to report to Your Lordship that I have considered it expedient to forward Copies of your Lordship's Despatch, and of the papers which accompanied it, to Capt. Nicholas, of Her Majesty's ship "Vindictive," who, I have reason to believe, is still at Tahiti; and, in making this report to your Lordship, I beg to refer to my Despatches, Nos. 21 and 70 of the 28th January, and 12th May, 1843.

I enclose a Copy of the letter, which I wrote on this occasion to Capt. Nicholas, and which was forwarded to him with the Copies in question by the "Ernest," which sailed from Sydney to Tahiti yesterday.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

SIR GEORGE GIPPS TO COMMODORE J. TOUP NICHOLAS.

Sir,

Government House, Sydney, 9th June, 1843.

I have the honor herewith to forward to you a Copy of a Confidential Despatch, dated the 23rd September, 1842, which I received on the 5th instant from Her Majesty's Principal Secretary of State for the Colonies, with various enclosures, relating to the operations in the Pacific of the French Squadron under Rear Admiral Du Petit Thouars.

You will observe that the Despatch from Lord Stanley is a Duplicate only; but I have to explain that the Original of it has never reached me, and that I have reason to apprehend it must have been lost in the ship "Chatham," which was wrecked on her passage from England to this Colony.

In making this communication to you, I cannot refrain from remarking that, in the correspondence of which Copies accompany Lord Stanley's Despatch, the solicitude of Her Majesty's Government is only expressed in regard to some anticipated attack of the French Admiral on New Zealand; and that, though Her Majesty's Government was well aware that the expedition under Monsr. Du Petit Thouars had been fitted out for the purpose of taking possession of some country in the Pacific, Her Majesty's Ambassador at Paris was not instructed to demand from Monsr. Guizot any explanation as to the precise point to which it was directed.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 91. per ship Andromeda.)

Sir,

Downing Street, 20 June, 1843.

I transmit to you herewith for your information copies of a correspondence with the Revd. J. E. Keane relative to the duration of his leave of absence from New South Wales.

I have, &c.,

STANLEY.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 1.]

REVD. J. E. KEANE TO LORD STANLEY.
51 Abbotsford Place,
Glasgow, 17th May, 1843.

My Lord,

I have learned just now that a petition from the Members of the Church under my care here has been sent to Your Lordship, soliciting my continuance in that charge, attributing my present retirement from it, I judge, to an immediate return to my own duty. I beg respectfully to assure Your Lordship that, tho' I was not sorry when I heard of it, as it would shew Your Lordship that my time has not been passed unprofitably, yet I was entirely ignorant that it was on foot. I do resign my charge, as the Trustees are now enabled to annex an income to the incumbency which will sustain a successor; but it is on account of my health, which has been impaired at least in great part by the attention, which that parish required during a period of misery, disease and filth, such I never conceived, and which, thro' the assistance of the benevolent Trustees, and perhaps Your Lordship will not deem it improper in me to add and thro' my own means, God has enabled me greatly to alleviate; indeed my Lord I never knew the value of a single penny as from the relief it has afforded I now do.

I have, &c.,

J. E. KEANE, Chaplain.

[Enclosure No. 2.]

UNDER SECRETARY HOPE TO REVD. J. E. KEANE.

Sir, Downing Street, 2d June, 1843.

I am directed by Lord Stanley to acknowledge the receipt of your letter of the 17th Ultimo, and I am to request that you will state for his Lordship's information whether it was your intention by that letter to announce to Lord Stanley your resignation of the appointment of Government Chaplain in New South Wales or of the Clerical employment which you are at present engaged in at Glasgow.

In the latter event, Lord Stanley directs me to inform you that it will be necessary that you should immediately return to New South Wales. Your leave of absence expired on the 21st of March last, although it would now appear that you had considered Lord Stanley's letter to Lord Donoughmore of the 13th of September last which was communicated to you, as sanctioning a further extension of leave beyond that period. Had that leave been granted, it would have rendered necessary your arrival in the Colony by the 21st of September next. I am, &c.,

G. W. HOPE.

[Enclosure No. 3.]

REVD. J. E. KEANE TO UNDER SECRETARY HOPE.

Sir, 51 Abbotsford Place, 5th June, 1843.

I had this morning the honor of your letter of the 2d instant, and beg to say, that I had no design in my letter of the 17th of May to resign the appointment as Government Chaplain, but to mention my resignation of my temporary clerical appointment here, which I undertook statedly for a while only without any hope of renumeration from the Trustees on account of the destitute state of that Parish. My object in writing being to prevent Lord Stanley...
from conceiving I had any desire to exchange my Government appointment for the appointment at Christ Church, as I understood a petition had been sent from the Congregation requesting a permission for me to remain amongst them.

With regard to my extended leave, I beg most respectfully to submit to Lord Stanley's consideration my reason for hoping it had been granted. I wrote to Lord Donoughmore, whose brothers had been under my tuition in the University, begging his Lordship to request of Lord Stanley the indulgence of 18 months more leave of absence on account of my wife's continued ill health. Lord Donoughmore had the goodness afterwards to write to me saying, that his Lordship had according to my desire applied to Lord Stanley for 18 months' leave, and enclosing a note from Lord Stanley complying with his request. Waiting with submission for Lord Stanley's further directions,

I have, &c.,

J. E. Keane.

[Enclosure No. 4.]


Sir,

Downing Street, 20th June, 1843.

I have laid before Lord Stanley Your Letter of the 5th Instant, and I am directed to acquaint you in reply that it was never his Lordship's intention to extend your leave of absence for more than six months beyond the period of eighteen months' leave granted to you in the first instance by the Governor of New South Wales, and that it will be necessary to take measures for your immediate return to the Colony.

I have, &c.,

G. W. Hope.

Sir George Gipps to Lord Stanley.

(Despatch No. 94, per ship Talent.)

My Lord,

Government House, 20th June, 1843.

I had the honor on the 5th inst. to receive the Duplicate Despatch of your Lordship's Despatch, No. 206 of the 4th November, 1842, informing me that your Lordship had forwarded, early in the year 1841, a letter from Sir Wm. Hooker of the Botanic Garden at Kew to the Superintendent of the Botanic Garden at Sydney, accompanied with a packet of Seeds, but that no answer had been received to it; and further requesting to be informed of the name of the person, who has been appointed to succeed Mr. Anderson, the Superintendent of the Sydney Garden lately deceased.

As the Botanic Garden at Sydney is under the management of a Committee of Gentlemen, who are for the most part unconnected with the Government, I forwarded, on the 9th instant, a Copy of your Lordship's Despatch to the President of that Committee; and I have the honor herewith to enclose a copy of the reply, which, in the absence of the President, has been furnished to me by Mr. Macleay, a Member of the Committee and formerly Colonial Secretary to this Government.
I have further to report to your Lordship that Mr. Anderson, the late Superintendent of the Garden, having died in April, 1842, Mr. Nasmyth Robertson was, on the recommendation of the Committee, appointed to succeed him, though with a Salary reduced from £200 to £140 per annum.

It may be right for me to add that the expense of maintaining the Botanic Garden, amounting on an average to about £800 a year, is defrayed by an annual vote of the Legislative Council of the Colony.

GEO. GIPPS.

Sir,

Your Letter of the 9th of this Month, addressed to the President of the Committee of Management of the Botanic Garden, has been opened by me as a Member of that Committee; and I beg of you to inform His Excellency the Governor that I have no knowledge of any Packet of Seeds having been received from Sir William Jackson Hooker of the Royal Garden at Kew; but, if such was received, it must I conceive have been in the time of Mr. Anderson, and if so it is not likely now to be traced.

I recollect having received in 1841 a private Letter from Sir W. Hooker, who is a very old and particular friend of mine; and I wrote to him soon after the death of Mr. Anderson; but I cannot imagine that this private correspondence is what is alluded to by the Right Honorable the Secretary of State, nor do I know of any other. I shall however take an early opportunity of writing to Sir W. Hooker on the subject.

ALEXR. MACLEAY.

My Lord,

I have the honor to forward herewith a further Memorial, dated the 21st instant, from Mr. Dunlop to the Lords of the Treasury; and, in so doing, I beg to refer to my Despatches No. 39 of the 29th March last, and Nos. 117 and 167 of the 10th July, and 14th September, 1842.

I can only repeat my thorough conviction that Mr. Dunlop is very properly punished for the numerous illicit transactions, in which he has been engaged in this Colony; and, in respect to his complaint, that other parties, who were engaged in the smuggling transactions at Broken Bay, have been allowed to go unpunished, I forward a copy of a letter on the subject from the Attorney General, dated the 18th April last.

GEO. GIPPS.
Petition of Mr. R. G. Dunlop to Lords Commissioners of Treasury.

May it please Your Lordships,

The humble petition of Robert Glasgow Dunlop, Merchant, residing in Sydney in the Colony of New South Wales, sheweth

That, on the tenth of March in the present Year, Your Lordships' Petitioner ventured to address a respectful petition to Your Lordships, praying for remission or mitigation of penalties to which your Petitioner had become liable from the breach of a Custom House Bond signed by him; and your Petitioner therein stated that he had offered to produce the most ample proof to convict the parties actually concerned in the relanding of the Goods, for which Your Petitioner had become bondsman. Yet, although the Crown Solicitor admitted that the proofs shewn by Your Petitioner were quite sufficient for that object, no effective steps have been taken to bring the Offenders to justice, although the time, which has since transpired, has been more than sufficient to secure a conviction by any of the legal processes pursued in this Colony, it being now upwards of seven Months since your Petitioner gave up the names of the Offenders and stated what proofs could be produced to commit them. Yet the Government have in the meantime imprisoned your Petitioner and compelled him to sacrifice all his property to meet the amount of the verdict against him and the Crown Lawyer's expenses, by which Your Petitioner has been entirely ruined and compelled to become Insolvent, although the Crown Solicitor has, from motives unknown to your Petitioner, acted very differently to other bondsmen, against whom he had obtained a similar conviction, in holding private correspondence with them and leaving them at large for a long period after your Petitioner had been committed to Goal; and the Government have since released one of the said Bondsmen from prison without requiring any of the verdict against him, though his property was suffered to have met the fine or a large proportion thereof besides paying all his other engagements. And your Petitioner humbly prays that Your Lordships will be pleased to take into consideration the partially severe measures which have been adopted against Your Petitioner and Order the remission of the fine, which has been exacted from Your Petitioner, more especially as the amount, if so restored, will be the property of Your Petitioner's Creditors, Your Petitioner having been compelled to sequestrate his Estate being unable to meet his private engagements after his property had been sacrificed to meet the fine exacted by the Colonial Government.

R. G. DUNLOP.

Dated at Sydney the twenty first day of June, One thousand eight hundred and forty three.

Enclosure No. 2.

Attorney-General Therry to Colonial Secretary Thomson.

Sir,

I beg leave to transmit a Letter addressed to me by the Civil Crown Solicitor in explanation of the matters referred to in your Letter of the — Instant respecting Mr. Ross, and the prosecution of parties alleged to be implicated in Smuggling. The prosecution
has not been neglected, as Mr. Dunlop appears to think, but even the new born zeal of Mr. Dunlop will not enable the case to be successfully prosecuted without the aid of proofs, which may hereafter but cannot now be procured.  

R. Therry, Atty. Genl.

[Sub-enclosure.]

MR. G. C. Turner to Attorney-General Therry.

Sir,  
Civil Crown Solicitor's Office, Sydney, 15th April, 1843.

Report re prosecutions for smuggling.

With reference to a communication of the 13th instant addressed to you by the Colonial Secretary on the subject of the late proceedings against Mr. Ross and others, requesting an explanation why that person had been allowed to escape and why the most guilty parties are not proceeded against, and, on which you request my Report, I have the honor to inform you that, from private information of Mr. Ross' movements obtained by me, I have no doubt that he will be arrested in the course of a few days. The result of the consultation with regard to the proceedings against Peacock and another was, as you are aware, that the evidence of Walton was not essential, and of the joint opinion of yourself and the Solicitor General, and M. Broadhurst as to the necessary proceedings against the parties, obtained only on your return from Circuit, was that informations should be filed against them, which are now in course of prosecution, the Papers having been laid before Counsel some time since for that purpose.

G. Cooper Turner, Civil Crown Solicitor.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 98, per ship Talent.)

My Lord, Government House, 25th June, 1843.

I have the honor herewith to transmit to your Lordship a Copy of a letter, which I caused to be addressed on the 17th instant to Mr. La Trobe, and to explain that my object, in transmitting it, is solely to meet any representation which may be addressed to Your Lordship through an unofficial channel by the Messrs. Bolden of Port Phillip.

The case between the Messrs. Bolden and the Crown Commissioner of the District, Capt'n. Fyans, is one in reality of very little importance; and it scarcely seems to me that your Lordship ought to be troubled with it.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this letter, dated 17th June, 1843, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 99, per ship Talent; acknowledged by Lord Stanley, 27th December, 1843.)

My Lord, Government House, 26th June, 1843.

It is with very great regret I have to report to Your Lordship that I have felt it an imperative duty again to bring the conduct of Mr. Justice Willis under the consideration of my Executive Council, and that, in consequence, Mr. Willis was, with the advice of the Council, removed from the Office of a
GIPPS TO STANLEY.

Judge in this Colony by a Writ of Amotion, dated the 17th instant, prepared under the direction of the Law Officers of the Colony, according to the powers given to Governors of Colonies and their Councils by the 22d Geo. 3rd, C. 75.

I transmit herewith a copy of the minute of the Executive Council made in the case of Mr. Justice Willis; and a considerable mass of other papers will follow, as soon as they can be prepared for transmission to Your Lordship. I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this minute, dated 13th June, 1843, will be found in a volume in series IV.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 100, per ship Talent; acknowledged by Lord Stanley, 27th December, 1843.)

My Lord, Government House, 26th June, 1843.

With reference to my Despatch of this day's date, No. 99, wherein I reported that Mr. Justice Willis had been Amoved from the situation of a Judge in New South Wales, under the powers given to Governors of Colonies and their Councils, by the 22d Geo. 3rd, Ch. 75, I have now further to report to your Lordship that, with the advice of my Executive Council, I have appointed Mr. William Jeffcott to act as Judge at Port Phillip, until Her Majesty's pleasure shall be known.

I enclose a copy of the Minute made on this occasion by the Executive Council, from which Your Lordship will perceive that I wished one of the Puisne Judges from Sydney to succeed Mr. Willis at Port Phillip, but that I subsequently yielded, with the concurrence of the Council, to the arguments against the measure, brought forward by the Chief Justice.

Your Lordship will further perceive that Mr. Jeffcott, in proceeding to Port Phillip, has stipulated that he shall receive a year's salary, £1,500, even though he should be superseded in the office of a Judge before the expiration of twelve months.

I further beg leave to recommend Mr. Jeffcott for confirmation in his appointment. He has been but a few weeks in this Colony, but was, I believe, very advantageously known at the Irish Bar, of which he has been a Member since the year 1828.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this minute will be found in a volume in series IV.]
HISTORICAL RECORDS OF AUSTRALIA.

LORD STANLEY to SIR GEORGE GIPPS.

(Despatch No. 94, per ship Andromeda.)

Sir,

Downing Street, 28 June, 1843.

I have received Your Despatches of the 9th December, 1842, Nos. 231 and 232, enclosing communications from three of the Judges of New South Wales on the subject of Mr. Manning's defalcation or embezzlement of the money in his hands. Considering this subject as falling more properly within the province of the Judicial Committee of the Privy Council than within my own, I shall, for the present, confine myself to the notice of some matters of fact which the Judges appear to me to misapprehend. It is incumbent on me to notice them because I cannot otherwise explain why it is that I dissent from the practical conclusion, which the Judges would draw or suggest, the conclusion, namely that Her Majesty's Executive Government are responsible for the loss in which so many persons have been involved by Mr. Manning's Insolvency.

This conclusion, if I rightly understand the meaning of the Judges, they would deduce from the following statements:—First, that Mr. Manning was appointed to his Office in this Country by the King on the advice of the Secretary of State. Secondly, that, on his appointment, an assurance was made to Mr. Manning by a Member of this Office to the effect that he, Mr. Manning, would be the Receiver of the Estates of deceased persons having no Representatives in the Colony, and would be entitled to employ for his own advantage the balances of which he might, from time to time, be in possession in that character. Thirdly, that, by taking from Mr. Manning such security for the faithful administration of his Office as they thought necessary, the Government in this Country prevented the demand of further securities in the Colony itself, or at least acknowledged that on them rested the responsibility of protecting the Public against his defaults.

I have, therefore, to observe First, that it is not the fact that Mr. Manning was appointed to this Country to the Receivership of the unrepresented Estates of persons dying in New South Wales. That appointment was made by the Judges of the Supreme Court of that Colony, by whom alone it could be lawfully made.

The Statute, 9 Geo. 4, Cap. 83, was passed on the 25th July, 1828. It was between four and five weeks afterwards that Mr. Manning was appointed in this Country to the Office of Registrar of the Supreme Court. The Warrant under the Royal Sign Manual for that purpose bears date on the 23d August, 1828.
The 12th Section of that Statute gave to the Supreme Court the appointment of the Receiver of the Estates of unrepresented deceased persons, provided that the choice should fall either on the Registrar or on some other Officer of the Court. The same Enactment authorised and required them to make every necessary Regulation for the security of such Estates. It enables them to authorise the Receiver “to hold a deposit or invest the effects of the deceased in such manner or place, or upon such security, and subject to such orders and directions as shall be made, either as applicable to all such cases or especially in any case by the Court in respect of the Custody, control or disposal thereof.”

It is obvious therefore that the appointment of Registrar did not necessarily carry with it the Office of Receiver of these Estates; that Mr. Manning could derive his appointment as Receiver only from the Court; that the Court alone could regulate the securities to be taken from him, and the conduct to be observed by him in that capacity; and that any interference in these matters on the part of the Executive Government would have been resisted as an unconstitutional encroachment on a function confided by Parliament to the Judges alone.

I have secondly to advert to the argument drawn from the Language, which, as it appears, Mr. Manning attributed to the gentleman, who, in the year 1828, filled the Office of Counsel to this Department. His words, according to Mr. Manning’s representation of them, were “that a considerable source of Emolument would belong to him in the Custody of Intestate Estates, with a percentage upon the amount received, and that this Fund would, no doubt, become more and more important.” The inference, as I understand, is that Mr. Manning left England with an authoritative Official promise of these Emoluments.

To this statement, the answers are that the legal Adviser of this Office could have had no right, supposing him to have had the disposition, to enter into such an engagement on behalf of the Government; that, retaining (so he reports to me) no recollection of having been in Mr. Manning’s Company, it is impossible for him, at this distance of time, either to admit or to deny the use of the words ascribed to him; that, assuming the words to have been spoken and assuming them to have been spoken with adequate authority, they do not amount to an assurance that Mr. Manning should have the use of these Funds for his own benefit; that any such assurance (if really given) must have been known to the party giving it, to the party receiving it, and to the Judges to whom it was quoted to be in direct conflict with
1843. 28 June.

Authority exercised by judges over J. E. Manning.

Losses due to neglect of rules.

the terms of an Act of Parliament then not a month old; and that, therefore, it is incredible that any such expressions were used by the Officer to whom they were ascribed, or, if used, were considered as of any authority by the person to whom they were addressed, or by the Judges by whom they were quoted.

It would, however, be superfluous to pursue this argument, for it is beyond the possibility of contradiction that, until the loss had actually occurred, the Judges regarded Mr. Manning as in possession of no Royal appointment and of no Official pledge, which could in the slightest degree interfere with the control which Parliament had vested in them over the Receiver of unrepresented Estates.

As long ago as the 19th October, 1830, the late Chief Justice, Sir Francis Forbes, announced that, "to prevent the possibility of any loss to Suitors, he should with the concurrence of the other Judges direct that all monies arising from the Sale of Intestate Estates be placed in the Banks subject to the disposal of the Court."

In the year 1838, the present Judges drew up Rules of Court requiring the Registrar to pass his accounts before them at certain prescribed and short intervals, and to pay over the balances. In opposition to the efforts of Mr. Manning and his friends, the Judges in the same year obtained an act of Council in aid of those Rules. In October, 1838, one of the Judges audited Mr. Manning's accounts and made three reports, from which it appeared that Mr. Manning had kept no accounts at all, and had greatly under-rated his own liability at that time. By an order of Court, the ascertained balance was then taken out of Mr. Manning's hands.

It further appears that, in January and July, 1841, other audits took place before the Judges in pursuance of their Rules of 1838.

The inference, therefore, is inevitable that the Judges regarded themselves as invested by Parliament with unlimited authority over Mr. Manning as Receiver of unrepresented Estates, and that they did not regard him as exempt on any ground whatever from his responsibility to them. This defence for their inaction or want of due vigilance is, therefore, untenable.

The loss which at length occurred is altogether posterior to the promulgation of the Rules of 1838. It occurred from the neglect or non-enforcement of those Rules; and when the Judges were in full possession of the facts brought to light regarding Mr. Manning's Accounts by the audit of 1838.
The Third ground, on which the Judges would hold the Executive Government responsible, is that they obtained from Mr. Manning securities of which they determined the amount. Whatever may be the value of the inference, I have to state that the assumption as to the matter-of-fact is unfounded. There is no trace of any security having ever been taken from Mr. Manning or from any person as his Surety by the Government here.

Under these circumstances, I must entirely disclaim and repudiate any responsibility on behalf of the Executive Government for Mr. Manning's default. How far that responsibility may attach to the Judges of New South Wales is a question, which it is not within my province to determine, and on which I express no opinion. Whether the Judicial Committee of Her Majesty's Privy Council will take cognizance of that question in its present shape, I cannot undertake to say. I shall take the necessary measures for ascertaining therefore their views on that question, and, when they are ascertained, I will communicate to you the result.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Andromeda; acknowledged by Sir George Gipps, 1st January, 1844.)

Sir,

Downing Street, 28th June, 1843.

I have to desire that you would call the attention of the Legislature of the Colony under your Government to the following statement and suggestions:

The imposition of discriminating Duties on Goods imported into the British Colonies, when the discrimination is made for the protection of some branch of British or Colonial Industry, is an office of great difficulty. To the right discharge of it, an intimate acquaintance with the Commercial Treaties and Political Relations between this Kingdom and Foreign States is indispensable. To Legislate on such a subject, in ignorance of these Treaties and Relations, would be to render inevitable much serious practical error.

But, in the nature of the case, it is impossible that this knowledge should be possessed in the requisite degree by the various Local Legislatures of the Colonies of this Kingdom. They have no means of knowing the state or the objects of pending Negotiations, nor even of ascertaining, with absolute precision, the terms of Treaties actually concluded. If they Legislate at all on these subjects, they must do so in ignorance of some facts which cannot be safely excluded from consideration.
Neither is it possible that forty distinct Legislatures, having no means of mutual communication and concert, should act consistently with each other on such subjects. The local opinions or interests of each Colony must dictate the Laws of each, and the general Code of the Empire, compiled from so many different sources, must be at the utmost variance with itself on a subject on which unanimity and consistency is indispensable. In such a state of the Law, Her Majesty's Government could not negotiate or treat, with confidence, with any Foreign State for Commercial purposes; nor could they fulfil such Treaties as might be made. Painful and injurious discussions with those States must arise, and perhaps indemnities and compensations must have to be paid.

For these reasons, Her Majesty's Government decidedly object in principle to the assumption by the Local Legislatures of the office of imposing differential Duties on Goods imported into the respective Colonies, Parliament having already prescribed the Rules by which such Duties are to be discriminated, with reference to the place of origin or of export; to Parliament alone the power of altering those Rules must be reserved. The single exception to this general rule will occur in any cases in which Her Majesty's Government may have suggested to any Local Legislature the enactment of any such discriminating Duties. If such cases should arise, the Ministers of the Crown would be able to take the necessary measures for obtaining the subsequent sanction of Parliament for any such innovation.

You will, therefore, exercise all the legitimate influence of your Office to prevent the introduction into the Legislature of the Colony under your Government of any Law, by which Duties may be imposed on Goods in reference to their place of production, or to the place from which they may be exported. In the same way you will exert yourself to prevent the introduction of any Law imposing on refined Sugar, imported into the Colony, higher Duties in the case of Sugar refined in this Country in bond from Foreign Sugar, than in the case of Sugar refined here from British Colonial Sugar.

If, unfortunately, your efforts should be unsuccessful, and if any such Law should be presented for your acceptance, your duty will be to withhold your assent to it. From the discharge of that duty, however unpopular it may be, you will not shrink; for, by declining to undertake it, you would only subject Her Majesty's Government and the Colony itself to a still more serious inconvenience.
Her Majesty could not be advised to sanction any Colonial Law imposing discriminating Duties which Her Majesty’s Government had not previously recommended, or which Parliament has not expressly established, or enacting such Duties on any terms, which Parliament has not prescribed. The disallowance of any such enactments would therefore be inevitable, and that measure would be attended with far more serious inconveniences than any which could result from your own refusal to accept them. I trust, however, that there is no good reason to anticipate or to provide against such a contingency. I have, &c,

STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 95, per ship Andromeda.)

Sir, Downing Street, 29th June, 1843.

With reference to former Correspondence, I transmit to you herewith a copy of a communication from the Colonial Emigration Commissioners containing a Report of the result of their investigations into the irregularities which appeared to have existed in the cases of the “Carthaginian” and “The Sir Charles Napier,” Emigrant Ship.

I have communicated to the Commissioners my concurrence on their suggestion that, adverting to the number of persons of objectionable character who appear to have found their way into Mr. Byrne’s Ships, and to the bad choice in two successive instances of the Officers entrusted with authority in those Vessels, it will be proper that those parties, who may have succeeded to Mr. Byrne’s business, should be excluded from hereafter acting on any Bounty Orders which may remain in their hands.

I have, &c,

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office.

Sir, 9 Park Street, Westminster, 12th June, 1843.

Having, in our recent communication of the 31st Ultimo, reported on the cases in which we believed it would be desirable to reconsider the refusal of Bounty upon various classes of Emigrants therein described, it may be convenient that we should complete our review of the last year’s Emigration that took place on Bounty to New South Wales, by submitting for Lord Stanley’s information such remarks as have occurred to us, or such steps as we have taken, upon certain vessels in which the existence of extensive malpractices was clearly brought to light.
1843. The two Ships, in which this occurred, were the "Carrhagenian" and the "Sir Charles Napier," reported upon by Sir George Gipps in the Despatches named in the margin.*

In the former of those vessels, the Master and Surgeon were convicted of gross illusage, to a woman named Margaret Bolton. They brought her on to the Deck in the middle of the night, and poured buckets of water over her, and kept her on deck in her wet night clothes for two hours. For this offence, they were punished by the Supreme Court at Sydney by a sentence of imprisonment for six months, and a fine of £50 upon each.

It further appeared that, in the same ship, various improper persons had been embarked, and that immoral conduct prevailed during the passage; and we perceive that the Colonial Government accordingly was able to inflict the appropriate penalty by withholding the Bounty upon a large number of the Passengers. All that remains to be done in this Country is to examine how the evils may be traced to a preliminary fault on the part of any responsible person here, or whether, under such powers as are to be exercised on the subject in England, the recurrence of similar ills can be prevented for the future.

We have the honor to enclose the copy of a letter, which we addressed to Mr. Byrne, the individual concerned in the despatch of this Vessel at Liverpool, drawing his particular attention to everything objectionable that had been brought to light, and preparing him to expect that under such circumstances he would not again be entrusted with the conveyance of any Emigrants by means of public funds. We also wrote to Lieutenant Henry, directing him to take care that the same master should never be permitted to sail in command of any vessel, which was carrying Emigrants at the public expense, and calling for information on the alleged improprieties at the Depot for the Emigrants before they were embarked. We enclose an extract of Lieutenant Henry's reply, in which it will be observed that he denies the principal allegations respecting Mr. Byrne's Depot at Liverpool, and the kind of women put on board his ships. Mr. Byrne himself, it appears, has recently died.

The other case we have alluded to is that of the "Sir Charles Napier." In this instance also a great number of Emigrants of a bad character appear to have gained admittance; and, altho' we pointed out in our report of the 13 Ulto., referring to a Memorial from the Owners of the ship, that we apprehended there were not sufficient grounds to withhold from that Firm the Bounties on the whole of the Passengers indiscriminately, yet the denial of payment on such as were ineligible will at any rate constitute a very heavy mulct.

With regard to the alleged malpractices of Mr. Byrne's sub-agents at Manchester and Liverpool, named Wilson and Taylor, by fabricating certificates of character, and shewing an entire disregard to truth and propriety in the manner in which they collected Emigrants, we regret that we could not find any means by which to render their conduct the subject of a legal investigation. To Lieutenant Henry we addressed inquiries on his conduct, drawing his attention to all parts of the evidence from the Colony which related either to the general faults of the ships from Liverpool, or

* Marginal note.—Carthaginian, No. 87, 13 May, 1842; No. 119, 13 July. Sir C. Napier, No. 111, 26 June; No. 158, 1 Sept.
to any apparent defect in the discharge of his duties; and we have
the honor to forward for Lord Stanley's information the enclosed
extracts of his reply, containing his explanations on the several
points raised in the Colony.

In addition to those points, he observed by the records in our
office that an unusually large number of Certificates were passed by
Lieut. Henry for this ship on his own authority, on the ground of
their being for substitutes in lieu of defaulters at the last
moment; but, the possibility of inconvenience from this source hav-
ing been considered towards the close of the Bounty Emigration,
it was decided with the approval of Lord Stanley not to place a
limit on the number of substitutes who might be passed by the
Government Agents, but rather to restrict the period after which
no fresh ships should be engaged for the service. No blame there-
fore can attach to Lieutenant Henry under the head.

On the points which arose out of the evidence in the Colony, we
have to refer to Lieut. Henry's letter for his explanations, of which
the following is the substance:

1st. With regard to the fact that as many as 17 Emigrants had
been rejected because, although Adults, they had no separate doc-
uments, but were included in the certificates of persons with whom
it was found they had no real connection, Lieut. Henry observes
that he did not understand the practice to be objectionable in refer-
ence to parties supposed at their departure to be members of
the same family. With regard to the other cases in which Documents
would seem to have passed thro' him that contained the names of
parties not of the same family, he expresses his regret at the
occurrence, and states that he can only ascribe it to the hurry of
business, and the numerous demands upon him for other purposes
to which he is subject at Liverpool.

2ndly. With regard to the women of bad character, who went in
the "Sir Charles Napier," he repels indignantly any idea of his
having been conscious of the circumstance. He declares that there
were not the slightest grounds for suspicion at the time of their
departure. In one case, he states that he has since heard of the
immorality of the party; but in five others he says that he finds
the persons, who had given the Emigrants a character, adhere with
confidence to their former testimony; and he gives his reasons for
thinking that those women were more probably corrupted on the
passage, than of bad character before they started. The remainder
of the women complained of came, he says, from Ireland; and he
had no means of ascertaining anything about them, beyond the un-
exceptionable testimonials which they brought with them.

3rdly. With regard to the character of two of Mr. Byrne's Sub
agents, one resident at Manchester, and the other at Liverpool,
Lieutenant Henry states that he never saw the former; he observes,
however, that the only complaint he had heard against him was for
charging 6d. each for blank forms of Certificates, accompanied by
Circulars comprising the terms, the scale of provisions, etc., and
that, immediately on Lieutenant Henry's sending to Mr. Byrne on
the subject, the practice was discontinued.

With respect to the other Agent named Wilson, Mr. Henry states
that he finds he had occupied respectable stations in life, and had
been well recommended; that he now utterly denies the accusations
made against him, of which in some instances he shews the im-
probability; and, so far as concerns the money alleged to have
1843.

Report of malpractices in connection with immigrant ships Carthaginian and Sir Charles Napier.

been fraudulently extorted by him, Mr. Henry remarks that the accusation may have arisen out of the circumstance that many of the Emigrants distinctly stipulated to pay a certain sum for their passages, which were never professed by Mr. Byrne to be given absolutely free.

4thly. With regard to the general remarks on the defects of Liverpool ships, Lieutenant Henry states that, if they allude, as he presumes, to the management at Sea, this relates to a point for which he could not be responsible; but, as regards the quality of the vessels and their equipments, he asserts that they will bear comparison with those of any other Port in the Kingdom. And, with regard to the “Sir Charles Napier,” which had to be prepared in great haste on account of the close of the Bounty Emigration, he details the efforts which he made to see that she was in a proper condition before she departed. Upon this general head, it is perhaps due to Lieut. Henry that we should state we do not think the condition in which some of the Liverpool vessels arrived at Sydney has been traced to his neglect so far as regards their provisions and water, which fell more immediately within his cognizance, no complaint seems to have been established. And, in respect to other points, it will not be forgotten that the control, which could be exercised in England over the Bounty System, was of the most limited description; that it was uncertain whether it would receive any support from the Colonial Authorities; and that the public and organized opposition, which it met with in this Country from various classes of the greatest weight connected with the Colony, could not but materially impair its efficiency. In a port therefore where the business was comparatively new, and the Bounty orders being liable to find their way into the hands of any parties whatever who were disposed to pay the current price for the use of them, it is perhaps not surprising that the supervision of the Government Agent should not suffice to arrest the mistakes as well as the faults of persons, who were not qualified to conduct their business satisfactorily.

We have the honor to state in conclusion that adverting to the number of persons of objectionable character, who appear to have found their way into Mr. Byrne’s ships, and to the bad choice in two successive instances of the officers entrusted with authority in them, we think that enough has transpired to justify the exclusion of those who may have succeeded to his business from acting on any Bounty Orders which may remain in their hands.

It was with this opinion that we pointed to that result in the letter which we caused to be addressed to Mr. Byrne on the 2nd Ultimo respecting the “Carthaginian.” But with regard to the past, all the penalties that circumstances will admit of having been inflicted in the Colony, we are unable to point out that any further practical step remains to be taken in this Country.

We have, &c.,
T. FREDK. ELLIOT.
EDWARD E. VILLIERS.

[Sub-enclosure No. 1.]

MR. S. WALCOTT TO MESSRS. BYRNES AND CO.
Colonial Land and Emigration Office,
9 Park Street, Westminster, 2nd May, 1842.

In reference to my letter of the 2nd of December, in which it was my duty to acquaint you with the conviction of the Master and Surgeon of the Ship “Carthaginian” before a Court of Justice for having ill used a Female, who was a Passenger
in that ship, I am now directed by the Commissioners of Land and Emigration to transmit to you for your information the enclosed extracts of the report made by the Immigration Board at Sydney on the subject of the Immigrants generally by the "Carthaginian."

You will observe that one of the Immigrants stated that he had been expressly directed by one of your Agents to insert a false description of himself in his Certificate.

I am to draw your attention to the conduct of the Master, not less worthy of a seaman than of a man entrusted with authority, in turning the ship adrift, because he was displeased at the circumstances of the Passengers keeping Journals of their voyage. You will perceive that the persons acting in this country for the Immigration Board were really the persons described in the respective Certificates, I was not only in the habit of interrogating them respecting the attesting parties, but also questioned them closely on the point of their professed occupations, so that those...

[Sub-enclosure No. 2.]


"I have the honor to acknowledge the receipt of your Letter of the 3rd Instant with its enclosures on the subject of the ship "Carthaginian," and in reply beg to state in the first place that, in accordance with the Commissioners' directions, a special memorandum shall be made of the name of the Master, Robert Robertson, with a view to prevent his having an opportunity to repeat the culpable conduct referred to on any ship, in which Emigrants at the Public expense may be conveyed from this Port. With respect to the contradictory evidence respecting the alleged accommodation at Liverpool for immigrants, I can only observe that the accommodation alluded to consisted of two distinct and rather spacious Apartments on the first floor of a Building in the rear of Mr. Byrne's Office, fitted with standing bed places for the convenience of families and young women, who chose to accept an offer of sleeping there gratis, with fire places and fuel below for cooking, instead of paying for lodgings elsewhere out of their detention money; and a trustworthy man was appointed by Mr. Byrne to look after the place, and to prevent or report any misconduct. Nor have I any reason to believe that any action was taken, or that any end was had in view, by the Importers was found to have exacted from the Surgeon a promise to convert to a seaman than of any man entrusted with authority, in turning the ship adrift, because he was displeased at the circumstances of the Passengers keeping Journals of their voyage. You will perceive that the persons acting in this country for the Immigration Board were really the persons described in the respective Certificates, I was not only in the habit of interrogating them respecting the attesting parties, but also questioned them closely on the point of their professed occupations, so that those...

Malpractices re immigrant ship Carthaginian.
HISTORICAL RECORDS OF AUSTRALIA.

As regards the seventeen persons rejected because they had not procured separate certificates, I have to remark in the first place that, in reference to those associated as professed members of the same family, I felt justified not only by the example of the Board in not requiring distinct Certificates, but, by the assurance of the selecting parties, of the practice being in strict accordance with the spirit of their Instructions, embracing even Domestic Servants, of which several instances at various times occurred in connection with families of small farmers from Ireland; but, in the second place, I am free to confess I had as little authority as sanction of sanctioning the union of a single certificate of parties domestically disconnected; and I am certainly not less surprised than sorry to discover that, through some unaccountable oversight, a few of this description have possibly been passed by me, possibly occasioned by interruptions during the progress of such investigations, so uncommanly extensive by demands on my attention to some other duties; however, this may be, I can only now say that the inadvertance forms a source of pointed regret, though in some measure mitigated by the consideration that, as was my custom to require, I doubt not I was furnished with additional testimonials, and to the like purport full as satisfactory as the Official Document.

As respects the twelve young women of bad character, I must in the first place beg to notice that, but for something of the sort being insinuated and assumed, I should hardly have felt it incumbent on me to state, which I now do, with all the energy of conscious integrity, that without affecting the faculty of reading the character in the countenance, I not only did not myself discover anything suspicious in the deportment of the guilty parties, but that not the slightest rumour or reflection, not a whisper of imputation against them or any of them, ever reached my ears; in fact to be capable of conniving at the commission of such abominations would indisputably imply an absence of all sense of propriety, and could not fail to involve myself in an indirect participation in acts of iniquity, no one can more earnestly and emphatically denounce and deplore. And what could be more culpable than an officer of the Ship, Mr. Hargreaves, concealing at the time the occurrence of the infamy, to which he afterwards professed himself to be privy; and had he reported the affair as he ought, assuredly none of the implicated parties would have been permitted to proceed in the ship. However, on enquiring into the profligate conduct alleged to have occurred during the brief period some of the emigrants spent on board before the ship left the Dock, I have discovered that the Custom House officer, subsequently to the ship's sailing, told the late Mr. Byrnes' berthing clerk, who is a steady well conducted man, that both he and the first mate held criminal intercourse with Elizabeth Bradley, in her own cabin, for it seems she paid something extra to be accommodated with a separate apartment; this individual came from Ireland with two of her brothers, one only of whom accompanied her in the ship. Of the other two charged with similar acts of depravity in Port, it does not appear that anything has ever transpired here to corroborate and confirm the accusation. Both of them, Mary Hood and Jane Parry, as well as Mary Shaw, were, as stated, received from the House of Industry, not a very likely place of for common prostitutes to seek or to receive refuge, and in addition to verbal testimony in their favor, certificates of good character were furnished by the then Governor of the Work House, who now repeats that he never had reason to form any other opinion. With the other two bad girls, Isabella Thompson and her sister Rachael, who resided in this Town, I also received satisfactory Testimonials, verbal and written, and on referring to the parties again with whom they served, they not only repeat what they before stated, but now add that they parted with them with regret; in short I have no doubt of these and some others having been
corrupted during the passage. nor, looking at the infamous conduct of the original
Captain's successor, is it greatly to be wondered at. All the other bad characters
came from Ireland, and beyond the unexceptionable Testimonials they brought with
them, I had of course no opportunity of ascertaining anything of their respective
characters . . . .

"In Mr. Burton's testimony I have no faith whatever, seeing that he attempted,
under the most culpable and criminal circumstances, to obtain my signature to a
certificate, he contrived through the adoption of a fictitious name to procure in
Manchester. This hopeful youth, a son of the Revd. Dr. Burton, a clergyman in
Manchester, not only clandestinely absconded from his father's house, but induced
another youth, and his own sister, and a servant maid, in the family to accompany
him in a projected excursion to New South Wales, who as a party presented them­selves at this office; but, not being able to satisfy my scruples, the official certificate
was withheld until unexceptionable testimonials were furnished; in the meanwhile
they were followed and found out by his father, and, after sending the sister home,
and finding from me that the son could not be sent out as a Bounty Emigrant, paid
for his passage; in short I afterwards found out that this young man had long
enjoyed the unenviable reputation of being an accomplished scamp.

"With respect to the two Agents Taylor and Wilson, whose names are so fre­quently introduced, the former of whom I have never seen and of course know
nothing of personally, and the only complaint I had against him was for charging
6d. each for blank forms of certificates, with circulars comprising the terms, scale
of Provisions, etc., issued to candidates, which on my sending to Mr. Byrnes on the
subject was discontinued. Mr. Wilson, formerly the proprietor of a respectable
Inn at Lancaster, on the recommendation of Mr. Harrison, of the Firm of George
Browne and Harrison, was employed by Mr. Byrnes to select Bounty Emigrants, in
the Northern Counties of this Country; and, as Mr. Harrison not only knew him
personally from being of the same Town, but, previously to his being employed in
the Emigration Service, Mr. Harrison bad at the instigation of a gentleman, a
friend of his in Lancaster, who knew Wilson well, taken his son into the office,
and great confidence was placed in his integrity by all parties interested in the selec­tion. I certainly never noticed or heard anything to excite my suspicion of the
misdeeds with which he has been charged. I have, in the presence of Messrs. Browne
and Harrison, read to him and interrogated him on the various particulars; the
whole of which charges he utterly denies; and I think, had any money been received
from Mr. Burton, it would have been demanded back, on his father being compelled to
pay his full passage; and I have no doubt that if it not all, of which I know nothing,
to the contrary, at least the major part of the money alleged to have been
fraudulently extorted consisted of sums the Emigrants had themselves stipulated to
pay, a piece of information they took special care to withhold, it would appear,
from the Committee at Sydney. The parties here never professed to send Emigrants
out absolutely free, as was manifested by all their published Bills and circulars;
at the same time I am aware numbers of the poorer sort were admitted without
any payment whatever.

"With reference to the Liverpool ships having been recognised and regarded as
the worst managed, I presume this complaint refers to management at sea, a point
and an important one it is, which, depending, as it must always do, on the efficiency
of the leading appointments on board, in which as I had no voice, it could not of
course be the subject of misrepresentation. I have no hesitation in asserting that they
were extremely capacious and comfortable accommodation. That the "Sir Charles Napier" was not, when she left, so clean as her predecessors, which I observe has been made a ground of grave complaint and formal enquiry, is manifestly true; but it will be remembered that this ship, owing to the preoccupation of the Graving Docks, it was found could not be got ready by the originally pre­scribed period; and that, on a consequent appeal being made to the Commissioners
a few days' extension of time was granted, which with the utmost exertion at an
advanced season of the year scarcely sufficed to accomplish the object. Unavoidably
occasioning a scene of incessant bustle from the beginning to the close, and even
on the last day of the term, rather than grant a certificate in the condition, I
found her on going on board in the morning to pay my final visit, I remained
there the greater part of the day, until I saw the luggage stowed away, and the
'twist decks completely cleared, and well scraped and swept fore and aft. Noticing
immigrant vessels from Liverpool.
1843.
29 June.

Stores shipped per ship Sir Charles Napier.

<table>
<thead>
<tr>
<th>Stores required per Victualling Scale</th>
<th>Stores shipped on Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biscuits, 9 lbs. p. day for 168 days, 27,216 lbs.</td>
<td>Biscuits, 10 tons...... 22,400</td>
</tr>
<tr>
<td>Coffee, 12 oz. per week for 24 weeks 488 lbs.</td>
<td>6 tons Potatoes 13,440</td>
</tr>
<tr>
<td>Tea, 12 do do do 334 lbs.</td>
<td>lbs. @ 4 lbs. for 1 lb.</td>
</tr>
<tr>
<td>Sugar, 1 lb. per day for 168 days... 3,024 lbs.</td>
<td>3,360</td>
</tr>
<tr>
<td>Beef, 11 lbs. per week for 24 weeks 5,912 lbs.</td>
<td>Bread.</td>
</tr>
<tr>
<td>Pork, 16 do do do 6,912 lbs.</td>
<td>Oatmeal, 1 ton........ 2,240</td>
</tr>
<tr>
<td>Preserved meats, 12 lbs. per week for 24 weeks 5,184 lbs.</td>
<td>16 Brls. Flour @ 196 lbs. 3,130</td>
</tr>
<tr>
<td>Flour, 18 do do do 7,776 lbs.</td>
<td>31,130 lbs.</td>
</tr>
<tr>
<td>Rice, 3 do do do 1,506 lbs.</td>
<td>Coffee.................. 608 lbs.</td>
</tr>
<tr>
<td>Butter, 2 do do do 384 lbs.</td>
<td>Sugar.................... 3,388 lbs.</td>
</tr>
<tr>
<td>Suet, 2 do do do 1,296 lbs.</td>
<td>Beef, 25 Tierces each 300 lbs. 7,500 lbs.</td>
</tr>
<tr>
<td>Peas, 12 do do do 5,184 lbs.</td>
<td>Pork, 39 Brls. each 200 lbs. 7,800 lbs.</td>
</tr>
<tr>
<td>Vinegar, 2 pints per week for 24 weeks 108 gals.</td>
<td>Preserved meats......... 5,762 lbs.</td>
</tr>
<tr>
<td>Fruit, 4 lbs. per week for 24 weeks 3,728 lbs.</td>
<td>Fish, Cod 15, Herrings 10-17</td>
</tr>
<tr>
<td>Oatmeal, 6 do do do 2,692 lbs.</td>
<td>8,000 lbs.</td>
</tr>
<tr>
<td>Molasses, 2 do do do 864 lbs.</td>
<td>Water, 9 gals. p. day for 168 days 27,216 gals.</td>
</tr>
<tr>
<td>Water, 9 gals. p. day for 168 days 27,216 gals.</td>
<td>Medical Comforts.</td>
</tr>
</tbody>
</table>

| Medical Comforts. |

- 66 Gallons of Brandy or 1 Hhd. |
- 2 Qrt. Casks Port Wine. |
- 10 doz. Ale. |
- 10 doz. Porter. |

- 14 Dozen Port Wine. |
- 14 lbs Sherry. |
- 50 Gallons Lime Juice. |
- 1 cwt. Sago. |

Liverpool, 5 November, 1841.

I HEREBY certify that the Provisions, water, and Medical comforts specified herein, are actually on board of the ship "Sir Charles Napier," for Sydney, New South Wales.

J. K. HUSTABLE, Master.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 101, per ship Talent; acknowledged by Lord Stanley, 23rd December, 1843.)

My Lord,

Government House, 29th June, 1843.

At the request of the Chief Justice of this Colony, I transmit herewith Copies of a correspondence, which has taken place between myself and His Honor on the subject of his non-appointment to a seat in the New Legislative Council.

Your Lordship will gather from this correspondence that the Chief Justice fully concurs with me in thinking that he should not occupy in the New Council the place of a debating Member,
but that His Honor considers I ought to put forth the strength of my Government in order to secure his election as speaker.

This however, I have declined to do, first, because I have considerable doubt of the propriety of the union of the Offices of Chief Justice and Speaker, and secondly, because, in a Council of whom two-thirds are elected Members, I think I should, by attempting such a measure, expose myself almost to the certainty of defeat.

Your Lordship will perceive that the Chief Justice has gone into the further question of the appointment of a fourth Judge; that such a measure at no very distant time may be necessary, is highly probable; but it would I think be premature to entertain it now; especially as the Business of the Supreme Court is understood at the present moment to be on the decline, and will be further diminished, as soon as the Act of the last Session of Council, 6th Vict., No. 15, shall be brought into operation, which extends in parts of the Colony the jurisdiction of the Court of Requests to £30.

I should perhaps add that the only reason why this Act can not yet be brought into operation is that the Commissioner of the Court, Mr. Therry, is acting as Attorney General for Mr. Plunkett, who is still absent from the Colony.

I have, &c,

GEO. GIPPS.

[Enclosure No. 1.]

SIR GEORGE GIPPS TO SIR JAMES DOWLING.

My dear Chief Justice,

Parramatta, 22nd June, 1843.

As the time is fast approaching when I must, under the powers granted to me by the Queen, nominate the Members who are to sit in the New Council by the appointment of Her Majesty, it becomes my duty to address you on a subject of much delicacy. I beg to assure you that I should most anxiously desire to secure for the Colony the advantage of your assistance in the New Legislative Body, if I thought it could be obtained without injury to other interests, or derogating from what must be allowed to be the proper dignity of your Station; but I think I have heard you express an opinion that no Judge should sit in the Council; and I have no hesitation myself in saying that I think the Chief Justice of this Colony could not occupy any place in the New Council, save that of President of it, without being exposed to many inconveniences; whilst it is evident that even the office of President could add nothing to his dignity or comfort, though it might seriously detract from both; indeed the objections, which were so well stated by the Bishop to his occupying a seat in a Council, composed for the greater part of elected Members, apply, it seems to me, in an equal, if not in a greater degree, to the occupation in it of a seat by the Chief Justice.

I should be wanting moreover in candour if I did not add that the Government will require all the strength it can muster in the
New Council; some of the Officers of Government, who must of necessity be in it, are unaccustomed to the sharpness of debate, and, on the unofficial nominees, it would not be prudent to place much reliance. The Chief Justice however, even if a Member of the Council, could add but little to the real strength of Government, since, if there at all, it must be in a neutral character, and his other important avocations must prevent his attendance in it from being punctual.

I can indeed scarcely doubt that to be relieved from the duty of sitting in the future Council of this Colony must be agreeable to yourself; and therefore I feel confident that you will not take any thing amiss, which I have herein written.

I should not however conclude without stating that the only instruction, which I have from the Secretary of State in respect to yourself, is that it would evidently be improper for you to sit in the Council as an Elected Member. Believe me, &c.

Geo. Gipps.

[Enclosure No. 2.]

SIR JAMES DOWLING TO SIR GEORGE GIPPS.

My dear Sir George, Sydney, 24th June, 1843.

I have had the honor of receiving Your letter of the 22d Instant, as to the question whether The Chief Justice shall be appointed by Your Excellency to a seat in The Legislative Council; and I have to express my gratification at the full and courteous communication, which you are good enough to make, of your views and sentiments on the subject.

So far as I personally am concerned, the question is one of indifference. A Seat in the Legislature or even the post of President of that Body could add nothing to the dignity of my Office, and nothing to my personal ease. On Public grounds however, the question assumes a very different character; and in this light I proceed to consider it.

I cannot be quoted as having ever expressed an opinion that the Chief Justice should not occupy the post of President of the Legislative Body. I have more than once reported my opinion that he ought not to be, what the Chief Justice was in the late Council, a debating Member merely; especially in a Chamber presided over by the Chief Executive authority himself not merely the Chairman, but also the Defender as well as expositor of the Measures of His Government. The inconveniences of such a position are obvious.

Whether the Chief Justice opposed in any degree those measures, or supported them, the value of his opinions became at once the matter of controversy; and the independence of his character incurred more or less remotely the serious risk of question. The unseemliness of a debate between the two Chief authorities in so small a community was scarcely more to be avoided than the strenuous support of the Chief Judge of the Principal Law Court of the Colony to a strongly contested Government Measure.

Abstracted from these objections, which would not apply to the position of President* in the new Legislature, whose duties (I apprehend) will be analogous to those of the Speaker of the House of Commons, I am of opinion that the presence there of the Chief Justice would be beneficial equally to the Government and the community.

In a Body constituted as that will be, some person should be at its head, accustomed to preserve order in debate; and to whom,

* Note 65.
from his station and the weight attached to the Judicial character, the Members on both sides of the House would be likely to look, not less for direction on points of form than for Independence and impartiality in his decisions. The President would be relieved from the objectionable position of a Public Debater; whilst his legal knowledge and practical experience of legal difficulties would be constantly of use, especially in reference to the working of measures and various points of detail. This kind of assistance would be more frequently called into exercise in Committees, whether of the whole House or otherwise; of all which, I presume, that it would be found convenient to make him Chairman.

Your Excellency will collect, from what I have said, that I think the Chief Justice should not be a Member of the New Legislature, unless his election can be secured as President. I regret much, for the sake of the Government, that such an Office should have been left to election; for I can perceive that difficulties and occasionally much embarrassment will arise from that circumstance.

Whether there would be any doubt as to the Chief Justice being elected President, if proposed, I do not think it necessary to enquire. But one thing is clear that he could not be put forward in any sense as a Candidate for the Office. It appears equally clear to me that, whoever may be the Individual selected, he should neither be nor be counted upon as a Political Partisan.

I feel no difficulty in saying that, should the Chief Justice be proposed by the Government as a fit person for the Presidency, I entertain not the slightest doubt of the result.

There is another though less important point of view, in which the question has still to be considered. This is in reference to economy.

The president will require a Salary. If the duties of his Office be satisfactorily discharged, his time will be occupied in their performance during a considerable portion of the year. Nor in the recess would he be by any means at leisure. A perfect acquaintance with the local Statute Book, its multifarious provisions and deficiencies, and with the Reports and proceedings of the Late Council and its various Committees, would be essential. He should be versant in the difficult art of taking evidence and examining witnesses; and be able to analyse, refer to, and report upon it. He will occupy a prominent station in Society, and will be entitled to an assignment of rank, proportioned to the dignity of the Body over which he is to preside. These considerations will naturally determine the amount of his remuneration; and the Council, for its own sake, will not fix it at a low rate.

The Salary of the Chief Justice, however, affords already a remuneration; and the precedence which he enjoys admits of no increase. He will require, indeed, to be relieved of some portion of his present heavy duties; but this he will require in any event, and whether the Presidency of the Council be conferred on him or not.

The present is in short a fit occasion, on which to urge on your Excellency's attention the necessity of additional Judicial assistance being provided.

With an increase of business and duties, which may be stated (on a comparison of the last three years with those of the previous six) at fourfold, and in respect of the Equity business (on a comparison of the last two with the previous Five years) at tenfold, the strength of the Court remains only at what it was Fifteen years ago.
1843. 29 June.

1843.

It is idle to refer on this subject to other countries and other Colonies. In proportion to our population, the Judicial Establishment may be thought ample. But, when the nature and extent of our jurisdiction are considered, and of the Country over which it ranges, and the enormous mass of litigation, and number of difficult and complicated questions with which the Judges here have to deal in every branch of Law, its strength will be found inadequate to the incessant demands upon us.

If, to the Chief Justice, under whatever title, were assigned the Equity, Ecclesiastical, Bankruptcy and Admiralty Jurisdictions, he might exclusively exercise these without having an unreasonable share of duty imposed on him; and he might, in conjunction with these, by additional exertion, discharge the duties of President of the Council also.

Whether the latter be assigned to him or not, I must earnestly represent to Your Excellency that some division of Judicial duties ought to be made without delay. It is not merely the number of cases, or points decided, large as this is, nor the number of days on which the Judges are actually sitting in Court or in Chambers, which can determine the amount of our labours. The hours spent in deliberation and in Study, and the quantity of business devolved on us of a miscellaneous nature, which never comes before the Public eye, must be taken into the account.

With a Fourth Judge, resident at Sydney (leaving the Fifth for Port Phillip), we could discharge satisfactorily our multifarious duties. But, at present, we feel that too much is imposed on us, whether in regard to our health or the public advantage. At present, the occasional illness of one of us occasions serious inconvenience. Nor do we think that the small degree of leisure, which an additional Judgeship would confer on us, can be regarded by Her Majesty's Government as an evil. Considering the nature of our avocations indeed, I can assure Your Excellency that occasional relaxation may, so far as the Judges are concerned, be less termed a luxury than a necessary of life.

It is my opinion that, on the appointment of a Fourth Sydney Judge, three of them might be constituted a separate Court, with Supreme Common Law Jurisdiction. It might be called "The Court of Queen's Bench and Exchequer" or by any other analogous designation. The Chief Justice of the Colony, retaining exclusive Equity Jurisdiction, might be termed "Chancellor." His precedence relatively to that of the Chief Judge of the common Law Court, and that of the President of the Council, would admit of easy adjustment.

Your Excellency will oblige me by causing a copy of this Communication to be forwarded to the Right Honorable the Secretary of State.

I remain, My dear Sir George, &c.,

JAMES DOWLING.

[Enclosure No. 3.]

SIR GEORGE GIPPS TO SIR JAMES DOWLING.

Government House, Parramatta, 25th June, 1843.

My dear Chief Justice,

I have to acknowledge the receipt of your letter of yesterday; and, though I gather from it that the arrangements respecting the Office of Speaker are not altogether satisfactory to you, I am glad at least to find you agree with me in thinking that the Chief Justice ought not to be a debating Member of the Council.
GIPPS TO STANLEY.

Had Her Majesty's Government or the two Houses of Parliament considered it desirable that the Chief Justice of the Colony should be President of the Council, it seems to me that the Office would scarcely have been made an elective one; but, being an elective one, any attempt on the part of the Local Government to put a nominee of the Crown into it would, I have reason to believe, be defeated; and I certainly should not like to expose either myself or you to the chance of a defeat, even were I more satisfied than I am of the propriety of uniting the two Offices.

I will certainly, according to your desire, forward a Copy of your letter to the Secretary of State. Believe me, etc.

GEO. GIPPS.

[Enclosure No. 4.]

SIR JAMES DOWLING TO SIR GEORGE GIPPS.

My dear Sir George, Sydney, 27th June, 1843.

I have had the honor of receiving your note, in reply to mine of the 24th Instant.

I collect from it that Your Excellency conceives the suggestion by the Government of any candidate for the Office of President to be undesirable. If the individual selected were a known partisan or avowed supporter of the Government, I should concur with Your Excellency in that opinion. The consequence would infallibly ensue of more than a mere trial of strength between the Government and Independent parties. The absolute and entire impartiality of the Office would be continually in question; and a precedent have been established, not merely for partizanship in such a matter, but for a serious and perhaps angry contest, at the very time when (above all others) it would be most important that unpleasant collisions should be avoided.

I entertain a strong persuasion that the plan of election, and the omission to place the Chief Justice of the Colony at the head of the Legislative Body, have originated partly in a hasty adoption of a suggestion of Mr. Buller's (for the original plan was that of the nomination of the Crown) and partly in a misapprehension of the grounds and nature of my expressed objection to the Office of a Legislator. But, be this as it may. I entertain so strong a persuasion of the evils of an electioneering contest applied to the Office of President in this still young and excitable community, and so full a conviction that the best or only means of preventing those evils, and securing a competent and Independent Director of the Debates of the House, will be to place the Chief Justice in the chair.

Your Excellency will, I trust, distinctly understand that I speak not of myself here as an individual. Nor do I pretend to the possession personally of peculiar fitness for the Office above those of many others. My arguments have reference to my Office, and the recommendations which it presents, irrespective of the particular qualifications of its individual possessor. It would, however, be affectation to deny that I assume it as a point hardly debatable, that he, who is competent to the discharge of the high and laborious duties of the one Office, is fully capable of discharging those of the other. On the other hand, I must distinctly repeat my assurance that personally I have no wish in this matter, one way or the
1843.  
29 June.  
Conditions for acceptance of seat.

Should I enter the Council, it must of course be on the understanding that I shall not be likely to be opposed by any of your Excellency's friends; but that my views and opinions respecting the Presidency meet your Excellency's countenance; And, if elected to that Office, I earnestly recommend the introduction of a Short Act into Parliament for uniting the two Offices permanently, on the plan already recommended to Your Excellency in my letter of the 24th Instant.

I have, &c.,  
JAMES DOWLING.

[Enclosure No. 5.]

SIR GEORGE GIPPS TO SIR JAMES DOWLING.  
Government House, Parramatta, 28th June, 1843.  

In reply to your letter of yesterday, I really am unable to say more than that, in the actual position of affairs, it does not seem to me that the occupation of a seat in the Council by the Chief Justice would conduce to the Public good. Believe me, &c.,  
GEO. GIPPS.

30 June.  
Transmission of papers re refusal of bounties.

You will perceive that, in this Report, the Emigration Commissioners have entered into a general consideration of the cases in which they conceive that there should be some modification of the refusal to allow Bounties. I agree with the Commissioners in the conclusions at which they have arrived, and I have to instruct you to take the necessary measures for the adjustment of the various claims referred to on the principles pointed out by the Commissioners. I have authorized the Emigration Board to communicate to the various parties concerned the decision which I have now made known to you.

I cannot dismiss this subject without adverting to the circumstance that the strictness, with which many of the Claims to the payment of Bounties have been scrutinized, may, I fear, have the effect of creating an impression that the embarrassments of the Colonial Treasury have rendered the Local Government unduly
STANLEY TO GIPPS.

anxious to discover the means of defeating the Claims of their Creditors. While it is the duty of the Government to keep a strict watch over real abuses, the sanction by their authority of technical and frivolous objections will inevitably have the effect of driving the more respectable firms out of the Trade, and of ultimately enhancing the cost of conveyance.

I have, &c,

STANLEY.

[Enclosure No. 1.]

MESSRS. CARTER AND BONUS TO LORD STANLEY.

My Lord,

No. 11 Leadenhall St., 8th February, 1843.

We take the liberty of submitting to your Lordship the following statement relative to our employment during the years 1840 and 1841 as Bounty Agents, acting under the Regulations of the Government of New South Wales in the selection of Emigrants and their conveyance to Sydney and Port Phillip.

We have delayed this appeal to your Lordship until the present period in the expectation of receiving from our Agents in the Colony complete and detailed statements of all the deductions made by the Colonial Government from our claims for Bounty, some of which have not yet reached us; but, having seen a report by the Committee of the Legislative Council of New South Wales on Emigration, dated 26th August last, which contains general charges of a serious nature against parties who have been engaged as Bounty Agents in this Country, without naming or excepting any particular parties, we can no longer refrain from bringing our cases under your Lordship's notice.

We were first induced to enter upon this employment by the solicitations of several Merchants in London, deeply interested in the welfare of the Colony; and we did not consent to do so until two of the most respectable of those Houses (Messrs. John Gore and Co. and Mr. Robert Brooks) had agreed to unite their names with ours, and to partake in the risks and responsibilities attending the business. Altho' we, who undertook all the labour and anxiety and the large advance of capital required, were undoubtedly influenced as men of business by the profit we expected to receive, we can assert without hesitation that Messrs. Gore and Mr. Brooks had no pecuniary object in view, and would not have given their countenance to our operations, if they had not felt entire confidence in the creditable mode in which we should carry them on, nor unless they had been convinced that, by encouraging the system of Bounty Emigration on a respectable footing, they should promote the general prosperity of the Colony in which the personal interests of themselves and their connexions are involved.

We had had many years' experience in the management of Emigration to Canada. About 15 years ago, this business was conducted in London as we learn it still is in Liverpool and some of the Irish Ports, by persons of disreputable character. Being then, as we are now, Agents for all the regular Traders from London to Quebec and Montreal, we felt it to be our duty to encounter all the odium which was attached to the very name of Passenger Agent for the sole purpose of protecting the poorer Emigrants from the impositions practised on them; and in this object we have completely
Succeeded, as all the attempts which have been made by disreputable persons to establish themselves as Passenger Agents in London, for several years past, have failed. We supplied and fitted all the Ships, which were engaged by the late Earl of Egremont for the removal of Emigrants from his Estates in Sussex from 1832 to 1836 inclusive. In 1836, under the Colonial Office, and in subsequent years under the Poor Law Commissioners, we have been entrusted with the conveyance to Canada of Paupers sent out at the expense of their Parishes. There has never been an instance of a Passenger by one of our Ships being put upon short allowance of either provisions or water however long the passage, and we have in all cases given satisfaction to the authorities at home and in Canada. We have ventured to trouble your Lordship with these details in evidence of our qualifications to undertake the important and responsible duty of forwarding Bounty Emigrants to Australia.

When we commenced the operation in the spring of 1840, the Bounty system of Emigration was not subject to the superintendence of any public Officer in this Country, and we had nothing to guide us but the regulations of 25th September, 1837, which were drawn up in terms so loose as to make us doubtful of their meaning in some respects. We determined to conform strictly to the letter of these regulations, and also to carry out what appeared to be their spirit and intention when not in opposition to their literal meaning. We also consulted with Lieut. Lean, the Government Emigration Agent for this port, and availed ourselves of the advice which he kindly gave us with reference to the arrangements of our ships.

Among the regulations referred to we found one in the following words, viz.:- "A sum of £18 will also be allowed for every unmarried female, whose age shall not be below fifteen nor above thirty years, who shall come out under the protection of the married couple, as forming part of the family and destined to remain with it until such female be otherwise provided for."

We adhered literally to this rule and refused to grant a passage to any unmarried female, who was not related to, or under the bona fide protection of, a married couple proceeding by the same ship; and, for the greater certainty in this respect, we required the name and description of each single female to be included in the same certificate with those of the family, to which she was attached; and we inserted the following words in the declaration immediately following the names of the Emigrants in each Certificate, and which was signed by the Head of the family:—"I also engage to protect and support all the persons above named, as part of my family, until they shall respectively obtain employment in the Colony." We thought this declaration necessary in order to carry out fully the intention of the Colonial Government, as in the absence of such an agreement in writing the married couples, who had undertaken the charge of a young woman, might on arrival in the Colony, either because they thought she was likely to be burthensome to them or on account of differences during the passage, deny having assumed such liability and leave the young woman without protection. We followed this course in all cases without exception during 1840, and were greatly surprised at learning from the advices of our Agents at Sydney that the Government officers had objected to our certificates, which included single females with families, and had stated that the Bounty would in future be refused unless a distinct
STANLEY TO GIPPS.

Certificate were produced for each single female above 15 years of age. It was at the same time reported to us that the Immigration Board at Sydney approved of the people sent out by Mr. John Marshall (who had acted as Bounty Agent from the commencement of the system) more highly than those we had selected, because his lists included a larger proportion of single men and women, and consequently a smaller proportion of unserviceable children, than ours; we learned from the Colonial Newspapers, as well as from our own advices, that one of the principal reasons for the decided preference entertained by the authorities and the Public of New South Wales for the Bounty over the Government system of Emigration was that the proportion of Children was so much larger by the latter than the former. We ascertained that Mr. Marshall had not construed the regulations in question so strictly as we had done, but had been in the constant habit of engaging young women, with whose characters he was satisfied, altho' unconnected with any of the married Emigrants and making an arrangement, before or after embarkation, by which each single female was to be under the protection of a married couple during the passage; and we also ascertained that this mode had received the unequivocal sanction of the Colonial Government by the females so introduced without any objection on the ground of their not being under proper protection.

A new set of Bounty regulations, under which the Emigration of 1841 was conducted, was promulgated at Sydney on 3rd March, 1840, in which the required protection to single females was set out in precisely the same terms as before, so that no suspicion was excited in our minds of an intention on the part of the Colonial Government to alter the practical construction which had previously been put by them on that clause.

Before we had commenced our arrangements for the year 1841, a notice appeared in the London Gazette of 29th January, issued by the Colonial Land and Emigration Commissioners under the authority of the Secretary of State, from which the following is an Extract:—"It will be necessary, in order to entitle the Claimants to receive such Bounties, that they should obtain from the Officers acting under the orders of Her Majesty's Commissioners for Land and Emigration, at the Ports from which the Emigrant Vessels may respectively sail, Certificates addressed to the Governor of New South Wales to the effect that the Emigrants are fit and proper persons to be removed at the Public expense."

And the Commissioners afterwards prepared a Form for the certificates of Emigrants which they required all Bounty Agents to use, and from which they excluded the Clause we had adopted for securing the protection of unmarried females according to the strict letter of the regulations; and they also required that a separate Certificate should be furnished for each unmarried Adult.

The intention of the notice in question was to bring all the arrangements of the Bounty Agents, both with reference to the selection of Emigrants and to their conveyance to the Colony, under the immediate superintendence of the Colonial Land and Emigration Commissioners and their Agents, a course which was vehemently opposed by some of the parties interested, as an unauthorised interference with contracts already existing between the Government of New South Wales and Wales and themselves. We declined to take
any part in this opposition, because we considered such interference on the part of the Home Government reasonable and proper for the protection of the Emigrants; because we were satisfied it would be injurious to our interest, or the interests of any bounty agents intending to fulfil their duty towards the Colonial Government honestly and faithfully; and because we felt assured that, the sanction of the Home authorities having been given to all our proceedings, we should be thereby effectually secured against a capricious exercise by the Colonial Government of the power of withholding payment of any portion of the Bounties.

Our course of proceeding under the Superintendence of the Commissioners was, in the first place, the same as it had been before they interfered. We received applications from all parts of the United Kingdom, partly from intending Emigrants themselves, partly from Clergymen, Magistrates and other Gentlemen interesting themselves on behalf of the Emigrants, and partly through Agents of respectability whom we appointed at great expense in different Agricultural districts; and with all these parties we were engaged in a constant, extensive and most laborious correspondence. Such applicants, as were prima facie ineligible, were at once rejected; enquiries were made respecting those who appeared in any respect doubtful; and, when we had satisfied ourselves that the applicants were entitled to a passage, we transmitted their Certificates to the Colonial Land and Emigration Commissioners, who, after such enquiry as they deemed each case to require, certified upon such, as they approved of, that they saw no objection to them. With respect to the applications of Young women, not under the protection of their parents or near married relatives, we were particularly careful. We made inquiries in each case of the Householders or Clergyman who certified, personally if in London, and by letter or through an Agent in the Country, relative to the character of the applicant, and the correctness of her recommendations; and, when satisfied on these points, we put her in communication with a respectable married couple proceeding from her neighbourhood and made an arrangement between them that the young woman should assist the wife in the care of her Children and that married Couple should take the young woman under their protection.

Our Agents in Ireland were all under the immediate superintendence of Mr. John Bernard, Jr., of Cork, a Gentleman who has devoted himself more zealously and efficiently than perhaps any other person living to the selection of suitable Emigrants for New South Wales, and to promotion of their health and comfort. As all our Ships after leaving London called at, and took their final departure from Cork, and the Irish Emigrants had sometimes to await the arrival of their Ship at that place, in order to prevent the necessity of their going to the low public Houses or Lodging Houses there, and the attendant risk of contracting contagious disease, we fitted up extensive premises, capable of containing upwards of 200 persons, with new bedding and every requisite for their comfortable accommodation, having separate compartments for families, single women, and single men; the whole being under the care of a highly respectable couple as Master and Matron of the Establishment. Here the Emigrants had Lodging, Coals and Candles at our expense, in addition to the full subsistence money of 1s. per day according to the Passengers Act, which we paid to
them in money, altho' that allowance was intended to include lodging as well as subsistence. Mr. Bernard attended every day at this Depot, which is situated in the immediate vicinity of his office, and it was also frequently visited by Lieut. Friend, the Govt. Emigration Agent at Cork. It was also attended daily by an experienced Surgeon, by Clergymen of the Church of England and of the Roman Catholic persuasion, as well as by the Sisters of Charity, and a School master was regularly employed to instruct the children and such of the adults as chose to avail themselves of the opportunity.

The Government Emigration Agent always attended the embarkation of the Emigrants at Gravesend and Cork respectively, when each individual was examined and compared with the certificates already sanctioned by the Commissioners, and particular enquiry was made by the Government Agent in the case of each unmarried female as to the protection under which she was proceeding, and, upon his being fully satisfied on all points, he signed the certificate of his approval in respect of each person so passed, and also granted the general Certificate referred to in the notice of 29th of January, 1841.

Having honestly and in good faith complied with all the regulations laid down for our guidance both by the Emigration Commissioners and by the Colonial Govt., we submit that we were fully justified in expecting to receive the stipulated bounties for all the immigrants landed by us in the Colony; but we have never thought and do not mean to contend that any degree of sanction given by the Officers of Govt. at Home to the proceedings of Bounty Agents should be held as indemnifying them against the penalties, to which they might otherwise be liable for any misconduct of themselves or their Agents, or for wilful negligence in the discharge of their duties.

Entertaining these opinions, we have been very much surprised at finding that considerable sums of money have been deducted by the Colonial Govt. from our claims for bounty; and, earnestly as we deplore the withholding from us money which is justly due to us, we feel much more severely the censure upon our conduct and character which appears to be implied in the action of the Colonial Authorities; and, as all our proceedings have been carried on under the immediate supervision of the Department of Government, over which your Lordship presides, and such censure, if well founded, must necessarily in some degree attach to the Officers of that Department, we appeal with confidence to Your Lordship to institute a strict and impartial enquiry into the transactions in question.

We pray that you will be pleased to call upon the Governor of New South Wales to transmit to Your Lordship the certificates and other documents forwarded by us for each emigrant in respect of whom the bounty has been refused, together with a statement of the reasons for such refusal and the evidence upon which the same was founded; and that, upon the receipt of the documents and evidence, your Lordship will cause them to be investigated in this Country, where only the facts can be satisfactorily ascertained; so that, if our conduct shall be found blameless, the stain which has been cast upon our character may be removed; and that the money...
1843,  
June.  
Appeal by 
Carter and 
Bonus against 
refusal of 
bounties on 
immigrants.

We despatched 19 Ships in all to New South Wales with Emigrants in 1841, of which 11 were chartered by us, and on the responsibility of ourselves and the gentlemen connected with us in the undertaking; and, in the other 8 Ships, the Owners conveyed the Emigrants at their own risk; but the whole of the Emigrants were selected by us, and the Ships were all fitted and provisioned under our superintendence. The following is a list of the Ships and their distribution, vizt.:  

On our own account—  
To Sydney: Elenor, Canton, Fairlie, Duke of Roxburgh, Sir Edward Paget ............... 5  
To Port Phillip: Royal Saxon, William Mitcalfe, Agricola, Diamond, Saml. Boddington, Thetis 6  

On Owners’ account— — 11  
To Sydney: Cornet. Lascar, Woodbridge ........ 3  
To Port Phillip: Eunmore, Mary Nixon, Braken Moor, Agostina, Martin Luther ........... 5  
— 8  
19

We have received the full details of the deductions made in respect of the 5 first named Ships only, but they are the ones on account of which nearly the whole of the deductions have been made; for it is strongly illustrative of the absence of any fixed principle on the part of the Govt. Authorities in New South Wales in regulating the payment or non payment of bounty, that, although the selection of the Emigrants and the nature of the protection afforded to single females as well as all the arrangements on board were identically the same in all these 19 Ships, no proportion whatever was observed in the extent to which they were severally mulcted; the 5 Ships on our account to Sydney have been singled out for heavy penalties, while those at the same place on their Owners’ account have escaped with comparatively trifling inflictions, and the deductions on all the Ships at Port Phillip have been small in comparison with those at Sydney.

We submit herewith a list of the single females by the 5 Ships in question, whose bounties were refused on the ground of their not having been under proper protection only. It has not been asserted with respect to any of them, so far as we are informed, that they were of bad character before embarkation; that they were guilty of any impropriety of conduct during the passage; or that any evil effect had attended the want of that protection which is now said to be required; that they were unfit for the occupation of Servants; or that they were likely to become burthensome to the Colony or other than useful Members of Society.

We hand also a list of all the Emigrants, whose bounty has been withheld on the ground of their not being of good moral character. We have made enquiries respecting these 6 Young women, who came together from the parish of Newington Butts, and have reason to believe that the charge against them is well founded, and that some of them had been Prostitutes before they embarked. We readily admit that this is a case in which the bounties have been 

unjustly withheld from us may be paid, or the amount acknowledged as a debt due to us from the Colony with interest from the dates at which the same ought to have been paid.
properly withheld; at the same time, we must ask permission to explain the circumstances under which our vigilance was evaded in this single instance. The 6 Girls were recommended to us by a Mr. Brooks, an officer of Newington parish, and a man of respectable appearance, who assured us they were all known to him and that they were of unexceptionable character. We sent a confidential Agent to the residence of each of the Householders, who had signed their certificates and who were respectable Tradesmen; in each case one of the two Householders stated that the young woman had lived in his family as a servant and was well conducted. We afterwards, before we granted their passage, saw the young women ourselves and examined each one separately relative to herself and to the knowledge she had of her Companions, and were convinced from their appearance and answers that they were modest girls.

Our present impression is that the Parochial Authorities or some of them had conspired to relieve the Parish of the burthen of supporting these young women at our expense or that of the Colony; and we respectfully request that Your Lordship will be pleased to instruct the Governor of New South Wales to transmit to England all the Vouchers relating to these young women, with evidence as to their conduct during the voyage and after arrival; and we pledge ourselves to institute legal proceedings against the parties implicated in the fraud practised on us, if advised that the evidence is sufficient to sustain such proceedings.

The next paper contains particulars of all the Emigrants by the 5 Ships, who were deemed ineligible at Sydney on account of the occupations they had been accustomed to not being in accordance with the Bounty regulations; and, as it appears by the Report of the Committee on Immigration that the Bounty was rigorously refused in all such cases, and as we have been informed that the unsupported statements of the Immigrants on their arrival at Sydney were received by the Examining Board in contradiction to their own written declarations made in this Country and verified by the certificates of two respectable Householders and a Clergyman or Magistrate, and considering the many inducements the Immigrants might have to misrepresent in the Colony the situations in life which they occupied here, we humbly submit that only twelve such cases having been found is a proof of the strict principle upon which our selection of Emigration was conducted rather than of any remissness on our part in the performance of the duty we had undertaken. Six out of the 12 cases are young women who produced satisfactory evidence, before their passage was granted, that they had been in Domestic Service. We have since made enquiry respecting them and are assured that they were all really so employed; but, as is commonly the case with the more respectable Irish servants, they were Needle women also; and we conclude that, fancying they would obtain better employment as Milliners or Dressmakers than as Servants, they may have given the former to the Immigration Board as their occupations. Two other cases are those of Widows who appear to us to be eligible within the strict letter of the regulations as “unmarried females,” and we are at a loss to conceive the grounds of policy on which the Colony should desire to exclude them. We have, for our own security, rejected the applications of many young women calling themselves Widows, in consequence of our having in some instances detected the
Wives of Soldiers and Convicts (who are specially excepted) in
attempt to pass themselves under that designation; but we confess
that we should not have felt ourselves warranted by the Bounty
Regulations in refusing a free passage to a young woman, other­
wise eligible, on the ground of her having been married; on the
contrary we should consider such persons as desirable acquisitions
on board a ship for the promotion of good order and morality
among a number of inexperienced young women. We have been un­
able to ascertain the particulars of the other 4 cases in this list in
the absence of the certificates, as we have no record of the Emi­
grants' previous residence in this country, or of the Householders
who certified for them. Under this head, we must again beg refer­
ence to our original form of certificate, in which we required specific
evidence from Householders and others as to the Trade or calling
in which the Applicants had been accustomed to earn their living,
which agrees in substance with the recommendation (No. 2) con­
tained in the Report of the Committee on Immigration of 26th
August last; but this certificate was excluded from the form which
we were directed to use in 1841.

Out of the large number of Emigrants selected by us, only 2 have
been rejected as not being within the limits as to age prescribed by
the Bounty regulations; and, in one of these two cases, the rejec­
tion has clearly arisen from an oversight on the part of the Govern­
ment Officers at Sydney. This person, William Catt, as appears by
the certificate of baptism herewith, was born on 29th May, 1801, and
embarked on board the "Canton" at Gravesend on 16th May, 1841,
and proceeded on board her on the following day towards Cork.
He was a fine specimen of a Kentish Labourer, of excellent moral
character, and well skilled in every branch of Agricultural labour,
with as fine a family of children as could probably be found in the
County, consisting of 5 daughters of 17, 16, 13, 11, and 9 years old,
and 2 sons of 16 and 7 years. During the "Canton's" passage to
Cork, the measles broke out among the children of this family and
our Agent at Cork very properly removed them all from that Ship
and maintained them on shore at our expense until the 15 July,
when they were embarked on board the "Fairlie," the following
Ship for Sydney. The Board at Sydney, looking only as we presume
to the date of her sailing from Cork without reference to the pre­
vious circumstances, determined that this man's Bounty should be
withheld because on that day he exceeded the prescribed age of
40 years by 47 days. This cases proves how rigidly the letter of
the Regulations has been construed against us, for it is one in
which, if in any a relaxation might have been expected if the
man's age had really exceeded the limit. We do not hesitate to say
that such a family would be a valuable acquisition to the Colony,
altho' the parents had been many years older; and this view is
supported by a recent amendment of the Bounty Regulations, which
authorises the introduction of Families, altho' the ages of the
Parents may exceed 40, in the proportion of 2 years for each child
above 10; consequently if Catt had been embarked under the regu­
lations, he would have been eligible altho' his age had exceeded
49 years. In the other case, that of Margaret Russell, we received
what appeared satisfactory evidence that she was more than 15
before she embarked, and it has been decided at Sydney (we are
not informed upon what grounds) that her age was really between
14 and 15. We cannot ascertain which statement is correct unti
the vouchers are returned. While referring to the cases in which
Bounty has been refused on account of the Emigrants not being
within the limits of age, we think it due to ourselves to show
how successful our exertions to supply the Colony with available
labour have been, by submitting to your Lordship the following
abstract of all the Emigrants under the Colonial Bounty embarked
in the 19 Ships, with their average ages, viz.:

<table>
<thead>
<tr>
<th>Age Groups</th>
<th>Number of Emigrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married Men</td>
<td>621</td>
</tr>
<tr>
<td>Women</td>
<td>621</td>
</tr>
<tr>
<td>unmarried Men</td>
<td>894</td>
</tr>
<tr>
<td>Women</td>
<td>894</td>
</tr>
<tr>
<td>Lads between 15 and 18 years old</td>
<td>1063</td>
</tr>
<tr>
<td>Adults</td>
<td>2,027</td>
</tr>
<tr>
<td>Children 7 to 15 years old</td>
<td>1,063</td>
</tr>
<tr>
<td>1 to 7</td>
<td>80</td>
</tr>
<tr>
<td>Infants under 1 year</td>
<td>96</td>
</tr>
</tbody>
</table>

We doubt if such favourable proportions of young labouring
people to children have ever before been introduced into any of the
Colonies, and we fearlessly challenge a comparison as to efficiency
as Labourers, morality and Intelligence, with any body of Emigrants
at any time taken out either under the Government or the Bounty
System.

The remaining Schedule contains the names of all the Emigrants
by the 5 Ships to Sydney whom Bounty has been withheld for any
other reasons than those in the preceding 4 Classes, in which we
have annexed our remarks to each case rendering any general
observations in this place unnecessary.

The total amount of Bounties withheld on account of alleged
ineligibility of the Immigrants by the 5 ships to Sydney, as detailed
in the several schedules above referred to, is £1,821; the total
amount refused at Port Philip on the same grounds by 6 Ships, the
particulars of which have not come to hand, is £293.

In addition to these large deductions for alleged ineligibility, we
have to complain of sums of money having been withheld out of
the Bounties acknowledged to be due to us, under two separate
pleas.

The first we understand to have been under the following cir-
cumstances:-After the Bounties on Emigrants by the "Comet",
one of the Ships conveying them at the Owner's risk as before
stated, had been paid to the Captain, it was said that £68, the
Bounty on one family by her, ought to have been deducted and had
been paid in error; and as the same Agent who represented us
acted for the "Comet" the above sum was deducted from the
Bounties by the Duke of Roxburghe, the next Ship belonging to us
which became payable. This forcible conversion of our funds to
pay a debt due by a third party, with whom we had no community
of interest directly or indirectly, and from whom we have no means
of recovering the amount, is so palpably inequitable that we cannot
entertain a doubt of its being speedily rectified.

The other plea, under which a portion of our Bounties has been
withheld, is that of Quarantine charges incurred on account of
Immigrants by two of our Ships after landing in the Colony, a
charge which we could not anticipate, having observed by the
public revenue accounts in previous years that, whenever such
Appeal by Carter and Bonus against refusal of bounties on immigrants.

The first of these Ships encountered a severe gale in the Bay of Biscay, in which she received damage in her Masts and Rigging; and it was found necessary to batten down the Hatches to prevent the tween decks filling with water. The closeness of the Air in the 'tween decks engendered fever, of which there were upwards of 80 cases and the disease continued on board until the ship arrived at Sydney, prior to which 5 Adults, 4 Children and 1 Infant, out of a total of 307 Souls on board, unhappily died. Altho' the reason already given was amply sufficient to account for the sad results, the Surgeon Superintendent on arrival at Sydney, in order to remove blame from himself, represented that the Ship had been improperly fitted by us, that the Water Closets in the 'tween decks were badly constructed, together with other charges against us. These charges seem to have been at once adopted in our absence and without any opportunity being afforded to us of refuting them; the Surgeon was employed to attend the Immigrants in Quarantine and the sum of £38 18s. 4d, paid to him for his services in addition to his regular gratuity; and the entire expenses as before stated were deducted from our Bounty. We fearlessly appeal to the Government Emigration Agents at London and Cork as well, as to the accompanying declaration made by Captain Robert Towns, a highly respectable Ship Owner, who superintended the fitting of all our Ships and is now absent from England, to prove that every precaution was taken, which experience and anxiety for the well being of the Emigrants could dictate for the prevention of such casualties as occurred in this instance, which were beyond human control.

We incurred, in accordance with the principals of the Bounty System of Emigration, the loss of the passage money of those who died on the voyage, and the risk of a similar loss from the death of others who suffered from fever and recovered; but we consider it to be quite contrary to the principles, as well as the previous practical working of that system, that we should be held liable for expenses incurred after we had landed the Emigrants in the Colony, a course which could only be justified by circumstances of clear and undoubted negligence on the part of the Bounty Agent. It is possible that the Governor may have been influenced in the adoption of this extremely harsh measure towards us by a report that the Eleanor had arrived short of Provisions for the Emigrants, to which the Master of the Eleanor gave countenance by claiming out of our Bounties the sum of £86 19s. 2d, as the value of Provisions, which he said he had issued to the Emigrants out of the Ship's Stores after ours were expended. The Eleanor had the extraordinarily long passage of 143 days from London and 129 days from Cork, including the delay of several days at Teneriffe to refit, after the Gale already referred to; but, notwithstanding the length of the passage, the provisions we put on board were sufficient, after feeding the passengers during that period, to leave on board a surplus of more than 12 days' rations of all the principal articles of subsistence, viz., Meat, Bread, Flour, Pease, and Oatmeal. We have recently proved this fact to the satisfaction of Messrs. Henry...
STANLEY TO GIPPS.

Buckle, Jas. J. Cummins and William Price, Merchants of the first standing in this City, who have sat as Arbitrators upon differences between the Owner of the Eleanor and ourselves, and who, after receiving evidence on both sides, have awarded the payment by the Owners to us of the above sum of £86 19s. 2d. improperly received by their Captain at Sydney together with the further sum of £31 19s. 5d. as the value of Provisions which they found ought to have been delivered up to our Agents after allowing credit to the Captain of 1/10th upon those articles liable to wastage, according to our charterparty; but the actual wastage in issuing the provisions forms but a small portion of that allowance.

In the case of the Ship "Agricola," we are advised that an agreement was entered into between His Honour the Superintendent and our Agent at Port Phillip to the effect that the Immigrants (among whom some slight cases of fever appeared) should be supplied by our Agents with Medicines and other articles after they were landed, and that the Bounty Money should be paid without delay. This agreement was performed on both sides as far as it depended on the parties at Port Phillip. Our Agent furnished the supplies required at our expense and the usual warrant or Certificate for payment of the Bounties amounting to £3,772 was forwarded from Port Phillip to the Treasury at Sydney in October, 1841; there payment was delayed until March following, when half only was paid, and the balance less £264 13s. 8d. for Quarantine expenses on 23d April. During this delay of 6 months, we were charged interest on the money by the Union Bank of Australia at the rate of 10 per cent. per annum, entailing on us a loss of about £180, for which we seek indemnification in addition to the Quarantine expenses improperly deducted from us.

The total number of deaths on board our 11 Ships to Sydney and Port Phillip was 17 Adults, 29 Children above 1 year old and 10 Infants, and the total number of Passengers embarked in them having been 2,359 Adults, 499 Children and 83 Infants; it will be found that the deaths on board our ships (including the two which had Fever on board) were in the proportion of 1.9/10 to each 100 persons who left England; and, as it appears from the report of the Agent for Immigration that the deaths among the whole number of Immigrants, which arrived in 1841, were "in the proportion of rather less than 3 in each hundred persons," which he alludes to as a favorable result, we most heartily congratulate ourselves on the beneficial consequences, which have attended our anxious care for the health and comfort of the poor people under our charge; and we point to these results as a proof of the injustice which has been committed in deducting the Quarantine expenses on the Eleanor and Agricola from our Bounties.

Having now troubled your Lordship with a detail of our pecuniary claims upon the Government of New South Wales, for which we seek, and trust we shall obtain redress at your hands, we crave permission to trespass further on your Lordship with the following extracts from two Official reports published in the Colony, in which the conduct of Bounty Agents in this Country is commented on, together with our remarks thereon.

From report by F. L. S. Mereweather, Esqr., to His Excellency the Governor, dated Sydney, May 14th, 1842.

"In sending out Emigrants for the benefit of New South Wales, the question with the Merchant will be not how he can best promote the interests of the Colony, but how he can perform his
contract in the most profitable manner to himself. And if, as he sits in his Countinghouse in London, he finds that men from Shoreditch and Wapping will flock to him for passages to the Colony, and that such men will come sufficiently within the description of persons mentioned in his contract to make his payment secure, he will assuredly not go to the trouble and expense of seeking a better description of labourers from the Counties of Norfolk and Suffolk. This conclusion, I think I may venture to say, can be shewn by the experience of the past six months, to be fully as much supported by fact as it appears to me to be theoretically just."

This passage contains a direct charge of breach of faith against the Bounty Agents in London, according to our understanding of their duties. We have always considered ourselves to be in the position of Confidential Agents for the Colony, and bound to act in all cases for our constituents as we believe they would act for themselves if present; and we have invariably so acted; but of 1,515 men embarked as Bounty Emigrants by us in 1841, the following only were resident in London or the immediate vicinity, viz.:—

Agricultural Labourers, 48; Shepherds, 6; Carpenters, 47; Smiths, 17; Bricklayers, 7; Mason, 1; Wheelwrights, 4; Total, 130.

We did not grant a passage to a single person who applied in London under the designation of an Agricultural Labourer or Shepherd, until we had satisfied ourselves by evidence from the Country that he had been brought up in an Agricultural district and had not been long in this neighbourhood; and we rejected at least 5 such applications to every one that we accepted because the parties failed to satisfy us that they were, in reality, what they called themselves. We have always given a preference to applications through our Country Agents, to whom we paid liberal commission, and have never hesitated, when a distant party appeared to be particularly eligible, to assist in defraying their expenses to join their Ship; and in Ireland, in order that the circumstance of our Ships calling at Cork should not cause an under proportion of the Emigrants to be taken from the Southern Districts, we invariably paid the entire expense of Steam boat for those who came from the Northern parts of the Island.

From report from the Committee on Immigration, dated Council Chamber, 26th August, 1842, and signed by the Bishop of Australia as Chairman.

"Respecting too large a proportion of them" (the Immigrants), "it is impossible not to observe that the very attempt to pass them off, as qualified in accordance with the regulations of Government, must be a standing disgrace to the parties engaged in it. Proofs of deception attempted, and of fraud and forgery actually committed, by persons in the United Kingdom connected with the occupation of sending out Emigrants under Bounty Orders, and instances of personation and of fictitious characters, exposed by the vigilance of the Immigration Board, have been painfully frequent. When so many instances have upon enquiry been brought to light, there is reason to allow much weight to the opinion of witnesses, that there may have been, in all probability, many other cases, in which detection has not taken place. Upon examination it will appear that the present form of certificate, even with the checks devised by the Colonial Land and Emigration Commissioners, is extremely defective as a security against imposture. From the appearance of many of
those certificates which have been brought under the notice of your Committee, a suspicion is excited that the alterations and erasures, which they exhibit, have been effected subsequently to their attestation, and with a purpose clearly fraudulent; These certificates, it appears, are generally placed in the hands of the Bounty agents, after the Commissioners' Agents has finally mustered the parties, and has certified that he sees no reason to doubt that they are really the persons described. It is, therefore, plain that there exists no security against the subsequent introduction of false statements, and the evidence taken before this Committee affords full proof that some of the parties entrusted with the certificates are not incapable of such dishonesty."

The Report, from which these extracts are taken, has been extensively circulated through the Newspapers of the Colony and also in this Country; and we have been deeply pained at finding crimes of a heinous nature charged on such high authority against a Body of Men, in which we are included, without a single sentence to intimate that we were intended to be excepted. With the utmost deference for the Committee and especially for its Chairman, we must say that nothing can be more injudicious and more likely to defeat their own object than to launch indiscriminate censures at honorable and dishonest men, who may happen to be engaged in the same occupation, as the too probable effect of such a course is to drive men of character and capital out of the occupation and to leave it entirely in the hands of such persons as are described in the report. The Minutes of Evidence, on which the report is founded, and in which are exceptions giving a very different effect to the charges made, having been presented to the Council at the same time as the report, it was no doubt without reflecting on the much greater publicity which would be given to the report than to the Evidence that the exceptions in the latter were omitted in the former.

We submit a few extracts from the Evidence, from which we trust we are justified in concluding that it was not intended to include us in the charges against Bounty Agents.

Mr. Mereweather, the Immigration Agent, in answer to question 18, after detailing 9 cases of apparently most disgraceful conduct on the part of some sub-Agents in this country, adds, "I feel it however right to remark that none of the instances of fraud cited, nor any similar instances, occurred in the case of Emigrants sent out by London Agents."

Mr. Savage, Health Officer at Sydney, states in answer No. 6, "Formerly the agency was confined to one person, Mr. Marshall of London, whose Irish Agent, Mr. Bernard of Cork, had a good opportunity of selecting the class of Emigrants suited to the wants of the Colony. Some ships, however, have brought an unexceptionable selection of people during the period I allude to."

During that period, as we have already stated, Mr. Bernard acted as our Agent, and every Emigrant selected by him went out in our Ships.

Mr. Innes, Police Magistrate and a Member of the Immigration Board, after detailing some cases of detected frauds on the part of Bounty Agents, gives the following answer to question 32:—"Are these observations intended to apply generally to the system, or to the cases which have come under consideration of the Board? Generally as regards the parties in Liverpool, The London Ships were better managed."
Mr. Browne, Water Police Magistrate, and also a Member of the Immigration Board, at answer 7 says, "The best Ships have come from London; the worst have come principally from Liverpool and Greenock."

We have endeavoured in the preceding sheets to shew, and to induce your Lordship to take measures for testing the accuracy of our statements, that in our capacity of Bounty Agents we have conscientiously and in good faith acted in accordance with the regulations of the Government of New South Wales, and of the Colonial Land and Emigration Commissioners, issued under the authority of your Lordship's Department, for the selection of suitable Emigrants for that Colony; that we have been eminently successful in the amount of available labour in comparison with the cost, and, with one exception, in the moral character of the people sent out by us; that in the protection, under which unmarried females have proceeded, we have followed a course that had the previous sanction of the Colonial Government, and which was approved in each instance by the Commissioners' Agents at home; and that, on account of the superior description of the Ships employed, and the care for the preservation of the Emigrants' health exhibited in fitting and provisioning them, the mortality on board our Ships has been less than two thirds of the general average of mortality during the same period.

[CARTER and BONUS.

[Enclosure No. 2.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office, 9 Park Street, Westminster, 31st May, 1843.

We have the honor to report that, in obedience to Lord Stanley's directions contained in your Letter of the 4th of March, we have carefully perused the representation therein transmitted from Messrs. Carter and Bonus against the refusal of a large amount of Bounties claimed by them in New South Wales.

When Appeals first arrived against refusals of Bounty in New South Wales, we thought that the parties should be left, in strict conformity with the terms of their undertaking, to the decision of the authorities in the Colony in all cases where that decision appeared to have been founded upon the Bounty regulations. But it was pointed out to us in Your Letter of the 16th February last, that cases might arise in which this view could only be adopted with some necessary qualification. And the number in which Appeals have continued to arrive, as well as the strength of the grounds upon which some of them rest, have led us to consider whether some general conclusions may not now be arrived at on the different representations which have successively been addressed to Lord Stanley on the subject.

For this purpose we think that the letter of Messrs. Carter and Bonus may be taken as embodying the principal views to be urged on behalf of the Appellants. It is an able temperate statement of the point they wish to be considered; and, although it is strictly confined to their own claims and does not appear to be in any way whatever advanced in concert with others, yet there is so much resemblance in the grounds of refusal which have been complained of by different parties, and they divide themselves so naturally
into certain large classes, that they will be found to come under
general principles, of which the decision in one leading case will
supply rules applicable to the determination of many others.

Before entering into the main question, there are two points in
the letter from Messrs. Carter and Bonus on which we feel it neces-
sary to guard against misapprehension. They state that, according
to the original notice in the Gazette, Certificates were to be issued
from this Board, to the effect that "the Emigrants are fit and
proper persons to be removed at the public expense." This is quite
true; but no such Certificates ever came into use. As they would
have been incompatible with the power of absolute decision in the
Colony, which formed the main feature of the Bounty system, they
were not issued; but on the contrary all parties were distinctly
warned before hand that the certificates from this office would in
no way include an opinion on the fitness of the Emigrants them­selves. On this point, it will probably be enough to quote the fol­
lowing passage from the 18th Article of the Regulations, which
were necessarily familiar to every person without exception, who
engaged in sending out Emigrants on Bounty:—"The signature
of the Commissioners' Secretary will attest the fact that the Emi­
grants' Certificates appear proper as Documents; and that there
is no reason to doubt the genuineness of the signatures or the truth
of the descriptions. Into these circumstances therefore, enquiry
will be made if necessary. The signature of the Commissioners'
Agent will testify the apparent identity of the parties. But their
personal fitness, or the question whether or not they come within
the kind of Emigrants for whom Bounty is promised, will be left
as at present exclusively to the decision of the proper Board in
the Colony."

Again it is mentioned by the Messrs. Carter and Bonus that, with
respect to any single female without her parents on board, they
used formerly to require her name to be included in the Certificate
of the family under whose care she was considered to be placed,
and that on the face of all such documents they called for a declara­
tion from the head of the family that he would protect and support
the persons therein named until they should find employment in
the Colony. This form, we presume, it is intended to suggest
would have saved the Messrs. Carter from the refusals of Bounty
they have encountered on account of females not being under proper
protection. But they point out that it was rendered unavoidable
by a regulation equally adopted by the authorities in the Colony
and in this Country, which required a separate certificate from each
unmarried adult. We have the honor to state that we certainly
did require a distinct certificate for each adult, which we consider
indispensable in order to give any value to the signatures affixed
to such documents, and that this necessarily made the declaration
in question inapplicable to the new form of Certificate; but there
was nothing whatever to prevent the Messrs. Carter and Bonus
from taking, if they thought it advisable, a separate declaration
from heads of families to the effect they describe. If therefore
they consider that they may have suffered in the decisions on their
cases by the absence of their original form of Declaration, we still
do not think the consequence is chargeable to the Regulations of
the Government.

Subject however to the two foregoing remarks, we are bound
to say that, so far as relates to any circumstances within our
Refusals of bounty on single females.

1. Proceeding now to the practical conclusions to be considered, the first point to which we would refer is the refusal of Bounty on single females. Bounty is declared in the rules to be payable on every unmarried female, "who shall come out under the protection of a married couple as forming part of the family, and destined to remain with it until such female be otherwise provided for." To this rule the Messrs. Carter state that they began by adhering literally, but that they received advice that the Immigration Board at Sydney approved more highly of the people sent out by Mr. John Marshall, because his Lists included a large proportion of single men and women, and consequently a smaller proportion of unserviceable children. They ascertained, they add, that Mr. Marshall had not construed the Regulation so strictly as themselves, but had been in the habit of engaging young women with whose characters he was satisfied, alto' unconnected with any of the married emigrants, and making an arrangement either before or after embarkation by which each single female was to be under the protection of a married couple during the passage; and they state that they further ascertained that this mode had received the unequivocal sanction of the Colonial Government by the payment of Bounty, without any objection on the ground of the parties not being under proper protection.

In support of the allegation of the more lenient practice previously observed as to passing single females, it is perhaps right that we should refer to the enclosed extracts of two communications from the Messrs. Handysides at Glasgow, containing very forcible complaints of the unequal measure, which they state that they found dealt to them on this subject.

A new set of Bounty Regulations, under which the Emigration of 1841 was conducted, set forth the required protection to single females in precisely the same terms as before, so that, as the Messrs. Carter observe, no suspicion was excited in their minds that the Colonial Government intended to alter the practical construction previously put on that clause.

They then explain their general system in the collection of emigrants, and especially their care in the selection of unmarried females, the complete manner in which they carried out the former practice of placing such young women under the charge of reputable married couples, and finally the pains they took in establishing well regulated Depots, in which the passengers should live respectably previously to embarkation.

Having thus complied, so far as they knew, honestly and in good faith with all the regulations laid down for their guidance both by the Colonial Government and by this Commission, they mention the surprise with which they learned that considerable sums of money had been deducted from their claim to Bounty, including the amount payable on numerous single females, whose Bounties were refused on the ground alone of their not having been under the required knowledge in this Country, there is no reason to impeach the fairness and correctness of the applicants' statements. And, with regard to the character they bear, the satisfaction they have given to Public authorities by their mode of conveying passengers to America, and their freedom from any share in the general opposition made by the Bounty Agents to any control in this Country over that species of emigration, we can fully confirm their representations.

Testimony in favour of Carter and Bonus.
Stanley to Gipps.

Protection. The Messrs. Carter and Bonus state, "it has not been asserted with respect to any of them, so far as we are informed, that they were of bad character before embarkation, that they were guilty of any impropriety of conduct during the passage, or that any evil effect had attended the want of that protection which is now said to be required, that they were unfit for the occupation of Servants, or that they were likely to become burthensome to the Colony or other than useful Members of Society." Yet the Bounties refused under these circumstances on single females in five ships of the Messrs. Carter at Sydney amounted to no less than £1,064.

The Messrs. Carter complain of the inconsistent manner in which the rule has been administered in the Colony. With regard to 19 Ships, in which they were concerned, they say "it is strongly illustrative of the absence of any fixed principle on the part of the Government authorities in New South Wales in regulating the payment or non-payment of Bounty, that altho' the selection of the Emigrants and the nature of the protection afforded to single females, as well as all the arrangements on board were identically the same in all these 19 Ships, no proportion whatever was observed in the extent to which they were severally mulcted, the five Ships on our account to Sydney have been singled out for heavy penalties, while those at the same place on the owners' account have escaped with comparatively trifling inflictions, and the deductions on all the ships at Port Phillip have been small in comparison with those at Sydney."

We have the honor to state that we think it very probable, as we have previously had occasion to observe, that the rule itself as to the protection of single women might with advantage be stricter than it is in New South Wales. But, unless it can be clearly shewn that the practical construction allowed to be put upon the clause had not been such as the Messrs. Carter assert, and as the tenor of most of the other appeals implies, we cannot think that the Bounty Agents ought by a sudden change of course to be exposed to these heavy mulcts. It hardly seems fair that the Colony should obtain the benefit of Immigrants, confessedly likely to be not unworthy in character and to prove an acquisition to the Country, and yet should escape payment for them under the letter of a Regulation previously not enforced. There may be something misleading in the name; but we confess it seems to us that it would be well to remember that Bounties have nothing in them of the nature of a gratuity; on the contrary they are the return due for services actually performed, and indeed to a large extent the repayment of heavy pecuniary advances previously made by private parties for the service of the public; and, unless there be solid grounds for withholding them, it is not the mere denial of a voluntary present but the refusal to pay a just debt.

The first general conclusion, which we have to submit, is that where no reason appeared to doubt that single females had been of good character upon embarkation, and where their conduct had been good during the voyage, so as to justify the practical efficiency of the protection under which they were placed, the refusal of Bounty, under the strict letter of the rule on the last point, should as regards all past cases be reconsidered.

If it appears that amongst the young Women, Widows have been rejected on the ground that they are not "unmarried females," of widows.
Without entering into any lengthened discussion, we would submit that this objection is merely verbal, and we have to recommend that, if otherwise eligible, the Widows be paid for.

We observe that, whenever single Women have from any cause been declared ineligible, any single men, whose numbers had been balanced by coming out at the same time with the women, have been likewise rejected on the ground of their being in excess. We cannot think this equitable. The presumption must be that, when the Bounty Agent despatches his passengers at his own risk, he hopes that all will be passed; if any female Emigrant afterwards proves ineligible, it is fair and according to the spirit of the conditions that he should lose the Bounty on her, but to make him lose the Bounty both upon her and upon a Male Emigrant, to whom there is no objection, is to inflict two penalties for one fault. Thus were it not for the accident that, in the ships of the Messrs. Carter, there was originally a large surplus of unmarried females, not only would those Gentlemen have lost £1,064 on the Women to whom no other objection was mentioned than that they did not comply with the letter of the rule on protection, but they would have been liable to another fine of £1,064 on single men against whom there was no personal objection at all; so that the Colony would have acquired avowedly desirable Labor to the value of £2,128, free of all cost to itself, but at the expense of the private Merchant, who had been induced to venture his capital in the undertaking.

We beg to offer our recommendation that, if a single man be in all other respects eligible, the Bounty on him should not be withheld because a single female, by whose presence it had been expected that the required equality of the sexes would have been preserved, has been rejected.

IV. We have next to notice the more difficult question of persons rejected as being of ineligible callings, or callings different from those set forth in their Certificates. It seems that in many cases two different trades or pursuits have been inserted in the Certificate, one of them falling within the rules, and the other not. Where those pursuits were obviously incompatible, as for example "Farm laborer and Clerk," there can be no doubt, if it were ascertained that the latter was his actual business, the Colonial Government acted very properly in refusing Bounty, viewing the double description as a mere trick in order to evade the regulations. But we must say that other cases, such as "Carpenter and Cabinet Maker" or "Carpenter and Cooper" seem to us more doubtful, and that, if the man in each instance betook himself to the latter trade, this seems to us merely to shew that he, of his own free choice, supplied the demand for one useful sort of labor in the Colony, without proving that he might not also be a competent Workman in the other trade, and have worked at it in this Country, which is all that the Bounty Agent would be required to know. In 6 out of the 12 cases in which Messrs. Carter and Bouns lost their Bounty under the present head, the parties were single Women described as Servants, and were rejected because, on arriving in the Colony, they took to the occupation of Milliners or Dressmakers. The Messrs. Carter positively assert that they obtained satisfactory evidence, before the women got their passage, that they had been in Domestic service; but they point out that good female servants, especially in Ireland, from whence they were taken, are commonly needle-women also; and certainly it is too much to expect of Bounty Agents that they should be able to exercise a control over the future will of
STANLEY TO GIPPS.

Emigrants, or should be made answerable that, because they have been of one calling at home, they should therefore never follow another, even if more lucrative and independent in the Colony. We cannot but recommend that the refusal of Bounties should not be maintained in respect of any single Women described as "Female Servants," merely because they have of their own choice afterwards earned their living by needle work; and we think that the Colonial Government might with advantage revise some of the other cases to which we have adverted, where the trades to which the parties profess to belong were nearly related to one another, and consequently where the proof must be very imperfect, that the Certificates upon which the parties obtained their free passages were incorrect.

V. By some of the appeals made to Lord Stanley, we observe that, even after Emigrants had duly passed the Board at Sydney, the Bounty on some of them was afterwards withheld, because it was found that they had left the Colony, or because they died. If Bounty Agents ought not to be expected to exercise a control over Emigrants' free choice of the trade they will follow at Sydney, neither we apprehend can they be held responsible that free people will not quit the Colony, or still less that Emigrants sent out by them are to be exempt for an indefinite time, however short, from the common lot of humanity. It appears to us that the refusal of payment on these grounds, after the Bounty has been declared to be due, is inconsistent with the conditions of the Colonial rules themselves, and that the money ought no longer to be withheld.

Having offered these remarks on the questions we have met with of a general nature, we do not think it would be proper to recommend that the decisions of the Colonial Government should be reversed in individual cases, or that any actual payments of money should be ordered in this Country. We are quite sensible that this might be attended with the risk of error. But, should Lord Stanley approve of the general views we have stated, we would suggest that they might be imparted to the Governor for his guidance, and that he might be instructed to take such steps as were necessary for settling the cases, to which a different decision had been applied, on the basis approved by the Secretary of State. And we might be authorised to answer applicants in this Country, acquainting them with the conclusions that have been arrived at, and with the directions issued accordingly to the Governor.

Next we have to turn to those parts of the Messrs. Carter's letters, which relate to points that exclusively concern themselves.

First, they request that the Governor may be required to send home the Certificates and all other documents forwarded in favor of each Emigrant in respect of whom the Bounty has been refused, together with the reasons for such refusal and the Evidence upon which it was founded, in order that the whole may be investigated in this Country and a final decision adopted here. We cannot recommend a compliance with this request. In the preceding pages, we have stated the general principles, by which we think the Colonial Government might be guided in determining such Bounty claims as appear to call for reconsideration; but to transfer the decision of individual cases to this country would, besides the evil of indefinitely protracting the business, be entirely subversive of the conditions on which it was undertaken.

Secondly, with regard to six Women from the Parish of Newington who have proved to be of immoral character, the Messrs. Carter
apply for all the original Certificates and vouchers relative to these young women, with evidence as to their misconduct during the voyage and after arrival, and they pledge themselves to institute legal proceedings against the parties implicated in the deception practised on them, if advised that the evidence is sufficient for the purpose. We suppose that there can be no objection to returning these certificates to this country according to the request of the Messrs. Carter. But, with regard to legal proceedings against the parties who recommended the young Women, we apprehend that it must be exceedingly improbable that they could be instituted with success. And, not knowing fully in what shape the evidence of misconduct may exist, or how far it could be conveniently transmitted to England, we could only propose that this matter should be left to the judgment of the Colonial authorities.

Thirdly, The Messrs. Carter observe that, out of the large number of Emigrants selected by them, only two have been rejected as not being within the required limits as to age. In one of these cases, that of Mary Russell, they state that they received what appeared satisfactory evidence that she was more than 15 before she embarked, but that it has been decided at Sydney, they are not informed upon what grounds, that her age is really between 14 and 15. We agree with them in thinking that they ought to be apprized of the reasons for this conclusion. The other case is one to which we feel bound to draw attention. A Laborer of the name of Catt sailed from London in the “Canton,” accompanied by a family peculiarly eligible as to the particulars of age and sex, and was himself at that time, as is proved by his baptismal certificate, less than 40 years of age. The Bounty rules required that the age of the parents of families should not, on embarkation, exceed 40. But, during the passage to Cork, a fever broke out in this family, upon which the Messrs. Carter’s Agent at that port very properly removed them all from the Ship, and maintained the whole of this large party, at his principal’s expense for two months, until being recovered they were sent out in the next ship the “Fairlie.” During this period, Catt passed the age of 40 years; and the consequence was that, upon his arrival in the Colony, although the ages of his children were so favorable, that by the later Bounty Regulations he would have been admissible even were he nine years older, payment was refused, and the expense of his conveyance thrown upon the Importer. We cannot help supposing that the circumstance of his having originally sailed in the “Canton” must have been unknown or overlooked in the Colony. At any rate, we feel that it must be enough to draw the Governor’s attention to the subject, to insure the immediate payment to the Messrs. Carter’s Agent of the money which would seem to be justly due to that Firm on account of this man.

Fourthly, The Messrs. Carter transmit a Schedule, marked G, of 15 Emigrants rejected on Miscellaneous Grounds. In order not to occupy space here, we subjoin separately, and with a view to being communicated to the Governor, a Memorandum of any information we have to offer on these cases, in some of which we believe it will be apparent that the Bounty has been refused in error. But we cannot refrain from observing in this place, with regard to a woman named Mary O’Connor, that it hardly seems a sufficient ground for refusing any Emigrant’s passage money to allege “Dress and appearance much too good.” And on this particular case Mr. Carter further submits the following remark:—“The woman
embarked with her husband, who was a Carpenter, and died on the passage. The Husband being eligible, the wife cannot be objected to according to the Regulations, and the man's death could not alter the liability to pay for his wife." We think this is a case which calls for further consideration from the Colonial Government.

Fifthly, With reference to the circumstance that the Messrs. Carter and Bonus sent some Ships at their own risk, and with a claim on their own part to Bounty, while others went at the Owners' risk and entitled the Owners to the Bounty. the Messrs. Carter being merely their Agents for carrying out the arrangements in this Country, they make the following complaint:—They state that a sum of £68, having been alleged by the Colonial Government to have been paid in error upon a family in the "Comet," one of the Ships at Owners' risk, and the Agent for that Ship at Sydney happening to be also the Agent for the Messrs. Carter, the authorities proceeded to stop the sum out of the amount due to the Messrs. Carter on their next Ship the "Duke of Roxburgh." They loudly complain of this act, which they describe as a forcible conversion of their funds to pay a Debt due by a third party with whom they had no community of Interest directly or indirectly, and from whom they have no means of recovering the amount. We confess that, unless some different light can be thrown on the subject, the Messrs. Carter appear to us to have established their right to an immediate payment of this money.

Sixthly, The Messrs. Carter appeal against the refusal of Bounties which they have encountered on the ground of Quarantine charges, the deductions to which they are subjected having been as follows:—

For the "Eleanor" .................. £355 0 0
For the "Agricola" .................. £264 13 8

Total .................. £619 13 8

They state that this was a charge which they could not anticipate, having observed by the Public Revenue Accounts of previous years that such expenses were always defrayed out of the Funds of the Colony. And, while they acknowledged their risk for all deaths up to the ship's arrival, they protest against being made liable for subsequent expenses, which they declare to be contrary to the previous practical working of the system.

With regard to the "Eleanor," they point out that she encountered very severe weather in the Bay of Biscay, and had to be battened down, to which causes they ascribe the sickness. They observe that, the Surgeon having with an obvious interest to endeavour to remove blame from himself represented that the ship had been improperly fitted by the Bounty Agents, all the accusations seem to have been at once adopted against them in their absence, and without their being afforded any opportunity of reply. The Messrs. Carter next tender a strong body of evidence in support of the manner in which the ship was fitted, and it is our duty to append to this letter the information which we have received on the subject both from Lieutenant Lean and Lieutenant Friend. In case the Governor may have been influenced in his course by a report that the Passengers had run short of provisions, and that the charterers had rendered themselves liable to a claim of £86 by the Master for Provisions issued to the people out of the Ship's stores, the Messrs. Carter mention the fact, which we have confirmed by
inquiry, that under a recent arbitration by some merchants of high standing in London, not only has this claim been pronounced to be entirely unfounded, but a further sum of £31 has been awarded to them as due for surplus provisions of their own, which it was found that, even at the end of a very long passage, the Master ought to have delivered up to them. On the whole, if the decision were founded on an opinion that the sickness was ascribable to any fault in the Bounty Agents, we are bound to say that, on comparing the evidence now collected on the subject, the Messrs. Carter and Bonus appear to us exonerated from blame. Before quitting this point, it may be fair to the Messrs. Carter to notice the circumstance that they shew the whole mortality in their ships to be much below the general average of the Bounty Emigration, even though that general average itself was so low as to be considered by the authorities a matter of congratulation.

With regard to the "Agricola" as something approaching to a breach of Agreement is alleged by the Messrs. Carter, we think it best to subjoin their own statement, not having any information of our own on the subject.

"In the case of the Ship 'Agricola' we are advised that an agreement was entered into between His Honour the Superintendent and our Agent at Port Phillip, to the effect that the Immigrants (among whom some slight cases of Fever appeared) should be supplied by our Agent with Medicines and other articles after they were landed, and that the Bounty Money should be paid without deduction. This agreement was performed as far as it depended on the parties at Port Phillip; Our Agent furnished the supplies required at our expense, and the usual Warrant or Certificate for Payment of the Bounties, amounting to £3,772, was forwarded from Port Phillip to the Treasury at Sydney in October, 1841; there payment was delayed until March following, when half only was paid, and the Balance, less £264 13s. 8d. for Quarantine expenses, on 23rd April. During this delay of six months, we were charged Interest on the money by the Union Bank of Australia at the rate of Ten per cent. per annum, entailing upon us a loss of about £180, for which we seek indemnification in addition to the Quarantine expenses improperly deducted from us." We do not perceive any statement how far or in what respects blame may have been ascribed to the Bounty Agents for the sickness in this Ship.

We have now gone through all the subjects on which any appeal is made by the Messrs. Carter for an alteration of previous decisions affecting their pecuniary claims. But it is perhaps due to them and other Firms of respectability that we should point out that, in the concluding portions of their letter, they express the pain with which they have felt that, by the nature of the terms employed, they fall under the severe censure pronounced in the published reports of the authorities in New South Wales upon the conduct of parties engaged in Emigration on Bounty; and they tender passages from the evidence annexed to those Reports to prove that large exceptions have been intended, though none were expressed, so that each of the Ports from which Bounty Ships proceeded, and all of the various Firms who embarked in the business, remain apparently involved in the same general condemnation.

We have, &c.

T. FREDK. ELLIOT,

EDWD. E. VILLIERS,
STANLEY TO GIPPS.

SCHEDULE of Enclosures to Commissioners' Report, dated 31st May, 1843.

A. Extract of Letters from the Messrs. Handysides, stating circumstances under which they complain of a refusal of Bounties on Single Men and Women.

B. Memorandum containing such information as can be supplied in cases in the Messrs. Carter's Schedule, Marked G.

C. Reports from Lieutenant Friend and Lieutenant Lean upon fittings of the Ship "Eleanor."

D. Letter from Messrs. Carter and Bonus, dated 11th April, 1843, correcting from later materials some points in their first representation.

SUB-ENCLOSURE A.

EXTRACT of letter from Messrs. Handysides to James Stephen, Esqe., dated 25th January, 1843, upon the refusal of Bounties on single Men and single Women.

"IN the year 1841, we were largely engaged in Shipping Emigrants under the Bounty System to New South Wales, and acted as Agents for the Owners of five vessels, which were dispatched by us, viz., 'Thomas Arbuthnot,' 'Robert Bern,' and 'Manlius' for Port Phillip, and the 'Broom' and 'Trinidad' for Sydney. The same Regulations were adopted throughout by all those Vessels, and the usual Certificates granted by the Government Officer here, Lieutenant Hemmans, R.N., before whom the Passengers all passed muster and underwent the strictest scrutiny. All these Certificates were regularly transmitted to the Office of the Commissioners in London, and after due investigation were approved by them.

"Notwithstanding however of all this, we find to our great surprize and disappointment that the Bounty has been refused on Twelve unmarried females by the 'Trinidad' and also on Ten Males by same Vessel on the plea that the young women were not under the protection of Married People on board the Ship, which however is not the fact. Married men were selected as Constables over the Ward occupied by the unmarried females, who exercised a strict surveillance over them during the Voyage, and their conduct was so examplary that they were all engaged immediately on arrival, and Certificates afterwards obtained from their employers shewing that they had given satisfaction, and consequently were no burden on the Colony."

EXTRACT of letter from Messrs. Handysides to the Secretary to the Colonial Land and Emigration Commission, dated 17th April, 1843, on the same subject as the preceding Extract.

"WITHIN four months of the sailing of the 'Trinidad,' we despatched the 'Thomas Arbuthnot' and 'Robert Bern' to Port Phillip, and the 'Broom' to Sydney. The former vessel was dispatched previous to the 'Trinidad' and the two latter after her. In none of these Ships has there been a single instance of the Bounty being withheld on account of unmarried females, although each of them contained considerable numbers of that Class. The 'Thomas Arbuthnot' 54, The 'Robert Bern' 49, and the 'Broom' 60. All our vessels were dispatched under the same Regulations, which were found to work admirably, and in no instance whatever has there been any complaints of irregularity on the voyage; and to prove that the females sent out per 'Trinidad' were of excellent character, they were all engaged immediately on arrival, while Hundreds taken out by other vessels were left unengaged, in the Barracks at great expense to the Colony.

"All this was known to the authorities on the spot, and, none of the females by our other vessels having been rejected, we are more surprized that such should be the case in regard to the 'Trinidad,' on board which such salutary rules were enforced."

SUB-ENCLOSURE B.

MEMORANDUM on Schedule G.

The following information on some of the parties contained in this Schedule is extracted from a report on the subject received from Lieutenant Friend:—

"William Conn and Margaret Conn were admitted as single persons, No. 1070 S, and 1073 S, but were married subsequently and produced their marriage Certificates, and passed as a married Couple. I think her name will be found in the Register as 'Margaret Burrell,' and I admitted 'Susan Conn,' aged 17, to go under the
1843.  
30 June.  
Memorandum re immigrants.

Richard J. Robinson was admitted by me, No. 6303, and my impression is that I did sign the Certificate, the full particulars of which will be found in the Registry Sheet for that Vessel. The original has probably been mislaid; it certainly is possible in passing so many persons I may have omitted signing this one; but, from the particulars being entered on my Register, I am inclined to the first opinion.

The couple per 'Sir Edward Paget,' viz., Edwd. Keating and Johanna Keating, I think produced their Certificate of Marriage; my impression is that they were married at the last moment in Cove after embarking, and that her name was Joanna Walsh, No. 2230, P.P., and that the sister Eliza No. 2227, P.P., accompanied them.

A True Extract:—S. WALCOTT, Secretary.
p. Park Street, Westminster.

Report by C. Friend re ship Eleanor.


"Messrs. Carter and Bonus in August last forwarded me the statement of Mr. Plomby, the Surgeon of the 'Eleanour,' and requested me to give them any information I could, whether that Report was correct, and I sent them annexed the enclosed remarks which I now beg to forward for the information of the Board. I can only now repeat what I have there said, that no Reports were made to me of the defects of the Water Closets, which there was ample opportunity of discovering on the voyage round from London. As to the crowded state of the Decks by the large boxes, if such was the case, they must have been placed there after I had mustered the Passengers and left the Ship, as I have no recollection of such being there at that time. As regards the room occupied by the Steerage Passengers, I have repeatedly expressed my opinion on that point, that the room given to the intermediate passengers at the expense of the Steerage was most unjust, but I was led to understand that, under the former Law, it could not be prevented. I never doubted, but that every Individual should have the full room of 15 superficial feet.

I can scarcely attribute the unfortunate mortality, which occurred, to this cause, and that of the Water closets might have been easily remedied by not permitting their use below except in cases of necessity. As regards the Medical Comforts, if the Surgeon had found a deficiency after signing the Certificates, he should have reported it to me, or to Dr. Groves who was at Cork on the part of Messrs. Carter and Bonus, I am quite certain an additional supply would have been put on board. It is very natural that the Surgeon of Emigrant ships, on experiencing an unusual degree of sickness and mortality on board, should endeavour to remove the responsibility from themselves to others. But I cannot but conceive that, had proper attention and foresight been paid by Mr. Plomby, much of the sickness might have been prevented. His remarks on the Hawse Buckets and the berthing of the Passengers are almost too trivial to be noticed."

Remarks on Mr. Plomby's statement alleging that the mortality, which so unfortunately occurred on board the ship "Eleanour" during her voyage to New South Wales, arose in a great degree from the imperfect fittings of the Ship and the crowded state of the Decks.

1st. Mr. Plomby states that the Ship was so crammed with Cargo that great numbers of large boxes of the Emigrants, instead of being stowed in the Hold, were put between Decks so as to interrupt the circulation of air, and prevent the place from being thoroughly cleaned, and that they remained in this state for six weeks before room could be made in the Hold for them; and he also states that the Government Commissioner did not inspect the Ship. At this distant period, I can scarcely recollect the state of the "Eleanour's" Decks, but I feel certain it could not have escaped my notice, had they been so crowded, as I inspected the Ship preparatory to mustering the Passengers while they were all on Deck; and, if such Luggage had been brought on board after I had left the Ship, the Surgeon should have reported it to me, as I know of no other Government Officer inspecting vessels, and to whom all complaints should have been made in order to their being remedied; but, had ever so large a quantity of luggage been stowed on the Deck where the Emigrants were berthed, say to the incredible extent of Twenty Tons, room could have been found below for it in a few days, the Expenditure of Water and Provisions for so large a number of persons (say 307 Souls) would not average less than two Tons daily, so that the whole with proper management might have been put below in 10 days; but I have good reason to believe that the Decks were not lumbered to the extent stated.
STANLEY TO GIPPS.

2ndly. He states that, as a cause of the mortality, the bad construction of the Hawse Buckets. They appeared to me of the usual form, and no complaints were made to me, that I can recollect; but, admitting the construction to have been bad, surely a little ingenuity would have remedied the evil by attaching small Hoses of Leather to them.

3rdly. That the Water Closets were badly fitted. On this head I can only say no complaints were made to me, and there must have been ample time on the voyage round from London to Cork to have ascertained any defects of their construction. It is my usual practice to recommend the Surgeon to use the Deck Closets and close those below, except in bad weather: and, had this have been done from the first, much of the evil complained on this account would have been obviated.

4thly. He remarks the Berths were too much crowded and instances a case where a man and his wife with two elderly children were placed in one Berth. It appears to me, that, as it was the duty of the Surgeon to berth the people, he was guilty of culpable negligence in permitting it. There can be no reason why a Hammock should not have been provided for the man, if all the other berths were fully occupied; there are generally extra berths, but where there are many children this will sometimes occur.

With respect to the 5th Remark, I can only say he signed the Certificate that the Medicines and Medical comforts were sufficient in quality and quantity for the probable exigencies of the voyage, and I feel assured that, had Mr. Plomby expressed his wishes for an increased supply, Dr. Groves would have ordered it without hesitation.

It appears to me, on reviewing Mr. Plomby's report, that the real origin of the sickness is attributable to the causes detailed in the last clause of his statement, vizt., To the Emigrants having been battened below during the bad weather they experienced shortly after leaving Cork, the wetness of the Decks, the consequent impurity of the air and the effects of fear, and not to the insufficiency of the arrangements, which is evidenced by the favorable results of the voyages of the other vessels dispatched under precisely similar circumstances.

Cork, 29th August, 1842. CHARLES FRIEND.
With regard to the statement in the fourth paragraph of the Berths being too much crowded, I can have no personal knowledge of the correctness or incorrectness of it; but the Surgeon himself I have always understood to be responsible for berthing the People, and which constituted an essential part of his duty; if the accommodation was found on embarkation to be insufficient for the number on board, the fact ought to have been represented before the Ship left Cork; and I have no hesitation in saying that I do not believe, if known to you, that you would have suffered on any account a man, his Wife and two elderly children to be placed in one berth (3 feet wide being the usual size) and which was never intended for more than a married couple and an Infant, if there was one. I have never known in all my experience such a circumstance as the one above stated; and which in my opinion it would have been the imperative duty of the Surgeon to have prevented; and, if there were not sufficient berths erected, he should have caused others to be built or placed some of the Boys in Hammocks.

With respect to the supply of Medicines and Medical comforts, I saw myself both the Surgeon of the Ship and your Superintending Surgeon, Mr. Grove, on board at Gravesend, where I clearly understood them to be quite satisfied with the supply, which was I have every reason to believe in accordance with a scale drawn up by Mr. Grove, the result of his experience in the charge of Emigrants to Australia.

In conclusion, I have much pleasure in stating as the result of my inspection of your Ships that, so far from any culpable negligence having been manifested by you in the fitting of the "Eleanor," that I have frequently witnessed the great attention paid by Capt'n Towns, the Gentleman employed by you to superintend all the arrangements of that Vessel.

Both Transom Cabins were appropriated and fitted up with proper Berths and little conveniences for the Surgeon such as Table, Shelves, etc., for Male and Female Hospitals; a Patent Water Closet was provided for the sick; screens were put up round the Hatchways and to divide the single Women from the Married.

The provisions, which I inspected and tasted, were of the best quality, and the fitting and general arrangement of the Ship, when she left London, as good as any Bounty Ship that had preceded her; and I cannot but view many of the complaints here made as frivolous, being in my opinion so susceptible, when they did occur, of an easy remedy.

[Sub-enclosure D.]

MESSRS. CARTER AND BONUS TO MR. S. WALCOTT.

Sir,

No. 11 Leadenhall Street, 11th April, 1843.

In the Letter which we addressed to Lord Stanley on the 8th of February last, on the subject of Bounty Emigrants forwarded by us to New South Wales in 1841, and which Letter we understand has been referred by his Lordship to the Commissioners for Colonial Land and Emigration, we stated that the total number of deaths on board 11 Ships, chartered by us, was 17 Adults and 39 Children and infants, as reported to us by our Agents in the Colony; but on reference to the papers relating to Emigration," which have lately been laid upon the Table of the House of Commons, we find the deaths on board these Ships recorded as 19 adults and 50 children and infants; presuming that this official statement is more accurate than the accounts received by us from our Agents, we request permission to correct the calculation in our Letter of the proportion between the deaths and the whole number of passengers embarked, which should have been 2 3/10 to each 100 instead of 1 9/10 to each 100.

It appears from the same papers that 39 children were born on board our Ships, and it is probable that 11 of them may have died before the termination of the voyage, which would account for the discrepancy between the two statements; our Agents would have no record of deaths except of those whose names appeared upon the Lists sent out by the respective Ships.

We find from the same papers that the deaths on board the whole of the Ships despatched by us, which arrived in Port Phillip and Sydney between 1st July, 1841, and 30th June, 1843, being 20 in number, were in the proportion of 2 6/10 to each 100 Bounty Emigrants landed in the Colony and paid for by the Government, and that the deaths on board all the other Ships which arrived at the above named Ports between the same dates, being 79 in number, were in the proportion of 3 8/10 to each 100 Bounty Emigrants landed and paid for.

We have, &c.,

CARTER AND BONUS.
COMMENTARY.
COMMENTARY
ON
DESPATCHES
TO AND FROM SIR GEORGE GIPPS,
April, 1842—June, 1843.

Note 1, page 4.
_A pecuniary claim._

Previous correspondence relating to this claim was dated 26th May and 6th December, 1834 (see pages 448 and 597, volume XVII), 4th April, 1837 (see page 723, volume XVIII), and 17th September, 1838 (see page 586, volume XIX).

Note 2, page 10.
_A Statement._

A copy of this statement will be found on page 249 et seq., volume XXI.

Note 3, page 35.
_The course of proceeding._

The land at Port Phillip was sold by auction in town, suburban and country allotments, after fixing a minimum price. The first sale of land at Port Phillip was held in 1837 (see pages 765 and 781, volume XVIII).

Note 4, page 38.
_This address._

In the address on opening a session of the legislative council, the governor announced the business proposed for the session and commented on the general condition of the colony. The practice of delivering an address corresponded to the modern practice of the governor’s speech on the opening of parliament; but the subject-matter of the address was at the sole discretion of the governor, whilst that of the governor’s speech is at the discretion of the ministry in power.

Note 5, pages 38 and 135.
_Debentures._

A note on this issue of debentures will be found on page ix, volume XX.

Note 6, page 39.
_The expeditions._

A note on the expeditions of Edward John Eyre will be found numbered 151 in volume XX.
A full account of the proceedings was published in the issue of the *Australian* newspaper, dated 23rd April, 1842.

This was the settlement formed by lieut.-governor Collins in October, 1803, and abandoned in May, 1804 (see page xv et seq., volume I, series III).

The papers detailing the negotiations with G. Mercer will be found on page 381 et seq., volume XVIII.

These regulations were included also in the emigration papers submitted to the house of commons and were printed in the parliamentary papers.

These were the assassination of Sir William Macnaghten, the British resident at Cabul, on Christmas day, 1841, and the annihilation, a few months later, of a division of British troops under major-general Elphinstone and brigadier-general Shelton.

This is the building, which has been occupied for many years as the Sydney branch of the Royal mint. The application for its transfer to the Sydney dispensary was submitted by Sir George Gipps with his despatch dated 25th July, 1839 (see page 261, volume XX).

A copy of this petition is not available.

This section of the commission of Sir George Gipps will be found on page 299, volume XIX.

A note on this volume will be found numbered 92 in volume XXI.

The nomination of J. W. Willis as resident judge at Port Phillip was reported by Sir George Gipps in his despatch, dated 3rd January, 1841 (see page 160 et seq., volume XXI).
Note 17, page 152.

The regulations.

These regulations were published in the Government Gazette.

Note 18, page 186.

I am not on terms of friendship.

Sir George Gipps submitted his opinion of P. L. Campbell in a despatch dated 27th June, 1839 (see page 205, volume XX).

Note 19, page 201.

The Local Act.

This act was passed to facilitate the holding of a criminal court at Norfolk island. The reasons for passing the act were detailed by Governor Bourke in a despatch dated 30th November, 1833 (see page 276 et seq., volume XVII).

Note 20, page 238.

The long period.—The Bill.

The statute, 9 Geo. IV, c. lxxxiii, for the government of the colony had expired on the 31st of December, 1836, and had been continued by annual statutes, sometimes with amendments (see page v et seq., volumes XVIII and XXI).

A copy of the bill was transmitted by lord John Russell with his despatch, dated 2nd September, 1840 (see page 789 et seq., volume XX).

Note 21, page 243.

These instructions.

These instructions and the original of the despatch with which they were transmitted are not preserved at government house, Sydney.

Note 22, page 244.

This warrant.

A copy of this warrant is not filed with the original of the despatch at government house, Sydney.

Note 23, page 245.

His Letter.

A copy of this letter will be found on page 419 et seq., volume XVIII.

Note 24, page 262.

As I have already informed you.

The previous reference was contained in the despatch, dated 10th August, 1842 (see pages 196 and 197).

Note 25, page 279.

The cargo of spirits.

Sir George Gipps submitted a report on the transactions of Dunlop and Ross in his despatch, dated 10th August, 1842 (see pages 196 and 197).
Note 26, page 280.

A Committee.

On the 4th of February, 1841, a select committee of fifteen members of the house of commons was appointed "to consider the South Australian Acts, and the actual State of the Colony of South Australia." This committee inquired into the disposal of lands in the Australian colonies generally, and submitted reports on the 9th of March and 10th of June, 1841.

Note 27, page 282.

The Royal Commission.—The Royal Instructions.

The commission will be found on page 295 et seq., volume XIX, and the substance of the instructions on page 641 et seq., volume XX.

Note 28, page 283.

The proclamations.

Under sections 6 and 7, a proclamation was required to announce the time and the place of sale, and the description of the land to be sold at the quarterly auction.

Under section 11, the upset price of land was required to be fixed by proclamation.

Under section 21, the date, on which the statute became effective in the colony, was to be announced by proclamation.

Note 29, page 287.

Sealed Papers.

Copies of these papers are not available.

Note 30, page 287.

The Island of New Caledonia.

Copies of the papers, transmitted by major Sullivan, are not available. On the 24th of September, 1853, the island of New Caledonia was annexed to France.

Note 31, page 297.

The French Expedition.

Admiral A. du Petit Thouars, in command of the French frigate La Reine Blanche, established a French protectorate over the island of Tahiti (see page 387 et seq.).

Note 32, page 307.

Sickness among the Emigrants.

Papers relating to the outbreak of typhus fever on the ship Theresa will be found on page 263 et seq.

Note 33, page 314.

His report.

A copy of this report will be found on pages 121 and 122.

Note 34, page 332.

A Map.

The map was endorsed "This Map of Moreton Bay, Compiled from Authentic Surveys, and Containing All the Latest Discoveries made by Exploring Parties, Is Most Respectfully Dedicated to His Grace the Duke of Cleveland, by His Most Obedient Servant, Robert Dixon, 1842."
COMMENTARY.

Note 35, page 332.

His publication of his Map.

This map was published for Robert Dixon by J. Cross in London on the 20th of July, 1837. On it, the settled counties were delineated and the lands located for settlers.

Note 36, page 334.

The trial.

The report of the proceedings at the trial of John Ford or Forde will be found on page 472 et seq., volume XXI.

Note 37, page 370.

The foundation of the Colony in 1789.

This is an error in date in the original for 1788.

Note 38, page 414.

"Blue Book."—Enclosure No. 2.

The "Blue Book" was regarded as enclosure No. 1.

Note 39, page 431.

A cloth mill.

Some of the buildings for this mill are still standing near the junction of the Mulgoa creek and Nepean river. The land formed part of the estate of Sir John Jamison, known as Regentville.

Note 40, pages 452, 453 and 454.

The following despatches.

These despatches were principally covering letters to the enclosures. Those enclosures, which are available, will be found in the volumes of the series to which they belong.

Note 41, page 457.

Hyde Park Barracks.

These barracks are still standing on the eastern side of Queen's square and are now used in the administration of justice.

Note 42, page 471.

The License.

Some of the anomalies created by these licenses will be found detailed on page xxi, volume XX.

Note 43, pages 474 and 477.

An Instrument.—The Bond.

A copy of this instrument, bond or agreement will be found on page 376, volume XXI.

Note 44, page 512.

——— to Dep. Commissary-General Miller.

The original of this enclosure, preserved at government house, Sydney, is signed "W. Miller, D.C.G."; but it is evident that this was an error of the copyist and that the letter was signed by John W. Smith, the commissariat officer at Norfolk island.
COMMENTARY.

Note 45, page 513.

The Bill.

This was the bill "to provide for the division of the Colony of New South Wales into Electoral Districts, and for the Election of Members to serve in the Legislative Council" (see page xiv, volume XXI).

Note 46, page 514.

The recent Committee.

On the 7th of April, 1837, the following resolution was moved in the house of commons:—"That a Select Committee be appointed to inquire into the System of Transportation, its Efficiency as a Punishment, its Influence on the Moral State of Society in the Penal Colonies, and how far it is susceptible of Improvement." This committee examined numerous witnesses and reported to parliament.

Note 47, page 530.

Some meritorious services.

In the year 1825, Mr. Barlow, the commandant of the settlement at Melville island, chartered the brig *Stedcomb* to procure buffalo from Timor. The brig was captured by pirates off Timor Laut, and all the crew murdered except two boys. In the year 1839, Watson in the schooner *Essington* rescued the survivor of these two boys, who was named Joseph Forbes.

Note 48, page 537.

46 acres of land.

This land is situated at Glebe point, Sydney, and was for many years occupied as the residence of the bishop.

Note 49, page 574.

Colonial Secretary Thomson to Lord Stanley.

This despatch and those on pages 575, 581, 587, 588 and 590 were written by E. D. Thomson during the absence of Sir George Gipps on a visit to Norfolk island from the 28th of February to the 24th of March, 1843. This is the first instance in which the government of the colony during the absence of the governor was not administered by a lieutenant-governor or the senior military officer.

Note 50, page 589.

Despatch.

The original of this despatch was printed with the exception of the words in italics, which were written in ink.

Note 51, page 611.

A Despatch.

This despatch was dated 8th July, 1842 (see page 134 et seq.).

Note 52, page 612.

Seven Banks.

These banks, with their nominal capital, the amount paid-up on the 31st of March, 1843, and the dates of their foundation, were: bank of New South Wales, £300,000, £206,465, 1817; bank of Australia, £400,000, ———, 1826;
COMMENTARY.

Commercial banking company of Sydney, £300,000, £245,355, 1834; bank of Australasia, £900,000, £675,000, 1834; Union bank of Australia, £743,525, 1839; Sydney banking company, £1,000,000, £153,730, 1839; and Port Phillip bank, £52,915, 1839.

Note 53, pages 613 and 709.

A Printed Abstract.

Quarterly abstracts of the accounts of each bank trading in the colony were published in the Government Gazette.

Note 54, page 626.

His printed publications.

The two most important publications were "Thoughts on Convict Management and other subjects connected with the Australian Penal Colonies," and "General Views regarding the Social System of Convict Management," published at Hobart town in the years 1838 and 1839.

Note 55, page 668.

A new Room.—The Building.

These buildings now form a part of the existing parliament house in Macquarie-street.

The "new Room" was forty-eight feet long, twenty-eight feet wide and twenty-six feet high with a gallery for members of the public. It was erected at the northern end of the building and forms a part of the present assembly chamber.

The "Building" forms the central portion of the existing buildings, and was erected by D. Wentworth, A. Riley and G. Blaxcell under a contract with Governor Macquarie (see page 401 et seq., volume VII).

Note 56, page 674.

A statement.

The reference was probably to the statement transmitted by Sir George Gipps with his despatch, dated 29th October, 1842 (see page 341).

Note 57, page 680.

A report.

This report was transmitted by Sir Richard Bourke with his despatch, dated 10th October, 1834 (see page 550 et seq., volume XVII).

Note 58, page 693.

My Despatches.

The despatch No. 175 will be found on page 514 et seq. A note on the original of the despatch, dated 29th April, 1843, stated that the despatch No. 182 had not been received by Sir George Gipps; a copy of it will be found in a volume in series III.

Note 59, page 708.

Two Banks.—Seven Banks.

The two banks were the banks of New South Wales and Australia. The seven banks are detailed in note 52.
Note 60, page 710.

The Commission.

Governor Darling, Sir Richard Bourke and Sir George Gipps, in addition to holding commissions as governors of New South Wales, each held a commission as governor of Van Diemen's land (Tasmania). A copy of the commission to Governor Darling will be found on page 1 et seq., volume V, series III. The lieutenant-governors in Tasmania held office under these commissions by a clause, which provided that the government should be administered by the lieutenant-governor in the event of the death of the governor or of his absence from the territorial jurisdiction.

Note 61, page 714.

The Military Barracks.

These barracks were erected on the southern side of Oxford-street in Paddington in exchange for the barracks, which were situated on the western side of George-street (see page 593, volume XIX, and page 289 et seq., volume XX).

Note 62, page 721.

In the Government Gazette.

The report was published in the issue of the Government Gazette, dated 9th May, 1843. The committee reported that there was a surplus of funds in the Savings bank of £5,484; £164,520 was due to depositors; and the assets were mortgages £116,050, bills discounted £50,354, government debentures £1,600, cash £2,000, total £170,004.

Note 63, page 784.

His Father.

The father was the reverend G. K. Rusden.

Note 64, page 789.

District Councils.

A note on the provisions in the constitution act for the establishment of district councils will be found on pages xii and xiii, volume XXI.

Note 65, page 812.

The position of President.

Sir James Dowling was in error in calling the presiding officer in the new legislative council the "president." In the bill presented to parliament in 1840, he was so called (see page 791, volume XX); but, in the constitution act, he was called the "speaker."
SYNOPSIS.
**SYNOPSIS OF DESPATCHES**

The reference to the despatches marked "a" in the sixth column will be found on pages 612-13, volume XXI.

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<td>Stanley, Lord</td>
<td>1848, 25 June</td>
<td>No. 85</td>
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<td>Stanley, Lord</td>
<td>1848, 29 June</td>
<td>No. 86</td>
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<td>1848, 3 June</td>
<td>No. 87</td>
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<td>Stanley, Lord</td>
<td>1848, 7 June</td>
<td>No. 88</td>
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</table>

**Note:** The table above lists dispatches and their corresponding dates and numbers. The entries are likely to be related to maritime communications or communications regarding various matters during this time period.
<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Despatch entered</th>
<th>Date of transmission</th>
<th>Acknowledged by</th>
<th>See page</th>
</tr>
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<td>Stanley, Lord</td>
<td>Gips; Sir George</td>
<td>12 June No. 67</td>
<td>1840.12</td>
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<td></td>
<td></td>
<td>Stanley, Lord</td>
<td>796</td>
</tr>
</tbody>
</table>

**SYNOPSIS OF DESPATCHES.**
INDEX.

Abbott, Edward
letter from—
to Montagu, J., 62.
to Trevelyan, C. E., 61.
letter to, from Montagu, J., 63.
protest by, re printing of Colonial Magazine by government printer in Tasmania, 62.
tender by, for printing for commissariat in Tasmania, 63.

A'Beckett, William
confirmation of, as solicitor-general, 592.
opinion of, re protest of Dorning, C., 101.
solicitor-general, 17.

Aberdeen, earl of
letter from—
to Cowley, lord, 299.
to Surrey, earl of, 89.
letter to—
from Colquhoun, J., 554.
from Cowley, lord, 299, 303.
from Cowper, H. A., 263, 267, 271.
from Hamilton, H., 298.
from Walpole, J., 300, 303.

Aborigines
amenability of, to British law for offences Inter se, 133.
appropriation of land revenues for, 281, 286.
attitude of settlers towards, 438.
commendation of treatment by Everett and Halked of, 172, 173.
conflicts between, and overlanding parties to South Australia, 39, 40, 327.
conviction and execution of, for murder of Codd, P., 305, 655, 656.
criticism of execution of, for murder of Codd, P., 655, 656.
dismissal of protector of, 168.
expenditure on, 433.
failure of—
efforts for civilisation of, 436.
mission to, near Geelong, 484, 485.
system of protectors of, 438.
increase in acts of violence on and by, at Portland bay, 338.
inconvenience of—
department for protection of, 258.
protectors of, 54, 55.
inquiry ordered re death of, at Ovens river, 382.
misfortune to—
authority for grants to, 439.
criticism of, at various stations, 437.
doubts re maintenance of, 437.

Aborigines
necessity for—
admission of evidence of, 439.
general repression of hostility of, 198.
objections to special precautions against, in special localities, 198.
outrages by and on, at Port Fairy, 3, 53, 55.
plan for treatment of, submitted by Patterson, J. H., 379.
policy proposed towards, 439.
refusal to continue mission to, at Wellington valley, 131.
report re—
at Mount Rouse, 485, 486.
at Wellington valley, 644 et seq.
homicide on, at Ovens river, 441.
in district of—
Bligh, 173, 174, 649.
Lachlan, 64, 651.
Liverpool plains, 170 et seq.
Macleay and Clarence rivers, 65, 651, 652, 653.
Manero, 649, 650.
Moreton bay, 647, 648.
Murray river, 169.
Murrumbidgee, 650, 651.
New England, 171 et seq., 653.
Port Phillip, 446, 454.
Portland bay, 1, 2, 53.
Wellington, 648.
murder of, in district of Port Phillip, 53, 54, 116.
return of expenditure on, 304, 417.
suspension of assistant protector of, 256, 259.

Addington, H. U.
letter from, to Stephen, J., 298, 301.

Addis, Edward Brown
magistrate of the territory, 20.

Adelaide
military quartered at, 32.

Aden, ship
despatch per, 30, 36, 39, 41, 52, 55, 59, 61.
65, 68, 80, 81, 92, 97, 98.

Agent general
advance to, 588, 768.
censure on Gipps, Sir G., for deferring repayment of advances to, 189, 570.
instructions for prompt repayment of advance to, 571.
Agent general
investment by, of deposits on purchase of land, 191, 192.
practice re advances to, 190.
reasons and conditions for advances to, 189.
returns of intestate estates sent to, 581.
statement of accounts of, 191.
Agnes, ship
disallowance of bounties on immigrants per, 180.
Agnes Ewing, ship
disallowance of bounties on immigrants per, 159, 409.
Agricola, ship
expenditure on quarantine of immigrants per, 52.
Agriculture
returns of, 480.
Airey, George Sherbrooke
magistrate of the territory, 20.
Airey, John Moore
magistrate of the territory, 21.
Aiken, John
certificates re, 562 et seq.
surgeon on ship New York Packet, 562.
Albert, H.R.H. Prince
address to, on birth of Wales, H.R.H. prince of, from legislative council, 99, 378.
Alfred, ship
despatch per, 574, 575, 581, 587, 590, 593, 594, 596, 611, 614.
Alice Maud Mary, H.R.H. princess
birth of, 676.
Allan, A.
address from, to Christie, W. H., 451.
Allan, Beverend James
approval of withholding of salary from, 180.
decision re claims of, 180, 212.
report by committee of general assembly in case of, 181 et seq.
Allen, George
alderman for city of Sydney, 377.
Allman, Francis, junr.
police magistrate at Muswellbrook, 18.
Allman, John James
commissioner of crown lands, 16.
letter from—
to Christie, W. H., 452.
to Thomson, E. D., 648.
reduced police magistrate, eligible for reappointment, 499.
report by, re aborigines in district of Wellington, 648.
America
admission of whaling ships from, in harbours of Tasmania and Cape of Good Hope, 153, 154.
consul for, 153.
proposal for admission of whaling ships from, in Port Jackson, 153, 154.
Anderson, David
report re, 160, 442 et seq.
statement re estate of, 444.
will of, 445.
Anderson, Matthew (colonial surgeon)
career of, 66.
magistrate of the territory, 19.
refusal of retired allowance for, 66.
Andromeda, ship
despatch per, 771, 772, 775, 779, 786, 791, 793, 801, 803, 813.
Ann Gales, ship
despatch per, 441, 442, 445, 446, 447, 448, 453, 456, 467, 484, 485, 486, 493, 494, 495, 496.
Anne, ship
despatch per, 127, 128, 129, 130, 132, 134, 140.
Arab, ship
charter of, to convey 28th regiment, 110.
Arbuthnot, Henry
letter from, to treasury, commissioners of, 236.
Archbishop
criticism of creation of office of, 598.
protest against assumption of style and title of, by Polding, right revd. J. B., 596, 597.
Arden, George
approval of remission of sentence on, 434.
consideration of sentence on, by executive council, 58.
criticism by, of Willis, J. W., 57.
imprisonment of, remitted by Willis, J. W., 58.
proprietor, printer and publisher of Port Phillip Gazette, 57.
remission of fine and imprisonment imposed on, by Willis, J. W., 56, 55, 520.
sensation at sentence on, 58.
sentence imposed on, by Willis, J. W., 57.
transmission of letters from Willis, J. W., re sentence on, 108, 132.
Artillery
proposal for detachment of, in colony, 327 et seq.
Assembly, legislative
petition received for establishment of, 113.

Atkins, Heyward
police magistrate at Hartley, 18.

Auckland
proposal to send convict boys to, 71.

Audit, commissioners of
letter from, to treasury, commissioners of, 94, 236.

Australasian sugar company
allowance of act of council for, 748.
capital of, 290.
report re, 290.
submission of act of council for, 289.

Australian agricultural company
absence of benefit from establishment of, 136.
agreement with, re coal-mining, 732.
annual amount of coal produced by, 431.

Australian auction company
allowance of act for, 115.

Australian college
decline of, 426.

Australian land sales act
appropriations under, 281.
methods for sale of lands under, 282.
powers of governor under, 282, 283.
price for land under, 283.
prohibition of gratuitous land grants by, 282.
reasons for passing of, 280.
request for interpretation of, 280.
royal instructions issued under, 284.
stability in land administration expected from, 280.
transmission of, 279.
treasury instructions issued under, 285, 286.

Bacon, Charles Basil
magistrate of the territory, 21.

Badon, Jesse
authority for conditional pardon for, 453.
issuance of pardon to, 454.

Bailey, John
draftsman, 16.

Baker, William Pury
magistrate of the territory, 20.

Ballow, D. K.
assistant surgeon at Moreton bay, 466.

Balmain, William (colonial surgeon)
report re lands granted to, 27.

Bank of Australasia
absence of benefit from establishment of, 136.
bill drawn by Hobson, W., on, 231 et seq.
conditions in charter for, 612.
manager of, 232, 234.

Bank of Australia
commission account in, in Tasmania, 7.
discounts and advances by, 613.
effect of mismanagement of, 613.

Bank of New Zealand
bills drawn through, 231 et seq.
capital of, 233.

Bank of Van Diemen's land
commission account in, in Tasmania, 7.

Banks
act of council for regulation of, 358, 359.
capital employed in, 612, 708.
costs of staff of, 429.
deposits in, 429.
effect of capital of, on rate of interest, 708.
failures of, 707.
monopoly of exchange by, 6.
number of, 612.
problem of unlimited liability of shareholders in, 613.
proposals by Willis, J. W., re, 359.
public accounts in, in Tasmania, 7.
public distrust of, 707.
regulations re deposit of funds of commissariat in, 8.
report required re condition of, 258.
statement re, 429.
trading in bills by, 6.
transfers of specie to, from treasury, 558.

Barker, John
purchase in England of land by, 195.

Barnard, Edward
See also "Agent general."
advance requested by, 350.
balance in hands of, 312.
letter from—
to Hope, C. W., 556.
to Stephen, J., 199, 190.
to Trevelyan, C. E., 190, 191.
letter to—
from Colquhoun, J., 554, 555.
from Stephen, J., 199, 110, 556.
from Trevelyan, C. E., 192.
request by Lithgow, W., for details of expenditure by, 25, 36.

Barnes (or Roberts), Susannah
transmission of report re conduct of, 453.

Barney, George (lieut.-colonel, engineers)
refusal to appoint Gordon, J., as colonial engineer vice, 531 et seq.
testimony in favour of, 533.
INDEX.

Barnier, William
immigrant per ship Theresa, 309.

Barracks, military
agreement re erection of, at Sydney, 714.
claims by ordnance officers re, 715.
errection of, commenced, 714.
expenditure on, 715.
request for specific limitation of expenditure on, 715.

Barristers
report re admission of, to supreme court, 366.

Barrow, Sir John
letter from, to Hope, G. W., 444.
letter to, from Bremer, Sir J. J. G., 445.

Barrow, William W.
police magistrate at Wellington, 18.

Barry, Redmond
report re admission of, to supreme court, 366.

Barry, Robert
commissioner of court of requests at Melbourne, 19.

Barton, Robert Johnstone
magistrate of the territory, 21.

Bathurst
approval of transfer of hospital at, 111, 112.
clerk of peace at, 17.
coroner at, 18.
military detachment at, 33.
proposal for reduction of convict hospital at, 179.

Batman, John
transmission of papers re action of Willis, J. W., in will of, 288, 321.

Baumgartner, Robert
assistant engineer, 17.

Bayley, Charles A.
draftsman, 16.

Bayly, Henry
magistrate of the territory, 16.

Beale, —
concessions granted to, in selection of land, 494.
land near Melbourne refused to, under land order, 117.

Beattie, G. T.
refusal of bounties on immigrants introduced by, 544.

Beckham, Edgar
commissioner of crown lands, 16, 65.
letter from, to Thomson, E. D., 64.
report by, re aborigines in Lachlan district, 64, 651.

Bell, — (captain, R.N.)
payment to, for passage of Gipps, Sir G., 644.

Bell, James Thomas
magistrate of the territory, 16.

Bell, Thomas
magistrate of the territory, 19.

Bells and Buchanan
agents for Cross, W., at Melbourne, 23.
letter from, to Cross, W., 24.

Benares, ship
despatch per, 149, 154, 161, 166, 168.

Benevolent society
increase in annual subsidies to, 288.
instructions re annual subsidies to, 288.

Benham, William Ash
claim by, on Maconochie, A., 68, 447.
letter from, to Stanley, Lord, 68.

Berrima
military detachment at, 33.
police magistrate at, 18.

Berry, John
exemption of, from trial for attempted piracy of brig Governor Phillip, 378.

Betts, John
magistrate of the territory, 21.

Betts, Josiah Allan
magistrate of the territory, 20.

Beveryley, F.
clerk in attorney-general's office, 497.
eligibility of, for promotion, 497.

Bickersteth, A. (surgeon)
certificate by, re health of Campbell, P. L., 185.

Bingham, Henry
magistrate of the territory, 20.
report by, re aborigines in district of Murrumbidgee, 650, 651.

Binns, Jos. (color-serjeant, 80th regt.)
statement by, re conduct of Dixon, R., 337.

Birch, J. W.
letter from, to Hope, G. W., 717.
letter to, from Hope, G. W., 717.

Bishop of Australia
land claimed as residence for, 537 et seq.
letter from, to Stanley, Lord, 597.
problem of seat for, in new legislative council, 244, 245.
protest by, against assumption of style and title of archbishop by Polding, right rev. J. B., 596, 597.
statement by, re claim to land as residence, 540 et seq.
INDEX.

Blackett, George
address from, to Christie, W. H., 451.

Blackwell, Richard
claim by, to land at Liverpool, 346 et seq.
memorial of, 348.
refusal of compensation for, 769.

Blackwood, Francis P. (captain, R.N.)
assistance to be given to, 3.
survey of Torres strait proposed by, 3.

Blair, James
police magistrate at Portland bay, 19.

Blake, Isaac
warehousekeeper, 17.

Blaxland, Arthur
magistrate of the territory, 16.

Blaxland, Edward James
magistrate of the territory, 16.

Blaxland, George
magistrate of the territory, 16.

Blaxland, John
protest by, re appropriation for police and gaols, 368.

Bligh
report re aborigines in district of, 173, 174, 649.

Bligh, James W.
testimony from, in favour of Hyeronimus, N., 373.

Bloomfield, G. V.
address from, to Christie, W. H., 451.

Bloxsome, Oswald
agent for clergy and school estates, 18.
resignation of, 450.

“Blue book”
acknowledgment of, 36, 98.
annual report to accompany, 414 et seq.
commendation of, 98.
criticism of annual report attached to, 98.
details required in annual report attached to, 36.
memoranda re preparation of, 433, 434.
transmission of, 414.

Boa Vista, Barão da
letter from, to Cowper, H. A., 268.

Bolden,
transmission of letter re possible complaint by, 796.

Bolton, Charles
third landing-waiter, 17.

Bolton, Mary Ann
trial and conviction of captain and surgeon of ship Carthaginian for assault on, 41.

Border police
allowance of act of council re, 253.
expenditure on, 433.
organisation of, 350.
reduction in expenditure on, 424.

Botanic garden
expenditure on, 794.
management of, 785, 794.

Bourchier, Charles
payment of law expenses on order of, 654.

Bourke, Sir Richard
letter from, to Campbell, P. L., 188.

Bourke ward
number of electors in, 376.

Boussole, French corvette
papers re voyage of, to South seas, 297 et seq.

Bowen, George Meares Countess
police magistrate at Berrima, 18.
refusal of leave of absence to, as police magistrate, 506.

Bowler, John (major)
coroner at Bathurst, 18.
police magistrate at Carcoar, 18.
reduced police magistrate, eligible for re-appointment, 499.

Boyd, Archibald
magistrate of the territory, 21.

Boyce, W. (colonial secretary, Tasmania)
letter from, to Thomson, E. D., 642.
letter to, from Thomson, E. D., 642.

Bradley, Henry Burton
clerk of supreme court, 17.
leave of absence granted to, 506.

Bradley, John
letter from, to Walcott, S., 292.
letter to, from Walcott, S., 292.

Bradley, William
magistrate of the territory, 16.

Bradley’s head
instructions for report re battery at, 327, 330.
report re battery at, 329.

Bramble, cutter
survey of Torres strait ordered in, 3.
INDEX.

Breakey, George
transmission of report re, 453.

Bremer, Sir James John Gordon
letter from, to Barrow, Sir J., 445.

Breton, E.
nurse at Port Macquarie, 466.

Breton, R. G.
dispenser at Port Macquarie, 466.

Breton, Henry William
magistrate of the territory, 20.

Brewster, Edward Jones
chairman of quarter sessions, 19.
commissioner of court of requests at Melbourne, 19.

Briggs, William
magistrate of the territory, 21.

Brindley, Robert
draftsman, 16.

Brisbane
sale of land at—
advertisement of, 35.
prices realised at, 148.
wool shipped from, 35.

Brisbane ward
number of electors in, 376.

British colonial bank and loan company
capital and operations of, 605.
draft of charter proposed for, 605 et seq.
financial distress caused by operations of, 135, 136.
refusal to grant charter to, 611.
request for charter for, 605.
synopsis of charter proposed for, 610.

Broken bay
establishment of custom house station at, 671.
report re prosecutions proposed for smuggling at, 796.
seizure of spirits at, 229, 229, 722 et seq.

Bromehead, W. D.
letter from, to Walcott, S., 121.
qualifications of, 316.
report by, re equipment of ship Ward Chipman, 321, 314, 315, 316.

Brooks, George
surgeon at Newcastle, 466.

Brooks, Robert
letter from, to Walcott, S., 292.
letter to, from Walcott, S., 292.

Broughton, Thomas
alderman for city of Sydney, 377.

Brown, John
magistrate of the territory, 20.

Brown, Marcella
immorality of Gorman, O., with, 331, 333 et seq.

Browne, George
construction of road to Illawarra by, 682, 683.

Browne, Hutchinson Mothersall
approval of appointment of, as superintendent of water police, 262.
award to, for seizure of spirits at Broken bay, 722 et seq.
deputation to, from customs department, 228.
instructions for deputation to, from customs department, 725.
letter from, to Thomson, E. D. 308.
qualifications of, for promotion, 497.
seizure of spirits by, at Broken bay, 228.
superintendent of water police, 18, 497.
transmission of memorial from, 227.
value of spirits seized by, 229.
water police magistrate, 227.

Bruce, John
reply to request by, re lands granted to Balmain, W., 27.

Buckland, G. A.
statement by, re duties in branch for registers of convicts, 464.

Buckley, William H.
draftsman, 19.

Bullot, Thomas
testimony from, in favour of Hyeronimus N., 373.

Bunbury, Richard Hanmer
land order purchased by, 195, 675.
magistrate of the territory, 21.

Bunbury, Thomas (major, 80th regt.)
commandant at Norfolk island, 18.

Bunn, George
claim by Murray, T. A., for land in estate of, 250 et seq.
letter to, from Macleay, A., 252.
permission for, to select land at Lane cove, 252, 253.
refusal to increase compensation in estate of, 661.
valuation of land selected by, at Lane cove, 253.
INDEX.

Bunting Dale
report re aboriginal mission at, 484, 485.

Burch, John
report required re, 582.

Burke, John
assistant surveyor of crown lands, 16.

Burke, Reverend —
ability of, to accept appointment as R.C. chaplain, 345.

Burrow and Goodiar
letter from, to Jackson, J. A., 442.

Burrowes, M. E. L.
report required re, 343.

Burrowes, Mrs. S. A.
letter from, to colonial secretary, 343.

Burton, William Westbrook (judge)
letter from, to Stanley, lord, 575, 580.

Bush, Osborne
issue of pardon to, 453.

Bushranging
act of council for prevention of, 358.

Butler, G.
letter from, to Hope, G. W., 329.

Buttanshaw, Thomas
magistrate of the territory, 21.

Byham, R.
letter from, to Stephen, J., 112.
letter to, from Stephen, J., 328, 330.

Byrnes and Co.
letter to, from Walcott, S., 806.

Byrnes, P. W.
complaint by, re refusal of bounties, 468, 469.
letter from, to land and emigration commissioners, 468.
ships with immigrants sent by, 470.

Cabul
military disaster at, 110.

Cain, Samuel
dispenser in hospital at Parramatta, 466.

Caley, Charles
magistrate of the territory, 21.

Callaghan, Thomas
commissioner of court of claims, 16.

Callender, Henry
clerk of bench at Merton, 497.
eligibility of, for promotion, 497.
recommendation of, for civil appointment, 498.

Campbell, James David Lyon
application received from, for appointment, 257.
magistrate of the territory, 20.

Campbell, John
letters re, 126, 127.
claim by mother of, to effects of, 123 et seq.
death of, 125.
letters from, 126.
report re estate of, 495.

Campbell, John Thomas
application re estate of, 164.
report by judges re estate of, 577.
statement by Mannig, J. E., re estate of, 579.

Campbell, Pieter Laurentz
acting colonial treasurer, 17.
adverse criticism of, 508.
arrival of, in England, 184.
certificates re health of, 185.
claim by, for half salary on leave of absence as police magistrate, 184 et seq.
letter from, to Stanley, lord, 184, 186.
letter to —
from Bourke, Sir R., 188.
from Hope, G. W., 185.
from Stephen, J., 188.
reasons for refusal of leave of absence for, with half salary, 504 et seq.
refusal of half salary for, on leave of absence, 185, 186, 189.
report re career of, 507.
testimony to services of, from Bourke, Sir R., 188.

Campbell, Reverend A. M.
letter from —
to Smith, R. V., 13.
to Stephen, J., 14.
letter to, from Hope, G. W., 14.

Campbell, William
magistrate of the territory, 21.

Campbelltown
construction of tanks at, 462.
police magistrate discontinued at, 505.

Campion, John
land order purchased by, 195, 675.
Canterbury
sugar company's works established at, 290.

Cape, Richard
disposal of land grant by, 488.

Cape, William
application by, for lease and grant of land, 492.
conditional approval of land selected by, 492.
inability to grant land to, pending payment of quit rents, 493.
insanity of wife of, 487.
lands claimed by, 488.
letter from, to Macleay, A., 491.
letter to, from Macleay, A., 492, 493.
losses sustained by, 487.
memorial from, soliciting compensation re land grants, 487 et seq.
neglect to report on claims of, 487.
private school kept by, 426.
refusal of claims of, 493.

Cape of Good Hope
admission of American whaling ships in harbours of, 153, 154.

Carcoar
police magistrate at, 13.
police magistrate discontinued at, 505.

Carrington, Henry Nelson
charge of assault preferred by Willis, J. W., against, 321.
complaint by judges re appeal of, 351.
removal of, from roll of attorneys by Willis, J. W., 226, 321.
restoration of, to roll of attorneys on appeal, 226, 321.

Carrington, Horatio Nelson
clerk of the peace, 19.

Carter, Alexander Rodney Bligh
magistrate of the territory, 21.

Carter, William
application by, for appointment as registrar, 787, 790.
appointment of, as registrar of supreme court, 788.
to be offered to, as registrar of deeds, etc., 225, 413.
letter to—
to Cippu, Sir G., 790.
to Stanley, lord, 789.
master in equity, 17.
request by, for payment of salary pending appointment, 787, 789, 790.
term of office of, as master in chancery, 787.

Carter and Bonus
letter from—
to Stanley, lord, 817.
to Walcott, S., 764, 781, 842.
letter to—
from Forsyth, D., 765, 766.
from Forsyth, W., 765.
from Lean, J. S., 841.
from Urquhart, R., 765, 766.

Carthaginian, ship
report—
re malpractices in, 803 et seq.
re master and surgeon of, 467, 468.
transmission of report on immigrants per, 142.
trial and conviction of captain and surgeon on, for assault on immigrant, 41.

Cassidy, Michael
report re, 116.

Cassils
police magistrate discontinued at, 505.

Caswell, William (lieutenant, R.N.)
approval of refusal of land for, 486.
claims of, to secondary land grant, 103 et seq.
conditions for land grants given to, 103, 106.
lands granted to, 102.
petition from, 103 et seq.

Catarrh in sheep
act of council for prevention of, 357.

Cavenagh, Reverend
appointment of, as R.C. chaplain, 345.

Chamberlain, — (lieutenant)
priority of remission order held by, 342.

Chambers, John
affidavit by, re dispute between Gorman, O., and Dixon, R., at Moreton bay, 334.

Chambers, Thomas
immigrant per ship Theresa, 309.

Chambre, James
magistrate of the territory, 20.

Champain, Mackenzie
magistrate of the territory, 20.

Champion, ship
disallowance of bounties on immigrants per, 150, 409.

Chapman, James
councillor for city of Sydney, 377.

Chauvel, Charles George Temple
magistrate of the territory, 21.
INDEX.

Cheeke, Alfred
commissioner of court of claims, 16.
crown prosecutor, 17.

Child, William Knox
magistrate of the territory, 21.
purchase in England of land by, 195.

Childs, Joseph (captain, R.M.)
appointment of, as commandant at Norfolk
island, 591, 592, 691.
summary of instructions to be issued to,
694 et seq.
warrant for letters patent for appointment
of, 655.

China
order-in-council re trade with, 582.

Chisholm, D. M.

Chitty, Mainwaring
engagement of, for survey at Corner inlet,
775.

Christie, Samuel Tolfrey
magistrate of the territory, 20.

Christie, William Harvie (major, 80th
regt.)
address to, from residents near Liverpool,
451.
appointment of, as agent for church and
school estates, 449.
approval of appointment of, 775.
letter from, to Stanley, lord, 450.
letter to—
from Allman, J., 452.
request by, for confirmation of appoint­
ment of, 451.
security given by, 450.
services of, 450.
testimony in favour of, 451, 452.

Chubb, John
petition received from, 374.

Church establishments
expenditure on, 424.
returns re, 425.

Church missionary society
refusal by, to continue agency for mission
at Wellington valley, 131.

Church of England
compensation for glebes for clergy of, 537.
number of clergy for, 425.
practice re glebes for clergy of, 527.

Circuit courts
approval of travelling allowances for judges
and officials of, 589.
expenditure on, 366.
provision for appointment of sheriff in act
of council for, 51.
return of trials in, 422.

Civil officials
criticism of, as landed proprietors, 36.
increase in number of, 422.
instructions re—
increase of, in convict establishments, 93
et seq.
leave of absence for, 731.
liability of, to payment of income-tax, 435.
list of candidates for appointment or pro­
motion as, 496 et seq.
necessity for certain departures from rule re
travelling expenses for, 146.
orders for adjustment of accounts by, 678.
provisional appointments of, by governor,
146.
regulations for appointment of, 118.
return of, 16 et seq.

Clara, ship
despatch per, 699, 706, 709, 712, 716, 722,
730, 731, 734, 748, 749, 750, 759,
766, 768, 769.

Clarence river
appointment of commissioner of crown lands
for district of, 448.
instructions for surveys in district of, 473,
480, 481, 482.
necessity for separation of district of, from
Moreton bay, 449.
report re aborigines in district of, 63, 632,
653.

Clarke, Charles
recommendation of, for civil appointment,
498.

Clergy
instructions re half salary for, during voy­
age to colony, 107.
practice re glebes for, 537.
returns of, 455.

Clerk, G.

Cloth mill
establishment of, at Penrith. 431.

Coal-mining
annual returns of produce of, 431.
proposal for, at Moreton bay, 731 et seq.

Coates, Reverend Dandeson
letter from, to Stanley, lord, 131.
INDEX.

Cockatoo island
advantages of penal establishment at, 458.
staff at, 460.

Codd, P.
conviction and execution of murderer of, 306, 655, 656.

Coghill, David Francis
magistrate of the territory, 20.

Cole, Stephen
eligibility of, for promotion, 497.
clerk of second-class, auditor-general's office, 497.

Colonial bank
commissariat account in, 7.
removal of public account from, 7.

Colonial magazine
printing of, by government printer in Tasmania, 62.

Colquhoun, J.
letter from—
to Aberdeen, earl of, 554.
to Barnard, E., 554, 555.
letter to, from Zeschon, — de, 555.

Commercial bank
commissariat account in, 7.

Commercial banking company
bills held by, from government of New Zealand, 232 et seq.

Commissioners of crown lands
appointments of, 341, 445, 448.
conditions of work of, 777.
expenditure on salaries of, 778.
necessity for confirmation of appointments of, 341.
qualifications required by, 449.
salaries for, 449.

Commissariat
See also "Military chest."
instructions—
re accounts of, in private banks, 7 et seq.
re financial administration of, 5 et seq.

Compton, Sir Herbert
letter from, to Stanley, lord, 604, 611.
letter to, from Hope, G. W., 611.

Comptroller-general of convicts
duties proposed for, 523.
proposal for appointment of, 523.

Conolly, John
approval of commutation of death sentence on, 453.---

Convicts
See also under "Norfolk island."
abolition of assignment of, 740.
act of council for punishment of females—
allowance of, 92.
necessity for amendment of, 93.
opinion of inspectors of prisons re, 92, 93.
advantage of grouping of, by religions, 594.
annual expenditure on, 455.
arangements necessary for uniformity in discipline of, 522.
attempt by, at Norfolk island to seize brig Governor Phillip, 200, 201, 207, 278.
boat and crew maintained for prevention of escape of, 401 et seq.
boys—
objections to introduction of, from Parkhurst prison—
by executive council, 500 et seq.
by Gipps, Sir G., 500.
opinion in favour of introduction of, by La Trobe, C. J., 502, 503.
proposal for removal of, from Parkhurst prison to colonies, 69 et seq.
character and habits of, at Norfolk island, 207.
clothing for, to be supplied, 142.
contraction of governmental activities due to abolition of transportation of, 411.
correspondence re increase of salaries and staff in establishments for, 93 et seq.
crime amongst, at Norfolk island, 206, 207.
decision re issue of conditional pardons for, for marks, 82, 83.
decrease of crime due to abolition of assignment of, 740.
detention of, at Norfolk island, 516, 517, 518.
difficulty in disposal of, at Norfolk island, 210, 211.
discipline of, 514 et seq.
duties re, in office—
of branch for registration of particulars, 462.
of certificate of freedom branch, 463.
of corresponding branch, 462.
of principal superintendent, 460 et seq.
of registers' branch, 464.
of runaway branch, 464.
of stockade branch, 464.
of ticket-of-leave branch, 463.
expenditure on government due to, 410.
female factory at Parramatta for, 457.
females—
adverse reports re factories in Tasmania for, 556.
condemnation of assignment of, 525.
mistake re punishment of, 745.
objections to power to order solitary confinement for, 745 et seq.
penitentiary to be erected for, in Tasmania, 526, 527, 529.
power of judges for punishment of, 745.
INDEX. 881

Convicts—
  females—
  practice in Tasmania on arrival of ship with, 525.
  prohibition of assignment of, 526.
  prospects of reform of, 525.
  report on female factory for, 737 et seq.
  stages for punishment of, 528.
  statutory provision proposed for, 527.

  general—
  principles for management of, 515, 516.
  superintendence of, 455, 456.
  hard labour for, act of council for, 361.
  house of correction at Sydney for, 457.
  Hyde park barracks for, 457.
  instructions—
    re management of, in Tasmania, 710 et seq.
    re payment for work performed by, 515 et seq.

  invalid establishment at Port Macquarie for, 457.
  issue of tickets of leave to, at Norfolk island, 202 et seq.
  legislation necessary re discipline of, 522.
  limitation of prerogative of pardon for, 524.
  mark system for, at Norfolk island, 202, 203.
  medical establishments for, 457.
  pardons for, 521, 522.
  penal establishments for, 458.
  probation—
    gangs for, 518, 519.
    passes for, 519, 520, 521.
  problem of reduction of establishment for, 454.
  proposal for uniform system for, at Norfolk island, 82.
  proposals for removal of, from Norfolk island to Tasmania, 641 et seq.
  reduction of expenditure on, 455.
  relations of, with Maconochie, A., 206.
  removal of, from Norfolk island proposed, 208.
  report re, at Norfolk island, 617 et seq.
  requisition for stores, stationery and medicines for, 28, 669, 670.
  rewards—
    for apprehension of, 150 et seq.
    paid for apprehension of, on abscending, 162.
  staff and expenditure in establishments for, 489, 490.
  stages of punishment for, 516 et seq.
  suspension of removal of, from Norfolk island to Tasmania, 97.
  system—
    of assignment of, 634.
    of tickets of leave for, 456.
    tickets of leave for, 521.
  transmission of returns of, 12.
  treatment proposed by Maconochie, A., for ticket-of-leave men amongst, 84.
  trial of system of Maconochie, A., on, 904.

Convicts, principal superintendent of duties in office of, 460 et seq.
  proposal for increase in fees in office of, 461.
  statements of expenditure in office of, 461.

Cook, James
  immigrant per ship Theresa, 309.

Cook, Thomas
  reduced police magistrate, eligible for appointment, 499.

Cook ward
  number of electors in, 276.

Cookson, William
  assistant engineer, 17.

Coolies
  address to Victoria, H.M. Queen, protesting against introduction of, 594 et seq.
  approval of objections to introduction of, 193.
  memorial from association for introduction of, 709 et seq.
  money deposited in Savings bank by, 706.
  opinion of Gipps, Sir G., against introduction of, 702.
  regulations proposed re, 704, 705.
  reply to objections to introduction of, 705.

Cooper, George
  arrival of, to negotiate bills for New Zealand, 318.
  letter from, to ——, 162.
  report by, re estate of Lilleyman, R., 162.
  treasurer and collector at New Zealand, 163.

Corner Inlet
  complaint by Reeve J., re special survey at, 773 et seq.
  government reserve at, 774.
  surveyor sent to, 775.

Corporation act
  passing of—
    for Melbourne, 360, 364, 365.
    for Sydney, 195, 362 et seq.
  submission of, 359.

Cosby, Henry
  commissioner of crown lands, 16.

Cotton, Sydney (major, 28th regt.)
  commandant at Moreton bay, 339.
  letter from, to Dixon, R., 339.
  police magistrate, 18.
  testimony from, in favour of Dixon, R., 339.
Council, executive
deliberations of—
re bill drawn by Hobson, W., 231 et seq.
re claims of Henty brothers, 566.
re proposal for introduction of boys from
Parkhurst prison, 500 et seq.
re Willis, J. W., 551, 706.
division of office of clerk of, 788.
inquiry proposed by, re reduction of gov­
ernmental activities, 411.

Council, legislative (new)
accounts to be submitted to, under Aus­
tralian land sales act, 281.
act for establishment of, 238 et seq.
appropriation bills to be initiated by gov­
er in, 241.
correspondence re seat for chief justice in,
811 et seq.
division of colony into electorates for, 239,
240.
erection of building for, 668.
franchise granted for, 241.
instructions re nominee members of, 244, 245.
issue of writs for election of, 239.
members for Port Phillip and Melbourne in,
240.
objections to imposition of differential duties
by, 801 et seq.
officials—
desirable as members of, 245.
eligible as elective members of, 244.
undesirable as members of, 244.
power to vary electorates and members for,
240.
problem of—
franchise for leaseholders in, 240.
seat for bishop in, 244, 245.
proposals for appropriation of buildings for,
668.
reasons for—
election of speaker of, 815.
power of governor to propose amendments
in acts passed by, 241.
warrant for appointment of nominee mem­
bers of, 244.

Council, legislative (old)
act of—
for administration of justice, 359.
for aid to—
Melbourne police and town fund, 360, 365.
Sydney police and city fund, 359, 363.
for application of fines for drunkenness,
361.
for appropriation, 361.
for Australasian-sugar company, 289.
for banking, 358, 359.
for bushrangers, 358.
for catarrh in sheep, 357.
for court of claims, 360.
for courts of requests, 361, 362.
for elections, 663, 664.

Council, legislative (old)
act of—
for hard labour for male offenders, 361.
for Hunter's river auction company, 359.
for imports from New Zealand and Tas­
mania, 358.
for incorporation of—
Melbourne, 360, 364.
Sydney, 185, 359, 366, 362.
for jury trials, 358.
for regulation of harbours, 360.
for trustees of estate of Foster, W., 290.

address from—
to Albert, H.R.H. Prince, 99.
to Victoria, H.M. Queen, 99.

allowance of act of—
for administration of justice, 229.
for amendment of market act, 81.
for appropriation for 1842, 196.
for Australasian sugar company, 748.
for Australian auction company, 112.
for crown lands and border police, 358.
for Hunter river steam navigation com­
pany, 41, 42.
for Mutual fire insurance association, 42.
for punishment of female offenders, 93.
for quarantine, 659.
for Sunday observance, 81.
for trustees of will of S. Foster, 748.
for Wesleyan land trust, 572.
closing of session of, 289.
criticism of Wesleyan land trust act of, 573.
disallowance of act of, for harbours, 689, 660.
division of office of clerk of, 788.
instructions—
re legislation by, for offences on high
seas, 413, 414.
to Gipps, Sir G., for action on possible
reduction of estimates by, 196.
irregularity in transmission of acts of, 720.
new act for constitution of, 238 et seq.
objections to—
legislation by, re trading companies, 748.
water police act passed by, 260 et seq.
passing of—
electoral act by, 240.
estimates for 1843 by, 289.
rejection by, of local assessments bill, 195.
request for papers of house of lords for,
716, 717.
resolution of protest by, against immigra­
tion of crown witnesses in criminal
cases, 26.
session of, for passing of electoral bill, 513, 571.
transmission of—
address from, in last session, 656.
address of Gipps, Sir G., to, 28.
papers of, to house of lords, 717.
INDEX.

Councils, district
provisions for establishment of, 242.

Court of claims
act of council re fees in, 360, 361.

Courts of requests
act of council re, 361, 362.

Cowley, lord
letter from, to Aberdeen, earl of, 299, 303.
letter to, from Aberdeen, earl of, 299.

Cowper, Charles
magistrate of the territory, 20.

Cowper, H. Augustus
letter from—
to Aberdeen, earl of, 263, 267, 271.
to Gipps, Sir G., 307.
letter to—
from Boa Vista, Barao da, 268.
from Driscoll, W. H., 265, 266.

Cowper, Reverend William
objections to exemption of, from rule re half salary, 133.
vote proposed in legislative council for, 131.

Cox, William, junr.
magistrate of the territory, 16.

Cox's wharf
withdrawal of sufferance for, 276 et seq.

Crawford, Colvin and Co.
letter from, to Johnson, G., 164.

Crawford, Lindsay
request for certificate re, 453.

Crawford, William
letter from, to Graham, Sir J., 70, 78.

Crawley, W. A.
overseer in hospital at Newcastle, 466.

Croft, Jonathan
inability to give promotion to, 550.
letter to, from Gordon, T., 550.
memorial from, soliciting compensation for services, 549, 550.

Croke, James
clerk of the crown, 19.
proposal by Willis, J. W., for appointment of, as judge at Port Phillip, 322.

Cropper, Thomas
approval of detention of, as criminal lunatic, 453.

Cross, William
claim by, to priority of purchase of land at Port Phillip under land order No. 1, 23 et seq.
land order purchased by, 185, 675.
letter from, to Stanley, lord, 23.
letter to, from Bellis and Buchanan, 24.
partner of, at Port Phillip, 23.
report re complaint of, 341, 342.

Crossley, Mrs. Ann
letter from, to Stanley, lord, 25.
request by, for report re Crossley, T., 25.

Crossley, Thomas
report required re, 25.
transmission of report re, 312.

Crozier, Henry Thomas
magistrate of the territory, 21.

Crummer, James H.
commissioner of court of requests, 18.

Curlew, George Campbell
magistrate of the territory, 21.

Curran, P.
reward paid for apprehension of, 150, 151, 452.

Curties, Michael Patrick
report required re, 29.
submission of report re, 343.

Curtis, Mary
letter from, to Stanley, lord, 29.
request by, for report re Curtis, M. P., 29.

Customs department
establishment of clerks in, 60.
instructions against differential duties in, 301 et seq.
proposed remission of duty on wine for military, 786.
returns of imports and exports, 420.
statement re duties collected by, 415.
station for, at Broken bay, 671.

Dacre, Ranulph
magistrate of the territory, 21.

Dale, E.
letter to, from Somerset, lord Fitzroy, 384.

Darby, Sydney Hudson
magistrate of the territory, 21.

Darling downs
appointment of commissioner of crown lands for district of, 448.
squatting stations on, 35.
Davies, Evan
application by, re funds in custody of Manning, J. E., 162.
letter from, to Stanley, lord, 162.
letter to, from Hope, G. W., 163.

Davies, Francis
draftsman, 16.

Dawson, Robert
magistrate of the territory, 20.

Day, Edward Denny
commissioner of court of requests at Maitland, 18.
magistrate at Muswellbrook, 381.

Day, John
transmission of report re, 454.

Debentures
amount of, outstanding, 700.
instructions re issue of, 167.
issue of, 38, 135.
redemption of, 709.

Deen, Thomas
instructions for report re, 218.
report re, 406.

De Lauret, Auguste Pierre Clement de Guerry
letters of denization to be granted to, 132.

Delay, Daniel
request for details re sentence on, 453.

Deloitte, William Salmon
magistrate of the territory, 21.

Dendy, Henry
order for special survey purchased by, 675.
purchase in England of land by, 195.
report re immigrants landed on account of, 700, 701.

Denison, Alfred
magistrate of the territory, 21.

Denison, Henry
magistrate of the territory, 21.

Dennistown, John
letter from, to Stanley, lord, 28.

Derwent bank
commissariat account in, 7.

Derwent company
building of steamboat for, by convicts, 215, 216.

Dillon, John
claim by, on Kincella, J., 4.
letter from, to Stanley, lord, 4.
letter to, from Hope, G. W., 4.
transmission of letter from Kincella, J., re claim of, 305.

Dillon, John Moore
criminal crown solicitor, 17.

Ditmas, Philip
magistrate of the territory, 20.

Dixon, Robert
affidavits re conduct of, 334, 336.
assignment of Ford, J., to, 336.
certificates re conduct of, 334, 335, 337.
charges by Gorman, O., against, 333.
immorality of Gorman, O., with assigned servant of, 331, 333 et seq.
inability to alter decision in case of, 672.
leave of absence granted to, 338.
letter from, to Stanley, lord, 332.
letter to—
from Cotton, S., 339.
from Durnaresq, H., 339.
from Gravatt, G., 339.
from Grey, Sir G., 338.
from Macarthur, H. H., 338.
from Macarthur, J., 338.
from Petrie, A., 337.
from Warner, J., 337.
object of statement by, 331.
opinion of, re Ford, J., 336.
publishation of map by, 332.
request by, for reinstatement, 334.
statement by, re his services and suspension at Moreton bay, 332 et seq.
testimony in favour of, 337, 338, 339.

Dobie, John (surgeon, R.N.)
certificate by, re health of Campbell, P. L., 185.
magistrate of the territory, 20.

Dock, Joseph
magistrate of the territory, 21.

Dodsworth, Reverend W.
letter from, to Walcott, S., 781.

Dorning, Charles
master of barque New York Packet, 100.
protest by, re deduction of expenses for quarantine, 100, 101.

Douglass, Henry Grattan
report re claims of, to land grant, 212 et seq.

Dover, strait of
transmission of notice re lights in, 553.

Dowling, Sir James
Correspondence re seat for, in legislative council, 810 et seq.
decision of Gipps, Sir G., against appointment of, to council, 816.
desire of, for election as president of legislative council, 812, 813.
letter from—
to Gipps, Sir G., 256, 812, 815.
to Stanley, lord, 575, 580.
INDEX.

Dowling, Sir James
letter to, from Gipps, Sir G., 811, 814, 816.
judge of supreme court, 17.
objections by Gipps, Sir G., to seat for, in legislative council, 811, 812, 815.
willingness of, to accept seat in legislative council, 815.

Dowling, Vincent
magistrate of the territory, 21.

Doyle, Lawrence
warrant for conditional pardon for, 453.

Driscoll, William Henry
financial assistance to, at Pernambuco, 272, 273, 307.
letter from, to Cowper, H. A., 265, 266.
testimony to services of, 310.

Drunkenness
act of council re charitable application of fines for, 361.

Dudgeon, Archibald
request for employment for, 535, 536.
testimony in favour of, 536.

Duffus, John
address from, to Christie, W. H., 451.

Duke of Manchester, ship
despatch per, 1, 3, 4, 5, 10, 13, 15, 21, 23, 25, 26, 27, 28.

Duke of Roxburgh, ship
report re immigrants per, 291, 292.

Dulhunty, Laurence Nancy
magistrate of the territory, 19.

Dumas, A. G.
statement by, re duties in corresponding branch of convict department, 462.

Duncan, George
letter from, to Stanley, lord, 535.

Duncan, W. A.
petition received from, re emigration and establishment of legislative assembly, 113.

Dundas, David
petition for free pardon received from, 453.

Dungog
police magistrate discontinued at, 505.

Dunlop, David
appointment of, as police magistrate at Penrith, 158.
police magistrate at Wollombi, 18.
transfer of, to Wollombi, 159.

Dunlop and Ross
letter from, to Gibbes, J., 277, 278.
letter to, from Gibbes, J., 278.
petition from, for remission of fine for breach of revenue laws, 140, 141, 572.
withdrawal of sufferance for wharf leased by, 276 et seq.

Dunlop, Robert Glasgow
adverse opinion of, from Gipps, Sir G., 275.
fine imposed on, for defrauding revenue, 279.
inability to reply to petition of, 668.
justice of punishment of, 794.
letter from, to Thomson, E. D., 278, 279.
letter to, from Elyard, W., 278, 279.
partner of, 614.
petition from, 276, 277, 599 et seq., 795.
request by, for relief from verdict of supreme court, 599 et seq.
smuggling transactions of, 599.
withdrawal of sufferance for Cox's wharf leased by, 276 et seq.

Dunn, W. W.
letter from, to Smith, R. V., 56.
reports re complaint of, 661, 662.

Dunn, William
reward for apprehension of murderer of, 151, 452.

Dutton, Francis Stacker
recommendation of, for employment, 533.
request for employment of, 534.

Dutton, J.
experience of sons of, 534.
letter from, to Reynett, Sir J. H., 533.
request by, for employment for son, 534.

Dwyer, —
transmission of report re conduct of, 453.

Dysentery
outbreak of, at Norfolk island, 618.

Eagle, ship
despatch per, 557, 566, 568, 570, 571.

Earl, George Windsor
transmission of report from, re examination of islands in Banda sea, 236.

Earl of Durham, ship
immigrants per, landed at Port Phillip, 319.
papers re refusal of bounties on immigrants per, 759 et seq.
reasons for non-payment of bounties on immigrants per, 293.
report re immigrants per, 294, 295, 296, 297.
INDEX.

Ebden, —
charge of assault preferred by Willis, J. W., against, 321.

Eckford, James
address from, to Christie, W. H., 451.
assistant surgeon at Liverpool, 466.

Education
annual statement re, 426.
schools—
duties of inspectors of, 428.
number of, 426.
regulations re, 427, 428.
scholars in attendance at, 426.
statement—
re private, 426.
re public, 425.

Egan, Daniel
councillor for city of Sydney, 377.

Eleanor, ship
expenditure on quarantine of immigrants per, 52.
reports re, 840, 841, 842.

Electoral act
passing of, by council, 572, 656.
provisions in, 684.
transmission of, 663.

Elliott, Gilbert
appointment of, as police magistrate at Parramatta, 508.
magistrate of the territory, 50.
testimony in favour of, 508.

Elliott, Gilbert
side-de-camp to Gipps, Sir G., 508.

Elliott, Thomas Frederick
letter from—
to Hope, G. W., 291.

Elliott, —
marks earned by, at Norfolk Island, 682.

Elrington, Sandys (major)
report required re, 376.

Elwin, Hastings
inquiry by, re Savings bank, 709, 721.

Elyard, A.
letter to, from Manning, J. E., 578.

Elyard, William, junr.
chief clerk, colonial secretary's office, 16.
497.
eligibility of, for promotion, 497.
letter from—
to Dunlop, R. G., 278, 279.
to Mitchell, Sir T., 476.
to Thompson, J. V., 569.
to White, T., 479.

Embuscade, French corvette
papers re voyage of, to South seas, 297 et seq.

Emu plains
military detachment at, 33.

Equity jurisdiction
appointment of master in, 225.
approval of rules of practice for, 10.
objections re provisions for, 386.

Equity, master in
appointment of Milford, S. F., as, 225, 413.
approval of establishment of office of, 412.
salary and duties for, 412.

Erskine, James Augustus
agent for colonial contracts, 19.

Estates, deceased
precautions required for protection of, 412.

Estates, intestate
request for publication of return re, in London Gazette, 574, 587, 658.
return of, administered by Manning, J. E., 588.
transmission of return re, 574, 580, 551, 587, 658, 738.

Euphrates, ship
despatch per, 533, 535, 543, 546, 553, 554, 556, 558, 567, 569, 570, 572, 592, 595, 599, 591, 592.

Evans, Herbert
magistrate of the territory, 20.

Everett and Halked
commendation of treatment of aborigines by, 172, 178.
letter to, from Thomson, E. D., 173.

Exports
returns of, 430.

Eyre, Edward John
proposal for appointment of, as magistrate and protector of aborigines on Murray river, 40.

Faithfull, William Pitt
magistrate of the territory, 16.
INDEX.

Falconer, Charles
examination of, re bill drawn by Hobson, W., 234, 235.
manager of bank of Australasia, 234.

Fanny, ship
despatch per, 410, 413, 434, 455, 486, 444, 454, 467, 470, 486, 495, 499, 503, 504, 508, 513, 514.

Farrell, James
report re free pardon for, 453, 454.

Faunce, Alured Tasker (captain, 4th regt.)
reduced police magistrate, eligible for re-appointment, 499.

Favorita, H.M. ship
despatch per, 499, 504, 505, 508, 513, 529, 530, 531, 535, 548, 551.

Fawkner, John Fascoe
loan of money to, by Willis, J. W., 552, 553.
proprietor of Port Phillip Patriot newspaper, 552.
statement by, re loan from Willis, J. W., 591.

Female factory
board of inquiry appointed re, 737.
effect on—
of abolition of assignment, 736.
of immigration, 736.

Finance
advance to agent general, 588, 768.
allowance of appropriation act for 1843, 196.
coins, exchanges, etc., report re, 415, 420.
dollars, legislation proposed re circulation of, 7.
effect of English companies on, 125, 136.
exchange business, 6.
expenditure—
comparative synopsis of, 718.
notes on, for 1842, 719.
statements re, 415, 419, 420, 421, 720.
gold to be accepted for bills, 7.
issue of debentures, 38, 185.
negotiation of bills on treasury, 5.
notes by Gipps, Sir G., on, 715, 719.
papers re, transmitted, 718.
practice of agent general re, 189 et seq.
premium on British silver, 6.
prevalence of pecuniary distress, 135.
rates of exchange on bills, 233, 234.
repayment of advances from English treasury, 134, 311.
revenue—
abstracts of, 721.
comparative quarterly returns of, 135.
comparative synopsis of, 718.
decrees in, 418, 419.
from—
quilt rents, etc., 725.
stock assessments, 725.
notes on, for 1842, 718, 719.
quarterly return of, 135.
return of, from sales of land, 417.
statements re, 415 et seq., 720.
transmission of estimates for 1843, 196, 197.
verification of balances in colonial treasury, 235, 236.

Finch, Heneage
inability to decide re claims of, 615.
letter from, to Stanley, lord, 247.
report re career of, 245.
request by, for inquiry, 247, 248.
statement re treatment of, by Tozer, H., 249.
survey proposed to, by Mayne, E., 249.

Firebrace, — (major)
recommendation of, for civil employment, 498.

Fitzgerald, Robert
magistrate of the territory, 16.

Fitzpatrick, Michael
clerk of second-class, colonial secretary's office, 497.
eligibility of, for promotion, 497.

Firm, John
immigrant per ship Champion, 409.

Finch, Heneage
inability to decide re claims of, 615.
letter from, to Stanley, lord, 247.
letter to, from Mayne, E., 249.
report re career of, 245.
request by, for inquiry, 247, 248.
statement re treatment of, by Tozer, H., 249.
survey proposed to, by Mayne, E., 249.

Firebrace, — (major)
recommendation of, for civil employment, 498.

Firm, John
immigrant per ship Champion, 409.
INDEX.

Flaherty, W.
overseer in hospital at Liverpool, 466.

Flanagan, Francis
duplicate of memorial received from, 161. refusal to reconsider claims of, 504.

Flood, Edward
councillor for city of Sydney, 377.

Fly, H.M. ship
survey of Torres strait ordered in, 3.

Forbes, Charles
police magistrate at Parramatta, 18.

Forbes, Francis
magistrate of the territory, 21.

Forbes, Francis William
magistrate at Moreton bay, 338. statement by, re trial of Ford, J., 337, 338.

Forbes, Sir Francis
lapsing of pension by death of, 425.

Ford, Charles
report transmitted re, 166.

Ford, John
affidavit by, 336. assignment of, to Dixon, R., 336. testimony in favour of, 336. trial of, at Moreton bay, 334, 335, 336, 337.

Forrest, James R. (lieutenant)
letter to, to Walcott, S.-, 547. report by, re equipment of ship Mathesis, 547, 548.

Forrest, John (surgeon, 75th regt.)
certificate by, re health of Campbell, P. L., 185.

Forrest, Reverend Robert
private school kept by, 426.

Forsyth, David
letter from, to Carter and Bonus, 765, 766.

Forsyth, William
alleged misrepresentations by, 292. letter from, to Carter and Bonus, 765. reasons for non-payment of bounties on immigrants claimed for, 292.

Fosse, Ambrose
councillor for city of Sydney, 377.

Foster, Samuel
act for trustees of estate of, 290, 748.

Foster, William A. S.
assistant engineer, 17.

France
despach re naval expedition from, sent to Nicholas, J. T., at Tahiti, 791. establishment of protectorate by, over Tahiti, 387 et seq., 530, 531. papers re naval expedition from, to South seas, 297 et seq. report received re establishment of protectorate by, over Tahiti, 344, 345. statements by missionaries re establishment of French protectorate over Tahiti, 397, 398.

Franklin, Sir John
instructions to— re convict discipline, 514 et seq. re payment for work performed by convicts, 515 et seq. letter from, to Russell, lord John, 31. letter to, from Stanley, lord, 96, 215, 514, 523, 524. minute by, re government printing office, 62. objections by, to reception in Tasmania of convicts from Norfolk island, 641 et seq. request by, for increased military force, 31, 32.

Frederer, Simon
assistant engineer, 17.

Freeman, Abraham
report re claim of, to property, 458.

French, Acheson
police magistrate at the Grange, 19, 486.

Friend, Charles (lieutenant, R.N.)
report by, re equipment of ship Eleanor, 840, 841.

Fry, Oliver
appointment of, as commissioner of crown lands, 16, 448. approval of appointment of, 771. letter from, to Thomson, E. D., 652. report by, re aborigines at Clarence river, 652, 653.

Furlong, Andrew
magistrate of the territory, 20.

Furlong, Richard T.
police magistrate at Mudgee, 18.

Fyans, Foster
commissioner of crown lands, 19. transmission of letter re possible complaint against, 796.

Galloway, J. J.
assistant surveyor, 497. eligibility of, for promotion, 497.

Gamack, Alexander
assistant surgeon at Parramatta, 466.
Gaols and prisons
act to amend act for, 369.
declaration re non-application of English laws to, 369.
discontent at appropriation of revenue for, 369.
object of act re, to appoint visiting magistrates to, 372.
objections to statutory provision—
for employment of chaplain and surgeon in, 371.
for regulation of cells in, 371.
for returns to secretary of state re, 371.
for rules in, 369, 370.
proposal for regulation re employment of prisoners in, before trial, 372.
reasons for inability to adopt English rules in, 370, 371.

Garden, —
attacks by aborigines on station of, 172.

Geelong
address to Victoria, H.M. Queen, from inhabitants at, 129, 504.
police magistrate at, 19.

Gerard, Gerard
magistrate of the territory, 20.

Gibbes, John George Nathaniel
claim by, to spirits seized by Browne, H. H., 228.
deputation by, to water police magistrate, 228.
letter from, to Dunlop and Co., 278.
letter to, from Dunlop and Co., 277, 278.
reasons of, for withdrawal of sufference for Cox's wharf, 278.

Gibbes, William John
magistrate of the territory, 20.

Giddy (alias Johnstone), John
free pardon for, 453.
report re, 453.

Gilchrist and Alexander
claim by, for bounties on immigrants per ship New York Packet, 29.
letter to—
from Reid, F., 758.
from Thomson, E. D., 760.

Gill, —
attacks by aborigines on station of, 172.

Gillon, John
affidavit by, 317.
letter to, from Lewis, R., 316.
report re soup and bouilli supplied by, 316, 317.
ships supplied by, 317.

Gipps, Sir George (governor)
advantages of visit of, to Norfolk island, 183.
annual report by, 414 et seq.
bills drawn by, for payment of advances to New Zealand, 137.
censure on, for deferring repayments to military chest, 189, 570.
commendation—
of administration of, 141.
of despatch from, re acts of council, 574.
of economy of, 499.
criticism of annual report submitted with "blue book" by, 88.
embarkation of, for Norfolk island, 571, 574.
gratification of, at approval of policy, 788, 789.
instructions to—
re action on possible reduction of estimates by legislative council, 196.
re advises of bills drawn, 706.
re annual subsidies to Benevolent society, 288.
re avoidance of differential duties, 801 et seq.
re collection of income-tax, 435, 436.
re convict discipline, 514 et seq.
re finances of commissariat, 5 et seq.
re forms and solemnities for conveyance of waste lands, 284, 285.
re half salary for chaplains during voyage to colony, 107.
re increase of salaries and staff in convict establishments, 93 et seq.
re issue of debentures, 167.
re legislation for offences on high seas, 413, 414.
re leave of absence for civil officials, 781.
re liquidation of advances to New Zealand, 137 et seq.
re nominee members of legislative council, 244, 245.
re payments for work performed by convicts, 215 et seq.
re prompt repayments to military chest, 571.
re receipt and expenditure of funds in schedules of constitution act, 584 et seq.
re regulation of immigrants, 287.
re reinstatement of Rusden, F. T., 396.
re sale of oil by whalers to pay costs of refitting, 690.
letter from—
to Dowling, Sir J., 811, 814, 816.
to Nicholas, J. T., 791.
INDEX.

Gipps, Sir George (governor)
letter from—

letter to—
from Carter, W., 790.
from Dowling, Sir J., 256, 258.
from Pomare, queen, 726.

memorandum by, on problems of immigration, 47 et seq.
memorial to—
from Henty, —, 90.
from Hyeronimus, N., 373.
from Wilson, C. B., 387, 727.

memorandum by, on problems of immigration, 47 et seq.
memorial to—
from Henty, —, 90.
from Hyeronimus, N., 373.

Goldsmith, Adolphus
land order purchased by, 195, 675.

Gordon, Hugh
magistrate of the territory, 20.

Gordon, James
superintendent of water police, 19.

Gordon, James (lieut.-colonel, royal engineers)
claim by, to office of colonial engineer, 531.
letter from, to Thomson, E. D., 531.

Gordon, Theodore, M.D.
letter from—
to Croft, J., 550.
to Sulivan, L., 120.

Gordon, William Francis
magistrate of the territory, 21.

Gore, Ralph
recommendation of, for civil appointment, 498.

Gore, Robert
recommendation of, for civil appointment, 498.
INDEX.

Gore, St. George
recommendation of, for civil appointment, 498.

Gore, T.
letter to, from Thomson, E. D., 294, 762.

Gore, William
claim by, to land selected by Bonn, G., at Lane cove, 251.

Gorman, John V.
assistant surveyor of crown lands, 16.

Gorman, Owen (lieutenant, 80th regt.)
charges made by, against Dixon, R., 333, 337.
commandant at Moreton bay, 18.
immorality of, at Moreton bay, 331, 333 et seq.
irregularity of, as magistrate at Moreton bay, 338, 335, 336, 337, 338.
letter to, from Thomson, E. D., 336.
reasons for unpopularity of, at Moreton bay, 332.
removal of, from Moreton bay, 331.

Goulburn
approval of transfer of hospital at, 111, 112.
commissioner of court of requests at, 18.
hospital committee appointed at, 179.
reduction of convict hospital at, 179, 568.
value of hospital stores and furniture transferred at, 179, 180.

Governor
appropriation bills to be initiated by, 241.
commission for, to pardon in cases of treason and wilful murder, 178, 179.
instructions to, re forms and solemnities for conveyance of waste lands, 284, 285.
power to be granted to, for pardon of persons convicted of treason and wilful murder, 123.
powers granted to, under Australian land sales act, 282, 283.
reasons for power of, to propose amendments to acts of council, 241.
warrant for appointment of members of council by, 244.

Governor Phillip, brig
attempt by convicts at Norfolk island to capture, 290, 291, 297.
trial of convicts for attempted piracy of, 278.

Graham, Henry
assistant colonial surgeon at Port Macquarie, 19.

Graham, James
statement by, re dispute between Gorman, O., and Dixon, R., at Moreton bay, 335.

Graham, Sir James
letter to—
from Crawford, W., 70, 78.
from Jobb, J., 70, 78.
from Shuttleworth, J. P. K., 70, 78.

Grant, Patrick
appointment of, as police magistrate, 505.
refusal of leave of absence for, 505.

Gravatt, George (lieut., 28th regt.)
commandant at Moreton bay, 338.
letter to, from Dixon, R., 339.
testimony from, in favour of Dixon, R., 339.

Gray, William Nairn
commissioner of court of requests at Port Macquarie, 18.
testimony in favour of, 238.

Greene, William Pomeroy (lieutenant, R.N.)
application from, for concessions re deposit for purchase of land, 222, 223.
refusal of application from, 222.
report on application of, 223 et seq.
statement of case of, 223.

Gregory, G. P. F.
appointment of, as prothonotary, 513.
warrant for appointment of, 566.

Gregory, H. J.
immigrant per ship Agnes Ewing, 409.

Gregory, John Jervis
magistrate of the territory, 20.

Gregory, Reverend H. H.
extension of leave of absence for, 227.

Greville, Charles
clerk of second-class, colonial secretary's office, 497.
eligibility of, for promotion, 497.

Grey, George (governor, S.A.)
instructions to, re disposal of unemployed immigrants of labouring classes, 175 et seq.
letter to, from Stanley, lord, 39, 175.
objections to proposals by, re overland parties to South Australia, 197 et seq.

Grey, Sir George
letter from—
to Dixon, R., 338.
to Robinson, R., 157.

Gunther, Reverend James
proposal for transfer of, to government, 131.
report by, re mission to aborigines at Wellington valley, 644 et seq.
INDEX.

Gurner, Henry
deputy registrar at Port Phillip, 16, 144.
payment for passage of, 144, 146.

Gwynne, William A.
assistant engineer at Tourang, 17.

Halloran, A. E.
clerk of bench at Port Macquarie, 497.
eligibility of, for promotion, 497.

Halloran, Henry
chief clerk, surveyor-general’s office, 497.
eligibility of, for promotion, 497.

Hamilton, Edward
magistrate of the territory, 20.

Hamilton, Hamilton
letter from, to Aberdeen, earl of, 298.

Hamilton, Henry George
magistrate of the territory, 20.

Hamilton, Reverend William
moderator of synod of Australia, 326.

Hamlet, ship
despatch per, 174, 178, 180, 183, 184, 189,
193, 196, 212, 214, 215, 218, 222,
225, 227, 229, 230, 236, 238, 244, 248.

Handt, Reverend John Christian
Simon
letters of denization—
authorised for, 663.
proposed for, 330.
report by, re aborigines in district of Moretton bay, 647, 648.
testimony from, in favour—
of Dixon, R., 336, 337.
of Ford, J., 286.

Harbours
act of council, for regulation of, 360.
disallowance of act of council for regulation of, 659, 660.

Hardy, John Richard
commissioner of court of claims, 18.

Harington, Thomas Cudbert
decision in case of, 11, 12.
letter from—
to Miller, J., 101.
to Stanley, lord, 10, 11.
letter to, from Hope, G. W., 10, 11.
refusal of interview with, 12.
request by—
for copy of decision, 10.
for interview, 11.

Harlequin, ship
despatch per, 714, 716, 717, 721, 728, 738.
730, 731.

Harman, Dennis
overseer of hospital at Parramatta, 466.

Harnett, Laurence
magistrate of the territory, 21.

Harnett, Patrick
surgeon at Sydney, 466.

Hart, William Hamilton
manager of bank of Australasia, 267.
statements by, re conditions on ship Theresa, 266, 269, 270.

Hassard, John
recommendation of, for civil appointment, 496.

Hathfield, John Roby
land claimed by, at Liverpool, 347.
report on claims to land of—
by court of claims, 349.
by Perry, S. A., 350.
sale of land by, to Blackwell, R., 347, 248.

Hawkins, Thomas Jarman
magistrate of the territory, 20.

Hazard, H. M. ship
departure of Gipps, Sir G., in, for Norfolk island, 574.
payment for passage of Gipps, Sir G., and suite on, 644.

Helvellyn, ship
despatch per, 85, 93, 102, 106, 107, 108,
110, 111, 112, 113, 116, 118, 119,
120, 121, 122, 123, 130, 131, 132, 133,
136, 140, 141, 142.

Henton, J. P.
letter to, from Walcott, S., 121.
refusal to pay bounties to, on immigrants per ship Ward Chipman, 120 et seq.

Henty,
—
consideration of claims of, by executive council, 566.
letter to, from Thomson, E. D., 90.

Henty, Edward
magistrate of the territory, 21.

Henty, Stephen
magistrate of the territory, 21.

Henty, Thomas
application by sons of, for land at Portland bay, 90.
buildings and improvements by sons of, at
Portland bay, 87, 89, 90.
claim by sons of, to land at Portland bay, 85 et seq.
promise by Aberdeen, earl of, re claims of,
85, 86.
refusal of land for sons of, at Portland bay, 90.
settlement formed at Portland bay by, 86,
87.
INDEX. 893

Heptonstall, Reverend Thomas
letter from, to Stanley, lord, 665.
letter to, from Hope, G. W., 666.

Hepworth, J.
imigrant per ship Nabob, 409.

Herbert, John
report required re, 323, 324.
submission of report re, 771.

Herbert, Sydney
letter from, to Canning, viscount, 301.
letter to, from Thomas, R., 301.

Herrick, W. L.
letter from, to treasury, commissioners of, 236.

Hexton, James
pilot at Moreton bay, 335.
statement by, re dispute between Gorman, O., and Dixon, R., at Moreton bay, 335.

Hill, George
councillor of city of Sydney, 377.

Hill, Patrick
address from, to Christie, W. H., 451.
surgeon at Parramatta, 466.

Hilliard, George
magistrate of the territory, 20.

Hinckerman (Hinkesman), Maria
report re, as immigrant per ship Earl of Durham, 296, 297, 779 et seq.

Hinton, Samuel
immigrant per ship Agnes Ewing, 409.

Hobson, William (governor, N.Z.)
letter to, from Stanley, lord, 98.
purchase of bill drawn by, 231 et seq.
want of authority for, to draw bills on treasury, 315.

Hodgson, Arthur
magistrate of the territory, 21.

Holden, Alfred
commissioner of court of claims, 18.

Holden, George Kenyon
letter from, to Stephen, G. M., 156.

Holden, John Rose
councillor of city of Sydney, 377.

Holden, George
magistrate of the territory, 20.

Hollineshed, Henry
councillor of city of Sydney, 377.

Hollinworth, Henry A.
assistant engineer, 17.

Hollinworth, John
magistrate of the territory, 20.

Holt, James
councillor of city of Sydney, 377.

Honduras, ship
despatch per, 142, 144, 148, 150, 152, 154, 158, 159, 160, 165, 166, 168, 169, 179, 195, 196, 197, 199, 200, 201, 204, 205, 206, 212, 218, 226, 227, 229.

Hood, Thomas Hood
testimony from, in favour of Hyeronimus, N., 373.

Hooker, Sir William
absence of record of seeds from, 794.
neglect to acknowledge seeds transmitted by, 343.
proposal by, for exchange of plants, 343.

Hope, G. W. (under secretary)
letter from—
to Birch, J. W., 717.
to Campbell, P. L., 185.
to Campbell, Revd. A. M., 14.
to Compton, Sir H., 611.
to Dillon, J., 4.
to Harington, T. C., 10, 11.
to Heptonstall, Revd. T., 666.
to Keane, Revd. J. E., 792, 793.
to Keedell, Baker and Grant, 92.
to Kigour, R., 546.
to Peckell, G. E., 162.
to Phillipps, S. M., 75.
to Pineo, O., 602.
to Smith, W., and son, 409.
to Young, W., 180.
letter to—
from Barnard, E., 556.
from Barrow, Sir J., 444.
from Birch, J. W., 717.
from Butler, G., 329.
from Canning, viscount, 263, 271, 303.
from Elliot, T. F., 291.
from Keane, Revd. J. E., 792.
from Lawson, Revd. A., 127.
from Lefevre, J. G. S., 291.
from Pineo, O., 601.
from Robinson, R., 156.
from Stuart, T., 594.
from Young, W., 181.

Hornby, David
correspondence re estate of, 256 et seq.

Hornby, Mrs. Ann
inability to trace power of attorney sent by, 256 et seq.
Horne, B. J.  
officer in charge of boys from Parkhurst prison for New Zealand, 106.

Horigan, Jeremiah  
warrant for conditional pardon for, 453.

Hoskin, John L.  
statement by, re duties in branch for registration of particulars re convicts, 462.

Hosking, John  
mayor of city of Sydney, 377.

Hospitals  
approval of transfer of, to local authorities at Windsor, Bathurst and Goulburn, 111, 112.  
description of, at Sydney, 669.  
increase of expenditure on maintenance of paupers in, 419.  
instructions—  
for surrender of south wing of, at Sydney, 111, 112.  
re disposal of stores, etc., on reduction, 568.  
maintenance of, at Goulburn by local committee, 179.  
necessity for instructions re supply of medicines for, 119, 120.  
reduction of, at Windsor and Goulburn for convicts, 179, 457.  
requisitions for supplies for, 722 et seq.  
return of persons employed in, 466.  
staff and expenditure in, 469.

Howarth, Edward  
report re, 120.

House of correction  
account of, 457.  
staff and expenditure on, 459.

How, John  
magistrate of the territory, 20.

Howard, Charles  
agent for colonial contracts, 19.

Howitt, Richard  
application by, re purchase of land, 658.  
claim of, re purchase of land, 657.  
letter from, to Russell, lord John, 658.  
refusal of claim of, 657.  
report on claim of, 657, 658.

Hunt, Edward  
councillor of city of Sydney, 377.

Hunter, Graham D.  
commissioner of crown lands, 16.  
report by, re aborigines in district of Bligh, 173, 174.

Hunter, Margaret  
immigrant per ship Theresa, 309.

Hunter river auction company  
act of council for, 359.

Hunter river steam navigation company  
act of council for, 41, 42.

Hurst, Edward Francis  
magistrate of the territory, 21.

Hurst, Reverend  
mistatement by, re aborigines at Portland bay, 1.  
report re failure of aboriginal mission at Bunting Dale, 484, 485.

Hustler, William  
commissioner for land claims, 16.  
sheriff, 18.

Hythe, Frederick, and Co.  
letter from, to Stephen, J., 295.

Hyde, George  
letter from, to Stanley, lord, 470.  
statement by, re problems of squatting, 470 et seq.

Hyde park barracks  
number of convicts in, 457.  
staff and expenditure on, 459.

Hyonominus, Nicholas  
letters of denization authorised for, 731.  
memorial of, 373.  
request for letters of denization for, 373.

Icey, Thomas  
inquiry by, re Savings bank, 709, 721.

Illawarra  
construction of road to, 682, 683.  
military detachment at, 33.

Inlay, George  
magistrate of the territory, 20.

Immigrant ships  
necessity for qualified surgeons on, 30.  
report re malpractices on, 808 et seq.

Immigrants  
accommodation for, at Liverpool, 807.  
annual report on, by legislative council, 290.  
approval of principles for introduction of, 193.  
bounties withheld on, per ship Theresa, 307 et seq.  
bounty system for—  
approval of extension of age limit and of character of persons eligible under, 119.
INDEX.

Immigrants

bounty system for

- complaint by Byrnes, P. W., re refusal of payments under, 468, 469.
- conditions for payments under, 409.
- decision re payments under, at discretion of local authorities, 313 et seq.
- development of, 47 et seq.
- expenditure under, 42.
- inability to adjust in England complaints re non-payments under, 559.
- inexpediency of resumption of, 167.
- methods practised by Carter and Bonus under, 817 et seq.
- number of expired orders under, 43, 46.
- objections to, 49, 50.
- to reports re agents under, 827 et seq.
- proportion of claims to orders under, 43.
- quarantine expenses under, 52.
- reasons for refusal of payments under, 405, 406.
- report re refusal of payments under, 407, 408.
- return of numbers under, 42, 45, 46, 51.
- of orders issued under, 46.
- of reports re agents under, 827 et seq.
- of supervision in England of, 193.
- virtual cessation of, 44.
- decrease in number of, unemployed, 67.
- deduction of quarantine expenses from bounties due on, per ship New York Packet, 29, 100, 101.
- disapproval of loan for purposes of, 167.
- disposal of, 3.
- instructions re regulation of, 287.
- landing of, at Port Phillip, 319.
- memorandum by Gipps, Sir G., on problems of, 47 et seq.
- number of-
  - unassisted, 42, 43.
  - unemployed and maintained, 43.
- objections by legislative council to crown witnesses in criminal cases as, 26.
- to revival of introduction of, 135.
- papers re treatment of, per ship Theresa at Pernambuco, 292 et seq., 307 et seq.
- payment to military chest of bounties due on immigrants per ship India, 160.
- practice re certificates for, 808, 831.
- proposal by Willis, J. W., re appropriation of funds for, 454.
- for transfer of, from South Australia, 174 et seq.
- refusal of bounties on-
  - appeal by Carter and Bonus against, 821 et seq.
  - complaints by Handysides re, 539.
  - papers re, 816 et seq.

Immigrants

refusal of bounties on-

- per ship Agnes, 159.
- per ship Jones Ewing, 159, 409.
- per ship Champion, 159, 409.
- per ship Duke of Roxburgh, 291, 292.
- per ship Earl of Durham, 293, 739 et seq.
- per ship Matheus, 546.
- per ship Nabob, 159, 409.
- per ship New York Packet, 558 et seq.
- per ship Sir Charles Napier, 130, 229, 750, 731 et seq.
- per ship Ward Chipman, 120 et seq., 313 et seq.
- reasons for, 832 et seq.
- report by land and emigration commissioners re, 380 et seq.
- report re malpractices in ships for, 803 et seq.
- return of expenditure on, 417, 418.
- returns of, 318, 319.
- selection of, opinions re method for, 67.
- statutory appropriation of land revenues for encouragement of, 281.
- sub-agents for selection of, 809.
- supply of labour by, 167.
- suspension of introduction of, proposed, 2.
- temporary suspension of introduction of, 2.
- transmission of report from agent for, 67.
- wages obtained by, 294.

Imports

returns of, 430.

Income-tax

instructions re collection of, 435, 436.

liability of colonists to payment of, 435.

Independent or Baptist church

number of clergy for, 425.

India

address to Victoria, H.M. Queen, protesting against introduction of coolies from, 594 et seq.
- approval of objections to introduction of coolies from, 193.
- memorial from association for introduction of coolies from, 702 et seq.
- military disaster in, 110.
- order-in-council re trade with, 582.
- regiment sent to, 110, 396.

India, ship

payment to military chest of bounties due on immigrants per, 160.

Innes, Joseph Long

superintendent of ironed gangs, 497.
- of police at Sydney, 18.
- assistant engineer, 17.
- letter from, to Thomson, R. D., 308.
- qualifications of, for promotion, 497.
Insolvent debtors act
suspension of decision re, 578.

Invalid establishment
proposal for removal of, from Port Macquarie, 457, 465.
staff and expenditure on, 457, 459.

Irving, I. (assist. commissary-genl.)
letter from—
to secretary of treasury, 402.
to Thomson, E. D., 403.
letter to, from Thomson, E. D., 402, 403.

Irving, David Maxwell
magistrate of the territory, 19.

Isler, Henry
approval of letters of denization for, 212.

Jackson, J. Alexander (colonial secretary, S.A.)
letter from, to Thomson, E. D., 442, 443.
letter to, from Burrow and Goodiar, 442.

Jacob, Henry H.
assistant engineer, 17.

Jamison, Sir John
cloth mill established by, 431.
protest by, against appropriation for police and gaols, 368.

Jebb, J.
letter from, to Graham, Sir J., 70, 78.

Jeffrey, Thomas
landing surveyor at Sydney, 17.

Jesse, Charles
recommendation of, for civil appointment, 498.

Jeffcott, William
agreement re salary for, 797.
appointment of, as judge at Port Phillip, 797.

John Brewer, ship
charter of, to convey 28th regiment, 110.

Johnson, George
application by, re funds in custody of Manning, J. E., 164, 577, 579.
letter from, to Stanley, lord, 164.
letter to, from Crawford, Collin and Co., 164.

Johnston, Edward (major)
reduced police magistrate, eligible for reappointment, 499.

Johnstone, David
address from, to Christie, W. H., 451.

Jones, David
councillor for city of Sydney, 377.

Jones, John
councillor for city of Sydney, 377.

Jones, William Frederick
magistrate of the territory, 20.

Juries
act of council for regulation of, 358, 664.

Justice, administration of
act of council for, 359.
allowance of act for, 229.
changes proposed in, 411, 412.
criticism by Stanley, lord, re expenditure on, 410 et seq.
establishments for, increase of, 422.
expenditure on, due to convicts, 410.
increase of expenditure on, 420.
instructions—
received re act for, 365.
re receipt and expenditure of funds for, 583 et seq.
reply to objections re act for, 366.
request for allowance of act for, 367.

Kater, Henry Herman
magistrate of the territory, 21.

Keane, Reverend John Espy
desire of parish in England to retain services of, 792.
extension of leave of absence for, 214.
letter from—
to Hope, G. W., 792.
to Stanley, lord, 792.
letter to, from Hope, G. W., 792, 793.
limitation of leave of absence for, 793.
necessity for return of, to colony, 792.

Kearney, Edward B.
recommendation of, for civil appointment, 498.

Keddell, Baker and Grant
letter from, to Stanley, lord, 86.
letter to, from Hope, G. W., 92.

Kellaheer, F.
See "Killalea, Paddy."

Kelly, D.
Immigrant per ship Champion, 409.

Kelly, J. William
overseer in hospital at Sydney, 466.

Kelah, David
letter from, to Kemp, H. D., 662.
postmaster at Melbourne, 661.
report by, re complaint of Dunn, W. W., 662.
INDEX.

Kelso, ship
charter of, to convey 26th regiment, 110.

Kemp, David M.
assistant surveyor of crown lands, 16.

Kemp, George Antony
magistrate of the territory, 20.

Kemp, H. D.
letter to, from Kelsh, David, 662.
postmaster at Melbourne, 661.

Kemp, William
magistrate of the territory, 20.

Kennedy, Edward
assistant surveyor of crown lands, 16.

Kennedy, Neil
application by, re funds in custody of Manning, J. E., 163.
letter from, to Stanley, lord, 163.
statement by Manning, J. E., re complaint of, 578.
report by judges re property of, 576.

Kenny, John
inquiry re money left by, 453.

Kensett, Ann Sarah
report required re, 379.

Kent, John (dep. assist. commissary-general)
certificate by, re conduct and trial of Ford, J., at Moreton bay, 334, 336.
testimony of, in favour of Ford, J., 336.

Kerr, —
editor of Port Phillip Patriot, 552.

Kew gardens
absence of record of seeds from, 794.
proposal for interchange of plants with, 343.

Kilgour, Robert
claim by, re estate of MacRitchie, Revd. T., 543 et seq.
letter from, to Stanley, lord, 543.
letter to, from Hope, G. W., 546.

Killalee, Paddy
reward for apprehension of, 151, 452.

Kinchela, John
claim on—
by Dillon, J., 4, 305.
by Tribe, W., 37.
master in equity, 17.
retirement of, on pension, 413.
revival of pension for, 425.

King, Phillip Parker (captain, R.N.)
letter from, to Thomson, E. D., 733.
member of legislative council, 16.
protest by, against coal-mining at Moreton bay, 733.

King, Thomas
correspondence re appointment of, as clerk of customs, 59 et seq.

King's school
decline of, 426.

Kitson, —
clerk to Willis, J. W., 144.
payment for passage of, 144, 146.

Knox, George
immigrant per ship Theresa, 309.

Kyte, Ambrose S.
letter from, to Scott, Mrs. J., 125.

Labatt, Hugh B.
draftsman, 16.

Lachlan river
report re aborigines in district of, 64, 651.

Lady Raffles, ship

Laidley, James (dep. commissary-general)
allowances and land granted to, 549, 550.

Lake Macquarie
closing of mission to aborigines at, 437.

Lambie, John
letter from, to Thomson, E. D., 649.
magistrate of the territory, 19.
report by, re aborigines in district of Manero, 649, 650.

Lancaster, John J.
breach of charter party by, on ship Navalino, 590.

Land
See also “Australian land sales act,” “Special survey.”
abolition of privileges re, for soldiers, 165.
administration of, beyond boundaries of location, 666, 667.
allowance of act of council to prevent unauthorised occupation of, 253, 254.
assertion of rights of crown to, 697.
claim for, as residence for bishop, 537 et seq.
claims for, outstanding on arrival of Gipps, Sir G., 537.
INDEX.

Land
conditions—
for grants of, to naval settlers, 105, 106.
for orders for, 676.
for purchase of, 231.
decisions re, for military settlers, 324.
discretion required in collection of quit rents
on, 778.
investment in England of deposits for purc­
hase of, 231.
 omission in returns of disposal of, in coun­
try, 569.
policy of Gipps, Sir G., re, 667.
practice re grants of, as marriage portions,
140.
priority of remission orders for, for naval
and military officers, 341, 342.
problem of effects of squatting system on
revenue from, 254, 255.
reasons for reduced demand for, 44.
return of—
orders for, at Port Phillip, 675.
revenue from, and expenditure of pro­
ceeds of, 304, 417, 431.
returns required of disposal of, 80
revenue from—
 quit rents, etc., on, 778.
 sales of, 44.
 rights of pre-emption to, under lease, 667.
 sale of, in district of Moreton bay, 148.
 statement re sales of, 431.
system for—
location of orders for, at Port Phillip, 673 et seq.
transmission of returns re disposal of, 392.

Land and emigration commissioners
letter to—
from Byrnes, P. W., 468.
from Lindsay, J., 117.
from Stanley, lord, 286.
from Stephen, J., 22, 355.
transmission of annual report of, 312.

Lane cove
claim re land selected at, by Bunn, G., for
whaling establishment, 250 et seq.

Lane, Edward H.
draftsman, 16.

Lane, Henry
clerk of second-class, auditor general's
office, 497.
eligibility of, for promotion, 497.

Larpent, T. S.
letter from, to treasury, commissioners of
94.

Larymore, A. W.
letter received from, re salary, 589.

La Reine Blanche, French frigate
papers re voyage of, to South seas, 297
et seq.

La Trobe, Charles J.
denial by, of allegations re convicts, by
Willis, J. W., 353.
letter from—
to Stanley, lord, 657.
to Thomson, E. D., 503.
opinion of, in favour of introduction of boys
from Parkhurst prison, 502, 503.
statement by—
re claims of Howitt, R., 657.
re letter of Willis, J. W., 581.
statutory salary for, as superintendent, 243.
superintendent at Port Phillip, 19.
transmission of letter from, 2, 3, 53, 54,
116, 168, 169, 259.

Lawson, Reverend Alexander
letter from—
to Hope, G. W., 127.
to Stanley, lord, 123.
letter to, from Stenhouse, D., 127.

Lean, Francis (lieutenant, R.N.)
letter from, to Walcott, S., 269.

Lean, James S. (lieutenant, R.N.)
letter from—
to Carter and Bonus, 841.
to Walcott, S., 271, 274.
report by, re ship Eleanor, 841, 842.

Leary, —
reward for apprehension of, 151.

Lee, J.
assistant surgeon at Sydney, 466.

Lee, Michael William
assistant colonial surgeon, 19.

Lee, Thomas
assistant colonial surgeon, 19.

Leech, —
immigrant per ship Nabob, 409.

Lefevre, John George Shaw
letter from—
to Hope, G. W., 291.
to Stephen, J., 223, 272, 313, 407, 467.

Lefroy, —
letter from, to Stanley, lord, 222.
letter to, from Lorton, lord, 223.

Le Souef, Charles H.
landing surveyor, 19.
INDEX.

Le Soeuf, William
assistant protector of aborigines, 19.
dismissal of, as protector of aborigines, 168.
removal of suspension from, 356, 678.
withdrawal of despatch re, 678.

Lethbridge, R. Copeland
objections to appointment of, as police magistrate at Penrith, 158.

Lettsom, Samuel
assistant engineer, 17.

Lewis, C. (captain, 80th regt.)
request by, for appointment at Moreton bay, 755.

Lewis, Charles Morgan
harbour-master, 19.

Lewis, Robert
letter from, to Gillon, J., 316.

Lillyman, Robert (Richard)
application re funds in estate of, in custody of Manning, J. E., 162, 163.
drowning of, in New Zealand, 162.
report by judges re estate of, 576.
statement by Manning, J. E., re estate of, 578.

Lindsay,
—
purchase in England of land by, 195.

Lindsay, John
complaint by, re refusal of land order near Melbourne, 116, 117.
concessions granted to agent of, in selection of land, 494.
land order purchased by, 675.
letter from, to land and emigration commissioners, 117.

Lisle, Reverend —
appointment of, as chaplain at Norfolk island, 13 et seq.

Lithgow, William (auditor-general)
accounts transmitted by, 9, 118, 168, 311,
decision re neglect of, to transmit accounts, 169.
letter from—
to Mitchell, Sir T., 681.
to Thomson, E. D., 9, 118, 221, 403.
letter to, from Row, W. J., 221.
request by, for details of expenditure by Barnard, E., 25, 26.

Little, John
councillor for city of Sydney, 377.

Liverpool
address to Christie, W. H., from residents of, 451.
claim by Blackwell, R., to land at, 346 et seg.
construction of dam at, 452.
medical staff at, 466.
military detachment at, 33.
police magistrate discontinued at, 505.

Liverpool plains
loss of live stock at, 199.
report by Mayne, E., re aborigines at, 170, 171.

Live stock
authority for sale of, at Moreton bay, 193.
cost of grazing sheep, 472.
loss of, at Liverpool plains, 199.
numbers of, on squatting runs, 254.
objections to regulations for, when traveling, 198.
revenue from assessments on, 778.

Loan
See also "Debentures."
disapproval of, for immigration, 167.
problems re, 291.

Lockett, William and John
letter from, to Walcott, S., 356.
letter to, from Walcott, S., 356.
memorial from, re refusal of bounties on immigrants per ship Sir Charles Napier, 753 et seq.

London, bishop of
letter from, to Stanley, lord, 13.
letter to, from Russell, lord John, 13.

"London Gazette"
request for publication of returns of intestate estates in, 574, 587.

London missionary society
reports by missionaries of, re establishment of French protectorate over Tahiti, 397, 398.

Lonsdale, William
sub-treasurer at Port Phillip, 19.

Lords, house of
request for printed papers of, 716, 717.
transmission of papers of legislative council to, 717.

Lorton, lord
letter from, to Lefroy, —, 223.

Louison, David
memorial from, to Stanley, lord, 535.
request by, for employment for Dudgeon, A., 535, 536.

Lowe, Robert
magistrate of the territory, 16.
INDEX.

Lubicki, R.
address from, to Christie, W. H., 451.

Lunatic asylum
surgeon at, 19.

Lupton, William
conditional pardon for, 453.

Lupby, John (major)
letter from, to Stanley, lord, 773.

Lupby, William
report required re, 772, 773.

Luttrell, H. F.
letter from, to treasury, commissioners of, 94, 236.

MacArthur, Francis
magistrate of the territory, 20.

Macarthur, Hannibal Hawkins
letter from, to Dixon, R., 338.
testimony from, in favour of Dixon, R., 338.

Macarthur, James
letter from, to Dixon, R., 338.
member of the legislative council, 16.
motion by, for reduction of estimates for police and gaols, 196.
testimony from, in favour of Dixon, R., 338.

Macarthur, James, junr.
magistrate of the territory, 16.

Macarthur, John (captain, R.M.)
report by, re progress at Port Essington, 445, 659.

MacArthur, Peter
magistrate of the territory, 21.

MacCunn and Campbell
memorial from, re non-payment of bounties on immigrants per ship New York Packet, 559 et seq.
report by land and emigration commissioners on claims of, 564, 565.

Macdonald, Allan Ronald
magistrate of the territory, 20.

Macdonald, George J.
commissioner of crown lands, 16.
letter from, to Thomson, E. D., 653.
magistrate of the territory, 16.
report by, re aborigines in New England district, 371 et seq., 653, 654.

Macdonell, Aeneas Donaldson
magistrate of the territory, 21.

Macdonell, John Ronald
magistrate of the territory, 21.

Mackay, George Edward
magistrate of the territory, 20.

Mackenzie, Alastair
advance of salary to, 27, 28.
appointment of, as deputy sheriff at Port Phillip, 27.

Mackenzie, R.
land order purchased by, 105, 675.

Macleay, Alexander (colonial secretary)
letter from—
to Bunn, G., 252.
to Cape, W., 492, 493.
to Mitchell, Sir T., 682.
to Thomson, E. D., 794.
letter to, from Cape, W., 491.

Macleay river
report re aborigines in district of, 65, 651, 652.

Macnee, John Whitehead
magistrate of the territory, 20.

Maconochie, Alexander (captain, R.N.)
acknowledgment of principles and services of, 691.
allegations against, by Smith, J. W., 205.
appointment of successor to, 591.
claim on, by Benham, W. A., 68, 447.
commendation of administration of, 629.
complaint by, re non-removal of convicts from Norfolk island, 616.
copy of letter sent to, 730.
corporal punishments inflicted by, 616.
decision for relief of, at Norfolk island, 517.
description of Norfolk island under, 206 et seq.
dispute of, with Smith, J. W., 204.
dread of punishment of transportation diminished by system of, 692.
edconomies anticipated by, 83.
efficacy of mark system of, 658.
establishment proposed by, at Norfolk island, 84.
failure in system of, 626, 627, 692.
instructions to, 511, 513.
irregularity in administration of, 509 et seq.
issue of tickets of leave by, 201, 202, 203.
issues granted by, to ticket-of-leave men, 511.
letter from, to Parker, H. W., 447.
letter to, from Thomson, E. D., 511.
magistrate of the territory, 18.
mark system introduced by, 202, 203.
moral results of system of, 692.
necessity for full test of experiment of, 84.
objections by, to two systems for convicts at Norfolk island, 52.
opinion re increase of expenditure due to system of, 206.
Maconochie, Alexander (captain, R.N.)
opinions re continued employment of, 637.
opposition of public officers alleged by, 210.
preference of—
for King island, 636.
for tickets of leave vice conditional pardons, 83.
prefmature issue of marks by, 627.
principles advocated by, 637.
public opinion re system of, 204, 206.
reasons for—
delay in termination of system of, 206.
non-appointment of, to new establishment, 693.
removal of, 691.
relations of, with convicts, 206.
removal of, 691.
superintendent at Norfolk island, 18.
transmission of—
letter from, 716.
report from, 81, 199, 325, 616.
treatment of—
crime by, 206, 207, 616, 617.
ticket-of-leave men proposed by, 84.
trial of system of, 209.
value of experience of, 637.

Macpherson, William
appointment of, as clerk of legislative council, 788.
clerk of the councils, 497.
letter to, to Manning, E., 256.
letter to—
from Manning, E., 257.
from Manning, J. E., 257.
from Manning, M. J., 257.
qualifications of, for promotion, 497.

Macquarie, Charles
magistrate of the territory, 20.

Macquarie ward
number of electors in, 376.

Macquoid, Thomas (sheriff)
suicide and defalcations of, 424.

MacRitchie, Reverend Thomas
claim by Kilgour, R., re estate of, 543 et seq.

Maddock, Augusta
instructions for assistance to, 766, 767.
request for assistance to, 767, 768.

Maitland
military detachment at, 33.
Presbyterian clergy at, 181.

Manero
census of aborigines in district of, 649.
report re aborigines in district of, 649, 650.

Mann, Gother Kerr
magistrate of the territory, 20.

Manning, Edye
letter from, to Macpherson, W., 257.
letter to, from Macpherson, W., 256.

Manning, John Edye
application re property held by—
from heirs of Lilleyman, R., 162.
from Johnson, G., 164.
from Kennedy, N., 163.
from Kilgour, R., 543 et seq.
from Morgan, J., 164, 165.
from Were, T., 161, 162.
authority exercised by judges over, 800.
claim on, re estate of MacRitchie, Revd. T., 543 et seq.
criticism of action of judges re, 111.
denial by Gipps, Sir G., of prior knowledge of defalcations of, 399.
defalcations of—
as registrar, 111, 424.
losses by, due to neglect of rules, 800.
opinion of judges re responsibility for, 798.
denial of—
allleged conditions on appointment of, 799.
liability of government for defalcations of, 162, 163, 546, 801.
impalobility of recoveries from estate of, 589.
letter from—
to Elyard, A., 578.
to Macpherson, W., 257.
method of appointment of, 798.
report—
by judges re defalcations of, 398, 399.
required from judges re prospects of payment of liabilities of, 161.
report by judges re defalcations of—
in estate of—
Campbell, J. T., 577.
Lilleyman, R., 576.
Were, W., 576.
re property of—
Kennedy, N., 576.
Morgan, J., 577.
return of intestate estates administered by, 588.
security not taken from or for, in England, 801.
statement by—
re estate of—
Campbell, J. T., 579.
Lilleyman, R., 578.
Morgan, M., 579.
Were, W., 578.
re property of Kennedy, N., 578.
statutory provision for responsibility of judges for, 799.
sureties for, to be called upon, 111.
transmission of correspondence re, 400.

Manning, M. J.
letter from, to Macpherson, W., 257.
Manning, William Montagu
appointment re passage money for, 357.
commissioner of court of requests, 18.
instructions re salary for, as judge at Port Phillip, 749.

Mansfield, Reverend Ralph
work on census received from, 131, 132.

Market act
allowance of act of council for amendment of, 81.

Marriot, Henry W.
draftsman, 16.

Marsh, Francis
assistant engineer, 17.

Marsh, Matthew Henry
magistrate of the territory, 21.

Martin, Robert
magistrate of the territory, 21.

Massey, Hamon
recommendation of, for civil appointment, 498.

Massie, Robert George
appointment of, as commissioner of crown lands at Port Macquarie, 449.
approval of appointment of, 771.
letter from, to Thomson, E. D., 651.
report by, re aborigines in district of Macleay river, 651, 652.

Mather, Ellis James
request for report re, 706.

Mather, Sarah
letter from, to Stanley, lord, 706.

Mathesis, ship
refusal of bounties on immigrants per, 546.
report re equipment of, 547, 548.

Mathew, Felton
candidate for reappointment, 499.
recognition of claims of, to re-employment, 98, 99.

Maxwell, Alexander
recommendation of, for civil appointment, 498.

Mayne, Edward
dismissal of, 176.
irregularities in administration of, 776.
letter from, to Finch, H., 249.
proposal by, for survey by Finch, H., 249.
report by, re aborigines at Liverpool plains, 170, 171.
salary of, 777.

Mayne, Robert
magistrate of the territory, 20.

Mayne, William Colborne
magistrate of the territory, 21.

McCabe, Francis
assistant surveyor of crown lands, 16.

McCrae, Farquhar
magistrate of the territory, 20.

McDermott, Henry
councillor for city of Sydney, 377.

McDonogh, Charles S.
clerk of peace at Bathurst, 17.

McDougall, Archibald D.

McDougall, H. N. (lieutenant, 91st regt.)
letter from, to Stanley, lord, 784.

McGrath, W. M.
dispenser at Newcastle, 466.

McGrigor, Sir James
letter from, to Stephen, J., 713, 714.

McKenzie, A.
attacks by aborigines on station of, 172.

McKenzie, J. K.
address from, to Christie, W. H., 481.

McLean, D.
statement by, re duties in ticket-of-leave branch, 463.

McLean, Donald
magistrate of the territory, 21.

McLean, John Leyburn
statement by, re duties in office of principal superintendent of convicts, 460, 461.

McLeod, Archibald
address from, to Christie, W. H., 461.

McNally, Samuel
immigrant per ship Theresa, 309.

McNiven, P.
overseer of hospital at Port Macquarie, 466.

Meinertzhagen, Henry
application for letters of naturalisation for, 295, 296, 745, 749.
Melbourne
act of council—
for aid to Melbourne police and town fund, 364, 365.
for incorporation of, 360, 364.
for municipal councils of, 365.
allotments authorised near, 117.
annual appropriations for corporation of, 365.
commissioner of court of requests at, 19.
complaint by Lindsay, J., re refusal of land order near, 116, 117.
excitement at, caused by actions of Willis, J. W., 320.
member of council to be elected for, 240, 664.
notice re style and title for mayor and council for, 376, 377.
number of unemployed immigrants at, 67.
postmaster at, 661, 662.
transmission of report re municipal elections at, 445.

Mercer, George
magistrate of the territory, 20.

Merewether, Francis Lewis Shaw
agent for immigration, 18, 497.
appointment of, as clerk of executive council, 786.
approval of appointment of, as immigration agent, 22.
explanation of returns by, 318.
letter from—
to Rose, Sir G., 717.
to Thomson, E. D., 294, 297, 308, 318.
opinion of, re method for selection of immigrants, 67.
qualifications of, for promotion, 497.
reduction in fees on warrant for appointment of, 28.
transmission of report from, as agent for immigration, 67.

Middlesex, ship
despatch per, 1, 2, 3, 9, 12, 15, 25, 29, 35, 36, 37, 38, 40, 42.

Miles, William Augustus
appointment of, as police magistrate, 505.
police magistrate at Sydney, 18.

Milford, Samuel F.
appointment of, as master in equity, 225, 413.
arrival of, 699.
assumption of office as master in equity by, 699.
instructions re appointment of, 226.

Military
abolition of privileges re land for soldiers, 165.
authority for works of defence for, 771.
barracks for, at Sydney, 714, 715.
correspondence re increase of, in colonies, 30 et seq.
decisions re land for officers of, 334.
employment of officers of, in mounted police, 380.
establishments of regiments to be increased, 30, 34.
necessity for increase of, in Tasmania, 31, 32, 33.
number of regiments in colonies, 33.
objections to small detachments of, 40.
priority for remission orders for land for officers of, 341.
proposal for remission of duty on wine for messes of officers of, 786.
reasons for granting remission on land to discharged soldiers, 166.
regret at necessity for dispersion of, 33.

Military chest
censure of Gipps, Sir G., for deterring re-payments to, 189, 570.
correspondence re charge on, for boat and crew for prevention of escape of convicts, 402 et seq.
distribution of funds of, in Tasmanian banks, 7.
exchange business conducted by, 6.
instructions for prompt repayments to, 571.
payment to, of bounties due on immigrants per ship India, 160.
reasons for delay in repayments to, 134.
regulations re account for, in banks, 8.
repayment of advance to, 134, 311.
request for detachment of artillery, 327 et seq.
statements re expenditure from, 421.

Miller, John
authority for introduction of immigrants by, 101.
deduction of quarantine expenses from bounties due to, 29, 100, 101.
letter to, from Harington, T. C., 101.

Miller, T. Digby
recommendation of, for civil appointment, 498.

Miller, William (dep. commissary-general)
examination of, re bill drawn by Hobson, W., 233, 234.
inquiry by, re Saving bank, 700, 721.
letter from—
to Thomson, E. D., 510, 511, 512.
to Trevelyan, C. B., 509.
letter to—
from Smith, J. W., 512.
from Thomson, E. D., 511.
INDEX.

Mitchell, Francis
alderman for city of Sydney, 377.

Mitchell, Roderick
assistant surveyor, 16.

Mitchell, Sir Thomas
adjustment of accounts of, 682, 683.
advancement of public money unadjusted by, 678.
claim by, for compensation for superintendence of roads and bridges, 677 et seq.
commendation of services of, on roads, 682.
displeasure of, at publication of map by
Dixon, R., 322.
gratitude voted to, for services in exploration, 678, 679.
indulgences granted to, 678.
land grant expected by, 679.
letter from—
to Ralfe, J., 687.
to Stanley, lord, 679.
to Thomson, E. D., 474, 476, 688, 689.
to White, T., 479, 480.
letter to—
from Elyard, W., 476.
from Lithgow, W., 681.
from Macleay, A., 682.
from Perry, S. A., 784.
from Ralfe, J., 687, 688, 690.
from Rusden, F. T., 784.
from Thomson, E. D., 475.
from White, T., 475, 476.
memorial from, to Stanley, lord, 686, 687.
minute by Gipps, Sir George, re, 684.
refusal to issue salary to, 678, 683.
salary of, 677, 679.
services of, 679.

Moerenhaut, —
French consul at Tahiti, 530.

Molloy, Michael
approval of detention of, as criminal lunatic, 653.

Monetary confusion
allegations by Willis, J. W., in charge to jury re, 352.

Montagu, John (colonial secretary, Tas.)
letter from, to Abbott, E., 63.
letter to, from Abbott, E., 62.

Montgomery, James
decler of the peace, 19.

Montgomery, Lambert L.
assistant engineer, 17.

Montifoiore, Jacob L.
testimony from, in favour of Hyronimus, N., 873.

Moore, Francis
crown prosecutor, 17.

Moore, J. J.
address from, to Christie, W. H., 451.

Moore, S.
address from, to Christie, W. H., 451.

Moore, Samuel
magistrate of the territory, 20.

Moore, Thomas
address from, to Christie, W. H., 451.
magistrate of the territory, 20.

Moreton hay
appointments at, due to opening of district, 448.
authority for sale of live stock at, 193.
failure of mission to aborigines at, 437.
instructions for report re establishment at, 759.
medical staff at, 466.
military detachment at, 33.
necessity for separation of Clarence river district from, 449.
opening of district of, for settlement, 35.
proposal for coal-mining at, 731 et seq.
report re aborigines in district of, 647, 648.
reversion of cultivated land at, to nature, 35.
sale of land in district of, 148.
squatting stations in district behind, 35.
staff of and expenditure on penal establish-
ment at, 460.
visit of Gipps, Sir G., to, 2, 35.
wool shipped from, 35.

Morgan, James
petition from, re funds in custody of Manning, J. E., 164, 165.
report by judges re claims of, 577.
statement by Manning, J. E., re claims of, 579.

Moriarty, Merion
appointment of, as harbour-master, 322, 530.

Morisset, James T.
commissioner of court of requests, 18.

Morpeth
postmaster at, 589.

Morphy, John
magistrate of the territory, 20.

Morris, James D.
assistant engineer, 17.

Mount Rouse
report re aboriginal mission at, 485, 486.

Mounted police
See "Border police."

Murchison, John
magistrate of the territory, 20.
INDEX.

Murphy, Francis
magistrate of the territory, 20.

Murphy, Reverend Francis
salary for, as vicar-general, 345, 346.

Murray, James Fitzgerald
magistrate of the territory, 20.

Murray, John
non-receipt of warrant for pardon of, 454.

Murray river
conflicts between aborigines and overlanding parties near, 39, 40, 327.
proposal for—
aboriginal mission at, 485.
appointment of resident magistrate and protector of aborigines on, 40.
report re aborigines on, 169.

Murray, Terence Aubrey
claim by, for land in estate of Bunn, G., at Lane cove, 250 et seq.
memorial from, to Stanley, lord, 251, 252.
refusal to increase compensation to, 661.

Murrumbidgee
report re aborigines in district of, 650, 651.

Mutual fire insurance association
act of council for, 42.

Nabob, ship
disallowance of bounties on immigrants per, 159, 409.

Nagel, Charles
magistrate of the territory, 21.

Nash, David
landing surveyor at Sydney, 17.

Navarino, ship
breach of charter party of, 590.

Neal, John
councillor for city of Sydney, 377.

Nelson, Richard William
report re, 467, 468.
trial and conviction of, for assault on Bolton, M. A., 41.

Neville, Charles L.
landing waiter at Port Phillip, 19.

New Caledonia
proposal for settlement in, 287.

Newcastle
medical staff at, 466.
military detachment at, 33.

New England
report re aborigines in district of, 171 et seq., 653, 654.

New South Wales constitution act
delay in passing of, 238.
division of colony into electorates under, 239, 240.
expectations re effect of, 243.
instructions—
issued under, 241, 242.
re receipts and expenditure of funds in schedules of, 553 et seq.
issue of writs for elections under, 239.
omission of references to emancipists in, 241.
opinions re principles of, 239.
passing of, 239.
power to vary electorates and number of members under, 240.
problem of franchise for leaseholders under, 240.
proclamation of, 239.
transmission of, 238.

New York Packet, ship
certificates re surgeon on, 562 et seq.
complaint re non-payment of bounties on immigrants per, 559 et seq.
deduction of quarantine expenses from bounty due on immigrants per, 25, 100, 101.
expenditure on quarantine of immigrants per, 52.

New Zealand
act of council to exempt from duty imports from, 358.
annexation of, 299.
arrival of Cooper, G., to negotiate bills for, 313.
drowning of Lillyman, R., in, 162, 163.
instructions re liquidation of advances from New South Wales by payments from revenue of, 157 et seq.
military quartered in, 33.
papers re supposed French expedition to
297 et seq.
proposal—
for repayment of advances by, 194.
for transfer of immigrants from South Australia to, 175 et seq.
to send convict hms to, 71, 76, 78 et seq.
purchase of bill drawn by governor of, 231 et seq.
refusal to give financial assistance to government of, 313.
removal of objections re. in administration of justice act, 366.
tax receiver and collector at, 183.

Nicholas, J. Toup (commodore, R.N.)
decision of, to remain at Tahiti, 726.
letter to, from Gipps, Sir G., 791.
sailing of, for Tahiti, 550.

Nicholson, Charles, M.D.
certificate by, re health of Campbell, P. L., 185.
Nicholson, John
details re pension for, 529.
pension voted by legislative council for,
transmission of statement from, 529.

Nicholson, William Smith
magistrate of the territory, 20.

Nicol, Patrick (Peter)
overseer in hospital at Moreton bay, 466.
statement by, re dispute between Gorman,
O., and Dixon, R., at Moreton bay, 335.

Norfolk island
advantages of visit of Gipps, Sir G., to, 183.
appointment of chaplain at, 13 et seq.
attempt by convicts at, to seize brig Governor Phillip, 200, 201, 207, 378.
barrack for convicts at, 632.
character and habits of convicts at, 207.
classes of convicts at, 617.
conditions at, 206 et seq.
convicts at—
classification of, 695.
clergy and medical attendants for, 696.
compulsory labour for, 695.
expenditure on services for, 696.
general principles for discipline of, 694.
instructions re labour of, 696.
preservation of cleanliness, sobriety and decency amongst, 696.
corporal punishments by Maconochie, A., at, 616.
crime at, 206, 207.
decision—
re issue of conditional pardons for marks at,
to remove convicts from, 325.
decline in produce and supply of timber at, 207.
depredations on crops at, 512.
desire of convicts for removal from, 619, 633.
development of mark system at, 202, 203.
dietary at, 619.
difficulty in disposal of convicts at, 208.
doubly convicted convicts at, 210, 211.
duties of officials to be defined at, 695.
economies forecasted by Maconochie, A., at, 83.
employment of convicts at, 635.
establishment proposed at—
by Maconochie, A., 84, 85.
by Stanley, lord, 699.
expenditure at, 82, 202, 203, 638, 639, 640.
“experimental” convicts at—
comparison of, with penal convicts, 619, 623, 632.
degree of moral improvement amongst,
effectivity of mark system for, 628, 629.
failures in system for, 626, 627.

Norfolk island
“experimental” convicts at—
arms allotted to holders of tickets of leave amongst, 624.
gambling amongst, 623, 624.
mortality amongst, 618.
mortality amongst, 621, 622.
numbers of, 618.
number of tickets of leave issued to, 519.
predilection for use of marks to, 627.
prevalence of dysentery amongst, 618.
return of employment of, 639.
system of marks for holders of tickets of leave amongst, 620, 621.
unnatural offences by, 623.
failure of system of Maconochie, A., at, 692.
failure of system of Maconochie, A., at, 692.
failure of system of Maconochie, A., at, 692.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
form opinion of value of system of Maconochie, A., at, 206.
Norfolk island
punishment for convicts by detention at, 516.
removal of convicts proposed from, 208, report re—
by Gipps, Sir G., 617 et seq.
by Maconochie, A., 616, 617.
increased expenditure on public works at, 206.
return of employment of convicts at, 639.
staff of and expenditure on penal establishment at, 460.
statements of expenditure at, 640.
suspension of removal of convicts from, 97, 206.

systems formerly in vogue at, 211.
task work at, 207.
transmission of reports from, 325.
trial of system of Maconochie, A., at, 209.
visit of Gipps, Sir G., to, 571.

North, William
magistrate of the territory, 21.

Nowlan,
—
transmission of bill for legal expenses in suit against, 728.

Nunn, James Winnieett (major)
dispute of, with Sayers, R. T., 114, 115.
report by, re administration and conduct of Sayers, R. T., 381.

Oakes, Henry
commissioner of crown lands, 65.
death of, 449.
magistrate of the territory, 20.
report by, re aborigines in district of Clarence and Macleay rivers, 65.

O'Brien, W.
dispenser in hospital at Sydney, 466.

O'Connell, Sir Maurice
letter from, to adjutant-general, 328.
letter to, from Somerset, lord Fitzroy, 382, 384.
request by, for detachment of artillery, 328, 329, 330.

Officer, Robert
land order purchased by, 165, 675.

Ogilvie, William, junr.
magistrate of the territory, 20.

O'Hara, Philip
memo. by, re land grant for Douglass, H. G., 214.

Oldrey, William
magistrate of the territory, 20.

Olinda, ship

Order-in-Council
re import of Portuguese goods and exports by Portuguese, 375.

Ormsby, Charles
superintendent at Cockatoo island, 18.
superintendent of agriculture, 19.
suspension of, as superintendent of agriculture at Norfolk island, 15.

Osborn, J.
letter from, to treasury, commissioners of, 94.

Osborne, Alick
magistrate of the territory, 19.

Ovens river
inquiry ordered re death of aborigine at, 392.
report re homicide on aboriginal at, 441.

Overbury, Edward
recommendation of, for civil appointment, 498.

Owen, Robert
alderman for city of Sydney, 377.

Palestine, ship
despatch per, 55, 54, 55, 56, 63, 67, 91, 82, 96, 69, 100, 102, 105, 110, 116, 118, 130.

Parker, Edward
aide-de-camp to governor, 16.

Parker, Henry Watson
letter to, from Maconochie, A., 447.

Parkhurst prison
conditions proposed in indentures for apprenticeship of boys from, 106.
proposal for removal of boys from, to colonies, 68 et seq., 500 et seq.

Parramatta
medical staff at, 466.
member of council allotted to, 664.
necessity for hospital at, 485.
Presbyterian clergy at, 181.

Parsons, J.

Paterson
police magistrate discontinued at, 505.

Patrick's plains
police magistrate discontinued at, 505.
INDEX.

Patterson, John
acting immigration agent, 19.

Patterson, John Hunter
plan for treatment of aborigines submitted by, 379.

Patton, Janet
See "Scott, Janet."

Pawley, William
councillor for city of Sydney, 377.

Payne, Charles
land order purchased by, 195, 675.

Peacock, John Jenkins
councillor for city of Sydney, 377.

Pechell, George R.
letter from, to Stanley, lord, 161.
letter to—
from Hope, G. W., 162.
from Were, T., 161.

Penrith
cloth mill established at, 431.
police magistrate discontinued at, 505.
reasons for appointment of police magistrate at, 158.
unpaid magistrates in district of, 159.

Pensions
objections to unlimited powers for granting of, 197.
statement re, 425.

Perkins, E. E.
letter from, to Stanley, lord, 582.

Pernambuco
papers re treatment of immigrants per ship "Theresa" at, 263 et seq.

Perrot, Thomas M.
decision re claims of, to land, 324.

Perry, Frederick W.
draftsman, 16.

Perry, Samuel Augustus (dep. surveyor-general)
letter from—
to Mitchell, Sir T., 784.
to Shone, W., 478.
to Thomson, E. D., 253, 350, 728, 729.
to White, T., 479.
report by, on claims of Hatfield, J. R., to land, 350.

Pery, William Henry C. T.
approval of appointment of, 192.
eligibility of, for promotion, 497.
recommendation of, for civil appointment, 498.
superintendent of agriculture, 19, 497.

Peterson, G.
letter from, to Thomson, E. D., 770.
request by, for letters of denization, 770.

Petrie, Andrew
foreman of works at Brisbane, 337.
letter from, to Dixon, R., 337.
statement by, re dispute between Gorman, O., and Dixon, R., 337.
testimony of, in favour of Ford, J., 336.

Phelps, J. B.
address from, to Christie, W. H., 451.

Phillip ward
number of electors in, 376.

Phillipps, S. M.
letter from, to Stephen, J., 69, 77, 78, 106.
letter to—
from Hope, G. W., 75.
from Stephen, J., 80.

Pickering, William
assistant surveyor, 19.

Picton
police magistrate discontinued at, 505.

Pinchpunt, island of
instructions for report re battery at, 327, 330.
report re battery at, 329.

Pineo, Obadiah (surgeon, R.N.)
application by, for additional land grant, 601.
letter from—
to Hope, G. W., 601.
to Walcott, S., 604.
letter to—
from Hope, G. W., 602.
from Thomson, E. D., 602.
refusal of land grant for, 602, 603.
report by land and emigration commissioners on claims of, 603, 604.
statement by, 604.

Pinnock, James John Denham
approval of appointment of, as deputy registrar at Port Phillip, 22.
deputy registrar at Port Phillip, 19.
fees on warrant for appointment of, 28.
opinion re defence submitted by, 22.

Pinsent, Burton
complaint of, re post-office at Port Phillip, 305, 306.
letter from, to Stanley, lord, 306.

Platina, ship
immigrants per, landed at Port Phillip, 318.

Plunkett, John Hubert
delay in departure of, for colony, 312.
INDEX.

Point Fuer (Tasmania)
proposals for reorganisation of prison for boys at, 78 et seq.

Polding, right reverend John Bede
extension of leave of absence for, 227.
leave of absence granted to, 506.
letter to, from Stanley, lord, 249.
letter to, from Stephen, J., 250.
egreements with, for surrender of schoolroom, 184.
protest by bishop of Australia against assumption of style and title of archbishop by, 596, 597.
reception of, on return from England, 598.
request by, for allowance for passages of missionaries, 249, 250.

Police and Gaols
discontent at appropriation of revenue for, 369.
motion by Macarthur, J., for reduction of vote for, 196.
protest against appropriation for, 368.
reduction in expenditure on, 424.
statutory provision for expenditure on, 242, 244.

Police magistrates
appointment and removal of, 505.
metho'd of appointment of, 504.
reductions of, 505.
status of, 504.

Pomare, Queen
conditions imposed on, for French protectorate over Tahiti, 390.
letter to, from Gipps, Sir G., 726.
proclamation by, of French protectorate over Tahiti, 390, 391.
proposals by envoy of, to Thouars, A. du Petit, 388, 389.
report re, 531.
request by, for British protection, 726, 727.
ultimatum delivered to, by Thouars, A. du Petit, 387, 388.

Population
estimates of, 425.

Port Arthur
building of steamboat by convicts at, 215, 216.

Port Essington
clothing required at, 37.
land grants proposed at, 445.
monthly service proposed to, 445.
progress at, 445.
report required re, 37.
request by Gipps, Sir G., for maintenance of settlement at, 659.
statement re settlement at—
by Stanley, O., 27.
by Stokes, J. L., 37.
supplies sent to, 236.
transmission of report from, 236, 444, 445, 659.

Port Fairy
murder of aboriginal woman and child near, 55, 116.
outrages by aborigines near, 3, 53.

Port Jackson
proposal for admission of American whaling ships in, 153, 154.

Portland
value of land at, 367.

Portland bay
appointment of assistant protector of aborigines in district of, 259.
buildings and improvements by Henty brothers at, 86, 96.
claims of sons of Henty, T., to land at, 85 et seq.
commissioner of crown lands at, 19.
comparison of conditions of settlement at Port Phillip with, 91.
improvements by Henty brothers at, 87.
increase in acts of violence on and by aborigines at, 386.
military detachment at, 33.
police magistrate at, 19.
report re aborigines in district of, 1, 2, 53.
settlement formed at, by Henty, T., 86, 87.

Port Macquarie
appointment of commissioner of crown lands in district of, 449.

Port Phillip
See also "Melbourne."
act of council—
proposed re appeals to supreme court from decisions of judge at, 323.
to extend Savings bank act to, 142 et seq
address to Victoria, H.M, Queen, from inhabitants at, 128, 503.
allotments authorised in district of, 117.
application by Robinson, R., for land grant at, 154 et seq.
appointment at—
of deputy registrar, 22.
of deputy sheriff, 27.
complaint re post-office at, 305, 306.
decision—
against separate colony at, 227.
re coal-mining at, 731, 732.
extitement caused by appointment of resident judge at, 423.
failure of mission to aborigines at, 437.
finances at, 32.
INDEX.

Port Phillip
- immigrants landed on behalf of Dendy, H., at, 319.
- increase—
  - of establishments at, 425.
  - of revenue at, 425.
  - members of council to be elected for, 240.
  - military detachment at, 32.
  - mounted police to secure safety of road to, 198.
  - necessity for control of expenditure at, 52.
  - payment for passages of judge and legal officials to, 144 et seq.
  - petition against appeals from decisions of judge at, 344, 677.
  - precedence for superintendent of, 441, 442.
  - report—
    - re aborigines in district of, 446.
    - required re working of rules of court at, 257, 374.
  - return of—
    - land orders issued for, 675.
    - sales in England of land at, 195.
    - revenue from sales of land at, 431.
  - statement of case of settlers at, 91.
  - statutory salary for superintendent of, 243.
  - system for location of land orders at, 673 et seq.
  - transmission of—
    - return re court at, 367.
    - returns re intestate estates at, 658, 758.
    - trial and conviction of murderer of Codd, P., in district of, 305.

Port Phillip bank
- capital of, 707.
- suspension of, 707.

"Port Phillip Gazette," newspaper
- fine and imprisonment imposed on proprietor of, 56 et seq., 108, 132.
- statement in, re Willis, J. W., 57.

Portugal
- order-in-council re imports from dominions of and exports by subjects of, 375.

Post-office
- limitation of franking of letters in, 197.

Powell, Nathaniel Stephen
- magistrate of the territory, 20.

Powlett, Frederick A.
- commissioner of crown lands, 19.

Presbyterian church
- See also "Synod of Australia."
- number of clergy for, 426.

Printing office
- advantage of establishment of, at Sydney, 219.
- annual cost of renewals at, 221.
- comparison of costs before and after establishment of, 221.
- decrease in expenditure by, in Sydney, 218.
- establishment of, for government in Tasmania, 62.
- estimates for, at Sydney, 220.
- increase of revenue and production of, 222.
- proposal for establishment of, at Sydney, 219, 220.
- transmission of report re, 747.

Pritchard, George
- consul at Tahiti, 530.
- return of, to Tahiti, 530.

Privy council
- reduction of fees in appeals to, 225.
- transmission of reports of cases tried by, 772.

Property tax
- See "Income-tax."

Prothonotary
- appointment of, 513.
- proposal for appointment of, 412.

Frant, Cornelius
- under sheriff, 18.

Pryce, John E. H.
- assistant engineer, 17.

Public works
- expenditure on, 422.
- transmission of estimates for, 275.

Quarantine
- allowance of act of council for, 659.
- return of expenses on immigrants under, 52.

Queanbeyan
- police magistrate discontinued at, 505.

Quinn, Hiram
- release of, 454.
- report re sentence on, 453.

Ralfe, James
- apology by, to Mitchell, Sir T., 687.
- claim by, to increase of salary, 729, 730.
- contract survey by, 684, 688.
- letter from, to Mitchell, Sir T., 687, 688, 690.
- letter to, from Mitchell, Sir T., 687.
- memorial from, 685 et seq.

Rafuse, James
- See also "Synod of Australia."
- number of clergy for, 426.
INDEX.

Ralfe, James

minute on letter of—
by Bourke, Sir R., 687.
by Snodgrass, K., 729.
misconduct of, 685, 687.
neglect of duties by, 728, 729.
reasons for delay in survey by, 730.
request by—
for gratuity for past services, 685 et seq.
for purchase of equipment, 690.
receiving gratuity for, 684, 685, 687, 689.
stoppage of salary of, 684.

Rantzsch, Carl Frederick

request for certificates re death of and property left by, 554 et seq.

Raunsley, Henry Charles

surveyor of crown lands, 16.

Raymond, James

letter from, to Thomson, E. D., 661.
postmaster-general, 661.
report by, re complaint about post-office at Melbourne, 681, 682.

Raymond, Samuel, L.L.D.
deputy sheriff at Port Phillip, 19, 144, 499.
eligibility of, for reappointment after reduction, 499.
payment for passage of, 144, 146.

Raymond terrace

police magistrate discontinued at, 505.

Reedy, Maurice O'Keefe
coroner, 18.

Reeve, John

report re complaints of, 774, 775.
transmission of petition from, re special survey at Corner inlet, 773.

Regiment, 28th

approval of transfer of, to India, 396.
transfer of, to India on news of military disaster, 110.

Registrar of deeds

decision for appointment of, 225.
proposal for appointment of, 412, 413.

Reid, — (captain)
priority of remission order held by, 342.

Reid, Francis

letter from—
to Gilchrist and Alexander, 758.
to Thomson, E. D., 758.
letter to, from Thomson, R. D., 757.
refusal of bounties to, on immigrants per ship Sir Charles Napier, 130.

Reid, James

assistant colonial surgeon at Norfolk island, 19.

Reynett, Sir J. H. (major-general)
letter to, from Dutton, J., 533.

Richards, James Byrne

magistrate of the territory, 20.

Richardson, W.
surgeon at Port Macquarie, 466.

Richmond river

report re aborigines in district of, 652.

Roads and bridges

claim by Mitchell, Sir T., for superintendence of, 677 et seq.
reasons for transfer of department of, 682.

Robertson, John A.
police magistrate, 18.

Robertson, Nasmyth

salary of, 794.
superintendent of botanic garden, 794.

Robertson, Robert

report re, 467, 468.
trial and conviction of, for assault on Bolton, M. A., 41.

Robinson, George Augustus

incompetency of, as protector of aborigines, 54, 55.
instructions to, for inquiry re death of aborigine at Ovens river, 392.
neglect of, to visit Ovens river, 392.
report by, re aborigines, 446.
suspension of salary of, 259.

Robison, Robert (late capt., N.S.W. veterans)
application by, for land at Port Phillip, 164 et seq.
conditions for land grant to, 157, 158.
decision re claims of, 156.
denial of claims of, to land at Port Phillip, 409.
letter from, to Hope, G. W., 156.
memorandum by Bourke, Sir R., re land for, 409.
report re claims of, 156, 156.
reserve of land for, 156.
selection of land by wife of, 401.

Rodd, John Savory

magistrate of the territory, 20.

Rogers, Edward

clerk of the peace, 17.
Rogers, Richard
colonial storekeeper, 17.

Rogers, W. E.
statement by, re duties in runaway branch of convict department, 464.

Rolleston, Christopher
appointment of, as commissioner of crown lands, 448.
approval of appointment of, 771.

Rolleston, Phillip
recommendation of, for civil appointment, 498.

Roman Catholic church
See also "Vicar-general.
negotiations with, for surrender of school­ room, 184.
number of clergy for, 425.
request for allowance for passages of clergy of, 249, 250, 665, 666.

Rose, Henry
report re, 496.

Rose, Sir George
letter to, from Merewether, F. L. S., 717.

Ross, John
petition from, praying remission of penalty imposed by supreme court, 614.
probability of imprisonment of, 614.

Russell, Frederick
magistrate of the territory, 21.

Russell, George
partner of Cross, W., at Melbourne, 23.

Russell, lord John
letter from, to Surrey, earl of, 91.
letter to—
from Franklin, Sir J., 31.
from Howitt, R., 658.
from London, bishop of, 13.

Russell, William (captain, 28th regt.)
recommendation of, for civil appointment, 498.

Russell, William
assistant engineer, 17.

Ryan, Thomas
commandant at Norfolk island, 18.

Byrne, William
magistrate of the territory, 20.

Sadlier, Richard
address from, to Christie, W. H., 451.

Sandeman, Gordon
magistrate of the territory, 21.

Savage, Arthur
health officer at Port Jackson, 18.
letter from, to Thomson, E. D., 908.

Savings bank
act of council for extension of act for, to Port Phillip, 142.
amendment required in act of council for, 144.
approval of constitution of, 143.
business methods of, 143.
committee of inquiry re, 709, 721.
disclaimer by government of liability for, 143.
influence of governor on, 143.
necessity for regulation re trustees of, 144.
run on, 708.
reforms proposed in, 722.

Sayers, R. T. (lieutenant, 80th reg't.)
administration of Hunter river police district by, 381.
apology tendered by, 382, 385, 386.
court-martial on, 382.
criticism of allegations by, 383.
irregular methods of, 384.
letter from, to Somerset, lord Fitzroy, 385.
letter to, from Somerset, lord Fitzroy, 383, 386.
proposal for apology from, 384.
recall of, from mounted police, 382, 383.
report re conduct of, 381.
statement re removal of, from magistracy, 113 et seq., 380 et seq.
INDEX.

Simpson, Stephen, M.D.
acting colonial surgeon at Moreton bay, 338.
apPOINTment of, as commissioner of crown
lands, 448.
approval of appointment of, 771.
statement by, re dispute between Gorman,
O., and Dixon, R., at Moreton bay,
335.
testimony from, in favour of Ford, J., 336.

Sinclair, Alexander
letter from, to Stanley, lord, 559.

Sir Charles Napier, ship
certificates re immigrants per, 229.
inability to pay bounties on immigrants per,
750.
Instructions for payment of bounties on, 354,
752.
protest against refusal of bounties on, 751
et seq.
reasons for refusal to pay bounties on, 751.
refusal of bounties on immigrants per, 130.
report re—
extension of time for sailing of, 354
et seq.
malpractices in, 803 et seq.
stores shipped per, 810.

Sladen, Charles
recommendation of, for civil appointment,
498.

Sloan, M.
imigrant per ship Champion, 409.

Smallwood, E.
imigrant per ship Agnes Ewing, 409.

Smythmore, Thomas
councillor for city of Sydney, 377.

Smith, A. E., and Co.
disallowance of bounties on ships under
agency of, 159, 404 et seq., 567,
568.

Smith, Charles Ferdinand H.
magistrate of the territory, 21.

Smith, John W.
allegations by, against Maconochie, A., 205.
dispute of, with Maconochie, A., 204.
letter from, to Miller, W., 512.
testimony in favour of, 205.

Smith, right hon. Robert Vernon
(under secretary)
letter from, to White, T., 482.
letter to—
from Campbell, Revd. A. M., 13.
from Dunn, W. W., 56.
Smith, William, and son (Sons)  
complaint by, re refusal of bounties on immigrants, 404 et seq.  
letter from, to Stanley, lord, 404.  
letter to, from Hope, G. W., 409.  
report by land and emigration commissioners re claims of, 407, 408, 567, 568.  
return of immigrants refused bounty on ships introduced by, 409.

Smythe, G. D.  
complaint against, for ill-treatment of McDougall, A. D., 734, 735.

Smythe, George  
recommendation of, for civil appointment, 498.

Smythe, Henry William Hutchinson  
proposed appointment of, as crown commissioner at Port Phillip, 778.

Snape, Philip  
statement by, re duties in certificate of freedom branch, 463.

Snodgrass, Kenneth  
magistrate of the territory, 20.

Solicitor-general  
decision to revive office of, 592.

Soiling, C. F,  
letter from, to Thomson, E. D., 769.  
request by, for letters of denization, 769.

Somerset, lord Fitzroy  
letter from—  
to Dale, E., 384.  
to O'Connell, Sir M., 382, 384.  
to Sayers, R. T., 385, 386.  
to Stephen, J., 32, 328.  
letter to—  
from Sayers, R. T., 385.  
from Stephen, J., 31, 34, 329.

South Australia  
amount due for advance to government of, 811.  
conflicts between aborigines and overlanding parties to, 39, 40.  
instructions re disposal of unemployed labouring immigrants in, 175 et seq.  
military quartered in, 33.  
necessity for strong overlanding parties to, 39, 40.  
objections to special precautions against aborigines on overland route to, 198.  
proposal for—  
repayment of advances to, 194.  
transfer of immigrants from, 174 et seq.

Special survey  
complaint re, at Corner inlet, 773 et seq.  
effect of regulations re, 774.  
order for, purchased by Dendy, H., 675.

Spencer,  
purchase in England of land by, 195.

Spring cove  
military detachment at, 33.

Squatting  
area of runs and number of live stock under system of, 254.  
effect of water supply on, 471.  
finances of, 472.  
inability to purchase land for, 470.  
licenses and stock assessments for, 471, 472.  
problem of effects of, on land revenue, 254, 255, 470 et seq.  
statement by Hyde, G., re, 470 et seq.

St. Andrew's church  
land claimed as glebe for, 538.

Stanley, lord  
letter from—  
to Franklin, Sir J., 96, 215, 514, 523, 524.  
to Grey, G., 39, 175.  
to Hobson, W., 98.  
to land and emigration commissioners, 286.  
to Wilmot, Sir E., 709.  
letter to—  
from Bertram, W. A., 65.  
from bishop of Australia, 597.  
from Burton, W. W., 575, 580.  
from Campbell, P. L., 184, 186.  
from Carter, W., 789.  
from Carter and Bonus, 817.  
from Christie, W. H., 450.
Stanley, lord

letter to—

from Coates, Revd. D., 131.

from Compton, Sir H., 604, 611.

from Cross, W., 23.

from Crossley, Mrs. Ann, 25.

from Curtis, Mary, 29.

from Davies, E., 162.

from Dennistown, J., 23.

from Dillon, J., 4.

from Dixon, R., 332.

from Dowling, Sir J., 23.

from Dillon, J., 575, 580.

from Finch, H., 247.


from Harrington, T. C., 16.

from Heptonstall, Revd., T., 665.

from Hyde, G., 470.

from Johnson, G., 164.

from Keane, Revd. J. E., 792.

from Keddell, Baker and Grant, 86.

from Kennedy, N., 163.

from Kilgour, R., 543.

from La Trobe, C., 657.

from Lawson, Revd. A., 122.

from LeRoy, —, 222.

from London, bishop-of, 13.

from Lucy, J., 778.

from Mather, S., 706.

from McDougall, H. N., 734.

from Mitchell, Sir T., 680, 681.

from Morgan, J., 164.

from Murray, T. A., 251, 252.

from Ralfe, J., 685 et seq.

from Scott, Janet, 123 et seq.,

from Townsend, T. S., 340.

from Stenhouse, David letter from—

from Lawson, Revd. A., 127.

to Scott, Mrs. J., 125.

Stanley, Owen (captain, R.N.)

statement by, re settlement at Port Essington, 37.

Staple, John

under-sheriff, 18.

Stapleton, George Robert

magistrate of the territory, 21.

Starbuck, George

letters of denization to be granted to, 3.

Stationery

correspondence re requisition for, 109, 110.
details required in requisition for, 108.

Steam vessels

building of, by convicts in Tasmania, 215, 216.

half-yearly returns required of, 1.

transmission of return of, 311.

Stenhouse, David

letter from—

to Lawson, Revd. A., 127.
to Scott, Mrs. J., 125.

Stephen, Alfred (judge)

judge of the supreme court, 17.

letter from, to Stanley, lord, 576, 580.

Stephen, G. M.

letter to—

from Holden, G. K., 156.

from Thomson, E. D., 156.
Stephen, James (under secretary)  
letter from—  
to Barnard, E., 109, 110, 556.  
to Byham, R., 328, 330.  
to Campbell, P. L., 356.  
to Canning, viscount, 288, 555.  
to land and emigration commissioners, 22, 358.  
to Phillipps, S. M., 80.  
to Polding, right revd. J. B., 250.  
to Somerset, lord Fitzroy, 31, 34, 329.  
to Trevely, C. E., 14, 59, 96, 107.  
to Whicker, W. G., 251.  
 letter to—  
from Addington, H. U., 288, 301.  
from Barnard, E., 109, 190.  
from Byham, R., 112.  
from Campbell, Revd. A. M., 14.  
from Canning, viscount, 297, 298, 300, 554.  
from Clerk, G., 59, 107, 722.  
from Eliot, T. F., 117, 150, 155, 192, 229, 254, 266, 272, 318, 324, 355, 564, 587, 603, 673, 675, 700, 762, 779, 803, 830.  
from Huth, F., and Co., 296.  
from Leefure, J. G. S., 228, 272, 313, 407, 467.  
from McGregor, Sir J., 713, 714.  
from Phillipps, S. M., 69, 77, 78, 106.  
from Somerset, lord Fitzroy, 32, 328.  
from Trevely, C. E., 5, 15, 61, 93, 159, 168, 285, 286, 509, 583.  
from Villiers, E. E., 117, 120, 155, 193, 284, 268, 364, 407, 467, 584, 657, 603, 673, 675, 700, 762, 779, 803, 830.  

Stephen, Sydney  
report by, on claims of Hatfield, J. R., to land, 348.  

Stewart, George  
commissioner of court of requests, 18.  

Stewart, Peter  
correspondence re status of, as clerk in customs department, 50 et seq.  

Stewart, William  
magistrate of the territory, 20.  

St. George, ship  
despatch per, 668, 666, 668, 670, 672, 677, 684, 698, 702, 707.  

Stirling, John  
recommendation of, for civil appointment, 498.  

St. John, Frederick B. (major)  
police magistrate at Melbourne, 19.  
priority of remission order held by, 342.  

Stokes, J. Lort (captain, R.N.)  
statement by, re settlement at Port Essington, 37.  

St. Phillip’s church  
surrender of glebe for, 537.  

Stratheden, ship  
despatch per, 297, 305, 312, 328, 324, 327, 341, 343, 345, 374, 376, 377, 379, 393, 401, 404.  

Strut, J.  
imigrant per ship Nabob, 409.  

Stuart, James (assistant surgeon)  
report required re, 593, 594.  

Stuart, Mrs. Elizabeth  
refusal of land grant to, as marriage portion, 140.  

Stuart, Thomas (captain, R.N.)  
letter from, to Hope, G. W., 594.  

Stupart, W.  
dispenser in hospital at Liverpool, 466.  

Sullivan, — (captain, R.N.)  
correspondence with, re French protectorate over Tahiti, 345.  

report by, re Tahiti, 530, 531.  

Sullivan, L.  
letter to, from Gordon, T., 120.  

Sullivan, Benjamin (major)  
police magistrate at Cassilis, 18.  
proposal by, for settlement in New Caledonia, 387.  
reduced police magistrate, eligible for reappointment, 499.  

Superintendent of Port Phillip  
omission of, from table of precedence, 441.  
precedency proposed for, 442.  

Supreme court  
act of council proposed re appeals to, from decisions of judge at Port Phillip, 323.  
admission of barristers in, 366.  
allowance for travelling expenses of judges of, 149, 150, 589.  
changes proposed in, 411, 412.  
complaint by judges of, against Willis, J. W., 331.  
criticism of action of judges of, re Manning, J. E., 111.  
disputes between Willis, J. W., and judges of, 326, 320 et seq.  
fees collected in, 415, 416, 432.  
necessity for division of judicial duties in, 814.
Supreme court
petition against appeals to, from decisions of judge at Port Phillip, 344, 677.
proposal for fourth judge at Sydney for, 811, 813.
removal of Willis, J. W., as judge of, 797.
report required re act of council for circuit sittings of, 81.
return—of criminal trials in, 423.
of civil causes tried in, 423.
rules of practice for—
approval of, for equity jurisdiction, 10.
report required re working of—
at Port Phillip, 257.
at Sydney, 97.
scale for travelling expenses of officers of, 149.
Sydney, earl of
letter to—
from Aberdeen, earl of, 89.
from Russell, lord J., 91.
Surveyor-general’s department
annual expenditure on, 777.
arrangements re equipment for field surveyors in, 478, 479.
equipment for field surveyors in, 480, 484.
necessity for reductions in, 776, 777.
proposals for transfer of officers of, 777, 778.
system of surveys by contract for, 684.
Sydney, H.R.H. duke of
death of, 672.
Sutherland, John
coroner at Bathurst, 18.
Swan river
military detachment at, 33.
Swanston, H. T.
letter from, to Stanley, lord, 767.
Sydney
act of council—
for aid to police and city fund of, 359.
for incorporation of, 359, 360, 362 et seq.
for municipal council of, 665.
annual appropriations for corporation of, 364.
authority for works of defence at, 771.
barracks for military at, 714, 715.
batteries for defence of, 329.
councillors elected for city of, 377.
declaratory act re act for incorporation of, 365.
description of hospital buildings at, 669.
election of councillors for city of, 376.
expense from general revenue in, 363.
medical staff at, 468.
members of council allotted to, 664.
names of wards in, 376.
Sydney
notice re style and title for mayor and council for, 376, 377.
number of wards, councillors and aldermen for, 363.
passing of corporation bill for, 195.
qualifications for electors and burgesses in, 363.
status of emancipists and expirees under corporation act for, 363.
value of land near, 540, 543.
Sydney banking company
capital of, 707.
fruits in management of, 707.
use of funds by manager and accountant of, 707.
Sydney college
report re, 426.
Sydney dispensary
instructions for surrender of south wing of Sydney hospital to, 111, 112.
Symonds, C. H.
deer of third-class, auditor-general’s office, 497.
eligibility of, for promotion, 497.
Symonds, Jermyn J.
draftsman, 16.
Synod of Australia
address from, to Victoria, H.M. Queen, 326, 663.
Tahiti
anxiety re presence of British and French ships at, 726.
arrival of H.M. ship Talbot at, 727.
conditions imposed for French protectorate over, 389.
conduct of French officers at, 531.
establishment of French protectorate over, 344, 345, 387 et seq., 530, 531.
proclamation of French protectorate over, 390, 391.
report by missionaries re establishment of French protectorate over, 397, 398.
request for British protection—by inhabitants of, 727.
by Queen of, 726, 727.
ultimatum delivered to queen of, by Thouars, A. du Petit, 387, 388.
Talbot, H.M. ship
arrival of, at Tahiti, 727.
Talbot, Richard Gilbert
magistrate of the territory, 21.
Talent, ship
despatch per, 785, 745, 747, 748, 749, 758, 768.
769, 770, 772, 773, 776, 777, 783, 787, 790, 798, 794, 796, 797, 810.
Tasmania
act of council to exempt from duty imports from, 358.
admission of American whaling ships in harbours of, 153, 154.
adverse reports re female factories in, 526.
building of steamboat by convicts in, 215.
disproportion of sexes in, 525.
instructions—
  re finances of commissariat in, 5 et seq.
  re management of convicts in, 710 et seq.
military quartered in, 33.
necessity for—
  increase of military in, 31 et seq.
  legislation for annexation of Norfolk island to, 591, 592.
penitentiary to be erected for female convicts in, 526, 527, 529.
printing for government departments in, 61 et seq.
private banks in, 7.
proposal for—
  annexation of Norfolk island to, 517, 693.
  removal of convicts from Norfolk island to, 97, 641 et seq.
  transfer of immigrants from South Australia to, 175 et seq.
salaries and staff of convict establishments in, 93 et seq.
transportation of convict boys to, 69.

Taylor, David
councillor for city of Sydney, 377.

Taylor, Edward
immigrant per ship United Kingdom, 469.

Taylor, Richard
address from, to Christie, W. H., 451.

Taylor, William
magistrate of the territory, 20.

Templer, John Arthur
magistrate of the territory, 21.

Templeton, John
report re error in sentence on, 453.

Theresa, ship
bounties withheld on immigrants per, 307, 308 et seq.
financial assistance granted to, at Pernambuco, 273, 275, 307.
papers re treatment of immigrants per, at Pernambuco, 263 et seq.
report by immigration board on immigrants per, 308 et seq.
reports re outfitting of, 268 et seq., 274.

Therry, Roger (attorney-general)
attorney-general, 17.
commissioner of court of requests, 497.
complaint by, against Willis, J. W., 350.
letter from, to Thomson, E. D., 795.
letter to, from Turner, G. C., 796.
opinion of, re protest of Dorening, C., 101.
qualifications of, for promotion, 497.
report by, on claims of Hatfield, J. R., to land, 349.

Thomas, Richard (rear-admiral)
letter from, to Herbert, S., 301.
letter to, from Walpole, J., 302.

Thompson, James
recommendation of, for civil appointment, 498.

Thompson, John Vaughan
letter from, to Thomson, E. D., 465.
letter to—
  from Elyard, W., 569.
  from Thomson, E. D., 464.
neglect by, to submit report, 123, 569.
negligence of, 569.

Thompson, Sir Thomas
inquiry by, at Tahiti, 727.

Thomson, Edward Deas (colonial secretary)
commendation of administration of government by, 593.
letter from—
  to Boyes, W., 642.
  to Everett and Halked, 173.
to Gilchrist and Alexander, 750.
to Gordon, J., 532.
to Gore, T., 294, 762.
to Gorman, O., 336.
to Henty, —, 90.
to Irvine, I., 405, 403.
to Maconochie, A., 511.
to Miller, W., 511.
to Mitchell, Sir T., 475.
to Pinoe, O., 602.
to Reid, F., 757.
to Stanley, lord, 574, 575, 581, 587, 588, 590.
to Stephen, G. M., 156.
to Thoppson, J. V., 464.
to White, T., 480.
letter to—
  from Allman, J., 648.
  from Beekham, E., 64.
  from Boyes, W., 642.
  from Brown, H. H., 308.
  from Dunlop, N. G., 278, 279.
  from Fry, O., 652.
  from Gordon, J., 531.
  from Innes, J. L., 308.
  from Irvine, I., 403.
INDEX.

Thomson, Edward Deas (colonial secretary)
letter to—
  from Jackson, J. A., 442, 443.
  from King, P. P., 733.
  from Lambie, J., 649.
  from La Trobe, G. J., 503.
  from Lithgow, W., 9, 118, 221, 403.
  from MacDonald, G. J., 653.
  from Macleay, A., 794.
  from Massie, R. G., 651.
  from Verewenber, F. L. S., 294, 297, 308, 318.
  from Miller, W., 510, 511, 512.
  from Mitchell, Sir T., 474, 476, 688, 689.
  from Perry, S. A., 253, 350, 729, 729.
  from Peterson, G., 770.
  from Reid, F., 758.
  from Savage, A., 308.
  from Solling, C. F., 769.
  from Therry, R., 795.
  from Thompson, J. V., 465.
  from White, T., 477.
  from Willis, J. W., 147.

Thomson, John
magistrate of the territory, 21.

Thornloe, Thomas
magistrate of the territory, 20.

Thouars, A. Du Petit (French admiral)
  conditions imposed by, for French protectorate over Tahiti, 389.
  establishment by, of French protectorate over Tahiti, 344, 345.
  letter to, from missionaries, 398.
  papers re naval expedition under, to South seas, 297 et seq.
  proclamation by, of French protectorate over Tahiti, 390, 391.
  proposals to, by chiefs of Tahiti, 388, 389.
  ultimatum delivered by, to queen of Tahiti, 387, 388.

Tingcombe, H.
  clerk of third-class, auditor-general's office, 497.
  eligibility of, for promotion, 497.

Torres strait
ships detailed for survey of, 3.

Tourang
assistant engineer at, 17.
  military detachment at, 33.

Townsend, John
  clerk of second-class, colonial secretary's office, 497.
  eligibility of, for promotion, 497.

Townsend, Thomas Scott
  employment of, at Corner inlet, 775.
  inability to grant promotion to, 340, 671.
  memorial from, soliciting promotion in survey department, 340.
  testimony in favour of, 339.

Townshend, J. S.
  assistant surveyor, 497.
  eligibility of, for promotion, 497.

Tozer, Horace
statement by, re treatment of Finch, H., 249.

Treasurer, colonial
  instructions to, re receipt and expenditure of funds in schedules to constitution act, 584 et seq.
  obsolete instructions to, 557.

Treasury, colonial
  balances in, 236.
  custody of chest of, 557.
  examinations of specie in chest of, 557.
  instructions re examination of chest in, 236.
  method for daily payments from, 557.
  necessity for verification of balances in, 235, 236.
  obsolete instructions re, 557.
  opening of vault of, 558.
  security of vault of, 557.
  transfers of specie to banks from, 558.

Treasury, lords commissioners of
  letter to, from audit, commissioners of, 94, 236.
  petition to—
    from Dunlop, R. G., 276, 277, 590 et seq., 785.
    from Ross, J., 614.

Trelveyllan, C. E.
  letter from—
    to Barnard, E., 192.
  letter to—
    from Abbott, E., 61.
    from Barnard, E., 190, 191.
    from Miller, W., 509.

Tribe, William
  claim by, on Kinchela, J., 37.

Tuckfield, Reverend
  report by, re aborigines on Murray river, 169.
  visit of, to aborigines on Murray river, 485.

Turner, George Cooper
  civil crown solicitor, 17.
  letter from, to Therry, R., 796.
INDEX.

Turney, D. J.
report by, re voyage of ship Sir Charles Napier, 787.

Tyers, Charles James
proposed appointment of, as crown commissioner at Port Phillip, 778.
surveyor of crown lands, 16.

Tysen, William H.
aide-de-camp to governor, 16.
assistant engineer, 17.

Ullathorne, Reverend William B.
leave of absence granted to, 586.
resignation of, as vicar-general, 345.

Union bank of Australia
commissariat account in, 7.
objections to proposed charter for, 612.
recommendation against charter for, 614.
report required re request of, for charter, 288.

United Kingdom, ship
disallowance of bounty on immigrant per, 409.

Urquhart, Robert
letter from, to Carter and Bonus, 765, 766.

Usher, Samuel
clerk of third-class in post-office, 497.
eligibility of, for promotion, 497.

Vallack, William
clerk of first-class, colonial secretary’s office, 497.
eligibility of, for promotion, 497.

Vaughan, James
transmission of report re, 453.

Veale, Samuel
immigrant per ship Theresa, 309.

Vicar-general
request for salary of Murphy, Revd. F., as, 345.
resignation of Ullathorne, Revd. W. B., as, 345.

Victoria, H.M. Queen
address to—
from inhabitants of Port Phillip district, 198, 503.
from labouring classes, 594 et seq.
from legislative council, 99, 578.
from residents at Geelong, 129, 504.
from synod of Australia, 326, 663.

Victoria, ship

Villiers, Edward E.

Vindictive, H.M. ship
sailing of, for Tahiti, 530.

Wade, Henry
surveyor of crown lands, 16.

Wages
amount of, obtained by immigrants, 294.

Walcott, Stephen
letter from—
to Bradley, J., 292.
to Brooks, R., 299.
to Byrnes and Co., 806.
to Henton, J. P., 121.
to Lockett, W. and J., 356.
to White, T., 481.
to Wood, P., 676.
letter to—
from Bradley, J., 292.
from Bromehead, W. D., 121.
from Carter and Bonus, 764, 781, 942.
from Dodsworth, Revd. W., 781.
from Forrest, J. R., 547.
from Lean, F., 269.
from Lean, J. S., 271, 274.
from Lockett, W. and J., 356.
from Pineo, O., 804.
from Wood, P., 674, 675.

Wales, H.R.H. Prince of
address on birth of—
to Victoria, H.M. Queen, 99, 128, 129, 378, 503, 504.

Walker, James
magistrate of the territory, 20.

Walpole, John
letter from—
to Aberdeen, earl of, 300, 303.
to Thomas, R., 302.

Walton, John
appointment of, as assistant protector of aborigines, 259, 486, 592.

Ward Chipman, ship
papers re refusal to pay bounties on immigrants per, 120 et seq.
report—
by land and emigration commissioners re refusal of bounties on, 313 et seq.
re equipment of, 121, 122, 314, 315.
soup and bouilli supplied to, 316, 317.

Wardell, George
assistant engineer, 17.
INDEX.

Warner, James (assistant surveyor) assistant surveyor, 16, assistant surveyor at Moreton bay, 336, 337. letter from, to Dixon, R., 337. statement by, re conduct of Gorman, O., 337. testimony of, in favour of Ford, J., 336.

Water police consideration of act for, 197, 260 et seq. increased expenditure on, 419. maintenance of boat and crew of, for prevention of escape of convicts, 401 et seq. objections to provisions in act for, 260 et seq.

Watson, Thomas appointment of, as harbour-master, 530.

Way, Arthur eligibility of, for appointment as crown commissioner, 498.


Webb, Robert S. sub-treasurer at Port Phillip, 19.

Webster, James magistrate of the territory, 21.

Wellington valley failure of mission to aborigines at, 437. police magistrate at, 18. reduction of police magistrate at, 505. refusal of church missionary society to continue mission at, 131. report re aborigines at, 644 et seq.

Wentworth, Charles lease of Cox’s wharf from, by Dunlop and Co., 276.

Were, Jonathan Binns magistrate of the territory, 20.

Were, Thomas application by, re funds of estate of son in custody of Manning, J. E., 161, 162. letter from, to Pechell, G. R., 161.

Were, W. application re estate of, 161, 162. report by judges re estate of, 576. statement by Manning, J. E., re estate of, 578.

Wesleyan church act re land for, at Sydney, 572, 573. number of clergy for, 425.

West Australia military quartered in, 33. proposal— for transfer of immigrants from South Australia to, 175 et seq. to send convict boys to, 71, 76.

Westmacott, Arthur magistrate of the territory, 21.

Whalan, commutation of death sentence on, for piracy, 378.

Whale fishery annual returns of produce of, 431.

Whaling ships admission of, to ports in Tasmania and Cape of Good Hope, 153, 154. instructions re sale of oil by, to pay costs of refitting, 690. proposal for admission of, in Port Jackson, 153, 154.


White, Henry Fancourt dismissal of, 237. facilities granted to, to prove charges against Gray, W. N., 237. refusal of, to continue inquiry, 237.

White, Thomas (assistant surveyor) appointment of, 482. assistant surveyor, 16. censure on, by Gipps, Sir G., 475. conditions for free passage for, 481. employment of, at Clarence river, 473. instructions to, for surveys in district of Clarence river, 480, 481. letter from— to Gipps, Sir G., 480. to Mitchell, Sir T., 475, 476. to Stanley, lord, 477. to Thomson, E. D., 477. letter to— from Elyard, W., 479. from Mitchell, Sir T., 479, 480. from Perry, S. A., 479. from Smith, R. V., 482. from Thomson, E. D., 480. from Walcott, S., 481. loss due to appointment of, 474. necessity for obedience of, 474. neglect of duties by, 473. refusal of leave of absence for, 477, 480. release of, from agreement, 474.
INDEX.

White, Thomas (assistant surveyor) removal of, to Sydney, 476, 479. request by, for leave of absence, 480. protest by, against adjustment for field equipment, 474, 475, 478. statement by Mitchell, Sir T., re, 482, 483. suspension of, as assistant surveyor, 472, 477, 479.

Wickham, John Cléments (commander, R.N.) appointment of, as police magistrate at Moreton bay, 448. approval of appointment of, 771.

Wild, John magistrate of the territory, 20.

William Fletcher, ship dispatch per, 325, 326, 327, 330, 339, 341, 342, 344.

Williams, Horatio complaint by, re aborigines in Port Phillip district, 54.

Williams, J. H. consul for America, 153. proposal by, for admission of American whaling ships in Port Jackson, 153, 154.

Williams, Richard landing waiter, 17.

Willis, George letter from, to Stanley, lord, 760.

Willis, John Walpole (judge) address of confidence to, from residents of Port Phillip, 590, 591. agreement with, for passage to Port Phillip, 147. allegations by— re banks and monetary confusion, 352. re convicts at Port Phillip by, 352, 353. appeal of Carrington, H. N., against decision of, 321. application by, for leave of absence, 226, 322. approval of— expenditure on passage and freight for, to Port Phillip, 556. leave of absence for, 749. charge— delivered by, to jury, 352. of assault made by, against Ebden, —, and Carrington, H. N., 321. complaint against— of judges of supreme court, 351. of prints against, 323. deliberations of executive council re, 551. differences of judges of supreme court with, 226, 320. difficulty of action re, 322, 351. excitement in Melbourne at actions of, 320, 551. fine and imprisonment imposed by, on Arden, G., 56 et seq., 320. leave of absence granted to, 357, 551. letter from, to Thomson, E. D., 147. loan of money by, to Fawkner, J. P., 552, 553. opinion of Stanley, lord, re action of, in case of Arden, G., 435. petition in favour of, 323. problem of pension or allowance for, 357. proposal by, re appropriation of funds for immigration, 454. prosecutions of editors proposed by, 322. query by, re amenability of aborigines to British law, 133. reasons of Gipps, Sir G., for withholding censure from, 570. recommendation for removal of, 558. refusal of, to accept leave of absence, 551. removal— by, of Carrington, H. N., from roll of attorneys, 226, 321. of, as judge at Port Phillip, 797. report re passage and freight for, to Port Phillip, 144 et seq. request by, for reference to England, 321. resident judge at Port Phillip, 19. statement— by Fawkner, J. P., re loan from, 591. by La Trobe, C. J., re letter of, 581. in Port Phillip Gazette re, 57. of expenditure on, 147. transmission of— letter from, 570. letters from, re sentence on Arden, G., 108, 122. papers re action of, in will of Batman, J., 363, 321. want of discretion shown by, 320.

Wilmot, Sir Eardley (lieut.-governor, Tasmania) appointment of, as lieut.-governor, 709. instructions to, 709 et seq. letter to, from Stanley, lord, 709. salary and residence for, 710.

Wilmot, William Bryan coroner, 19.

Wilshire, James Robert alderman for city of Sydney, 377.

Wilson, Charles B. acting British consul at Tahiti, 387. letter from, to Gipps, Sir G., 387, 727. papers transmitted by, re French protectorate over Tahiti, 387 et seq.
INDEX.

Wilson, C. M.
valuation of surveying equipment of, 480.

Windsor
approval of transfer of hospital at, 111, 112.
failure to form local hospital at, 179.
military detachment at, 33.
reduction of convict hospital at, 179, 568.

Wiseman, —
eligibility of, for civil appointment, 498.

Wolfe, —
commutation of death sentence on, for piracy, 378.

Wollombi
reasons for appointment of police magistrate at, 159.

Wood, Henry
immigrant per ship Theresa, 309.

Wood, Patrick
complaint by, re system for location of land orders at Port Phillip, 673 et seq.
land order purchased by, 196, 675.
letter from, to Walcott, S., 674, 675.
letter to, from Walcott, S., 676.

Woodlock, Michael
conditional pardon for, 453.

Wool
quantity and value of export of, 480.

Woolls, —
private school kept by, 426.

Wright, John
approval of free pardon for, 122.

Wright, W. H.
appointment of, as commissioner of crown lands, 776.
salary for, 777.

Wyong
claim by Cape, W., re land at, 488 et seq.

Yarnold, George
surgeon on ship Theresa, 308.
testimony to services of, 310.

Young, Adolphus William
appointment of, as sheriff, 102.

Young, William
letter from, to Hope, G. W., 181.
letter to, from Hope, G. W., 180.