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.

Notice re style and title for mayor and council for city of Sydney and town of Melbourne.

By His Excellency's Command,
E. Deas Thomson.

 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
378 HISTORICAL RECORDS OF AUSTRALIA.

1842.  
28 Nov.  

Addresses received re birth of H R H Prince of Wales.

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.

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 Philip.

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.
Despatch acknowledged re removal of R. T. Sayers from magistracy.

Organisation of corps of mounted police.

Necessity for active and efficient officers.

Unfitness no disqualification as military officer.

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 expence 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 expence 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 “Bushrangers.” 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 Lieut. 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 Feb'y., 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 Lieut. 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 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 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 "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, vizt.:
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,
Horse Guards, 16th Febry., 1842.

I have the honor to acknowledge the receipt of your letter of the 12th inst., suggesting whether, under the circumstances therein 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 to closely 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.
1842. 1 Dec.

Letter acknowledged.

Misapprehension by R. T. Sayers.

Acceptance of apology.

[Enclosure No. 6.]

LORD FITZROY SOMERSET TO LIEUTENANT SAYERS.

Sir, Horse 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.

2 Dec.

Increase of acts of violence on and by aborigines.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 226, per ship Olinda.)

My Lord, Government House, 2nd Dec., 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.]
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 227, per ship Olinda.)

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 Freedom 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 THOUGAS, commandant en chef de la station navale de France dans l'océan Pacifique.

À sa Majesté la Reine et aux principaux chefs de l'ile de Taiti.

Venu à Taiti dans l'espérance 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 lucveillance dont il est animé envers elle; 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'eût été point aisé qu'un tel usage que nous recevons 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 à vos propres lois, les domiciles du plusieurs français ont été violés et mis de côte de la manière, la protection garantie à nos nationaux par les traités? Non, ils ont été violés et mis de cote de la maniere; le plus outrageante 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 francais contre laquelle elle avait rendu une sentence d'escl es est encore ici et c'est par l'impuissance d'une crimine que les témoignages de bienveillance du roi des français seront reconnus.

Malconseillé, subissant une influence funeste à 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.
1842.

3 Dec.

Ultimatum
delivered by
A. du Petit Thouars.

HISTORICAL RECORDS OF AUSTRALIA.

Puisque nous n'avons aucune justice à attendre du gouvernement de Taiti, je ne demanderai point à 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 commercer, 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 des que le gouvernement marchera légalement et que les lois faites pour tous, seront également communes de tous.

En attendant que se résultat si vivement désiré, se réalise la gravité des plaintes, qui me sont portées et les justes indemnités réclamées par grand nombre de français pour dommages intérêts des toits qu’ils ont soufferts dans leurs personnes ou leurs propriétés par suite de l’inexécution des traités avec la france et de la conduite abusive des agens du gouvernement de Taiti méf ont un devoir de vous demander et même d’exiger au besoin pour la sûreté de leurs compatriotes, et de leurs droits:

1. Que vous déposez, comme garantie des indemnités qui leur sont légitiment dues et comme caution de la conduite que vous tiendrez à l’avenir à leur égard, une somme de Dix mille piastres fortes qui devra être versée par les soins du gouvernement de la Reine, dans deux à six heures, à compter d’aujourd’hui, deux heures de l’après midi; entre les mains du commissaire d’Administration de la Fragatae, la Reine Blanche pour être consignée dans la caisse du gouvernement où elle restera pour être ensuite remise à la Reine Pomare sur l’ordre du gouvernement et du Roi, lorsque les traités avec la france seront fidèlement exécutés et que les indemnités dont il appartient au gouvernement seul, de déterminer et dénoncer la validité et la qualité seront acquittées.

2. Qu’à défaut du versement de la dite somme de Six mille piastres fortes dans le temps prescrit, le fort de la Reine, les Etablissements de Mouton-outa et l’Île de Taiti seront provisoirement remis à ma disposition et occupés par les troupes françaises comme gage de l’exécution des traités jusqu’à ce qu’il ait été rendu compte au gouvernement du Roi des griefs dont nous nous plaignons et qu’il ait statué, comme il a été dit, sur la validité et la qualité des indemnités aux quelles nous avons un droit légitime.

3. Qu’enfin dans le cas de l’inexécution de l’une ou de l’autre des clauses ci-dessus je crois qu’il est de mon devoir de vous déclarer que je me verrais bien contre vous, dans la dure nécessité de prendre une détermination plus rigoureuse encore.

Cependant pour prouver à la Reine et aux chefs principaux, combien il me serait pénible d’user d’une telle sévérité envers eux, je les autorise à me sonner dans les premières 24 heures du délai fixé plus haut, toute disposition d’accommodement capable d’appaiser le juste ressentiment de ma nation si vivement excité contre eux et conduise à une sincère réconciliation entre deux peuples qui sont grands 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 d’france dans l’Océan Pacifique.


Proposals by

A l’amiral Du Petit Thouars,

Tahiti, Le 9 Septembre, 1842.

Parceque nous ne pouvons continuer à gouverner par nous-mêmes dans le présent état de choses, de manière à conserver la bonne harmonie avec les gouvernements étrangers, sans nous exposer à perdre nos îles, notre autorité et notre liberté nous les soussignés la Reine et les grands chefs de Taiti, vous erez les présentes pour solliciter le Roi des français de nous prendre sous sa protection aux conditions suivantes.

1. La Souveraineté de la Reine et son autorité et l’autorité des chefs sur leur peuple sera garantie.
2. Toutes les lois et les règlements seront faits au nom de la Reine et signés par elle.
3. La possession des terres de la Reine et du peuple leur sera aga ranti, ces terres leur resteront toutes les disputes relativement au droit de propriété ou vrai propriétaire des terres seront de la juridiction spéciale des tribunaux du pays.
5. Les Églises existantes en ce moment continueront d’être et les Missionnaires Anglais continuent 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 ou aux soins du gouvernement français ou à la personne nommée par lui et avec l'approbation de la Reine Pomaré, la direction de toutes les affaires avec les gouvernements étrangers, de même que tout ce qui concerner les résidents étrangers, les règlements du port, etc., etc., et de prendre toute autre mesure qu'il pourra juger utile pour la conservation la bonne harmonie et la paix.

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) ARUALAIMAI T.,
Envoyé de la Reine Pomaré.

Je sous signé consul de France à Tahiti certifie que la lettre ci dessus est la traduction conforme de celle écrite par la Reine Pomaré et Chefs principaux de Tahiti à Monsieur le C. Amiral Du Petit Thouars Commandant en chef de la Station de l'Océan Pacifique, lettre qu'il a bien voulu me communiquer.

Papeiti le 9 Septembre, 1842.

LE CONSUL DE FRANCE,
Menenourou.

Pour copie conforme:—Le C. Amiral Commandant en chef la station navale de l'Océan Pacifique.

A. DU PETIT THOUARS.


[Sub-enclosure No. 3.]

Rade de Papeiti, Frigate la Reine Blanche, le 9 Septembre, 1842.

Madame et Messieurs,

J'accepte au nom du Roi et de la France et sauf ratification, la proposition Conditions que vous me faites de placer les états et le gouvernement de la Reine Pomaré sous la protection de S. M. Louis Philippe, Roi des Français aux conditions suivantes, protectorat savoir:

1. Que la Souveraineté de la Reine, son autorité et celle des chefs principaux sur leurs peuples seront garanties.
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 garantie; elles ne pourront être enlevées sans leur consentement soit par acquit ou échange; toutes les contestations relatives 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 Églises 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 demandant la protection du Roi des Français, abandonnant entre ses mains ou aux soins de son gouvernement ou à la personne nommée par S.M. et agréée par la Reine Pomaré, la direction de toutes les affaires avec les gouvernements Etrangers de même que tout ce qui concerne les Residents 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'avaient fait naître les mesures peu bienveillantes prises à l'égard de nos compatriotes.

Je me réjouis, Madame et Messieurs de vous voir mettre un terme à nos différends, et je suis convaincu qu'une bienveillance reciproque 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 en chef la Station navale de France dans l'Océan Pacifique, signé A. DU PETIT THOUARS.

Pour copie conforme:—A. DU PETIT THOUARS, A.S.M. la Reine Pomaré et aux Chefs principaux de Tahiti,
A. PAPETI.

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'Océan Pacifique, de l'autre;

Prenant en considération les stipulations sur lesquelles est fondée la protection de Sa Majesté Louis Philippe, provisoirement accordée, sous la réserve de la sanction du Roi, vu l'impossibilité de prendre immédiatement les ordres de Sa Majesté le Roi des Français; attendu d'ailleurs, l'absence totale de lois et de règlements 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, a savoir.

Le consul de France, Commissaire du Roi, près le gouvernement de S.M. la Reine Pomarée.
Le Gouverneur Militaire de Papeiti;
Le capitaine de Port de Papeiti;

Les arrêtés 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 conservera 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 Procès-verbaux de toutes les deliberations du conseil quelque soit d'ailleurs, leur résultat, seront dressés et enregistrés sur des registres timbrés à ce destiné.

Deux exemplaires de copies conformes des procès-verbaux signé par tous les membres 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 droit, ou aux consulats étrangers. En cas d'appel d'un jugement au conseil du gouvernement, le conseil devra s'adresser, 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 à 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 délégué 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 juridiction 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 coutume 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 choisirà sur des listes triples de candidats présentées au nombre égal par chacun des consulats étrangers, pour les affaires entre les blancs et les Indigènes. Enfin les blancs déferont 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 mixtes.

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 appelant au tribunal a la formation du quel ils concourront en nommant les candidats de leur nation parmi lequel les jurés devront être pris en nombre proportionnel à celui des nations représentées à Taiti.
GIPPS TO STANLEY.

Des jugemens du tribunal ils pourront encore en appeler au jugement du conseil du gouvernement auquel, ils seront, de droit, adjoints comme assesseurs; enfin, ils pourront même en appeler au jugement du tribunal directement au gouvernement du Roi.

Tous les jugemens seront rendus d'après les lois du pays, déjà promulguées. LES indigènes et les blancs sont égaux devant la loi. La liberté des cultes 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 résidant 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 vagabond 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.

Toute personne qui voudra faire le commerce ou délibérer avec les marchandises de la Reine Pomare sera soumise à une taxe. La vente des vins, bières ou autres boissons alcoolisées ne pourra être assimilée à celle des liqueurs spiritueuses prononcée par les lois de la Reine Pomare et maintenue.

La vente des vins, bières ou autres boissons alcoolisées ne pourra être assimilée à celle des liqueurs spiritueuses prononcée par les lois de la Reine Pomare et maintenue.

Le domicile des particuliers est inviolable; il ne pourra y être porte atteinte qu'autant qu'ils tien droite 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 infraction 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.

Le droit de propriété des pierres, pierres et autres biens seront conservés. La vente des terrains et des biens ne pourra être effectuée qu'avec l'accord du conseil du gouvernement.

Les capitaines des bâtiments qui entreront au port de Papeiti seront tenus de faire la déclaration du motif de leur arrêt, au bureau du capitaine de port et de prouver la justesse des droits de pilotage et d'ancre que les habitants de 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 devra, à la demande écrite du conseil du gouvernement être formé main forte, s'il en est requis. Signé pour la Reine, Paraita, Regent.

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 Octr., 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.

I have, &c.,

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.)

6 Dec. My Lord,

Government House, 6th Decr., 1842.

Transmission 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.”]
LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 219, per ship Stratheden; acknowledged by Sir George Gipps, 15th June, 1843.)

Downing Street, 8th December, 1842.

Sir, 8 Dec.

I have to acknowledge the receipt of your Despatch, No. 63 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 Phillip 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.
Circumstances leading to dismissal of F. T. Rusden.

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 expense 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 dismissal 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 Justification of 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.

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.

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 inst., No. 227, respecting the events which have recently occurred at Tahiti, I have now the honor to forward a Copy
GIPPS TO STANLEY.  

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 5th 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 8th, the party who had dined on board namely Pareia (the Queen’s representative), Tati, Autami and Roti, returned on shore with Mr. Moreihaut 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

SIR GEORGE GIPPS TO LORD STANLEY.

(My Lord, Government House, 9th Dec., 1842.

I had the honor to receive, on the 16th ult., 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., 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.]

[Copies of these papers are not available.]
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 232, per ship Olinda; acknowledged by Lord Stanley, 28th June, 1843.)

My Lord,

Government House, 9th Decr., 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.]

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 Captm. 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 Captm. 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.

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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 Commissioners 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 Colonial 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 suggested by the Deputy Commissary General and the water Police Magistrate, you directed that a Boat and Crew, previously employed for preventing the escape of Convicts from the Colony and separately maintained at the expense of the Home Government from Convict Funds, should from the commencement of the Year 1841 be incorporated with the water Police, the Commissariat 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 Commissary General of Accounts (Enclosure No. 6 in the Correspondence) that the Annual Charge upon the Commissariat Chest for this particular Service did not exceed £466 14s. 4d. Her Majesty'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 expenses 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 expense in question has been required.

I have, &c.,

STANLEY.
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 expenses 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 expenses 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 expenses 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 Ulto., 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 expenses 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 expenses 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 expenses that may be in arrear, up to the 31st December, 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.

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, 2d March, 1842.

I have the honor to acknowledge the receipt of your Letter of the 5th Ulto. Criticism of with an Account from the Auditor General of £554 12s. 8d. against the Military account by 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 Commy. Genl. 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 £500 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 Septr., 1836, amounted only to £466 14s. 4d. per Annum.

The Second charge is for Arrears from 1st November to 31st Decr., 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, Acg. Acc.

COLONIAL SECRETARY THOMSON TO ASSIST. COMMISSARY-GENL. OF ACCOUNTS.

Colonial Secy.'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 £354 12s. 1ld. 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 account been reported to the Secretary of State. His Excellency the Governor does not see the propriety of making any alteration in it on the grounds set forth in your communication.

I have, &c.,
G. DEAS THOMSON.

* 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 @ 8s. 4d. each, £24 13s. 4d.; 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 8s. ea., £27 9s.—£45 15s.
HISTORICAL RECORDS OF AUSTRALIA.

[Sub-enclosure No. 8.]

Sydney, 14th May, 1842.

The Commissariat Department of New South Wales.

Dr. To the Coll. Secy.

To amount agreed to be contributed from the Military Chest towards the maintenance of the Establishment for preventing the escape of Convicts by Sea, 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 December, 1841 .......................... 500 £ 0 0

Arrears for 1840.

£ s. d.

Pay of 1 Conductor from 1st Nov. to 31st December, 1840, 61 days at 4s. .......................... 12 4 0

Pay of 5 Constables do, do, @ 2s. 3d. .......................... 34 6 3

Pay of 4 Convicts do, do, @ 8d. .......................... 8 2 8

Amounting to Five hundred and fifty 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.)

Sir, Downing Street, 13 December, 1842.

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 Reports 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.

Liverpool, 4th Nov., 1842.

My Lord,

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.
2nd. Individuals of improper trades.
3rd. 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 withheld 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 certificates represented them to be domestic servants. One of them is rejected 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 Seamstresses, 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 described. 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 represented 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 Carpenter not being a Cabinet Maker, a farm labourer not being conversant 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 persons 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 respective trades of the parties. Three out of the four, refused under this head, were young Women. Another young Woman was rejected 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 further 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 refused 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.
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 Emig. 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. Smith's 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.
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</th>
<th>Vessel in which Emigrant went out</th>
<th>Alleged ground of rejection</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taylor, Edward</td>
<td>&quot;United Kingdom&quot;</td>
<td>Certificate not signed by Commissioners.</td>
<td></td>
</tr>
<tr>
<td>Gregory, H. J.</td>
<td>Do</td>
<td>Do</td>
<td>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>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>Firth, 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>Strut, 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.
Lord Stanley to Sir George Gipps.
(Despatch No. 223, per ship Fanny.)

Sir,
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 acquit yourself of them. So far as respects the Officers of the Supreme Court, to whom this correspondence chiefly relates,
412 HISTORICAL RECORDS OF AUSTRALIA.

1842.
16 Dec.

Approval of appointment of master in equity, prothonotary, and separate registrar of deeds.

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
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. Cinhela, 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.

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,

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 inst. 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>
</tbody>
</table>

The amount of duties on Imported Spirits was |

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>in 1839</td>
<td>108,794</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>Do. Do. 1842</td>
<td>149,510</td>
<td>17</td>
<td>9</td>
</tr>
</tbody>
</table>

The amount of duties on Spirits distilled in the Colony was in 1839 |

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13,078</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>Do. Do. 1842</td>
<td>5,155</td>
<td>6</td>
<td>0</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 Feby., 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></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>£ 232,136 12 0</td>
<td>£ 111,747 12 7</td>
</tr>
<tr>
<td>1839</td>
<td>259,740 5 5</td>
<td>346,241 17 9</td>
<td>86,501 12 4</td>
</tr>
<tr>
<td>1840</td>
<td>335,084 9 0</td>
<td>331,775 18 10</td>
<td>3,308 10 2</td>
</tr>
<tr>
<td>1841</td>
<td>403,592 8 2</td>
<td>350,507 8 6</td>
<td>53,084 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 expenses of the Colony, except those which are expressly chargeable on the Land Fund, namely,

1. The expense of the Survey, and Sale of the Land;
2. Expenditure 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; stating also the number of Immigrants brought out at the public expense during the same period.

<table>
<thead>
<tr>
<th>Year</th>
<th>Proceeds of the Sale of Land including Town and Suburban Allotments</th>
<th>Number of Immigrants brought to the Colony at the Public Expense</th>
<th>Charges on the Fund arising from the Sale of Crown Lands.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£ s. d.</td>
<td>Adults.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>1833</td>
<td>12,509 13 10</td>
<td>137</td>
<td>441</td>
<td>294</td>
</tr>
<tr>
<td>1834</td>
<td>24,956 1 1</td>
<td>180</td>
<td>507</td>
<td>344</td>
</tr>
<tr>
<td>1835</td>
<td>100,834 14</td>
<td>53</td>
<td>524</td>
<td>122</td>
</tr>
<tr>
<td>1836</td>
<td>126,458 16 0</td>
<td>63</td>
<td>504</td>
<td>116</td>
</tr>
<tr>
<td>1837</td>
<td>130,187 12 5</td>
<td>664</td>
<td>511</td>
<td>388</td>
</tr>
<tr>
<td>1838</td>
<td>116,234 18 11</td>
<td>1,692</td>
<td>1,673</td>
<td>2,750</td>
</tr>
<tr>
<td>1839</td>
<td>152,962 16 4</td>
<td>2,986</td>
<td>2,779</td>
<td>2,608</td>
</tr>
<tr>
<td>1840</td>
<td>316,936 7 5</td>
<td>2,548</td>
<td>2,761</td>
<td>1,366</td>
</tr>
<tr>
<td>1841</td>
<td>90,387 16 10</td>
<td>7,134</td>
<td>7,092</td>
<td>4,180</td>
</tr>
<tr>
<td>1842</td>
<td>7,540 10 9</td>
<td>2,056</td>
<td>2,180</td>
<td>1,106</td>
</tr>
<tr>
<td>Totals</td>
<td>1,090,583 17 2</td>
<td>17,421</td>
<td>20,451</td>
<td>13,964</td>
</tr>
</tbody>
</table>

Audit Office, Sydney, New South Wales, 7th September, 1842.

Wm. Lethingow, 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 £951,241 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>
</tr>
</thead>
<tbody>
<tr>
<td>Page 50. Spirits distilled in the Colony</td>
<td>£4,128 11 0</td>
</tr>
<tr>
<td>Ad valorem duties</td>
<td>£15,616 6 2</td>
</tr>
<tr>
<td>Wharfage</td>
<td>£1,596 16 8</td>
</tr>
<tr>
<td>Auction Duty</td>
<td>£2,957 15 5</td>
</tr>
<tr>
<td>Page 52. Tonnage Duty</td>
<td>£895 18 6</td>
</tr>
</tbody>
</table>

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>
</tr>
</thead>
<tbody>
<tr>
<td>Page 50. Duty on Tobacco</td>
<td>£4,197 15 4</td>
</tr>
<tr>
<td>Post office</td>
<td>£396 13 10</td>
</tr>
<tr>
<td>Publicans' Licences</td>
<td>£1,350 16 10</td>
</tr>
<tr>
<td>Page 52. Rents of Tolls and Ferries</td>
<td>£1,573 3 2</td>
</tr>
<tr>
<td>Assessment on Stock depastured on Crown Lands, beyond the Boundaries of Location</td>
<td>£7,744 16 3</td>
</tr>
<tr>
<td>Fees of Office</td>
<td>£4,276 1 6</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>
</tr>
</thead>
<tbody>
<tr>
<td>Page 54. Ad valorem duties</td>
<td>£2,776 19 3</td>
</tr>
<tr>
<td>Publicans' Licences</td>
<td>£238 10 0</td>
</tr>
<tr>
<td>Assessment on Stock depastured on Crown Lands</td>
<td>£3,434 19 11</td>
</tr>
<tr>
<td>Fees of Office</td>
<td>£6,882 13 11</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 £28,066 14s. 7d., whereas, in the year ended the 31st Decr., 1840, it was £307,076 3s. 2d.
GIPPS TO STANLEY.

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></th>
<th>1841</th>
<th>1842</th>
<th>Increase.</th>
<th>Decrease.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colonial Revenue</td>
<td>£ 376,781 9 8</td>
<td>£ 387,619 0 6</td>
<td>£ 10,737 10 10</td>
<td></td>
</tr>
<tr>
<td>Ordinary Crown Revenue</td>
<td>£ 28,014 18 1</td>
<td>£ 41,971 8 5</td>
<td>£ 13,956 10 4</td>
<td></td>
</tr>
<tr>
<td>Land Funds</td>
<td>£ 404,796 7 9</td>
<td>£ 430,490 8 11</td>
<td>£ 24,694 1 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>£ 138,683 17 3</td>
<td>£ 28,666 14 7</td>
<td></td>
<td>£ 107,997 2 8</td>
</tr>
<tr>
<td></td>
<td>£ 541,480 5 0</td>
<td>£ 458,157 3 6</td>
<td></td>
<td></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 principal increase over that of the year ending the 30th Sept., 1841, is in the following items:

<table>
<thead>
<tr>
<th></th>
<th>1842. Increase.</th>
<th>1841.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>£ 1,223 9 8</td>
<td></td>
</tr>
<tr>
<td>Surveyor General</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Customs</td>
<td>£ 1,458 0 4</td>
<td></td>
</tr>
<tr>
<td>Supreme Court</td>
<td>£ 439 1 0</td>
<td></td>
</tr>
<tr>
<td>Water Police</td>
<td>£ 725 3 7</td>
<td></td>
</tr>
<tr>
<td>Country Do.</td>
<td>£ 1,245 6 9</td>
<td></td>
</tr>
<tr>
<td>Building Churches</td>
<td>£ 3,247 17 6</td>
<td></td>
</tr>
<tr>
<td>Do. Schools</td>
<td>£ 353 5 9</td>
<td></td>
</tr>
<tr>
<td>Maintenance of Paupers in Hospitals</td>
<td>£ 450 0 3</td>
<td></td>
</tr>
</tbody>
</table>

* Marginal note.—The year ending the 30th Sept., 1841, includes the last Quarter of 1840, which Quarter is consequently reckoned twice.
### Historical Records of Australia

#### 1842

<table>
<thead>
<tr>
<th>Page</th>
<th>and at Port Phillip.</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 Dec.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increased expenditure.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>72. Civil Establishments</td>
<td></td>
<td>775</td>
<td>13</td>
<td>2</td>
</tr>
<tr>
<td>Survey Department</td>
<td></td>
<td>2,472</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Customs</td>
<td></td>
<td>925</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Administration of Justice (which is, however, covered altogether by Fees)</td>
<td></td>
<td>4,570</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>74. Police</td>
<td></td>
<td>2,044</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td>Gaols</td>
<td></td>
<td>694</td>
<td>19</td>
<td>4</td>
</tr>
<tr>
<td>Clergy</td>
<td></td>
<td>648</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Whilst the chief decrease in Expenditure, during the same period, has been on the following items:—</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decrease.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Page</td>
<td>Sydney</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60. Executive and Legislative Councils</td>
<td></td>
<td>634</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Colonial Engineer Department</td>
<td></td>
<td>3,905</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>64. Sydney Police</td>
<td></td>
<td>967</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Mounted Police</td>
<td></td>
<td>5,360</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>Border Police</td>
<td></td>
<td>1,019</td>
<td>14</td>
<td>3</td>
</tr>
<tr>
<td>Presbyterian Schools*</td>
<td></td>
<td>1,344</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>70. Pensions</td>
<td></td>
<td>408</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Attendance of Witnesses and Jurors in Courts of Justice (in great part to be attributed to the institution of Circuit Courts)</td>
<td></td>
<td>1,803</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Public works</td>
<td></td>
<td>11,489</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>and at Port Phillip.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>74. Church Building</td>
<td></td>
<td>1,370</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>Total expenditure.</td>
<td></td>
<td>758,828</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>Do.</td>
<td></td>
<td>804,982</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deducting these, as far as can be done with any degree of accuracy, the accounts will stand thus: 1841.</td>
<td></td>
<td>1842.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>£</td>
<td>s</td>
<td>d</td>
<td>£</td>
<td>s</td>
</tr>
<tr>
<td>Gross Expenditure for everything except Immigration</td>
<td>423,389</td>
<td>19</td>
<td>5</td>
<td>389,688</td>
</tr>
<tr>
<td>Immigration</td>
<td>202,306</td>
<td>17</td>
<td>7</td>
<td>288,520</td>
</tr>
<tr>
<td>£625,706</td>
<td>17</td>
<td>0</td>
<td>£638,226</td>
<td>13</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 expenses 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.
GIPPS TO STANLEY.

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,

An increase in the Revenue of ...................... 24,694  1  2
And a decrease in Expenditure of ...................... 33,711 11 5

Together ...................... £58,405 12 7

exclusive of the Land Fund on the one side, and of Immigration on the other, but after payment of the expences 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 incorporated; 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 expenses defrayed out of the Military Chest.—Expenditure from military chest.

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>£ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>159,222 19 9</td>
</tr>
<tr>
<td>1840</td>
<td>149,459 0 7</td>
</tr>
<tr>
<td>1841</td>
<td>118,821 5 1</td>
</tr>
</tbody>
</table>

And in the year ended the 30th Sept., 1842, only 87,992 10 3

The expenditure for the maintenance of Convicts by the Colonial Government was, during the year ended the 30th Sept., 1842, ............ 14,753 16 4

To which if there be added one half of the expence 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 expence of erecting Gaols, and other Police Buildings (Exclusive of Courts of Justice) .................... 10,246 4 1

The amount will be ............ £70,070 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>£ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>94,982 8 7</td>
</tr>
<tr>
<td>1840</td>
<td>97,950 12 7</td>
</tr>
<tr>
<td>1841</td>
<td>99,762 5 3</td>
</tr>
<tr>
<td>1842</td>
<td>102,987 6 4</td>
</tr>
</tbody>
</table>
It is to be observed, however, that the expenditure in New Zealand is included in these sums, there being no Military Chest in that Colony.

The number of Troops in New South Wales, officers included (but exclusive of the Mounted Police) was on the 30th Sept., 1842, 1,492 (See Page 102).

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.

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.

The List of Civil Officers contains 743 names, being 24 more than those contained in the Blue Book for 1841.

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.
GIPPS TO STANLEY.

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>Quarter Sessions</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Felonies.</td>
<td>Mis-demeanours.</td>
<td>Felonies.</td>
</tr>
<tr>
<td>1839</td>
<td>159</td>
<td>12</td>
<td>569</td>
</tr>
<tr>
<td>1840</td>
<td>99</td>
<td>9</td>
<td>568</td>
</tr>
<tr>
<td>1841</td>
<td>159</td>
<td>20</td>
<td>468</td>
</tr>
<tr>
<td>1842</td>
<td>185</td>
<td>41</td>
<td>536</td>
</tr>
</tbody>
</table>

Capital Convictions and Executions.

| Years | Capital Convictions. | Executions. | |
|-------|----------------------|-------------|
| 1839  | 12                   | 23          | |
| 1840  | 13                   | 27          | |
| 1841  | 27                   | 20          | |
| 1842  | 20                   | 13          | |

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>120</td>
<td>317</td>
</tr>
<tr>
<td>1840</td>
<td>232</td>
<td>323</td>
<td>555</td>
</tr>
<tr>
<td>1841</td>
<td>485</td>
<td>408</td>
<td>893</td>
</tr>
<tr>
<td>1842</td>
<td>572</td>
<td>455</td>
<td>1,027</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>Mis-demeanours.</th>
<th>Civil Cases</th>
<th>Total.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1841</td>
<td>47</td>
<td>12</td>
<td>33</td>
<td>92</td>
</tr>
<tr>
<td>1842</td>
<td>92</td>
<td>10</td>
<td>33</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
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 consideration; and, in my Despatch of the 16th Jany., 1842, No. 7, I proposed an alteration in respect to the office of Registrar.

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 Deer., 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 reductions 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 expenses 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 expenses 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 expense 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 preparing 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 irritations, which were, prior to the passing of it, caused by the ascendancy of the Church of England.

The total expense of the Church establishments in the Colony, including the erection of New Churches, was, according to my annual financial statements, laid before the Legislative Council, £ s. d.

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>24,365 11 9</td>
</tr>
<tr>
<td>1840</td>
<td>25,533 0 6</td>
</tr>
<tr>
<td>1841</td>
<td>33,000 14 3</td>
</tr>
<tr>
<td></td>
<td>33,509 8 6</td>
</tr>
</tbody>
</table>

And in the year ending the 30th Sepr., 1842, according to the present Blue Book.
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 1830, £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.


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:

<table>
<thead>
<tr>
<th>Gender</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>7,870</td>
</tr>
<tr>
<td>Female</td>
<td>6,573</td>
</tr>
</tbody>
</table>

which, out of a Population of 150,085, gives rather more than one in every eleven.
GIPPS TO STANLEY.

[The printed copy of the rules mentioned in the second paragraph was as follows]:—

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 1½d. per diem for each child, and it may be further extended to 1¾d. 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.
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.

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, was
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
and in that for 1842 at £478,867

The increase in the year is £23,684

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 £2,132,493, 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 £189,106; 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 .......... 1,068,498

£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 mere 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>172,658</td>
<td>665</td>
</tr>
<tr>
<td>1841</td>
<td>714</td>
<td>155,330</td>
<td>697</td>
</tr>
<tr>
<td>1842</td>
<td>687</td>
<td>154,381</td>
<td>706</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Years</th>
<th>Value of Imports</th>
<th>Value of Exports</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>2,236,371</td>
<td>2,260,571,</td>
</tr>
<tr>
<td>1840</td>
<td>5,014,189</td>
<td>4,948,776,</td>
</tr>
<tr>
<td>1841</td>
<td>2,945,558</td>
<td>2,928,365</td>
</tr>
<tr>
<td>1842</td>
<td>1,579,795</td>
<td>1,605,935</td>
</tr>
</tbody>
</table>

Quantity and value of Wool exported.

<table>
<thead>
<tr>
<th>Years</th>
<th>lbs.</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td>7,213,584</td>
<td>442,504</td>
</tr>
<tr>
<td>1840</td>
<td>8,610,775</td>
<td>566,142</td>
</tr>
<tr>
<td>1841</td>
<td>8,589,968</td>
<td>548,425</td>
</tr>
<tr>
<td>1842</td>
<td>9,557,965</td>
<td>663,055</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></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>832,766</td>
<td>823,766</td>
</tr>
<tr>
<td>Maize, Do</td>
<td>523,507</td>
<td>777,947</td>
<td>503,803</td>
<td>503,803</td>
</tr>
<tr>
<td>Barley, Do</td>
<td>66,033</td>
<td>105,389</td>
<td>59,466</td>
<td>59,466</td>
</tr>
<tr>
<td>Oats, Do</td>
<td>27,738</td>
<td>66,200</td>
<td>65,704</td>
<td>65,704</td>
</tr>
<tr>
<td>Potatoes, Tons</td>
<td>2,600</td>
<td>11,960</td>
<td>11,141</td>
<td>11,141</td>
</tr>
<tr>
<td>Tobacco, Do</td>
<td>132</td>
<td>215</td>
<td>132</td>
<td>132</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></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>30,862</td>
<td>19,135</td>
<td>16,190</td>
<td>11,170</td>
</tr>
<tr>
<td>Barley Oats</td>
<td>64,960</td>
<td>63,630</td>
<td>49,499</td>
<td>90,510</td>
</tr>
<tr>
<td>or Peas, lb.</td>
<td>3,579,076</td>
<td>7,108,863</td>
<td>5,850,578</td>
<td>9,580,444</td>
</tr>
<tr>
<td>Flour or Biscuits</td>
<td>1,414,747</td>
<td>6,840,986</td>
<td>5,833,070</td>
<td>1,184,527</td>
</tr>
<tr>
<td>Rice, Do</td>
<td>1,189</td>
<td>1,723</td>
<td>998</td>
<td>1,394</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:

<table>
<thead>
<tr>
<th>Acres sold</th>
<th>£ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,719</td>
<td>16,803 10 2</td>
</tr>
<tr>
<td>nearly</td>
<td>2,428 6 6</td>
</tr>
<tr>
<td>of which there was remitted to Naval and Military Settlers</td>
<td></td>
</tr>
</tbody>
</table>

Net Produce £14,375 3 8

In the account of the Revenue at Page 30, the amount received for Crown Lands sold is stated to have been:

<table>
<thead>
<tr>
<th>At Sydney</th>
<th>£ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>11,387 15 1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>At Port Phillip</th>
<th>£ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>17,278 10 0</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>487. Return of Coin in the Colony, in each of the six years ending 1841</td>
</tr>
<tr>
<td>488. Population of the Colony, made up to the 31st Decr., 1841</td>
</tr>
<tr>
<td>489. Value of Imports into the Colony, for each of the ten years ending with 1841</td>
</tr>
</tbody>
</table>

* Note 39.
HISTORICAL RECORDS OF AUSTRALIA.

1842.
17 Dec.

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. Return of Grain Imported into the Colony on the 31st Decr., 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 show 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. Protectors of Aborigines</td>
<td>7,286 16 2</td>
</tr>
<tr>
<td>25. Missions</td>
<td>1,957 2 9</td>
</tr>
<tr>
<td>and 43. Half Border Police</td>
<td>7,381 0 11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£16,574 19 10</strong></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.

30th 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.

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.

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 show 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.

1842.
19 Dec.

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.]

20 Dec.

Despatches acknowledged re aborigines.

Failure of efforts to civilise aborigines.

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.
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 indif-
ferent 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 despon-
dency, 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 in-
struction; 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 des-
pendency, and to show that it proceeds from no momentary dis-
appointment 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 extinc-
tion or removal of the Natives formerly in its vicinity. The
Wesleyan Missionaries at Port Philip, notwithstanding an ex-
penditure 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.
1842.
20 Dec.

Failure of system of protectors of aborigines.

Causes of failure.

Defects in system.

Problem at discretion of Sir G. Gipps.

Attitude of settlers towards aborigines.

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 control them, when such a course could be adopted. I am not surprised 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 its indispen'sable 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.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 238, per ship Olinda; acknowledged by lord Stanley, 5th June, 1843.)

My Lord,

Government House, 20th Decr., 1842.

In my Despatch of the 9th Sept. last, No. 161, I reported to Your Lordship that I had suspended Mr. C. W. Sievewright...
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 18th 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 Feby., 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.]

[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...]

[23 Dec.

22 Dec.
1842.
23 Dec.
Precedency proposed for 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.

I have, &c,

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.

I have, &c,

GEO. GIPPS.

[Enclosure No. 1.]

COLONIAL SECRETARY JACKSON TO COLONIAL SECRETARY THOMSON.

South Australia,

Sir,

Colonial Secretary's Office, 17th Novr., 1842.

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.

I have, &c,

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 addressing you.

We remain, &c.,

BURROW and GOODIAR.

[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 will, 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, hereinafter 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...
HISTORICAL RECORDS OF AUSTRALIA.

1842.

24 Dec.

Will of
D. Anderson.

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.

David X Anderson.

(Signed) Charles Johnston, Barrister.

Robert Dykes.

Thomas Brown.

True Copy of Will:—WM. Hall, Executor.

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 Australasia for acceptance and collection; it has never realized any thing. Mrs. Thomson, 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.


26 Dec.

Despatch acknowledged re Port Essington.

Periodical reports required.

Lord Stanley to Sir George Gipps.

(Signature)

Downing Street, 26th December, 1842.

Sir,

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 80
long neglected one of his children. Pray let Lord Stanley see the enclosure, and I think he will contrive something to set it agoing. 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 monthly 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 at 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.]
Transmission of reports re aborigines in district of Port Phillip.

My Lord,

Government House, 28th Dec., 1842.

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
GIPPS TO STANLEY.

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 Capt'n. 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 MACONOCIE 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. MACONOCIE.
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 Septt., 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 Jany., 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
1842.
31 Dec.

Previous employment of W. H. Christie.

Resignation of O. Bloxsome.

12th Jan., 1843.

Historical Records of Australia.

Major Christie to Lord Stanley.

My Lord,

Sydney, 12th Jan., 1843.

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
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 character. I have, &c.,

W. H. CHRISTIE.

[Sub-enclosure No. 1.]

Certificate of the First Class. After two years of study and examination, W. H. Christie, a Student at the Royal Military College, Sandhurst, from 1st August, 1831, 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.


[Sub-enclosure No. 2.]

Captain Chisholm to Lieutenant Christie.

Sir,

Armagh, 6th March, 1833.

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 Walls, 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.]

Copy of Address on 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...
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 BLACKET.
PATRICK HILL, R.N.
THOMAS MOORE, J.P.
A. ALLAN.
JAMES ECKFORD, M.D.
DAVID JOHNSTONE, J.P.
S. MOORE, J.P., late 28th Reg.

Desire of residents of Campbelltown for services of W. H. Christie.

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 valuable 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 Reservoir 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.

STATEMENT BY 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:—

<table>
<thead>
<tr>
<th>Date</th>
<th>Numbered</th>
<th>Transmitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>25th January</td>
<td>13</td>
<td>Reference to inability to send families of convicts.</td>
</tr>
<tr>
<td>21st January</td>
<td>16</td>
<td>Request for report re proposed free pardon for John Day.</td>
</tr>
<tr>
<td>11th February</td>
<td>24</td>
<td>Approval of fourteen absolute and one hundred and twenty-eight conditional pardons.</td>
</tr>
<tr>
<td>28th February</td>
<td>31</td>
<td>Approval of rewards paid for capture of P. Kellaher and Curran, and of the murderer of constable Dunn.</td>
</tr>
<tr>
<td>1st March</td>
<td>32</td>
<td>Approval of charges for salaries and special payments for quarter ended 30th June, 1842.</td>
</tr>
</tbody>
</table>

* Note 40.
DESPATCHES OMITTED.

The following despatches, written in the year 1843, have been omitted—continued.

Despatch

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>24th March</td>
<td>38 reference to inability to send families of convicts.</td>
</tr>
<tr>
<td>24th March</td>
<td>39 request for report re free pardon for James Farrell.</td>
</tr>
<tr>
<td>27th March</td>
<td>42 approval of detention of Thomas Cropper as criminal lunatic.</td>
</tr>
<tr>
<td>28th March</td>
<td>43 do Michael Molloy do.</td>
</tr>
<tr>
<td>31st March</td>
<td>44 conditional pardon for Michael Woodlock.</td>
</tr>
<tr>
<td>15th May</td>
<td>71 report re sentence on Hiram Quinn, convict.</td>
</tr>
<tr>
<td>15th May</td>
<td>73 approval of commutation of death sentence on John Conolly.</td>
</tr>
<tr>
<td>24th March</td>
<td>79 reference to inability to send families of convicts.</td>
</tr>
<tr>
<td>27th March</td>
<td>82 request for report re free pardon for James Farrell.</td>
</tr>
<tr>
<td>28th March</td>
<td>83 conditional pardon for Michael Woodlock.</td>
</tr>
<tr>
<td>31st March</td>
<td>86 ten absolute and one hundred and forty-one conditional pardons.</td>
</tr>
<tr>
<td>7th June</td>
<td>85 authority for conditional pardon to Jesse Badon.</td>
</tr>
<tr>
<td>10th June</td>
<td>86 ten absolute and one hundred and forty-one conditional pardons.</td>
</tr>
<tr>
<td>21st June</td>
<td>92 report re claim of Abraham Freeman, convict, to property in Ireland.</td>
</tr>
<tr>
<td>3rd August</td>
<td>121 warrant for conditional pardons to Lawrence Doyle and Jeremiah Horrigan.</td>
</tr>
<tr>
<td>3rd August</td>
<td>128 approval of seven absolute and one hundred and twenty-five conditional pardons.</td>
</tr>
<tr>
<td>6th January</td>
<td>143 conditional pardon for John Scutt.</td>
</tr>
<tr>
<td>9th January</td>
<td>146 do for Charles Scullien.</td>
</tr>
<tr>
<td>10th January</td>
<td>166 report re sentence on Daniel Delay.</td>
</tr>
<tr>
<td>16th January</td>
<td>168 conditional pardon for William Lupton.</td>
</tr>
<tr>
<td>19th January</td>
<td>169 do for John Sharwood.</td>
</tr>
<tr>
<td>20th January</td>
<td>175 separate five free pardons.</td>
</tr>
<tr>
<td>12th September</td>
<td>176 request for certificate re Lindsay Crawford, convict.</td>
</tr>
<tr>
<td>13th December</td>
<td>179 free pardon for John Giddy.</td>
</tr>
<tr>
<td>14th September</td>
<td>180 separate five free pardons.</td>
</tr>
</tbody>
</table>

SIR GEORGE GIPPS TO SECRETARY OF STATE.

The following despatches, written in the year 1843, have been omitted—

Despatch

<table>
<thead>
<tr>
<th>Date</th>
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</tr>
</thead>
<tbody>
<tr>
<td>6th January</td>
<td>6 list of convicts recommended for tickets of leave.</td>
</tr>
<tr>
<td>9th January</td>
<td>8 report re issue of pardon to Osborne Bush.</td>
</tr>
<tr>
<td>11th January</td>
<td>13 quarterly schedule of appointments and special payments from colonial revenue.</td>
</tr>
<tr>
<td>18th January</td>
<td>14 return of steam vessels.</td>
</tr>
<tr>
<td>22nd January</td>
<td>16 returns of pardons granted in 1842.</td>
</tr>
<tr>
<td>24th January</td>
<td>17 list of convicts recommended to have their families sent to them.</td>
</tr>
<tr>
<td>26th January</td>
<td>19 return of land sales and emigration.</td>
</tr>
<tr>
<td>31st January</td>
<td>24 report re conduct of James Vaughan, convict.</td>
</tr>
<tr>
<td>2nd February</td>
<td>28 quarterly schedule of appointments and special payments by deputy commissary.</td>
</tr>
<tr>
<td>3rd February</td>
<td>32 report re conduct of Susannah Barnes or Roberts.</td>
</tr>
<tr>
<td>9th April</td>
<td>36 seven absolute and one hundred and twenty-five conditional pardons.</td>
</tr>
<tr>
<td>24th April</td>
<td>49 quarterly schedule of appointments and special payments from colonial revenue.</td>
</tr>
<tr>
<td>2nd May</td>
<td>58 do by deputy commissary.</td>
</tr>
<tr>
<td>14th May</td>
<td>62 return re conduct of — Dwyer, convict.</td>
</tr>
<tr>
<td>21st May</td>
<td>67 report for details of sentence on Daniel Delay.</td>
</tr>
<tr>
<td>31st May</td>
<td>83 annual returns of convicts.</td>
</tr>
<tr>
<td>31st June</td>
<td>84 eight absolute and eighty-one conditional pardons.</td>
</tr>
<tr>
<td>22nd June</td>
<td>96 report re George Breakey, convict.</td>
</tr>
<tr>
<td>24th June</td>
<td>97 re John Giddy, alias Johnstone, convict.</td>
</tr>
<tr>
<td>26th July</td>
<td>115 quarterly schedule of appointments and special payments from colonial funds.</td>
</tr>
</tbody>
</table>

* 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 ......... 158 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.

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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.

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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.
GIPPS TO STANLEY.

1843.
1 Jan.

but though for this reason, and others presently to be stated, that portion of the expense 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 expense of the Convict Department of this Government has greatly decreased since Transportation was abolished.

& s. d.
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 expense 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 Dispatch 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
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.
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 Jan. 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 Feby., 1842; Nos. 96 and 97, 26th May, 1842; No. 98, 29th May, 1842; Nos. 145, 144, 145, 146 and 147, 15th Augt., 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.

<table>
<thead>
<tr>
<th>1st January, 1840.</th>
<th>1st January, 1843.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of Salaries.</td>
<td>Amount of Salaries.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1. General Superintendence.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent of Convicts.</td>
<td>£</td>
</tr>
<tr>
<td>Chief Clerk</td>
<td>600 0 0</td>
</tr>
<tr>
<td>Clerks</td>
<td>300 0 0</td>
</tr>
<tr>
<td>Temporary Clerks</td>
<td>1,410 0 0</td>
</tr>
<tr>
<td>Messengers, Office Keepers, etc.</td>
<td>328 10 0</td>
</tr>
<tr>
<td></td>
<td>104 18 9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,743 8 9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Clerks (due to the Justices).</td>
<td>223 0 0</td>
</tr>
<tr>
<td>Gatekeepers, Constables, Scourgers, etc.</td>
<td>313 5 10</td>
</tr>
<tr>
<td>Chaplain</td>
<td>350 0 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,016 5 10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Clerk</td>
<td>58 6 3</td>
</tr>
<tr>
<td>Miller</td>
<td>91 5 0</td>
</tr>
<tr>
<td>Constables, Overseers, etc.</td>
<td>474 10 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>725 1 3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Invalid Establishment, Port Macquarie.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Overseers, Wardmen, etc.</td>
<td>54 15 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>154 15 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Hospital Establishment.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Surgeons (Exclusive of those at Norfolk Island and Moreton Bay, but including all the rest of the Colony.)</td>
<td>1,022 0 0</td>
</tr>
<tr>
<td>Assistant Surgeons</td>
<td>1,331 17 6</td>
</tr>
<tr>
<td>Dispensers of Medicines, principally at Stockades and out Stations</td>
<td>474 10 0</td>
</tr>
<tr>
<td>Overseers and other inferior Officers</td>
<td>369 8 9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,188 16 3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Establishments for Female Convicts, Parramatta.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Visiting Justice</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Matron</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Storekeeper</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Chaplain</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Inferior Officers</td>
<td>273 5 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>778 5 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bathurst.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Matron</td>
<td>40 0 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>40 0 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Port Macquarie.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Matron</td>
<td>64 15 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>64 15 0</td>
</tr>
</tbody>
</table>
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></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Superintendent</td>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>Superintendent of Agriculture</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>Superintendent of Convicts</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Chaplains and Catechist</td>
<td>400</td>
<td>550</td>
</tr>
<tr>
<td>Clerks</td>
<td>127</td>
<td>127</td>
</tr>
<tr>
<td>Inferior Officers</td>
<td>827</td>
<td>728</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment, Ordnance, and Commissariat.</td>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>Moreton Bay</td>
<td>1,707</td>
<td>2,830</td>
</tr>
<tr>
<td>Commandant</td>
<td>91</td>
<td></td>
</tr>
<tr>
<td>Clerk</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Pilot</td>
<td>83</td>
<td></td>
</tr>
<tr>
<td>Medical Officer</td>
<td>80</td>
<td>126</td>
</tr>
<tr>
<td>Chaplain</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Inferior Officers</td>
<td>101</td>
<td>41</td>
</tr>
<tr>
<td>Cockatoo Island</td>
<td>510</td>
<td>227</td>
</tr>
</tbody>
</table>

| Duties in office of principal superintendent of convicts. |

<table>
<thead>
<tr>
<th>Amount of Salaries.</th>
<th>Amount of Salaries.</th>
</tr>
</thead>
<tbody>
<tr>
<td>£       s. d.</td>
<td>£       s. d.</td>
</tr>
<tr>
<td>General Superintendent</td>
<td>300 0 0</td>
</tr>
<tr>
<td>Superintendent of Agriculture</td>
<td>300 0 0</td>
</tr>
<tr>
<td>Superintendent of Convicts</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Chaplains and Catechist</td>
<td>400 0 0</td>
</tr>
<tr>
<td>Clerks</td>
<td>127 15 0</td>
</tr>
<tr>
<td>Inferior Officers</td>
<td>827 7 6</td>
</tr>
<tr>
<td>Moreton Bay</td>
<td>1,707 0 0</td>
</tr>
<tr>
<td>Commandant</td>
<td>91 5 0</td>
</tr>
<tr>
<td>Clerk</td>
<td>75 0 0</td>
</tr>
<tr>
<td>Pilot</td>
<td>83 17 6</td>
</tr>
<tr>
<td>Medical Officer</td>
<td>126 17 6</td>
</tr>
<tr>
<td>Chaplain</td>
<td>50 0 0</td>
</tr>
<tr>
<td>Inferior Officers</td>
<td>41 1 3</td>
</tr>
<tr>
<td>Cockatoo Island</td>
<td>510 1 3</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.

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 Decr., 1842.

Proposal for increase of fees.

Principal Superintendent of Convicts Office, 8th Decr., 1842.

*Marginal note.—1840. Receipts £75; 1842. Receipts £396; Excess of Receipts in 1842, £236; Excess of Expenditure in 1842, £234 1s. —£1 5s.
1843.

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 3,300 annually.

Making copies of all papers requiring to be sent anywhere for information.

Identifying all prisoners sent from Sydney Police Office on suspicion 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.

Keeping all petitions and other papers containing the Governor's minutes, which grant any indulgence to a prisoner at a future time and bringing same forward for the necessary report at the period required.

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. Dumas.

8th December, 1842.

Report 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 2,524, in 1842 to 3,200.

Registering, noting and despatching by letter all passports which amounted in 1840 to 485, 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 500.

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.

Keeping fee register of passes and passports not 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 5 has taken place.

I have no arrears, and one assistant Mr. McNeil.

John L. Hobet.
GIPPS TO STANLEY. 463

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 250.

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, having in 1840 only amounted to 68.

Preparation of all passes issued from this Office.

Preparing a weekly return of those given to Ticket of Leave Holders for Sydney for the information of the Superintendent of Police.

Registering Deaths.

Preparing Quarterly Returns of Secretary of State Tickets.

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.

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 Bens, the monthly number of which average about 123 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 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 Bens 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 Lockup, 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.
1843.
1 Jan.

Duties in runaway branch:

The Runaway Branch is conducted by me alone.

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.


A REPORT of the duties of the Stockade Branch conducted by me.

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.

Entering the Names of all Prisoners sent to Probationary Gange.

Noting in Muster Rolls against the Names of all Prisoners sent to second class Gangs.

Preparing Quarterly and other Requisitions and entering same, and also entering those from the different Stockades and other Departments for clothing.

To this 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 Glasier.

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 Macquarie, 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. Gamaek), who...
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.]

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, 28; 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, 13; Female Convicts, 5—19.
Newcastle.—Surgeon Geo. Brooks, 1; Overseer W. A. Crawley, 1; Dispenser W. M. McGrath, 1; Male Convicts, 13; Female Convicts, 1—22.
Port Macquarie.—Surgeon W. Richardson, 1; Overseer P. McNiven, 1; Dispenser R. G. Brereton, 1; Nurse E. Brereton, 1; Male Convicts, 4—8.
Moreton Bay.—Asst. Surgeon D. R. Ballow, 1; Overseer Peter Nichol, 1; Male Convicts, 5—5.

Grand total, 104.

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.
STANLEY TO 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.

I have, &c.,

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.
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. VIILIES.

JOHN GEORGE SHAW LEFEVRE.

[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 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 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
STANLEY TO GIPPS.

1843.

2 Jan.

Complaint by P. W. Byrnes re refusal of bounties on immigrants.

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 disallowance 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 injustice 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 it, will admit that we must do, and will admit that no sufficient 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, nor never would have been 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, although 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 for 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 stoppage of Bounty to useful 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. BYRNE.
List of Ships sent out with Bounty Emigrants from Liverpool in the year 1841, by P. W. Byrnes.

"Helen." "William Sharpies."
"Adam Lodge." "Carthaginian."
"Livingston." "Columbine."
"Larne." "Sir Charles Napier."
"Marchioness of Bute." "Joseph Cunard."
"Hope."

 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.

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 discomfort 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 that 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.
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 £83.12s. 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.

GEOEGE 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. flour, 2 lb. Sugar, 1/4 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>£55</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>
</tbody>
</table>

**Return.**

£1,345

25,000 lbs. of Wool at 15d. per lb. net £1,354

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, increase in the returns will be made by Grain and Dairy produce.
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 3, per ship Ann Gales; acknowledged by Lord Stanley, 21st July, 1843.)

My Lord,

My 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. 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 suspension of 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.
1843.
3 Jan.

Release of T. White from agreement.

Loss by appointment of T. White.

Exemption of officers of survey department from gratuity system.

Transmission of letter from T. White.

Necessity for obedience of T. White.

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

£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.

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.
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, 20th 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 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 installments, 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 most 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.

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.
1843. 3 Jan.

Transmission of letter from T. White.

Removal of T. White to Sydney.

Difficulty in immediate employment of English surveyors.

1842.

SIR THOMAS MITCHELL TO COLONIAL SECRETARY THOMSON.

Sir,


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.

[Sub-enclosure.]

ASSISTANT SURVEYOR WHITE TO SIR THOMAS MITCHELL.

Sir,

Camp, Clarence River, 7 July, 1842.

I have the honor to acknowledge the receipt of your letter of the 21st Ultimo, also a copy of one addressed to you from the Colonial Secretary in reference to mine of the 20th May last, wherein I objected to the value of my equipment being placed to my debit, stating that he is directed by His Excellency the Governor to request that you will inform me that my communication of the 20th of May having been laid before him He has expressed his surprise at the tone I thought proper to address the Head of my Department, and that, unless I submit myself entirely to the Regulations of this Government, I shall soon cease to be employed under it.

In answer, I beg to express my regret that His Excellency should construe the tone of my letter to that of disrespect where none was intended, and again beg respectfully to object to the value of my equipment being placed to my Debit.

I have, &c.,

THOMAS WHITE, Assist. Surveyor.
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 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, Surveyor General’s Office, Sydney, 28th February, 1842.

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.

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 458.]

[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 PERRY 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 suspension of the Governor and reported your return and the circumstances under which you of T. White, longer continuance at the Clarence has been deemed inexpedient, I have been in order for return of T. White to Sydney.

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 consequence of your suspension from the duties of Assistant Surveyor in the Survey Department of this Colony.

I have, &c.

W. ELYARD, JUN.
HISTORICAL RECORDS OF AUSTRALIA.

1843.

3 Jan.

Request for leave of absence.

[Sub-enclosure J.]

ASSISTANT SURVEYOR WHITE TO SIR GEORGE GIPPS.

Sir, 61 George Street, Sydney, 6th September, 1842.

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.

[Sub-enclosure K.]

COLONIAL SECRETARY THOMSON TO ASSISTANT SURVEYOR WHITE.

Sir, Colonial Secretary's Office, Sydney, 19th September, 1842.

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.

I am, &c.,

E. DEAS THOMSON.

[Sub-enclosure L.]

VALUATION.

Sir, Clarence River, 11th January, 1842.

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:

£  s. d.
---  ---  ---

Long Boat, 4 oars and Rudder 32 0 0
Strong Cargo Boat, 2 oars 25 0 0
2 New Tents .......................... 20 0 0
1 Chestnut Horse ................... 50 0 0
1 Grey do ............................... 50 0 0
1 Pack Shaft Bullock ............. 20 0 0
1 Pack or working do ............. 34 0 0
2 Working Bullocks ............... 75 0 0
1 Pole Dray (spare wheels) 12 0 0
1 Watertight Sledge ............. 8 0 0
4 Yokes and Bows complete 2 8 0
1 Single yoke to large Bullock 0 9 0
1 Good pack saddle .............. 3 10 0
1 middling do ........................... 3 0 0
1 Claw and 4 leading chains 4 10 0
1 pick axe, 2 spades, 4 hoes 1 4 0
6 axes, 2 bills, 2 tomahawks 2 5 0
1 drawbridge ridge, 1 augur 0 16 6
1 Grindstone spindle and Box 0 15 0
1 Scythe 7s. 1 Harness Cask 12s. 6d. 0 10 6

£374 11 3

Reced. the above cattle and Articles. Witness:—WILL SHONE, THOS. WHITE.

[Sub-enclosure M.]

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 draughtsman, cannot fail to accomplish the objects in view with the greatest possible advantage 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 of 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 of trees. It will be necessary that you take with you from the office Copies 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.

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 Colony, Surveyors 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 be first 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 divisions 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 Government 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 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.

3 Jan.

1843.

T. White for surveys in District of Clarence river.

1643.

[Sub-enclosure N.]
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. WALCOTT, Secretary.

[Sub-enclosure O.]

UNDER SECRETARY VERNON SMITH TO ASSISTANT SURVEYOR WHITE.

Sir,

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.]

Copies of Queries put by the Governor to the Surveyor General, and of the Surveyor General's answers to the same, respecting the case of Mr. Assistant Surveyor Thomas 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 endeavoursing to reduce what he termed “a Cumbrous and overgrown Equipment,” while Mr. White seemed disposed to swell its already excessive aggregate, or do nothing. 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.
### HISTORICAL RECORDS OF AUSTRALIA.

#### 3 Jan.

**Equipment required by field surveyor.**

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<tr>
<td>2 Bill books</td>
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<td>0</td>
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<tr>
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<tr>
<td>1 Drawing knife</td>
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<tr>
<td>1 Augur</td>
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<td>0</td>
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<tr>
<td>1 Cross cut' Saw</td>
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<td>6 Havreacks</td>
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<td>1 Camp Oven</td>
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</tr>
<tr>
<td>1 Set Weights and Scales</td>
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</tr>
<tr>
<td>1 Camp Table</td>
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<td>0</td>
</tr>
<tr>
<td>1 Camp Stool</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Equipment</strong></td>
<td><strong>2184</strong></td>
<td><strong>14 10</strong></td>
</tr>
</tbody>
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### 4 Jan.

**Aboriginal mission at Bunting Dale.**

**Failure of mission.**

**Causes of failure.**

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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.]
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 Febry., 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.]

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.

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 5th 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.

1843.
8 Jan.

STANLEY TO GIPPS.

1843.
8 Jan.

Neglect to report on claims of W. Cape.

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-usage 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
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 showeth 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 Gondobbins, 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 Gondobbins, 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'r. 1830, to Feb'y. 1831, about the time he was preparing to Leave the Colony; nor has your Memorialist occasion...
8 Jan.

Memorial of
W. Cape
soliciting
compensation
re land grants.

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 Feb., 1831, wherein he states that, as Mr. Hely has pro-
posed 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 Me-
monialist 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 reed.
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 pre-
sent 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 selec-
tion 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 aban-
donned 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 re-
numeration offered or made for his improvements thereon, the com-
mon 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 re-
numeration 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 Me-
monial, 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 Mit-
chell, 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
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 Sons', William and Richard Cape. Whilst listening to the good news, I was informed that my son Richard had previously applied to the Surveyor General to have his Grant taken up at Reid's Mistake, and got it measured off instead of Button Durrah a place so called and fixed upon by my letter being near to this place. In consequence, I lose no time in making this application to rent a section of land at Button Durrah, where my Flat and stock 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 83 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 induced me to fix my stock yard and Hut with other conveniences on the bare spot of Wyong on the Hill side. I however, in 1826, found the fine, fresh water Creek turned into a 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
HISTORICAL RECORDS OF AUSTRALIA.

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.

Condtions 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.,

WM. CAPE.

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 One hundred acres at Condobbins, of which about 30 Thirty 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, One Hundred 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. McLEAT.

[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 applica-
tion 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 of
"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 enter-
tained, 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'y., 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 Emigra-
tion 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 Febry., 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. 9½d. 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 Captn. 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.
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.

(My Lord, Government House, 14th Jany., 1843.)

I have had the honor to receive Your Lordship’s Dispatch, 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.
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 captn. in the 99th Regt. (Superintendent of Ironed Gangs.)</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>B. 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>Mich. 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 3rd 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 2nd Class, Auditor General’s Office.</td>
</tr>
<tr>
<td>Henry Lane</td>
<td>Clerks of the 3rd Class, Auditor General’s Office.</td>
</tr>
<tr>
<td>C. H. Symonds</td>
<td>Clerk of the 3rd Class, Post Office.</td>
</tr>
<tr>
<td>H. Tingcombe</td>
<td>Assistant Surveyors, Surveyor General’s office.</td>
</tr>
<tr>
<td>Saml. Usher</td>
<td>Chief Clerk, Surveyor General’s office.</td>
</tr>
<tr>
<td>J. S. Townshend</td>
<td>Clerk of the Bench, Port Macquarie.</td>
</tr>
<tr>
<td>J. J. Galloway</td>
<td>Clerk of the Bench, Port Macquarie. (See Class No. 3).</td>
</tr>
<tr>
<td>Hy. Halloran</td>
<td>Clerk of the Bench, Port Macquarie. (See Class No. 3).</td>
</tr>
<tr>
<td>A. E. Halloran</td>
<td>Clerk of the Bench, Port Macquarie. (See Class No. 3).</td>
</tr>
<tr>
<td>Hy. Col lender</td>
<td>Superintendent of Agriculture at Norfolk Island (See class No. 2).</td>
</tr>
<tr>
<td>The Honble. W. H. Pery</td>
<td>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 (Grandson of Lord Limerick.)</td>
<td>4th Jan., 1842</td>
<td>Specially recommended by Lord J. Russell and Lord Monteagle. Now Superintendent of Agriculture at Norfolk Island, but recommended for removal to New South Wales as an opportunity may offer.</td>
</tr>
<tr>
<td>Phillip Rolleston</td>
<td>4th Jan.</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 Dec., 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 Dec., 1842.</td>
</tr>
<tr>
<td>Ralph Gore</td>
<td>24th Sept., 1839</td>
<td>Eligible for any superior appointment. He would have been made acting Sheriff by me on the death of Mr. Maquoid, but that the Chief Justice advised the appointment of a Professional Lawyer.</td>
</tr>
<tr>
<td>Robert Gore</td>
<td>17th March, 1838</td>
<td>Late of the 28th Regt.</td>
</tr>
<tr>
<td>John Hassard</td>
<td>5th July, 1839</td>
<td></td>
</tr>
<tr>
<td>Alexr. Maxwell</td>
<td>10th June, 1840</td>
<td></td>
</tr>
<tr>
<td>Captn. W. Russell</td>
<td>3rd Sept., 1842</td>
<td>(Mr. James Stephen.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Stirling</td>
<td>17th Augt.</td>
<td>Eligible for any superior appointment. He would have been made acting Sheriff by me on the death of Mr. Maquoid, but that the Chief Justice advised the appointment of a Professional Lawyer.</td>
</tr>
<tr>
<td>George Smythe</td>
<td>1st Oct.</td>
<td>Now 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>
<tr>
<td>Charles Sladen</td>
<td>2nd Sept.</td>
<td></td>
</tr>
<tr>
<td>T. Digby Miller</td>
<td>26th Jan.</td>
<td></td>
</tr>
</tbody>
</table>

### 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>Dr. 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. Maquoid, 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 Collander</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.

Class No. 4.
Candidates for reappointment, in consequence of having been displaced from situations, either by reductions or appointments from Home.

<table>
<thead>
<tr>
<th>Names</th>
<th>Remarks</th>
<th>Report on claims of candidates for office or promotion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Johnston</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Sullivan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capt. Allman</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capt. Faunce</td>
<td>Police Magistrates, displaced by reduction.</td>
<td></td>
</tr>
<tr>
<td>Major Bowler</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percy Simpson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thos. Cook</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saml. Raymond</td>
<td>Late Deputy Sheriff at Port Phillip, but superseded by Lord Stanley’s Despatch, No. 68 of the 23rd Feb., 1842.</td>
<td></td>
</tr>
<tr>
<td>Felton Mathew</td>
<td>Now in New Zealand, See my Despatch, No. 227 of the 2nd Dec., 1841, and Lord Stanley’s reply, No. 123 of the 1st June, 1842.</td>
<td></td>
</tr>
</tbody>
</table>

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.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 12, per H.M. ship Favorite.)

My Lord, Government House, 16th Jany., 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
1843.
16 Jan.

Consideration of proposal to send convict boys to colony.

Differences of opinion.

Opinion of Sir G. Gipps against proposal.

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.]

Ministries of executive council re proposal to send convict boys to colony.

EXTRACTS from Minutes (Nos. 26 and 28) 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 come to the restraint 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
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.

Sir, 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.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 8, per ship Fanny.)

Sir, Downing Street, 17th January, 1843.
Having had the honor of laying before the Queen the Congratulatory Address on the Birth of the Prince of Wales from the Inhabitants of the District of Port Phillip, New South Wales, which accompanied your Despatch No. 109 of the 22 June last, I have to request that you will acquaint the persons, from whom the address proceeded, that the Queen was pleased to receive it very graciously.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 9, per ship Fanny.)

Sir, Downing Street, 18 January, 1843.
I have had the honor to receive and lay before the Queen the Congratulatory Address on the birth of the Prince of Wales
from the Inhabitants of the District of Geelong, which accompanied 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.

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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.

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SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 15, per H.M. ship Favorite; acknowledged by lord Stanley, 20th July, 1843.)
Government House, 20th Jany., 1843.

My Lord,

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 submit, be very inconvenient to establish a precedent entitling them to be so considered. Their appointments are strictly local and temporary; their salaries are voted from year to year by the Legislature; they are, with very few exceptions, appointed only in Districts 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.
**GIPPS TO STANLEY.**

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>1st Feby., 1840</td>
</tr>
<tr>
<td>Penrith</td>
<td>17th Novr., 1839</td>
</tr>
<tr>
<td>Raymond Terrace</td>
<td>4th Feby., 1840</td>
</tr>
<tr>
<td>Cassilis</td>
<td>1st March, 1842</td>
</tr>
<tr>
<td>Picton</td>
<td>15th May, 1841</td>
</tr>
<tr>
<td>Wellington</td>
<td>1st Augt., 1841</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>1st Jany., 1843</td>
</tr>
<tr>
<td>Queanbeyan</td>
<td>185 &quot;</td>
</tr>
<tr>
<td>Campbelltown</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 expences) 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 Captn. 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.

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*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. Case of H. B. Bradley; and of revs. J. B. Polding and W. Ullathorne.

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Refusal of leave of absence to P. L. Campbell; and to G. M. C. Bowen.

Case of H. B. Bradley;

1843. 20 Jan.

Case of H. B. Bradley;

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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.
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'n. Forbes, late of the 39th Regt.) to succeed him, who consented to accept the appointment as a temporary one only; and, when Capt'n. 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 Jany., 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 Jan., 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.

For the information of the Lords Commissioners of Her Majesty's Treasury, 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.
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[Sub-enclosure No. 2.]

DEP. COMMISARY-GENL. MILLER TO COLONIAL SECRETARY THOMSON.

Sir,

Commissariat Office, Sydney, 30th July, 1842.

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 even gain to the Public, in a form so unsatisfactory as to afford no data or 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 furtherance of his system 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 even gain to the Public, 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 nothing but confidence in his anticipations of economy.

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; but 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 advanced to 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.
STANLEY TO GIPPS.

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.

COLONIAL SECRETARY THOMSON TO DEP. COMMISSARY-GENL. MILLER.

Sir,
Colonial Secretary's Office, Sydney, 16th August, 1842.

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,
CHAS. WOOD.  E. DEAS THOMSON.

COLONIAL SECRETARY THOMSON TO CAPTAIN MACONOCHE.

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.

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 Captn. 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, repre­
senting 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, 3,760 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 circum­
stances 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.
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 to 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., 1843.

I have the honor to report to Your Lordship that I yesterday 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 Sept., 1842.

I have, &c,

GEO. GIPPS.

[Enclosures.]

[Copies of these papers will be found in the "Votes and Proceedings" of the legislative council.]

Sem. I. Vot. XXII—2 K * Note 45.
HISTORICAL RECORDS OF AUSTRALIA.

1843.
26 Jan.

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 perspicuity 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 M.'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 transmission 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
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 unnoticed 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
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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 huddled 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 2nd Class two thirds only of their wages; but 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 so 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 Comptroller of Convicts, but not otherwise, pay himself the amount of that debt by withholding from the Convict any proportion of his earnings, which, according to the preceding regulations, may be payable 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. Deduct 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, conditional 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 subordination to the Governor and according to the instructions of H.M.'s Government. The Comptroller will not communicate with the Governor through the Colonial Secretary, but directly and in his own person. He will in effect be very nearly a second Colonial Secretary 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 Overseers, 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 experience may bring to light, of the best means for correcting and amending 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 statistical 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 consequences 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 Parliament shall have passed, the new Royal Commission and Instructions issued, the requisite Local laws enacted, and the proposed appointments made, you will, I am aware, be able but very imperfectly to execute these Instructions. Immediate preparation may however be in progress for the execution of them; and especially it will be your duty to avoid in future raising any expectations, or adopting any measure which would interfere with the introduction of this system at the earliest practicable period.

I have, &c,

STANLEY.

[Enclosure No. 2.]

LORD STANLEY TO LIEUT.-GOVERNOR SIR JOHN FRANKLIN.

(Despatch marked "Private.")

Sir,

Downing Street, 25 Novr., 1842.

Referring to my Despatch of this date, No. 175, on the subject 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.
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-

I have no doubt that the Local Government do their utmost
to throw the shield of their protection around these women; but
the difficulty of obtaining admission for them into respectable situa-
tions is notorious; and, assigned to the less scrupulous and less
moral portion of the community, it is not unreasonable to suppose
that they must be continually exposed to criminal solicitation, to
grievous oppression, and often to personal violence; while, from
their previous character, little confidence is placed or can be placed
in the truth of their complaints, if they should venture or be dis-
posed to complain to superior authority.

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
of females; and 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 burden 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 Preparatory 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 Jan., 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
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.]

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. Sulivan, 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. Sulivan reached Sydney in
the "Favorite," on his return from Tahiti. He reports that,
when he left Tahiti, which he did on the 13th ult., 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.

(Despatch No. 22, per H.M. ship Favorite.)

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.

Jas. Gordon, Lt. Col.,
Com. Roy. Eng. N.S.W.

[Enclosure No. 2.]

Colonial Secretary Thomson to Lieut.-Colonel Gordon.

Sir,

Colonial Secretary's Office,

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.

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.

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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.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch marked "Private," per ship Euphrates.)

Sir, Downing Street, 30th January, 1843.

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.

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MR. J. DUTTON TO MAJOR-GENERAL SIR J. H. REYNETT.

Sir, Rotterdam, 10th Jan., 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 Weidoining of my three
Sons in New South Wales. I had then much pleasure in acquaint­
ing 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 Janario, 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
toluminos to detail them; but, amongst the rest, my Son William
suffer'd one loss alone of seven thousand sheep, which were sud­
then carried off by the disease call'd Catarrh; this and the com­
bination 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 High­
ness may be graciously pleased to recommend my Youngest son,
Francis Stocker Dutton, to Her Majesty's Government for a situa­
tion 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 Portu­
guese, and thorough knowledge of mercantile affairs. His disposi­
tion is amiable and in every respect good.

I do not presume, Sir, to have any right of claim on the atten­
tion of the Duke of Cambridge; but I have faith in the well known
benevolence of His Royal Highness; and that, under such circum­
crances, 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 pro­
tection. 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 re­
spectable 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 Jany., 1843.

I have to day had an application made to me by David Lowson, 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.

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,
Memorial of
D. Louzon
soliciting em­
ployment for
A. Dudgeon.

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 respect­
able Inhabitants which the Memorialist takes the liberty to enclose.
The only excuse, which the Memorialist has to offer to Your Lord­
ship 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. Dud­
geon 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.]

We, 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 prin­
ciples; 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 MING, 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. BRUCE, 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
Iord Stanley, 22nd July, 1843.)

My Lord,

Government House, 1st Feby., 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 Clergymen were spoken of as not exceeding 40 acres; but, even supposing that the insertion of the number 40 instead of 20 was not (as it would almost seem to have been) a clerical error, and supposing 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 discretionary one, intended to be exercised by the Governor (not by the Corporation, 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 Sydney 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 apprehended legally or properly by the Governor, so long as the Corporation 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 instrument, or order in Council, dated the 4th Feb., 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 enjoyment of its powers, up to the day on which the amended instrument prepared in England for dissolving it was received in the
Objections to principles of claim.

1843.
1 Feb.

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 more-
over 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 endow-
ment 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, be 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 Arch-
deacon. 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 in-
jurious 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 Com-
mittee, appointed according to the 9th Clause of the Charter, and
the final Resolution to appropriate the Land was adopted in con-
formity with the Report and recommendation of that Committee,
STANLEY TO GIPPS.

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 ½ 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.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 18, per ship Euphrates.)

Sir,

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.]
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 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. McPherson 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 intromitted 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.

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, intromitted 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, intromitted 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 intromit 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, intromitted 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.

1843.
2 Feb.

Claim by
R. Kilgour
re estate of
Revd.
T. MacRitchie.

SER. 1. VOL. XXII—2 M
1843.
2 Feb.

Denial of responsibility for defalcations of J. E. Manning.

[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.

Despatch acknowledged re refusal of bounties to G. F. Beattie.

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.,
STANLEY TO GIPPS.

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 Appt. to the Forces.

Sydney, 10th Jany., 1843.

[Sub-enclosure No. 1.]

Dr. Gordon to Mr. J. Croft.

Sir,

Army Medical Department, 14th July, 1842.

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
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 how- ever 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.)

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 pro-jected alterations in the Lights at Cape Grînez and Point d'Alopenh 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.

[Enclosure No. 1.]

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.

[Sub-enclosure No. 1.]

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.

[Sub-enclosure No. 2.]

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 Leipzig, 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; as 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
a member of the Supreme Court at Sydney and has charge of the inheritance of persons dying ab-intestato, 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 alive at Leitzschina, a daughter Caroline Fredericke born at Schhendity, 11 Jan., 1821, and a son Johan Samuel, born at Rubsen, 21 Novr., 1822. In the year 1824, he was legally separated from his wife, but, subsequently to his return to Saxony, had twin 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 Zeschlan, Prime Transmission Minister of the King of Saxony, administering the Foreign Department at Dresden, of letter.

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 l'extrait mortuaire officiel de Charles Frederick Rantzsch, ouvrier en laine, natif de Dutzschin 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 solicit� ces documents, ayant re�i avec instance leur requete, je vous prie Monsieur de renouveler les demarches que vous avez faites a cet egard aupres des autorites competentes et de m'en faire tenor le resultat aussi t�t 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.
[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 Frederick Rantzeh, 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.

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 Frederick Rantzsch, a Native of Saxony.

Censure on 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 £289 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.
SIR GEORGE GIPPS TO LORD STANLEY.  

(Despatch No. 27, per ship Eagle; acknowledged by Lord Stanley, 14th September, 1843.)

My Lord,

Government House, 7th Feb., 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:—


The Chest was also opened on ten other occasions for the purpose of taking money out of it between the 1st Jan., 1838, and the 3rd Jan., 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,

STANLEY.

[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.

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 £982 2s. 6d., 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 having with 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 fulfill 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. 6d., 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 amply 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 Robert Walker has died since the date of 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, 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 extrajudicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

David Glassford.

Declared at Greenock aforesaid, the nineteenth day of December, Eighteen hundred and forty two years.

Before me:—WALTER BAINE, Jr. Provost.

I, WALTER BAINE, Junior Provost and Chief Magistrate of the Town and Burgh of Greenock in Scotland, do hereby certify that I am well acquainted with David Glassford, Solicitor in Greenock aforesaid, that he is a person of well known respectability, and that all faith and credit should be given to his statements.

Witness my hand at Greenock aforesaid, this nineteenth day of December, eighteen hundred and forty two years. Walter Baine, Jr. Provost.

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 John Lizars, Esquire, late Professor of Surgery to the Royal College of Surgeons, Edinburgh, and Senior operating Surgeon in the Royal Infirmary, Edinburgh; and that the paper writing or Certificate prefixed hereto, marked with the Letter "A," dated "Edinburgh, 33 York Place, 25th October, 1842," and signed "John Lizars, late professor," etc., etc., is of the proper handwriting of the said John Lizars: And this Deponent further saith that he is also acquainted with D. M. Moir, Esquire, Surgeon, residing in Musselburgh near Edinburgh aforesaid, and that the paper writing or Certificate prefixed hereto marked with the Letter E, dated "Musselburgh, 17th October, 1842," and signed "Wm. Campbell, Magistrate, 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 hereunto.

JAMES FORREST, Lord Provost, Chief Magistrate of Edinburgh.

A. (Signed) JOHN GREEN.

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. (Signed) JOHN GREEN.

Musselburgh, 15 Oct., 1842.

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. (Signed) JOHN GREEN.

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. (Signed) JOHN GREEN.

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.
1843.
8 Feb.

Certificates re J. Aitken.

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 Octr., 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.
Musselburgh, 17th Octr., 1842.
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 while in this place, with assiduity, faithfulness and success. Many 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, 11 November, 1842, Referred to in my affidavit of this date.
(Signed) JOHN GREEN.

[Enclosure No. 2.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.
Colonial Land and Emigration Office,
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 expences 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 Ulio., 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, &&,

T. FREDK. ELLIOT.

EDWARD E. VILLIERS.
1843.
10 Feb.

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 Febys., 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.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 25, per ship Euphrates.)

Sir, Downing Street, 13th February, 1843.

On the 13th of December last, I transmitted to you a Copy of a Communication which I had received from Messrs. Smith and Son of Liverpool, complaining of deductions made by the Government of New South Wales from the Bounties upon Emigrants introduced by them into the Colony during the year 1841, together with Copy of the Report of the Land and Emigration Commissioners, and of the answer which had been returned by my direction to the representation of Messrs. Smith.

Since the date of my Dispatch, I have received yours of the 22nd of July, No. 129, forwarding Lists of the Emigrants imported by Messrs. Smith on whom the Bounty had been disallowed; and I transmit to you herewith, for your further information and guidance, the Copy of a Report from the Emigration Board, to whom your Communication had been referred.

I am, &c,

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office, 9 Park St., Westminster, 4th February, 1843.

We have the honor to acknowledge your letter of the 16th Ultimo, accompanied by Sir George Gipps' despatch, No. 129 of the 22nd July, 1842, forwarding the Original Certificates for Emigrants on whom Bounty had been refused in the four ships of the Messrs. Smith and Co. of which the names are stated in the Margin,* together with lists of those Emigrants containing on the face of them the reasons of each disallowance.

We beg leave to state, for Lord Stanley's information, that these four ships appear to form part of the five upon which we reported in the Letter from this Board, dated 3rd Dec. last, and that we do not find in the present papers any information which would lead us to add to the remarks we then submitted for Lord Stanley's consideration, unless indeed in one particular. We enclosed in our former Letter a List of persons, in whose cases the refusal of

* Marginal note.—Agnes Ewing; Champion; Agnes; Nubob.
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.

TV FREDK. ELLIOT.
EDWD. E. VILLIERS.

15 Feb.
Reduction of hospitals at Goulburn and Windsor.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 26, per ship Euphrates.)

Downing Street, 15 February, 1843.

Sir,

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.
(Despatch No. 30, per ship Eagle; acknowledged by lord Stanley, 7th September, 1843.)

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,
Sir, 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.
HISTORICAL RECORDS OF AUSTRALIA.

1843.
18 Feb.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 31, per ship Eagle.)

My Lord,

Government House, 18th Feb'y., 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 him, 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.
[Copies of these papers are not available.]

21 Feb.

Delay in repayment of advance to military chest.

LORD 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.

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 33, per ship Eagle.)

My Lord, Government House, 23rd Feb., 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.

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 34, per ship Eagle.)

My Lord, Government House, 24th Feb., 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
HISTORICAL RECORDS OF AUSTRALIA.

1843.
24 Fob.

Passing of electoral act.

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 Control 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.]

Colonial Secretary Thomson to Lord Stanley.*
(Despatch No. 1, per ship Alfred.)

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. Maconochie 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.
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.]

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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
1843.
2 March.

Report by
judges re
defalcations of
J. E. Manning

in estate of
W. Were;

in estate of
R. Lillyman;

and re property
of N. Kennedy.

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. Our Letters to Your Lordship of the 30th of November,
and to His Excellency of the 17th and 28th November last, which
we have requested His Excellency to forward to Your Lordship,
will have fully answered by anticipation all Your Lordship's en-
quiries, as to the prospect there is of the payment of the liabilities
of the late Registrar out of the assets of his Estate; and what
measures were taken by the Judges to prevent the occurrence of
such a defalcation. We shall confine ourselves therefore in this
letter to the duty of putting Your Lordship in possession of the
facts relating to the several particular instances of defalcation
referred to in Your Lordship's Despatch above mentioned, so far
as they are known to us, or have been explained by the late
Registrar.

First, as to the claim of Mr. J. Were, communicated by Captain
Pechel, R.N.

In the Estate of W. Were.

Mr. Manning admits Mr. Were's representation to Captain Pechel
in May, 1842, to be substantially correct; and that he did not pay
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, how-
ever, 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 trust-
worthy 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 sub-
stantiating 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 mention-
ed; 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 prin-
ciple, 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 communi-
cate to the Judges the fact of his having possessed himself of any