HISTORICAL RECORDS
OF
AUSTRALIA.
INTRODUCTION.

SIR GEORGE GIPPS.

During his administration, Sir George Gipps attempted to solve the problems of education.

The greater number of the schools, founded prior to the year 1836, had been established under the church and school corporation. On the dissolution of this corporation in the year 1832, the lands vested in it had reverted to the crown, to be disposed of in such manner as should appear "most conducive to the maintenance and promotion of Religion and the Education of Youth in the said Colony." The maintenance of schools thereupon had devolved partly on the government.

In the year 1833, there were thirty-five primary or parish schools, which had been established by the corporation. These schools were superintended by chaplains of the church of England, the catechism of that church was taught in them, and they were regarded as belonging to the church. The appropriation for these schools for the year 1834 was £5,736; for the same year, no sum was voted for any primary school connected with the Presbyterian church; and £800 only for those connected with the Roman Catholic church. This system was, therefore, strictly denominational, and the support of government was manifestly inequitable.

In September, 1833, Governor Bourke proposed* to withdraw the state aid from these primary schools, and to adopt the system of "national schools," which had been introduced into Ireland in the year 1831 under the right hon. E. G. Stanley, when chief secretary to the lord-lieutenant.

This was a general system of education, adapted to suit the children of parents of all religious beliefs, but about which much misrepresentation was circulated in the colony for years. Under this system, two-thirds of the expense of erecting school-houses were granted by government, when the remaining third was locally contributed. In certain cases, grants were made for conducting

*See pages 231 and 232, volume XVII.
the schools, for providing school furniture, for repairing schoolhouses, and for paying teachers' salaries. Children of all religious denominations were admitted to these schools for moral and literary education only, with the qualification that one day a week was set apart for their religious instruction by clergy of their own creed. Books of a religious tendency were prohibited from use in the schools without the permission of the commissioners for conducting the system. The reading of the scriptures, either in the authorised or Douay version, was regarded as a religious exercise, and as such was to be confined to the days set apart for religious instruction. The teaching of a general moral and Christian belief was provided by clause 4 of section VI of the regulations, controlling the schools. By this clause, the principles of the following lesson were ordered to be strictly inculcated in all the schools:

(1) "Christians should endeavour, as the Apostle Paul commands them, to 'live Peaceably with all men,' even with those of a different religious persuasion." (2) "Our Saviour Christ commanded his Disciples to 'love one another'; he taught them to love even their enemies, to bless those that cursed them, and to pray for those that persecuted them. He himself prayed for his murderers." (3) "Many men hold erroneous doctrines; but we ought not to hate or persecute them. We ought to seek for the truth, and to hold fast what we are convinced is the truth; but not to treat harshly those who are in error; Jesus Christ did not intend his religion to be forced on men by violent means. He would not allow his disciples to fight for him." (4) "If any persons treat us unkindly, we must not do the same to them; for Christ and his Apostles have taught us not to return evil for evil. If we would obey Christ, we must do to others, not as they do to us, but as we should wish them to do to us." (5) "Quarrelling with our neighbours and abusing them is not the way to convince them that we are in the right and they in the wrong. It is more likely to convince them that we have not a Christian spirit. We ought to show ourselves followers of Christ, who, when he was reviled, reviled not again, by behaving gently and kindly to everyone."

It is difficult to understand, nowadays, how a system of education, founded on such healthy and broad general principles, could have been so bitterly opposed and almost universally condemned by adherents of the church of England, as it was for many years.
INTRODUCTION.

In replying* to the proposals of Governor Bourke, lord Glenelg, in November, 1835, stated “that some plan should be adopted for the establishment of Schools for the general Education of Youth in the Colony, unconnected with any particular Church or Denomination of Christians, in which Children of every Religious persuasion may receive Instruction. This object it is proposed to effect not by the exclusion of Religious Instruction from the school, but by limiting the daily and ordinary Instruction of this nature to those leading Doctrines of Christianity and those practical duties, on which, I hope, all Christians may cordially agree. The peculiar tenets of any Church ought to find no place as such in these general schools; but opportunities should be afforded, at stated periods, for the imparting of Instruction of this nature to the Children of different persuasions by their respective Pastors.” Lord Glenelg approved such a plan for national education, and recommended the appointment of a board of education, composed of members of different religious denominations. He, however, left to the governor and legislative council “the task of framing, on these principles, such a system as may be most acceptable to the great body of the Inhabitants.”

On opening the session of the legislative council in 1836, Sir Richard Bourke laid on the table lord Glenelg’s despatch containing these suggestions. When the financial estimates were submitted, he proposed the appropriation of £3,000 for the establishment of one or two schools on the national system. In the minute explanatory of the estimates, he proposed to form a board of education, and, by establishing one or two schools, to exhibit experimentally the nature of the system. A storm of protest was raised, when these proposals were published. A meeting† of Protestants and dissenters, with the bishop of Australia in the chair, was held at the Pulteney hotel, Sydney, on the 24th of June, 1836, at which strong resolutions were carried against a system which interdicted the general use of the Bible in schools; and committees were appointed in many country districts to secure signatures to the petition of protest. The opposition was well organised and many clergy denounced the system from their pulpits; of these opponents, many, including the Reverend J. D. Lang, years afterwards admitted their error, stating that their opposition was due to a misconception of the principles involved.

* See page 205, volume XVIII. † See page 472, volume XVIII.
INTRODUCTION.

Notwithstanding the opposition, the legislative council agreed to the appropriation and left it to be expended at the discretion of the board of education. When the principles of the system were realised, it received some support; a public meeting was held in the district of Illawarra, at which the establishment of the schools was "hailed as a boon of the highest value."

After he obtained the vote, Sir Richard Bourke found that, although he had carried his proposals in the council, public opposition prevented their consummation; and he effected little towards the establishment of the system before retiring from the office of governor. He let a contract for the erection of a school-house at Wollongong, and he applied to the secretary of state to send out two schoolmasters, with their wives, conversant with the system of national education. In reply to this request, however, lord Glenelg, in July, 1838, appointed* a schoolmaster, trained under the system of the British and foreign school society, and not under the national system.

The leading principle of the British and foreign school society's system was the constant teaching to the pupils "of implicit submission to the Bible, the whole Bible, and nothing but the Bible."

Pending the establishment of national schools, Sir Richard Bourke, between the years 1836 and 1838, adopted the practice of granting a pound for pound subsidy on all private subscriptions for establishing or maintaining schools. Such a practice was satisfactory as it granted equal privileges to all religious denominations; but it was unsatisfactory as it led to the formation of several small sectarian schools in the same district; for example, it happened frequently that, when a school was formed under the auspices of one church in a small country town or district, the adherents of one or more of the other churches considered it necessary to form a school of their own.

After the meeting of Protestants at the Pulteney hotel in 1836, a sub-committee was appointed "to consider and report on the subject of a General System of Protestant Education." This sub-committee recommended state aid for two classes of schools. "General" and "Denominational," such schools to be conducted under the system of the British and foreign school society. The "general" schools were not to be in connexion with any particular

* See page 482, volume XIX.
INTRODUCTION.

denomination of Protestants, and, in these schools, “the entire Scriptures, in the authorised version, without note or comment,” were to be in daily use; two catechisms only, the catechism of the church of England and the assembly’s shorter catechism, were to be permitted. The “denominational” schools were to be attached to and conducted by particular denominations of Protestants. Subsequent to the report of this sub-committee, the Australian school society on the principle of the British and foreign school society was formed; and schools were established by it with the aid of the pound for pound subsidy from government already mentioned; but these schools were principally denominational.

When Sir George Gipps assumed the government in 1838, the problems of education were interwoven with sectarian problems, although active sectarian agitation was quiescent under the influence of the General church act and the grant of state aid on the pound for pound principle to schools founded by all religions.

Reforms, however, were urgently required. Sir George Gipps personally was strongly in favour of the national system; but he considered it unwise to attempt its introduction after the failure of Sir Richard Bourke’s proposals, and after the arrival of a schoolmaster, trained under the system of the British and foreign school society and appointed by the secretary of state. In the year 1839, he proposed* to establish the British and foreign system, because (1) the Protestants in 1836 had recommended it; (2) Lord Glenelg had approved its principles; and (3) James Macarthur, in his evidence before the transportation committee of the house of commons, had stated that there would be no objection to it in the colony, and that the Roman Catholics could have separate schools with state aid.

In the month of July, 1839, Sir George Gipps submitted a minute on education to the legislative council. He had placed a sum of £3,000 for education on the estimates. He proposed to erect schools (one in Sydney and two in two of the principal towns) under the system of the British and foreign school society, to pay the salaries of the schoolmasters and mistresses, and to place the whole under the control of a board of education. Pupils attending these schools were to pay one halfpenny per diem, and subscriptions would be raised to pay this charge for parents unable to do

* See page 427, volume XX.
so. He proposed to continue the state aid on the pound for pound principle to denominational schools, provided (1) that £100 had been subscribed privately on the first establishment of a school; (2) that the average attendance was not less than, say, forty; (3) that the schools were controlled by competent teachers; and (4) that the schools were separated by a distance of five miles, unless the population of the town or district exceeded three thousand in number. As Roman Catholics probably would not attend these schools, Sir George Gipps proposed the appropriation of £1,000 for the maintenance of schools for the education of their children.

These proposals received no effective support within or without the legislative council, and the clergy of the church of England openly opposed them. Sir George Gipps could have carried the resolutions, founded on his minute, through the legislative council; but he withdrew them, as he might have found himself* “in the same position as Sir Richard Bourke was placed in 1836, that is to say, unable to carry my measures advantageously into effect in the Colony, after having carried them in the Council.”

In reporting the withdrawal of his proposals, Sir George Gipps summarised the system of education, which had “tacitly grown up since 1836,” and the state aid granted, as follows:—

“The Protestant Orphan Schools, Male and Female, are conducted exclusively on the principles of the Church of England at the expense to the Colony of somewhat more than £6,000 per annum. The Roman Catholic Orphan School is a separate establishment, and the cost of it for 1840 will be £1,500. Towards the support of Parochial Schools of the Church of England, established prior to 1836, the fixed sum of £2,950 is given; and, towards the support of Roman Catholic Schools of the same description, the sum of £720. All other Schools, of what denomination soever they may be, are placed on what I have described as the half and half principle, that is to say, the sum given by Government is equal to that raised for the School, either by private subscriptions or by payments from the Parents or friends of the children. The sums, required to meet payments of this sort, are estimated for all denominations during the year 1840 at £3,150, making a grand total of £14,700 for the purposes of Education.”

* See page 428, volume XX.
Sir George Gipps stated that his objections to this system were that it was "expensive and inefficient; that, the assistance from Government being measured by the amount of private contributions, the poorer denominations, or those which stand most in need of assistance from the State, obtain the smallest share of it; that more Schools will be established than are necessary or than can in our thinly scattered population be properly supported; and that, being founded in religious opposition to each other, the Education afforded in them will be essentially a Sectarian one."

Sir George Gipps enunciated his policy on education as strongly in favour of non-sectarian schools; but, at the same time, he was averse to forcing a system of education upon the people which might be unacceptable to the majority, and which might be "the source of discord and division," although he felt that a rational and comprehensive system of education was urgently required.

The action of Sir George Gipps was adversely criticised by lord John Russell,* the secretary of state. He approved the policy of Sir George Gipps that no person should be excluded from schools, receiving state aid, on account of their religious beliefs; but, in proposing the adoption of the British and foreign school system which was unacceptable to Roman Catholics, and in supporting separate schools for the Roman Catholics, he thought that Sir George Gipps had broken the general principle of "schools for all," and that other churches would claim state aid for their own schools. Lord John Russell considered that the primary or parochial schools should be supported principally by local rates and voluntary contributions, and that the change should be brought about gradually by the reduction of the state aid to one-fourth or one-half of the expenditure on the schools.

In the year 1840, Sir George Gipps submitted a second minute on education to the legislative council, in which he asserted that the government was not bound to adhere to a system, which it considered faulty, and which "had been forced upon it only by a concourse of adverse circumstances."

In July, 1841, he submitted a third minute, in which he pointed out the abuses, which had developed under the system, then existing.

* See page 685, volume XX.
He classified the schools into two classes,* those established prior and subsequent to the year 1836. In those established prior to 1836, salaries were paid to the school teachers and buildings provided, and a further aid was given by government, under the name of head money, at the rate of one halfpenny *per diem* for every child, whose parents were unable to pay it; whilst parents able to do so were required to pay the halfpenny themselves. The schools, established since 1836, were supported on the principle of the pound for pound subsidy on private contributions towards their support.

The intention of the pound for pound subsidy was to make the schools less expensive to government by calling in the aid of private contributions. But these schools, on the contrary, were found to be more expensive. In the old schools, the expense to government was 1'21d. *per diem* for each child, and the total expense 1'34d.; whilst, in the new schools, it was 1'69d. and 3'38d. Sir George Gipps stated that one of the principal causes of the increased expenditure on the second class of schools was that they were attended by children of a superior class, whose parents paid a higher charge. He pointed out that this had the effect, under the system of a pound for pound subsidy, “of making the Government pay more for the Education of the Children belonging to Parents in easy circumstances than it does for the Children of the Poor.” He objected also to the principle of the pound for pound subsidy, “because the money raised by Voluntary Subscriptions will generally be smallest in amount in Districts or among Communities, where the need of Education is the greatest.”

In this minute, Sir George Gipps stated that he did not intend to bring forward any new proposal for a general system of education, so long as a large part of the Protestant community remained opposed to a comprehensive system; Protestants at this period formed over seventy *per cent.* of the population. He, however, proposed to check the abuses, which had developed, by fixing a maximum payment by government for each child attending any school, beyond which no state aid should be given.

The effect of the opposition of the Protestant community may be realised by the following example. As has been noted, Sir Richard Bourke had commenced the erection of a school under the national system at Wollongong, a place at that time free from

*See page 437, volume XXI.*
INTRODUCTION.

religious dissension. Shortly afterwards the diocesan committee of the church of England commenced a school, which would render useless the national school or defeat its purpose. Thereupon, the Roman Catholics commenced a school, and the Presbyterians proposed one. Sectarian strife was thus commenced in a town, where it was previously unknown.

After announcing his intentions in this minute to the legislative council, Sir George Gipps published a series of regulations,* dated 24th September, 1841, to control the system of state aid to schools. By these regulations, the state aid to schools was limited. In schools established since the year 1836, the subsidy was fixed (a), in towns with a population of two thousand inhabitants and upwards, at “one penny for each day’s actual attendance of every child,” whose parents could not afford to pay, and (b), in towns with a population of under two thousand, at one penny and a farthing per diem, or one penny and a halfpenny where no school was within five miles; the state aid was not to exceed the support from private contributions, nor to exceed £25 per quarter per school, unless the number of children or the poverty of the parents rendered a special exception necessary. In schools established prior to the year 1837, the payment by government of rent and of fixed salaries for teachers, appointed after the 1st of January, 1842, was abolished from that date; all repairs to buildings, etc., were to be paid out of the subsidy or contributions; and it was announced that the payment of one halfpenny per diem for children, whose parents paid nothing, was to be abolished as soon as possible. Inspectors were appointed also under the regulations to prevent any impositions and to check the attendances at schools.

Under these regulations, the state aid to schools was voted by the legislative council in the annual appropriation acts.

In the year 1844, the question of education was actively agitated, both within and without the legislative council. In the month of June, the legislative council appointed a select committee “to enquire into and report upon the state of Education in this Colony, and to devise the means of placing the Education of youth upon a basis suited to the wants and wishes of the community.” After examining twenty-one witnesses, the select committee presented its report on the 28th of August.

* See pages 427 and 428, volume XXII.
The select committee strongly recommended the introduction of the national system of education, similar to that introduced by the right hon. E. G. Stanley into Ireland. The committee found that there were about 13,000 out of 25,676 children, between the ages of four and fourteen years, in the colony, who were receiving no education at all. The great objection to the denominational system was its expense, as the number of schools in a given locality should depend on the number of children requiring instruction; whereas, under the denominational system, "wherever one school was founded, two or three others would arise, not because they were wanted, but because it was feared that proselytes would be made." The committee found "that the National System is not fairly open to the charge of neglecting religious instruction. It teaches, in the ordinary school hours, as much of the truths of religion as can be imparted without entering on controverted subjects, and it offers every facility and encouragement in its power to induce the teachers of the different denominations to fill up the outline by communicating to the children those peculiar doctrines, which the nature of a general system forbids it to teach." The committee appealed to opponents of the system to "feel that the adoption of this system will tend to soften down sectarian feelings, and to the promotion of union, toleration and charity." The committee recommended (1) the appointment of a board "of persons favorable to the plan proposed, and possessing the confidence of the different denominations," as much would depend upon the character of the members of the board; and (2) the foundation of a normal or model school at Sydney for the training of schoolmasters.

As soon as the report was published, strong opposition was shown to the recommendations of the select committee. The whole of the clergy of the church of England and of the Roman Catholic church was opposed to the introduction of the national system as recommended, although on former occasions the Roman Catholics had supported similar proposals. The Wesleyans favoured the denominational system, but the Presbyterians and Congregationalists of Sydney supported the proposals of the committee. Public meetings were held, and petitions were prepared and presented. Of these petitions, fifty, with fifteen thousand, one hundred and eighteen signatures, were against, and twenty-four, with two thousand, one hundred and twenty signatures, in favour of the proposals. A public meeting, convened by the mayor of Sydney
by requisition, to endorse the proposals was adjourned without any satisfactory result, owing to the stormy discussion and opposition, which prevailed at it. At a second meeting, resolutions were carried in favour of the adoption of the national system. At a meeting of members of the church of England, at which the bishop of Australia presided, strong resolutions against its adoption were carried.

On the 4th of October, J. P. Robinson, member for Port Phillip, moved a series of resolutions in the legislative council, to adopt the recommendations of the select committee and to introduce the national system of education. A lengthy debate ensued, which lasted several days. Richard Windeyer, member for Durham, moved an amendment that it was desirable to introduce a general system of education into the colony to provide primary and religious education for the children of the poorer classes gratuitously, provided that no state aid should be given to any school where the average attendance was less than fifty; and that, in such districts where these conditions could not be enforced, the national system should be adopted, with the proviso that children should be absent from school each Saturday to receive religious instruction elsewhere. C. Cowper, member for Cumberland, proposed that the board of education to be appointed should be instructed to interfere in no way with the religious instruction given in the schools; but, when state aid was requested, a plan of secular education should be submitted to and approved by the board, and the state aid should depend on the faithful fulfilment of this plan. On the 10th of October, W. C. Wentworth, member for Sydney, moved a further amendment as follows:—

"(1) That this Council, having taken into consideration the Report of the Select Committee, appointed to inquire into and report upon the state of Education in this Colony, and to devise the means of placing the Education of youth upon a basis suited to the wants and wishes of the community. Resolved: That it is advisable to introduce Lord Stanley’s system of National Education into this Colony, with this modification, that, instead of the Clergy and Pastors of the several denominations being allowed to impart religious instruction in the Schools, the children be allowed to be absent from School one day in every week, exclusive of Sunday, for the purpose of receiving such instruction elsewhere; but that all Denominational Schools now in existence,
having School Houses already built, which have been, or shall be within the next twelve months, conveyed in trust for the purpose of the School, and having now, or which shall have within the next twelve months, an average attendance of fifty scholars, shall be entitled to aid from the Board.

"(2) That, in order to introduce this system, His Excellency the Governor be requested to appoint a Board of persons favourable to the introduction of Lord Stanley's National system of Education, and belonging to the different religious denominations: this Board to be invested with a very wide discretion as to the arrangements necessary for carrying the system into effect; and all funds, to be henceforth applied for the purpose of Education, to be administered by them.

"(3) The leading principle, by which the Board of Education shall be guided, is to afford the same facilities for Education to all classes of professing Christians, without any attempt to interfere with the peculiar religious opinions of any, or to countenance proselytism.

"(4) That the Board be incorporated.

"(5) That an Address be presented to His Excellency the Governor, transmitting the above Resolutions, and praying that he will be pleased to take them into his favourable consideration, and carry them into effect."

This amendment was carried by thirteen votes to twelve or by a majority of one. In reporting the debate, Sir George Gipps stated* that probably this vote would have been reversed by the council in committee as the speaker, A. Macleay, would have voted against the proposals. The resolutions of council were transmitted to Sir George Gipps in an address, to which he made the following reply:—

"Gentlemen,

"The subject of Education is one which, since the day of my arrival in the Colony, has never ceased to engage my anxious solicitude; it is well known that I have long been desirous to see established a system of Education for the poorer classes of our community, which should comprehend persons of all religious denominations, without interfering with the tenets or doctrines of any; and I have on various occasions pointed out to the public what I consider to be the disadvantages of the system, on which

* See despatch, dated 1st February, 1845.
schools receiving aid from the General Revenue are now conducted in the Colony. But, whilst I declare my entire adherence to the opinions which I have thus repeatedly expressed, I feel bound also to acknowledge that I cannot but continue to entertain doubts, whether the time be yet arrived at which an attempt to introduce a better system is likely to be successful.

"The apprehension of increasing religious differences has twice within the few last years induced the Government to abandon proposals in respect to Education, brought forward by itself; and the opposition, which the Government, or, I may say, which I myself declined to encounter on these occasions, is, I greatly regret to say, in no way diminished.

"Without the co-operation of the Ministers of Religion, it seems to me scarcely possible to establish any system of Education, with a prospect of its being extensively useful; and I need scarcely remark that the Clergy throughout the Colony are at present even less disposed to co-operate in the establishment of a general system than they were on the occasions which I have referred to.

"I feel it right also to observe that a difficulty in the way of the establishment of a general system of Education seems at the present moment to present itself, which did not until lately exist. Under the 42nd clause of the Constitutional Act of the Colony, any alterations in the system of our Public Schools must, I apprehend, be carried into effect through the instrumentality of the District Councils; and these bodies are not, I fear, as yet, in a condition advantageously to exercise the functions with which (in order to establish a new system of Education) it would be necessary to charge them by an Act of the Governor and Council."

In transmitting his reply to the address* to lord Stanley, the secretary of state, Sir George Gipps stated that public opinion was decidedly against the adoption of the proposed general system, and that he felt that, even if he had acceded to the address, the measure must ultimately have failed, although he himself was favourable to the introduction of a general system.

After this reply had been received by the council, J. P. Robinson moved for an address to the governor, praying that £2,000 should be placed on the estimates for the establishment of national schools. W. C. Wentworth moved an amendment that the sum

*See despatch, dated 1st February, 1845.
should be appropriated in accordance with the resolutions of the 10th of October; and this amendment was carried by twenty-two votes to five. Sir George Gipps, in reply to this address, refused the prayer and stated that there was a deficiency in the revenue; that he had already stated his reasons for doubting the wisdom of making alterations at that time in the school system; and that a similar measure, adopted in 1836, had failed.

No further action was taken during the administration of Sir George Gipps. During the administration of his successor, Sir Charles Fitzroy, the national board of education was established, and the national system was introduced; but, at the same time, the denominational schools were continued under an independent denominational board. These two boards existed until the year 1866, when they were abolished, and one board or "Council of Education" was established. The denominational schools then underwent a process of absorption, but the system had been too long in existence for this absorption to be complete. Finally, in the year 1880, the act to make more adequate provision for public education was passed. By this act, the council of education was dissolved and its powers transferred to a minister of public instruction; state aid to denominational schools was abolished after the 31st of December, 1882; and a general system of education, founded on the experience of the Irish national system, was adopted in New South Wales.

The system originated in the proposals of Governor Bourke in the year 1833. It was strongly advocated by Sir George Gipps; but he was unable to introduce it owing largely to the opposition of the bishop of Australia and the church of England. Nevertheless the discussions during the administration of Sir George Gipps, and his wisdom in adopting a policy of waiting for the support of public opinion instead of forcing the introduction of a system unacceptable to the majority of the day, paved the way for the ultimate adoption of a national system of non-sectarian education.

December, 1924.

FREDK. WATSON.
DESPATCHES.
My Lord, Government House, 1st July, 1843.

Your Lordship is aware that the subject of Distillation has been one of considerable difficulty, both in this Colony and the neighbouring one of Van Diemen's Land. In the last named Colony, it has been for the last two or three years entirely prohibited; but, in New South Wales, Distillation is still permitted, the duty on Spirits distilled in the Colony being the same (9s. per gallon) as on Rum imported from England or any British Possession.

The Acts of Council and the Despatches from myself, which relate to this subject, are stated in the margin.*

The object of this Despatch is not, however, to complain of the state of the Law regarding Distillation, or to propose any alteration in it; but simply to report to Your Lordship the necessity, which I have been under, to increase the number of Officers employed in the Colony for the supervision of the two large Distilleries in the immediate neighbourhood of Sydney, and for the protection of the Revenue against illicit Distillation.

The number of persons employed for this purpose was, at the periods stated below, as follows:

1838, 1 Inspector, Expense £300; 1839, 2 do, £434 1s. 3d.; 1840, 2 do, £405 12s. 11d.; 1841, 2 do, £423 12s.; 1842, 3 do, £414 9s. 10d.

But, in the early part of the present year, I found it necessary to increase it to its present establishment:

1 Chief Inspector, £250; 6 Inspectors at £180, £1,080—£1,330.

That this increase, however, was necessary, will, I trust, be shewn by the amount of duty collected in each year; this was in 1837, £1,286 11s.; 1838, £2,755 2s. 6d.; 1839, £13,078 16s.; 1840, £13,053 14s. 6d.; 1841, £6,940 1s.; 1842, £6,938 4s. 6d.; For six months of the present year 1843, £9,172 1s. 6d.

The changes which have occurred in the persons of the officers, holding the appointment of Inspector, are as follow:

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Appointment</th>
<th>Salary</th>
<th>Remarks</th>
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<tr>
<td>Mr. R. Bate</td>
<td>1st June 1832</td>
<td>£300</td>
<td>Discontinued 31st Dec., 1838.</td>
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<td>Mr. J. Potts</td>
<td>1st Novr. 1838</td>
<td>£150</td>
<td>Resigned, 1841.</td>
</tr>
<tr>
<td>Mr. W. Laurence</td>
<td>1st Novr. 1839</td>
<td>£150</td>
<td>Accidentally killed.</td>
</tr>
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<td>Mr. R. Williams</td>
<td>27th June 1840</td>
<td>£150</td>
<td>Temporary.</td>
</tr>
<tr>
<td>Mr. J. Simson</td>
<td>11th July 1840</td>
<td>£100</td>
<td>Resigned, 1843.</td>
</tr>
<tr>
<td>Mr. M. Bourke</td>
<td>14th Octr. 1842</td>
<td>£120</td>
<td>Removed, 1842.</td>
</tr>
<tr>
<td>Mr. C. Jebb, Chief Inspector</td>
<td>1st March 1843</td>
<td>£200</td>
<td>Resigned, 1843.</td>
</tr>
<tr>
<td>Mr. R. Robinson</td>
<td>1st March 1843</td>
<td>£180</td>
<td>Present Inspectors.</td>
</tr>
<tr>
<td>Mr. G. Smythe</td>
<td>1st January 1843</td>
<td>£180</td>
<td></td>
</tr>
<tr>
<td>Mr. A. Livingstone</td>
<td>1st February 1843</td>
<td>£180</td>
<td></td>
</tr>
<tr>
<td>Mr. J. Hassard</td>
<td>1st Feby. 1843</td>
<td>£180</td>
<td></td>
</tr>
<tr>
<td>Mr. A. Maxwell</td>
<td>2nd Feby. 1843</td>
<td>£180</td>
<td></td>
</tr>
<tr>
<td>Mr. J. Dennis</td>
<td>21st Feby. 1843</td>
<td>£180</td>
<td></td>
</tr>
<tr>
<td>Mr. R. Cassels, Chief Inspector</td>
<td>1st July 1843</td>
<td>£250</td>
<td></td>
</tr>
</tbody>
</table>

It is perfectly understood, by the persons now holding appointments as above, that their situations are but temporary, and that they are liable to removal either at the pleasure of the Secretary of State or in the event (which is not an improbable one) that a change in the Law may cause their services no longer to be required.

Of the persons appointed to office by myself, Mr. Hassard and Mr. Maxwell were recommended to me by Lord John Russell; the others were selected in the Colony for their knowledge of the business of a Distiller or their fitness in other respects for the employment.

I have, &c.,

Geo. Gipps.
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 103, per ship Eweretta; acknowledged by Lord Stanley, 27th December, 1843.)

My Lord,

Government House, 2nd July, 1843.

With my Despatch, No. 99 of the 26th ultimo, I transmitted to Your Lordship Copies of the Minute of the Executive Council and other documents, which led to the Amotion of Mr. Willis from the Bench of New South Wales; I have now to report to Your Lordship that, after the consideration of Mr. Willis' case was transmitted, but before the decision of the Council in respect to it was made known, Papers containing other complaints against the Judge were received by me from Port Phillip, and laid before the Council; and I have the honor to forward herewith, a copy of a minute of the Council which was made on this occasion, as well as copies of the Papers themselves.

I have, &c.,

GEORGE GIPPS.

[Enclosure.]

[A copy of this minute, dated 15th June, 1843, will be found in a volume in series IV.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 104, per ship Eweretta.)

My Lord,

Government House, 2d July, 1843.

With reference to my Despatch of this day's date, No. 103, and agreeably to the intention expressed in the concluding part of my Despatch No. 99 of the 26th June last, I forward herewith further papers, containing complaints or charges against Mr. Justice Willis, all of which have come to hand since his case was last under the consideration of the Executive Council, and which of course therefore could have had no weight in determining the Council to recommend his removal from Office.

1. A Memorial from the Officers of Government at Port Phillip (and papers connected therewith) praying the removal of Mr. Justice Willis, signed by nearly all the Officers of any consideration in the District. It is signed by seventeen Officers, two of whom, namely, the Crown Prosecutor and the Commissioner of the Court of Requests, are Barristers, practicing in the Court of the Resident Judge.

2. A complaint from Mr. W. H. Curr, the late unsuccessful candidate at the Election of a Member of Council for the Town of Melbourne, shewing that Mr. Justice Willis lately, through ignorance of the Law, passed sentence of Death on a man, who...
had been guilty only of a misdemeanour; and further setting forth that, by the Law of England, a Judge, who shall pronounce such a sentence, is to be removed from office.

With these papers is a report made to me by the Judges of the Supreme Court in Sydney (before Mr. Curr's complaint reached me), which will shew to your Lordship that his statement is substantially true, and that Mr. Willis did record (not pass) sentence of Death against a man, who had, in the opinion of the three Sydney Judges, been guilty only of a misdemeanour, and that the man was accordingly pardoned.

3. Papers regarding the conduct of Mr. Justice Willis, in respect to the three men accused of having been concerned in the Murder of certain Aboriginal Women near Port Fairy (at the station of Messrs. Smith and Osprey) in the Month of February, 1842.

Many of the particulars respecting the murder of these women were reported in my Despatch, No. 90 and 92 of the 16th May, and a confidential Despatch of the 11th June, 1842, in the latter of which I assured your Lordship that no exertions would be spared to bring the Murderers to justice.

Great credit is, I consider, due to Mr. La Trobe for the untiring exertions, which he continued to make for their apprehension during a period of nearly eighteen months; whilst on the other hand, the conduct of Mr. Willis and his harangues from the Bench, openly accusing the Government of partiality in pursuing to Justice the perpetrators of crimes committed on the Aborigines, and allowing those committed by them to pass with impunity, can only, I fear, be accounted for by a desire to gain popularity in the District by encouraging the vilest and most inhuman passions of the dispersed occupiers of Crown Lands.

Among these papers will be found some representations from the Officers of Government, who are immediately charged with the protection of the Aborigines.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

either containing complaints against Mr. Justice Willis, or connected with complaints which have already been transmitted to your Lordship.

They are for the most part of a less serious nature than those which have accompanied my other Despatches; and, though relating to matters which occurred before Mr. Willis' removal from office, many of them were not brought specifically under the notice of the Executive Council.

They relate to the following matters:—

1. A complaint from Mr. Sidney Stephen of Mr. Justice Willis' refusal to admit him to plead as a Barrister in his Court. As Mr. Sidney Stephen has subsequently been disbarred in Van Diemen's Land, no great degree of importance is perhaps to be attached to his case.

2. Additional papers in Captain Lonsdale's case.

3. Papers in the case of Mr. Croke, Crown Prosecutor at Melbourne, and also as such Leader of the Bar in the Port Phillip District.

4. Complaint against Mr. Justice Willis by Mr. Powlett, Commissioner of Crown Lands at Port Phillip.

5. Complaint against Mr. Justice Willis by Mr. George Brunswick Smyth, formerly an Officer in the Army, and now a Settler at Port Phillip.

6. Papers relating to an address presented to Mr. Justice Willis, in the month of March, 1843.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these papers will be found in a volume in series III.]
1843.
3 July.
Approval of style and title for mayor.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 98, per ship Andromeda.)

Sir, Downing Street, 3rd July, 1843.
I have received your Despatch, No. 223 of the 27th of November last, reporting the result of the Elections of Municipal Officers under the Corporation Act of Sydney, and enclosing a copy of a Government notice settling the style and title of the Mayor; and I perceive no reason to disapprove of the Title given to that Functionary.

I am, &c.,
STANLEY.

4 July.
Allowance of gaols and prisons act.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 90, per ship Andromeda.)

Sir, Downing Street, 4 July, 1843.
I have received your Despatch, No. 219 of the 17th of November last, in further explanation of the provisions of the Act of your Government, 4 Vict., No. 29, passed in the Session of 1840 “for the Regulation of Gaols and Prisons in the Colony.”
On the explanations which you have now afforded, the Queen has been pleased to Confirm and Allow that Act.

I am, &c.,
STANLEY.

5 July.
Transmission of letters from treasury.

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

Sir, Downing Street, 5th July, 1843.
With reference to my Dispatch No. 57 of the 20th of April last, I transmit to you herewith, for your information and guidance, the enclosed Copies of two Communications from the Board of Treasury on the subject of the requisitions and Estimates for Stores for the Convict Service of New South Wales during the year 1843-4.

I have, &c.,
STANLEY.

[Enclosure No. 1.]

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

Sir, Treasury Chambers, 17th May, 1843.
I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit herewith copy of a letter from the Ordnance of the 1st Instant, respecting Clothing and Tools for Convict Services at New South Wales for 1843/4 in order that it may be submitted for the further information of Lord Stanley, with reference to the communication from this Department to you of the 11th Ultimo, in reply to your letter of 21st March last respecting Requisitions for Stores for Convict Services in that Colony.

I am, &c.,
C. E. TREVELYAN.
MR. E. BYHAM TO MR. C. E. TREVELYAN.

Sir, Office of Ordnance, 1st May, 1843.

I have the honor to acknowledge the receipt of your letter of the 11th April, transmitting a Requisition for Convict Stores for New South Wales, and requesting the same to be laid before the Master General and Board of Ordnance for the necessary directions for the supply of the Articles therein mentioned.

Also transmitting a Report and Estimate for Works and repairs, and requesting the Master General and Board to furnish the Lords Commissioners of Her Majesty's Treasury with a Statement of the Tools, etc., it may be advisable to supply from this Country, and also to apprise their Lordships of what would be the probable expense of this supply; and likewise of the supply of Stores and clothing under the first mentioned requisition.

I have it in command to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, no objection offers to the demand of Convict Stores for 1843-4, which comprises only the usual description of Articles; and, the quantities asked for of each not being unreasonable, the Board have ordered them to be supplied as desired by their Lordships.

With respect to the Estimate for Convict Works and repairs by the Royal Engineer Department, the Board have ordered it to be referred to the Inspector General of Fortifications for Examination and Report.

As no demand of Stores accompanies this Estimate, it is presumed all such as are wanted can be procured either from the Store already in the Colony or from the Tools and Materials included in the present demand from the Storekeeper.

I am further directed to state, for the information of the Lords Commissioners of Her Majesty's Treasury, that the estimated value of Stores required for the several Convict Departments for the year 1843-4 is as follows, viz.:—

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clothing, etc., Female Factories, etc</td>
<td>£1,030</td>
</tr>
<tr>
<td>Bedding</td>
<td>710</td>
</tr>
<tr>
<td>Barrack Utensils</td>
<td>175</td>
</tr>
<tr>
<td>Hospital and Medical Estabts.</td>
<td>18</td>
</tr>
<tr>
<td>Govt. Vessels, Boats, etc.</td>
<td>435</td>
</tr>
<tr>
<td>Miscellaneous or General Services</td>
<td>465</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£2,883</strong></td>
</tr>
</tbody>
</table>

I have, &c.,

R. BYHAM.
1843.

6 July.

Service under the Government of New South Wales, to transmit to You, for the further information of Lord Stanley, the enclosed extract of a letter from the Ordnance, dated the 15th Ultimo, relating to Works and repairs at Norfolk Island.

The Estimates for the said Works are returned herewith.

I am, &c,

C. E. TREVELYAN.

[Sub-enclosure.]

Extract of letter from Mr. Byham, dated Office of Ordnance, 15th May, 1843.

"I have the honor by their Command to return herewith the Estimate of Works and repairs and to acquaint you, for the information of the Lords of the Treasury, that the Items numbered 11, 12, 13, 14 and 15 are stated to have been executed, and that the Board have no information or observation to offer thereon.

"That the Painting provided for in Items 1 to 10 appears to be in due course; and subject to an examination of the quantities (which the information given does not admit of) would consequently be allowed in the Ordnance Service."

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 106, per ship Eweretta.)

My Lord,

Government House, 5th July, 1843.

Delay of in submitting report.

In my Despatch No. 30 of the 15th February last, I reported that, after waiting six weeks, I had received no reply from the Deputy Inspector General of Hospitals in this Colony to the communication which I caused to be made to him, in consequence of the receipt of your Lordship's Despatch, No. 136 of the 16th June, 1842; and that, from the habitual inattention of that Officer, I saw no prospect of obtaining an answer from him within any reasonable time. I have however now to report that I received, on the 29th ultimo from the Deputy Inspector General, a letter (accompanied by certain Returns) of which I enclose a Copy, in reply to the enquiries from the Army Medical Department.

I also return herewith the original document enclosed in your Lordship's Despatch, on which the explanation was demanded from the Principal Medical Officer.

The time, occupied therefore in this instance by the Deputy Inspector General in preparing his reply, has been the interval between the 26th November, 1842, and the 28th June, 1843, or about seven months.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 101, per ship Andromeda; acknowledged by Sir George Gipps, 9th July, 1844.)

Sir,

Downing Street, 6th July, 1843.

I transmit to you, herewith, a copy of an Act of Parliament, which has recently been passed to authorize the Legislatures of Certain of Her Majesty's Colonies to pass Laws for the admission, in certain Cases, of unsworn testimony in Civil and Criminal proceedings, the object being to provide for the admission of the Evidence of Aboriginal Natives. The circumstances, which have given rise to the passing of this Act, have been so fully entered into in previous correspondence* that it is only necessary for me now to instruct you to propose to the Legislative Council of New South Wales a Law for giving effect to the provisions of the Act of Parliament.

I am, &c,

STANLEY.

[Enclosure.]

[This was a copy of the statute, 6 Vict., c. xxii.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 102, per ship Andromeda; acknowledged by Sir George Gipps, 30th December, 1843.)

Sir,

Downing Street, 7 July, 1843.

The Lords Commissioners of the Treasury having intimated to me that they have directed an advance of Two thousand Pounds to be made to Mr. Barnard, the Agent General for New South Wales, for the Current Services of that Colony, I have to desire that you will cause that sum to be repaid from the Colonial Funds to the Commissariat Chest.

I have, &c,

— STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 107, per ship Eweretta; acknowledged by Lord Stanley, 30th December, 1843.)

My Lord,

Government House, 8th July, 1843.

I beg to report the circumstances under which I have paid, out of the Crown Revenue of this Colony (or that arising out of Quit Rents, etc.) a gratuity of £100 to the Reverend Mr. Handt.

The Revd. Mr. Handt came to this Colony as a Missionary to the Aborigines in the year 1831. He was employed a considerable time at Wellington Valley, but was transferred in

* Note 1.
HISTORICAL RECORDS OF AUSTRALIA.

1843.

8 July.


1837 to Moreton Bay, where of late he officiated to the Convict Establishment, as well as to the Aborigines, though his salary of £100 a year continued to be paid out of Colonial funds.

Since the recent opening of Moreton Bay, a Minister of the Church of England has, under the Church Act of the Colony (7th Wm. IV, No. 3), been appointed to the town of Brisbane, and has of course superseded Mr. Handt in the exercise of his functions. Mr. Handt is a Lutheran, as well as a Foreigner, and consequently is not recognized by the Bishop of Australia; and the grant of £500 a year to the Church Missionary Society (out of which Mr. Handt was previously paid) having ceased under your Lordship’s Despatch, No. 140 of the 29th June, 1842, the situation of Mr. Handt became really distressing. The gratuity, which I issued to him of £100, has enabled him to remove to the neighbourhood of Sydney, where he has obtained a small Congregation on the Voluntary System.

I have, &c.,

GEO. GIPPS.

9 July.

Statutory power for judges to make rules of court.

By the 16th Section of the 9th Geo. IV, C. 83, the Judges in New South Wales are authorized to make Rules for the conduct of business in the Supreme Court; and the Rules so made by them, though subject to disallowance by Her Majesty, are in force until they may be disallowed.

In pursuance of the powers thus given to them, the Judges have frequently made and amended their Rules of Court; and the Rules, thus made or amended, have been transmitted by the Governor to the Secretary of State; and the Secretary of State has in general directed that the Judges should, at the expiration of a year, report how they had been found to work; but here the matter has usually ended, no such report having (except perhaps in peculiar cases) been made; nor does there, I may remark, seem to be any real occasion for such a report, for, if found to work badly, the Judges have power to alter the rules, and in fact do alter them without waiting for permission from any superior Authority.

I do not therefore see cause to complain of the present practice; and I have entered into an explanation of it, solely as introductory to a report (a Copy of which is herewith enclosed) from Mr. Justice Willis, respecting the working of the Rules of Court in the Port Phillip District; and, as this report has been lying with me for transmission to Your Lordship for more than
GIPPS TO STANLEY.

9 July, 1843.


Transmission of rules re reduction of fees of court at Port Phillip.

I have the honor herewith to transmit to your Lordship, agreeably to the directions contained in the 16th Clause of the 9th Geo. IV, C. 83, a Rule of Court made by the Judges of this Colony on the 3d August, 1842, imposing fees on the admission of Barristers, Attorneys, etc., and on the administration of Oaths to Magistrates, with an explanatory letter from the Chief Justice of the 8th of the same month.

I also transmit a copy of a letter which was written to the Chief Justice on the 31st August, 1842, by my direction on the subject of this Rule; and I beg to explain that it was in consequence of an answer having been expected to this letter that the matter was laid aside, and did not attract notice until the papers, which form the subject of my Despatch of this day's date, No. 108, were taken up to be acted upon.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 9th July, 1843.

I have the honor herewith to transmit to your Lordship, agreeably to the directions contained in the 16th Clause of the 9th Geo. IV, C. 83, a Rule of Court made by the Judges of this Colony on the 3d August, 1842, imposing fees on the admission of Barristers, Attorneys, etc., and on the administration of Oaths to Magistrates, with an explanatory letter from the Chief Justice of the 8th of the same month.

I also transmit a copy of a letter which was written to the Chief Justice on the 31st August, 1842, by my direction on the subject of this Rule; and I beg to explain that it was in consequence of an answer having been expected to this letter that the matter was laid aside, and did not attract notice until the papers, which form the subject of my Despatch of this day's date, No. 108, were taken up to be acted upon.
In the understanding, which is set forth in the letter to the Chief Justice above referred to, that the produce of the additional fees imposed by this new Rule of Court must be appropriated (like the produce of all other fees) by the Legislative Council of the Colony, I see no objection to the allowance of the Rule.

I beg to add that, though I regret the delay which has occurred in the transmission of this Rule, no inconvenience has arisen from it, as all Rules of Court take effect from the day on which they are promulgated in the Colony.

I have, &c.,

Geo. Gipps.

[Enclosure No. 1.]

SIR JAMES DOWLING TO SIR GEORGE GIPPS.

Sir,

Supreme Court House, Sydney, 8th August, 1842.

I have the honor to enclose, for Your Excellency's information, the copy of a Rule, made on the 3rd Instant by the Judges of the Supreme Court in pursuance of the power given us by the Statute, 9 Geo. 4, c. 83, ordaining a new Scale of Fees to be paid in the instances therein enumerated.

The proposed fees on the admission of Barristers and Attorneys on an articled clerkship, and on the taking of Oaths by Magistrates on their appointment, have been induced to institute, in order to provide a fund towards the collection of a Law Library for the use of the Judges, the Practitioners and other Officers of the Court. The want of Books of ready reference in the administration of Justice is severely felt and frequently occasions the greatest inconvenience and delay in the daily proceedings of the Court. All the Superior Courts of Record at Westminster, Dublin, and Edinburgh, are provided respectively with Law Libraries accessible to the practitioners of the Court in the course of business. These, if not provided directly by the Government, are at least furnished from funds raised in the administration of Justice. Much as we feel (without reference to the imposition of new fees directly applicable to such a purpose) that this want might reasonably be expected to be supplied by the Government on the mere suggestion of its existence, yet, as we think this is a legitimate mode of raising the necessary funds without expence to the General Colonial Treasury, we entertain a sanguine hope that Your Excellency will be pleased to give order that the fees, collected under the several heads pointed out, shall be set apart for the object contemplated by the Judges.

In the mean time, we have the honor to request that your Excellency will be pleased to cause the Rule enclosed to be published in the Government Gazette, and transmitted by the earliest opportunity for the sanction of Her Majesty, coupled with a recommendation that such fees when collected shall be assigned to the purpose suggested by the Judges.

I have, &c.,

James Dowling, C.J.
GIPPS TO STANLEY.

[Sub-enclosure.]

RULE OF COURT.

In the Supreme Court of New South Wales.

WEDNESDAY, the third day of August, in the Year of Our Lord one thousand, eight hundred and forty two. It is ordered that the following fees be demanded and taken in the Supreme Court, in addition to the fees already fixed, viz.:— £ s. d.

For the admission of any Barrister, 5 5 0
For the admission of any Attorney previously admitted in England, 5 5 0
For the admission of any Attorney articled in this Colony, 10 10 0
For administering Oath to a Magistrate, 0 10 6
" For taking evidence of witnesses in Court during trial per folio of 72 words, 0 1 0
" For making Copies of evidence and exhibits per folio, 0 0 6
" For striking Jury List, 1 1 0
" For reducing Jury List, 1 1 0

JAMES DOWLING, C.J.
W. W. BURTON.
ALFRED STEPHEN.

[Enclosure No. 2.]

COLONIAL SECRETARY THOMSON TO SIR JAMES DOWLING.

Colonial Secretary's Office,
Sydney, 31st August, 1842.

Sir,

In acknowledging the receipt of the Letter addressed to the Governor on the 8th instant by their Honors the Judges, transmitting a rule of Court issued by them, ordering a new scale of Fees to be paid in certain instances enumerated in the rule, I am directed by His Excellency to inform your Honor that He will cause the Rule to be published in the Government Gazette, and transmit a Copy of it to the Secretary of State for Her Majesty’s approval, together with a Copy of their Honors’ Letter agreeably to the provisions of the 9 Geo. IV, Ch. 83, Sect. 16.

In respect to the suggestions contained in their Honors’ letter that the four first mentioned of the new fees (or those enumerated in the margin*) should be set apart for the purpose of forming a Law Library, Your Honor is, His Excellency has no doubt, aware that these Fees must (like all others) be paid in the first instance into the Public Treasury, and that He has no power to appropriate the Moneys arising from them to any purpose without a vote of the Legislative Council.

Should, however, the collection of the Fees be sanctioned by Her Majesty, the Governor will be happy (with the permission of the Secretary of State) to propose to the Legislative Council to appropriate the proceeds of the three first of them, viz., the Fees on the admission of Barristers and Attorneys to the purpose suggested by the Judges; but He thinks it right to apprise their Honors of the doubts, which He entertains whether it would be proper to appropriate to the same purpose fees paid by Gentlemen on being sworn into the Commission of the Peace.

At present, no Fees are paid by Magistrates, either on their appointment, or on their being sworn; but, if a Fee be taken from them, it appears to His Excellency only reasonable that it should go to the Public Revenue in consideration of the trouble of making out and recording their Commissions in the Offices of the Colonial Secretary and Registrar of the Colony.

I have, &c.,

E. DEAS THOMSON.

*Marginal note.—1. On the admission of Barristers, £5 5s. 2. On the admission of an Attorney previously admitted in England, £5 5s. 3. Do. if not previously admitted, £10 10s. 4. For administering an oath to a Magistrate, £0 10s. 6d.
14

HISTORICAL RECORDS OF AUSTRALIA.

LORD STANLEY to SIR GEORGE GIPPS.
(Despatch No. 103, per ship Andromeda.)

Downing Street, 10th July, 1843.

I have received at various times from the Governor of Western Australia Reports on the state of the Aboriginal Inhabitants within the limits of that Colony, which have appeared to me to give a satisfactory indication of the success, which has attended the attempts made by that Government to protect and civilize the Natives within its jurisdiction.

I am aware that the Circumstances of the Colonies are so various, and possibly the characters of the Tribes so different that it by no means necessarily follows that the same measures, which have been successfully pursued within the Colony of Western Australia, are applicable to all the cases which may present themselves elsewhere, or would, if applied under such modified circumstances, produce the same results. I have, however, thought it might be beneficial to direct the Governor of Western Australia to transmit to you, to the Superintendent at Port Phillip, and to the Governor of South Australia, a Memorandum shewing the measures which he has adopted for that purpose, and the result which those measures have produced. You will, I am convinced, not conceive that I have, in giving that instruction, been influenced by any disposition to under-value the efforts which you have made for promoting the welfare of the Natives within your Government.

As I have directed that Governor Hull should address a similar communication to the Superintendent at Port Phillip, it will be desirable that you should transmit a Copy of this Despatch to Mr. La Trobe for his information.

I am, &c.,

STANLEY.

LORD STANLEY to SIR GEORGE GIPPS.
(Despatch No. 104, per ship Andromeda.)

Downing Street, 10th July, 1843.

I have to acknowledge the receipt of your Dispatch No. 15 of the 20th of January on the subject of the Claims of Mr. P. L. Campbell to leave of absence with half Salary as Police Magistrate of Paramatta.

I concur with you in opinion that the Claim cannot be admitted, and I have directed Mr. Campbell to be so informed.

With regard to that part of your Dispatch in which you observe that you "expressly informed Dr. Polding and Dr. Ullathorne that they would be entitled to no salary at all during their leave
of absence," I must refer you to the correspondence with those Gentlemen, enclosed in my Despatch of the 21st September, 1841, from which it appears that those Gentlemen left the Colony under the impression that they were to receive full Salary during that period.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 105, per ship Andromeda.)

Sir,

Downing Street, 11th July, 1843.

Referring to the series of your Despatches enumerated in the Margin* on the subject of the Complaints, which you have preferred against Mr. Willis, one of the Judges of the Supreme Court of New South Wales, I herewith transmit to you, for the information of Mr. Willis, the Copy of a letter which I have addressed to the Lord President of Her Majesty's Council on this subject, from which it will appear that the whole subject will be referred to the Judicial Committee of the Privy Council for their report to Her Majesty in Council. As soon as that Report shall have been made, I propose to communicate the result of it to you.

I am, &c.,

STANLEY.

[Enclosure.]

LORD STANLEY TO THE LORD PRESIDENT.

Downing Street, 11 July, 1843.

I herewith transmit to your Lordship Copies of a series of Despatches enumerated in the margin* with the Enclosures to those Despatches in original, the whole of which relate to Acts of misconduct ascribed to Mr. Willis, one of the Judges of the Supreme Court of New South Wales.

On referring to these Documents, your Lordship will find that the imputations against Mr. Willis relate entirely to acts done, or alleged to have been done, by him in his judicial capacity. You will further find that, in a Despatch of the 4th February, 1843, is submitted to me the unanimous recommendation of the Governor and of the Executive Council for the removal of Mr. Willis from Office.

Considering the nature of the charges preferred against the Judge, it appears to me that they are such as it is not within the competency of Her Majesty's Executive Government to dispose of or to entertain, except on the advice of the Judicial Committee of Her Majesty's Privy Council, to whom alone it can belong to review the adjudications or judicial orders or Proceedings of the Judge.

* Marginal note.—No. 151, 27 Aug., 1842; No. 163, 10 Sept., 1842; No. 191, 13 Oct., 1842; No. 211, 10 Nov., 1842; No. 212, 12 Nov., 1842; No. 213, 14 Nov., 1842; No. 26, 4 Feb., 1843; No. 31, 18 Feb., 1843.
I have therefore to request that your Lordship would move The Queen in Council to refer these Documents to the Judicial Committee, with an instruction to that Committee to report to Her Majesty in Council their opinion as to the measures which it may be proper for Her Majesty to adopt in reference to the case of Mr. Willis.

I have, &c,

STANLEY.

TRANSMISSION OF PAPERS RE APPLICATION FROM W. P. GREENE.

Instructions for payment to W. P. Greene.

On a reconsideration of the very peculiar circumstances of this case, I have to authorize you to pay to Mr. Greene, on account of the Emigrants he introduced into the Colony, the same amount that could have been claimed for them under the Bounty Regulations, provided that no such payment to Mr. Greene shall exceed Four hundred Pounds, the sum originally depositied by him in this Country for the purchase of Land at Port Phillip.

I have, &c,

STANLEY.

MR. C. J. LA TROBE TO LORD STANLEY.

My Lord,

Melbourne, Port Phillip, 17th Decr., 1842.

It is my duty to forward the enclosed Memorial addressed to Your Lordship by Lieutenant William Pomroy Greene, R.N., recently arrived in Port Phillip, which has been placed in my hands for the purpose. Mr. Greene's Memorial brings under your Lordship's notice the peculiar circumstances, under which, after having paid the sum of £400 into the hands of the Colonial Agent for the purchase of Crown Lands in the Port Phillip District, mainly with a view of securing a free passage for his agricultural servants in the terms of the Government regulations of February, 1842, Her Majesty's Land and Emigration Commissioners were led, in strict adherence to the letter of the regulations, to deny his claim to the said indulgence, upon the ground that the Ship "Sarah," by which Lieutenant Greene had secured passage to this Colony, was not of the prescribed Class.

I have the honor to state that, upon Lieutenant Greene bringing the circumstances of the case under my notice upon his arrival, I acceded to his request that the laborers, thus introduced by the "Sarah," might be subjected to examination by the local Emigration
STANLEY TO GIPPS. 17

Board of Inspection, and I have taken advantage of the present mail to transmit the report drawn up to Her Majesty's Land and Emigration Commissioners, who will be in a position to give your Lordship any information that may be considered desirable, in taking Lt. Greene's Memorial into consideration.

I have, &c.,

C. J. La Trobe.

[Sub-enclosure.]

THE Memorial of William Pomeroy Greene, Lieutenant,
Royal Navy.

To the Right Honble. Lord Stanley, Her Majesty's Principal Secy. of State for the Colonies, etc., etc.,

Respectfully sheweth,

That Your Lordship's Memorialist had from a number of ships selected and engaged the greater part of the accommodation and freight of the Ship "Sarah" of London for the purpose of conveying himself and family to Port Phillip in Australia; that he had her surveyed at the time arrangement was being made in May, 1842, when she was reported to be in every respect Sea worthy and fit to proceed to any part of the world.

That Memorialist, being desirous of availing himself of any advantages held out by the Government for the encouragement of Emigration, called at the Office of the Colonial Land and Emigration Commissioners for the purpose of ascertaining upon what terms he would be allowed to take out his Servants and Laborers in the Ship with him, where he was informed that, for every Hundred Pounds lodged with the Agent for Crown Lands in the Colonies, he would be permitted to name four persons under certain restrictions contained in the printed instructions or regulations, dated February, 1842, which were furnished him for his guidance.

Memorialist then wrote an Official Letter addressed to the Commissioners' Secretary, stating that he was about to proceed to Port Phillip in the ship "Sarah" and was prepared to lodge the Sum required for the purchase of land in that Colony with a view of obtaining the bounty for the Emigrants, he intended taking with him in that Ship; that he accordingly proceeded as directed, procured the necessary certificates, and, having obtained the Commissioners' approval of his Servants and Labourers named, he lodged £400 as instructed, and in every respect acted in conformity with the regulations of the Commissioners. when to his surprise he received a Letter, dated 22d July, 1842, on the eve of the Ship's sailing, stating that the Commissioners would not consent to pay for any Emigrants going by the Ship "Sarah" in consequence of her having fallen a class on Lloyd's List during the period of negotiation.

Memorialist here begs distinctly to state that, before he lodged any money, he informed the Commissioners of his intention of embarking his Emigrants in the "Sarah," to which no objection was made; and he solemnly declares he was never informed by the printed regulations or otherwise that the Class of the Ship on Lloyd's List was essential to the Settlement of the arrangement with the Commissioners of Emigration; had it come to his knowledge, he would have acted accordingly and most certainly would not have lodged £400 or closed his engagements without having first attended to such an important point.
That Memorialist in the meantime, having become bound to the Owners of the ship "Sarah" and to his agricultural laborers, was compelled to meet his engagements with both, and had moreover been induced by the promise of being allowed the Bounty to commit himself to a greater number than he would otherwise have hired.

That Memorialist without any fault on his part became thus deprived of the benefits for which his £400 was advanced, and also subject to an increased Establishment, which he would not have undertaken, had he not relied on the promised aid.

Memorialist, finding this unexpected difficulty in concluding his arrangement, deeply felt the inconvenience of having placed £400 out of his power; he therefore requested the Commissioners to refund him that Sum, but was informed they had no power to restore it; thus Memorialist lost the present use of his money, and, should he not require to purchase Land from the Crown, his embarrassment will be still further aggravated.

Memorialist forbore addressing Your Lordship on the subject until he should have the satisfaction of reporting the safe arrival of his Servants at Port Phillip, where they landed in good health on the 2d of December, 1842, having found the ship "Sarah" in every respect worthy of the Report the Surveyor had made of her, and that it had been proved to demonstration that she was fit to proceed to any part of the world, and was now actually on her way to China to take in a Cargo of dry goods for London.

Memorialist also begs to observe that, from the good character the Ship bore, the premium of Insurance on her Cargo was not increased by the circumstance of her being placed on a lower Class on Lloyd's List, as Memorialist and others effected Insurances at the usual rate, the Ship having been reduced not from any ascertained defect, but merely from her not being put into dry dock for the purpose of being surveyed, at a time which rendered it absolutely impracticable, her ballast and part of her Cargo being actually shipped; it also appears that up to this period she was in a class which the Commissioners approve of for conveying Emigrants.

Memorialist in conclusion begs to draw your Lordship's attention to his claims on Government, his being a Lieutenant in the Royal Navy of many years standing, in which service his constitution has been so much impaired from Foreign Service, and more particularly in the Birmese war; that, from excessive delicacy of health so contracted, he has been obliged to relinquish a lucrative appointment in his Native Land, and proceed to a Milder Climate by permission of the Admiralty, where he has taken a large family of seven Children.

Memorialist in presenting this Appeal to Your Lordship begs to observe that he does not in the least degree mean to express any feeling of dissatisfaction towards the Commissioners of Emigration from whom he received every Courtesy, but their not having it in their power to grant him relief in a case of such practical hardship obliges him to seek your Lordship's protection, which he does in the confident hope that his prayer will meet with that consideration, which he feels it deserves, and that he will be allowed the promised Bounty for conveying his Laborers to Port Phillip, eighteen of whom have been landed.

Memorialist having now effected the object for which his £400 was lodged, and having in the spirit and the letter carried out the views of Government in safely conveying and landing so many
Emigrants, he trusts all difficulty may be removed, more particularly as there is no doubt Government is influenced by an anxious desire to encourage a useful description of Emigrants willing to embark their Capital, and lend their aid in advancing the interests of the Colony they have adopted.

Memorialist has, &c,

W. P. Greene, Lt., R.N.

[Enclosure No. 2.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir, 9 Park Street, Westminster, 16th May, 1843.

We have the honor to acknowledge your letter of the 6th instant, enclosing a Despatch from the Superintendent at Port Phillip; accompanied by a Memorial from Lieutenant W. P. Greene, R.N., praying that a sum of money may be paid to him equal to the Bounty on certain Laborers whom he conveyed with him to that District.

We have the honor to report that Mr. Greene deposited £400 with us for the purchase of land at Port Phillip, which he will receive accordingly, and that, in the event of his nominating in this Country a certain number of qualified Laborers, he became entitled by the same deposit to require that we should provide them with a free conveyance to the Colony. He did name such Laborers, and we declared ourselves ready, up to the moment of his taking them with him out of the Country, to provide them with a free passage in a suitable vessel. We were likewise willing and desirous, if possible, to send them in the same ship in which he went out himself, until we found that he had selected for that purpose a vessel of a lower class than was eligible under our Regulations for the conveyance of Emigrants. We need scarcely say that this is the last point on which we should be willing to depart from established rules. Mr. Greene admitted the force of the objection; but proposed at the time a course similar to the one for which he now applies, viz., that, if the Passengers should arrive safe, he might be allowed, in addition to the Land for which he paid his price of £400, a payment of the Bounty upon the introduction of his Laborers. The case having been at that period brought under Lord Stanley’s notice, we stated, in our report of the 9th of August, 1842 (to which we would beg to refer if any more detailed information is required), that there was no Bounty Rule which would admit of a compliance with Mr. Greene’s application; but that on the contrary none of the Companies, and none of the Bounty Agents, engaged in Emigration, were permitted to send out People without a previous approval of their ships. Mr. Greene having reached the Colony now renews his request.

We have the honor to report that Mr. Greene appears to us unable to claim anything as a right, because all that he purchased and paid for consisted of 400 Acres of land, and this he has doubtless by this time obtained. But, had it not been for a hope that we could pay for his Laborers in the “Sarah,” it may very reasonably be supposed that he would rather have relinquished taking them out, than have incurred such an expense from his own funds;
and, having been led into so large an outlay though by his own error, it must remain a question for Lord Stanley whether he may be allowed any relief as an indulgence. We are obliged to say that we think it would be a bad precedent to make the payment for Emigrants contingent on the safe arrival of a vessel not in herself regularly admissible; but the circumstances of the present case are peculiar, and might therefore probably not form a precedent. Should it be thought proper to consider Mr. Greene’s case favorably, we think the most convenient course would be to direct the Governor to pay him for his Emigrants the same amount that could have been claimed for them under the Bounty Regulations, provided that no such payment to Mr. Greene shall exceed the sum of Four hundred pounds originally received from him for Land.

We have, &c,

T. FREDK. ELLIOT.
EDWARD E. VILLIERS.

12 July.

Precedency for superintendent of Port Phillip.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 107, per ship Andromeda.)

Sir,
Downing Street, 12 July, 1843.

I have received your Despatch No. 240, of the 23rd of December last, in which you call my attention to the circumstance that no place has as yet been assigned in the Table of Precedency in the Colony of New South Wales to the Superintendent of Port Phillip, and you suggest that a place may be assigned to the Superintendent immediately after the Bishop.

I perceive no objection to the position which you propose to assign to the Superintendent in the General Table of Precedency in the Colony; and, as regards the position of that Officer within the District of Port Phillip, I consider that he is clearly entitled to stand at the head of the local Society in which he is placed. This point will be duly attended to in revising the Book of General Regulations.

I am, &c,
STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 108, per ship Andromeda; acknowledged by Sir George Gipps, 2nd February, 1844.)

Sir,
Downing Street, 12 July, 1843.

I have to acknowledge the receipt of your Dispatch, No. 25 of the 3d of February last, transmitting a Memorial from Mr. Jonathan Croft, Deputy Purveyor of Hospitals in New South Wales, pointing out the inadequacy of the remuneration he receives for his Services, and requesting that some further Allowance may be made to him.

I referred your Dispatch with the Memorial to the Director General of the Army Medical Department, and I transmit to you
GIPPS TO STANLEY.

herewith the Copy of the reply, which has been received from that officer. You will perceive that Sir James McGregor, altho' aware of Mr. Croft's merits, states that he is not specifically acquainted with the duties required of him; Neither does your Dispatch contain any information on that point. In the absence of some authoritative official Report on that subject, it will be impossible for Her Majesty's Government to form any decision on Mr. Croft's application.

I must therefore request that you will furnish me with a full explanation of the nature and extent of the Services, which that Gentleman is called upon to render in the capacity of Deputy Purveyor and Apothecary to the Forces. I have, &c,

STANLEY.

[Enclosure.]

SIR JAMES McGREGOR TO UNDER SECRETARY STEPHEN.

Sir,

Army Medical Department, 29th June, 1843.

I have the honor to acknowledge the receipt of your Letter of the 12th Inst., covering the Copy of a Despatch from the Governor of New South Wales forwarding a Memorial from Mr. Jonathan Croft, Deputy Purveyor and Apothecary to the Forces in that Colony, in which he complains of the Inadequacy of the remuneration he receives, and requests some further Allowance may be granted him.

In reply, I beg leave to state, for the consideration of the Right Honorable Lord Stanley, that, although I am not specifically acquainted with the duties required of Mr. Croft, I am well aware of his merits, and know that the duties he is called upon to perform are onerous; and, in consideration of his long services, now nearly 40 years, and his own statement relative to the expensive station on which he is employed, I beg to recommend his application to the most favorable consideration of his Lordship, either by granting Mr. Croft an increase of pay, or a Bonus in lieu of a grant of Land as in the case of Mr. Laidlaw of the Commissariat Department to which Mr. Croft alludes.

I have, &c,

J. McGREGOR, Director General.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 110, per ship Eweretta; acknowledged by Lord Stanley, 14th January, 1844.)

My Lord, Government House, 12th July, 1843.

I had the honor, on the 27th February last, to receive Despatch acknowledged. your Lordship's Despatch No. 189 of the 16th September, 1842, wherein I was desired to limit to the sum of £2,500 the contribution paid for the present year out of Convict funds towards the maintenance of the Benevolent Asylum, and gradually to reduce it within narrower limits.
Having communicated this decision of Her Majesty's Government to the Committee by which the affairs of the Asylum are managed, I have received a letter from their Secretary in reply, of which at their request I enclose a Copy.

Your Lordship is already aware that, previously to the receipt of your Lordship's Despatch of the 16th Sept., 1842, I had decided that the contribution should never exceed £3,000 a year, and that the Committee had (tacitly at least) acquiesced in this decision.

I have to request your Lordship's instructions as to the reply which I am to make to the Committee.

Geo. Gipps.

P.S.—I further enclose a Copy of a letter from the Secretary to the Society to the Colonial Secretary, reporting the number of the inmates in the Asylum in March last, and their condition, whether Bond or Free, when they came to the Colony; also the Printed Report of the Society for the year 1842.

[Enclosures.]

Copies of these papers are not available.

Lord Stanley to Sir George Gipps.

(A circular despatch, per ship Andromeda.)

Downing Street, 13th July, 1843.

Sir,

With reference to my Predecessor's Circular despatch of the 15th March, 1841, I have to acquaint you that I have received communications from several Governors of Colonies, complaining of the inconvenience arising from its having made the financial year, as regards the Returns for the Blue Books, to terminate on the 30th September instead of as formerly on the 31st December.

I have also been informed that this alteration of dates has occasioned much difficulty in comparing the recent Returns with those of former periods.

I have, therefore, deemed it advisable to revert to the old custom of making up all the Blue Book Returns to the end of the Calendar year; and you will have the goodness to give the necessary directions to the Colonial Secretary accordingly.

This despatch will be accompanied by a supply of Blank Returns in loose sheets, sufficient to form Blue Books for this and the year 1844. This plan has been adopted to meet the wishes of
some Governors, who consider that they will be more convenient for filling up than when bound up in a Volume. When the Returns are completed, they must be sent home merely stitched together, in order that the entire Volume may be formed, and its uniformity preserved with the Blue Books of other Colonies.

If the answer to any Return should be the same as that of the previous year, it must nevertheless be inserted at length; and, when any particular Return is not applicable to the Colony under your Government, the word “Nil” must be inserted in it, accompanied by the signature of the Colonial Secretary, as certifying to that fact.

I have only to add my particular desire that every attention may be paid to the careful preparation of these Returns, and that they may be sent home before the termination of the first quarter of the year following that up to the end of which they are completed.

I have, &c,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 109, per ship Andromeda.)

Sir,
Downing Street, 13th July, 1843.

With reference to my Dispatch No. 91 of the 20th ultimo, I transmit herewith a Copy of a letter from the Revd. J. E. Keane, and I have to acquaint you that, under the circumstances therein stated, I have consented to allow Mr. Keane to defer his departure from this Country for the period of Six Weeks from the 3d Instant.

I have, &c,

STANLEY.

[Enclosure.]

REVD. J. E. KEANE TO LORD STANLEY.

127 Murray Place, City Road,
Glasgow, 30th June, 1843.

My Lord,
I had the honor of Mr. Hope’s letter informing me that your Lordship had not intended a further extension of my leave, and that I should take immediate steps for my departure to N. S. Wales. I have at once begun those measures, but beg respectfully that under the circumstances Your Lordship will not press that haste which I myself would otherwise have made. I take the liberty to enclose a Letter just received from my brother in Ireland, which will shew the state of my aged mother from whose Society I have been kept from a sense of duty in supplying a destitute parish until means for supporting a minister were devised, and under the idea that I should have this summer to spend with her. I also beg to enclose some certificates both as to my performance of the duties of the Church, and also of the Military and other duties devolved
13 July.
Application by Revd. J. E. Keane.

on me from the illness of the very Revd. the Dean of Glasgow; and it was not till the 18th Inst. a successor was appointed, and even last Sunday I was obliged to perform the duties to the Military; these testimonials will, I trust, shew your Lordship that my time has not been lost to the State and public; and I beg most respectfully to express a hope that even my exertions have not been without use in endeavouring to allay the political ferment, which existed amongst the class where the Chapel is placed. My own health has indeed been so seriously affected by those weight of duties, that some time of rest for my restoration, with God's blessing, was deemed absolutely necessary.

J. E. KEANE, Chaplin.

14 July.
Transmission of papers re refusal of bounties on immigrants.

LORD STANLEY TO SIR GEORGE GIPPS.

(Signed No. 10, per ship Andromeda; acknowledged by Sir George Gipps, 28th February, 1844.)

Sir, Downing Street, 14th July, 1843.

With reference to my Dispatch, No. 96 of the 30th Ultimo, I transmit to you, for your information and guidance, the Copy of a further communication from the Commissioners of Colonial Land and Emigration, enclosing Copies of the letters addressed by them to the several Parties who had appealed against refusals of Bounty in New South Wales.

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir, 9 Park St., Westminster, 3d July, 1843.

In reference to your Letter of the 27th Ultimo, acquainting us that Lord Stanley concurred in the opinion contained in Our Report* of the 31st May, upon the Appeals which had been made against certain refusals of Bounty in New South Wales, and authorizing us to communicate the same to the parties, we have the honor to enclose copies of the Letters which we have addressed to them accordingly, and we would beg leave to suggest that they may be forwarded, with the other papers on the subject, to the Governor for his information.

We have, &c.,

T. FREDK. ELLIOT.
EDWD. E. VILLIERS.

[Sub-enclosure No. 1.]

MR. S. WALCOTT TO MESSRS. HANDYSIDES, SMITH AND SONS AND CARTER AND BONUS.

Colonial Land and Emigration Office,

Gentlemen, 9 Park Street, Westminster, 30th June, 1843.

In reference to the appeal, offered in your letter of the ---, against the refusal of Bounty in various cases in which you are interested, I am directed by the Colonial Land and Emigration Commissioners to transmit you the enclosed Memorandum, containing certain general principles which have been laid down by Lord

* Note 2.
STANLEY TO GIPPS.

Stanley for the guidance of the Governor in reconsidering any cases to which they may be found to apply; and, in so far as you have any claims, which appear to you to fall within the scope of these general rules, it will be open to you to bring them before the Governor in the regular manner through your Agent at Sydney.

I am, &c.,
S. WALCOTT, Secretary.

[Annexure.]

PRINCIPLES for the reconsideration of any cases of refusal of Bounty, to which they may apply in the Immigration of 1841 and 1842.

I. Where no reason appears to doubt that single Females were of good character at the time of Embarkation, and where their conduct was good during the voyage, so as to justify the practical efficiency of the protection under which they were placed, the refusal of Bounty under the strict letter of the Rule on the latter point will, as regards the past, be reconsidered.

II. Payment will not continue to be withheld on Widows, if unobjectionable in other respects, upon the ground of their not being "unmarried Females."

III. If a single man were in all other respects eligible, the Bounty on him is not to be withheld because a single female, by whose presence the required equality of the Sexes would have been preserved, was rejected.

IV. With regard to refusals of bounty because people entered upon a different Trade in New South Wales from that stated in their certificate, such refusals are not to be maintained in respect of single women described as female Servants, because they made their election in the Colony to earn their living by needle work. Where obviously incompatible callings were inserted together, and the party entered on the one different from that contemplated in the Rules, the refusal will of course stand good.

But in any instances where one of the callings being of the kind required by the Regulations, both nearly related together, so that fitness for the one was a presumption of qualification for the other, the Colonial Government will be prepared to take such cases into consideration according to the respective merits of each.

V. If an Immigrant was duly passed by the Immigration Board, the Bounty on him is not to be withheld because he may have afterwards left the Colony or died.

[Sub-enclosure No. 2.]

MR. S. WALCOTT TO MESSRS. CARTER AND BONUS.

Colonial Land and Emigration Office, 9 Park St., Westminster, 30th June, 1843.

In reference to my separate communication of this day’s date, I am directed by the Colonial Land and Emigration Commissioners to acquaint you that, upon such points in your representation of the 8th February as are not met by the more general decisions contained in my other letter, the following conclusions have been submitted to Lord Stanley’s consideration and met with his Lordship’s approval.

1st. It is not thought expedient to require that all the documents upon the cases of refused Bounty should be sent home, and the decision removed to this Country.

2d. With regard, however, to your wish to receive the original documents in respect to six women from Newington, who were found of bad character, it has been left to the Colonial Authorities to send home the papers and other evidence you request, if circumstances will admit of their being conveniently transmitted to England.

3d. With respect to Mary Russell, who was rejected as too young, an opinion has been expressed that it would be just to put you in possession of the grounds of that conclusion, in order to give you
1843.
14 July.

Reply to complaint by Carter and Bonus.

an opportunity for explanation or enquiry. On the man named Catt, who was rejected as too old, particular attention has been drawn to the circumstances set forth in your letter, and there can be little doubt that, upon receipt of that explanation, this man will be paid for.

4. On the cases placed by you in a Schedule marked G, a memorandum, of which a Copy is hereto annexed, has been furnished for transmission to the Governor, containing such information as the Commissioners would supply; and the Governor's attention has been further requested to the objections to the grounds upon which Bounty was refused on the woman named Mary O'Connor.

5thly. Upon the Sum of £68 alleged by you to have been stopped out of the Bounties due to you in respect of the Ship the "Duke of Roxburgh," on the ground of that amount having been paid in error on the Ship of another firm for whom you were only the Agents, the Commissioners have no doubt that, unless some different light can be thrown upon the subject in the Colony, you will receive an immediate repayment of this money.

6th. With respect to the Quarantine Expences charged to you for the Ships "Eleanor" and "Agricult", and to the alleged defects in the "Eleanor," I am to acquaint you that the Commissioners called for such explanations as they felt necessary upon that vessel from Lieutenants Lean and Friend, and have submitted their opinion that the result of the various evidence is to exonerate your Firm from blame, and that, as respects the "Agricult," on which no additional information is possessed in this Country, your representation will go forward to the Governor.

In conclusion, I am to state that, upon all these points as well as upon those involved in my other communication of this day's date, it has been left by Lord Stanley to the Governor to determine individual cases, and that it will be for you to bring them through your Agent in the Colony before Sir George Gipps, from whom there can be no doubt that every well founded representation will meet its due weight.

I have, &c.,
S. WALCOTT, Secretary.

15 July.

Transmission of letter from judges.

Sir GEORGE GIPPS to LORD STANLEY.

(My Lord, Government House, 15th July, 1843.)

My Lord,

I have the honor herewith to enclose a letter, addressed to your Lordship by the Judges of the Supreme Court resident in Sydney, which your Lordship will perceive has been called forth by the correspondence between myself and the Chief Justice, which was transmitted with my Despatch, No. 101 of the 29th ultimo. The views, developed in that Despatch and correspondence, will sufficiently, I trust, explain to your Lordship, why I cannot coincide in the opinions expressed in the present letter of their Honors the Judges.

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

[Enclosure.]

THE JUDGES TO LORD STANLEY.

My Lord,

Sydney, New South Wales, 14th July, 1843.

With reference to a correspondence* which has recently taken place between His Excellency Sir George Gipps and the Chief Justice of this Colony upon the Subject of the nomination of the Chief Justice to a Seat in the New Legislative Council, with a view to his being proposed to that body for the Office of ‘Speaker’ in connection with his Judicial functions, and, in the course of which correspondence, the Chief Justice also intimated his opinion that the time has now arrived when it has become necessary for the Public interest that the Equity and Common Law Jurisdictions of the Supreme Court should be separated; we desire to embrace the opportunity afforded us, upon the transmission by Sir George Gipps of that correspondence to your Lordship, to express the concurrence of the other Judges in the opinion of the Chief Justice on both these points.

With respect to the strict propriety of the view entertained by the Chief Justice on the first point, we would only make one remark, namely, that, if anything were wanting to prove that the Chief Justice of the Colony should have been constituted ex officio ‘Speaker’ of the Legislative Council, it will be found in the circumstance that an active and hostile canvass for the office has been already set on foot by two rival candidates; accompanied with all the bitterness of Party Spirit and personal animosity, that, if either of them be elected, he will undoubtedly be looked upon by the friends of the other as a political partisan; that a chief ground upon which the fitness of one of them is opposed by the other is his ‘total ignorance of the Law,’ which it is alleged ‘would soon do away with his authority on all those numerous appeals which will necessarily be made to the ‘Speaker’ from all sides of the House’; and to which is added the argument of his having belonged or being supposed to have belonged to a political party in the Colony opposed to popular views. Thus a precedent is established at the commencement of the new Council of making the chair the object of Political contest, with little or no reference to the essential qualities of impartiality and independence.

With respect to the separation of the Equity and common Law Jurisdictions of the Supreme Court, the other Judges entirely concur, in opinion with the Chief Justice, that both these branches have now reached to an extent and importance to require their Separation; and that the duties now imposed upon the Chief Justice as Primary Judge in Equity, in conjunction with those of the common Law Court, are excessive; and that he requires relief, which under the present constitution of the Court cannot be afforded him. As at present constituted the Supreme Court has ‘Cognizance of all Pleas, Civil, Criminal and mixed; and Jurisdiction in all cases whatsoever as fully and amply to all intents and purposes as the Courts of Queen’s Bench, Common Pleas and Exchequer, have in England.’ It is also ‘at all times a Court of Oyer and Terminer and general Gaol Delivery,’ and ‘the Judges have and exercise the like Jurisdiction and authority in the Colony as Judges of the Said Three Courts in England.’ The Court has ‘Jurisdiction over offences committed upon the Sea, or in any Island or Country in the Indian or Pacific oceans not subject to the British Crown by

* Note 3. † Note 4.
any British Subject." It is "a Court of Equity with power to do
all such acts and things necessary for the due execution of such
Equitable Jurisdiction, as the Lord Chancellor may do in England,
and all Such acts also as may be done by the Lord Chancellor in
England in the exercise of the Common Law Jurisdiction to him
belonging."

It has also Ecclesiastical Jurisdiction in all cases of Wills and
administration of effects of deceased persons, and to it is committed
by a Local Law the Jurisdiction exercised in England by the Court
of Bankruptcy and by the Court for the relief of Insolvent Debtors.
Lastly, the Chief Justice is ex officio the Judge of the Vice Ad-
miralty Court.

In all these Jurisdictions, the amount of business has been con-
tinually increasing for several years, and it is now become seri-
ously oppressive. Nor have the Circuit Courts, while they have
conferred a most important benefit on the Public, at all diminished
our labours, but the contrary.

Your Lordships will readily perceive from this brief recapitula-
tion of the Courts' Jurisdiction and duties, the inconvenience if not
impropriety of the union of so many branches, each requiring an
intimate knowledge of the peculiar practice and law belonging to it.
in the same Tribunal, when the business to be performed in each
has arrived at so important an amount as to require the constant
attention of the Judges to the principles applicable to all, and when
these are at the same time so different as those which guide the
decisions of the several Courts in England.

We can have no hesitation in saying that the importance of the
Equity branch of the Court's Jurisdiction is now such as to be quite
sufficient, with the Ecclesiastical, Insolvency (or Bankruptcy) and
Admiralty Jurisdiction, to occupy the mind and time of one Judge,
and that the remainder is sufficient to afford full employment for
three, exclusive of the Jurisdiction exercised by the Judge at Port
Phillip.

We therefore submit to your Lordship's consideration the neces-
sity of making that division of labour, and desire leave to suggest
that to the Chief Justice, with the title of "Chancellor," should be
committed exclusively the Equity, Ecclesiastical, Insolvency, and
Vice Admiralty Jurisdictions, with an appeal to all the four Judges
in all except the last; and that the remainder of the present Juris-
diction of the Supreme Court should be committed to a Chief Justice
at Common Law and two Puisne Judges.

The advantage, to be derived from this arrangement to the Pub-
lic, would be that the Equity Judge would be enabled to pay un-
divided attention to those important subjects, which more par-
ticularly belong to that branch, and that the Common Law Court
would still retain its efficiency.

If your Lordship should approve of this plan for increasing the
strength of the bench in this Colony, we may be permitted to sug-
gest that a more extended usefulness may possibly be derived from
it by allowing appeals to all the Judges at Sydney (as in the in-
stance of Port Phillip) from the other Australasian Colonies, or the
submission by their several Courts of Special cases on points of
difficulty and local excitement.

We have, &c.,

JAMES DOWLING, C.J.
W. W. BURTON.
ALFRED STEPHEN.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 111, per ship Andromeda.)

Sir,

Downing Street, 17th July, 1843.

I transmit to you, herewith, for your information and guidance, a Copy of a Letter which has been addressed by my direction to Major Childs, the Superintendent at Norfolk Island, with reference to the Appointment of certain Superintendents and Overseers of Convict Parties at that Settlement.

It is my intention to send out in the course of the year two Superintendents and Six Overseers of Convicts in addition to the same number who now accompany Major Childs.

I am, &c,

STANLEY.

[Enclosure.]

UNDER SECRETARY HOPE TO MAJOR CHILDS.

Sir,

Downing Street, 15 Feb., 1843.

As the Convict Ship, which will carry you to Norfolk Island, will soon leave this Country, Lord Stanley directs me to transmit to you a Dispatch, which his Lordship addressed to the Governor of New South Wales under date of the 29th of April last with reference to your appointment and the subject of Convict Discipline at Norfolk Island. You will present that Dispatch to Governor Sir George Gipps on your arrival at Sydney, altho' the Duplicate has already been forwarded to him; and Lord Stanley directs me to communicate to you a Copy of that Dispatch for your information and guidance. You will be accompanied by Captain R. J. Lavers, and by Lieut. G. Bott, R.N., who have been appointed to the Office of Superintendents of Convicts at Norfolk Island, and by the six persons named in the margin who proceed in the character of overseers.

Captain Lavers and Lieut. Bott have each received an advance of £50 on account of their Salary, which will commence from the date of embarkation.

The Salaries of the Overseers will commence from the same period, and they will receive prior to embarkation an advance equal to three months' Salary. The Salaries of these two Grades of Officers are stated in the Schedule of the Establishment of Norfolk Island in the correspondence on Convict Discipline laid before Parliament during the present session and they will also have lodging and rations.

Lord Stanley has decided on a question, which has been submitted to him, that it will be left to the Governor to determine whether any and what arrangement may be necessary with reference to the comparative rank of the Superintendents of Convicts in Norfolk Island, when serving in connection with other branches of Her Majesty's Service; but that, in the event of any emergency arising on the passage to that Settlement, the seniority of the respective Superintendents will depend on the date of each appointment and not on the Military or Naval Rank, which the Officers may happen to hold, and which would not have any bearing on their position as Civil Officers in the Convict Establishment.

1843.
17 July.
Instructions re appointment of superintendents and overseers of convicts at Norfolk Island.

Lord Stanley further directs me to state that, in the event of the death or absence of the Superintendent of Norfolk Island, the provisional appointment of a Successor to that office would rest with the Governor of the Colony to which it may be attached; but that, pending the Governor's orders, the senior Superintendent of Convicts should perform the duties of that office. I am, &c.,

G. W. Hope.

18 July.
Transmission of reports re money in hands of E. Barnard.

Quarterly accounts to be submitted by E. Barnard.

Advances to be adjusted.

Payment to E. Barnard.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 112, per ship Andromeda.)

Sir,
Downing Street, 18th July, 1843.

I have to acknowledge the receipt of your Despatch No. 74 of the 19th April, 1842, in which you request that the Agent General for New South Wales may be called upon to furnish explanations relative to two sums of money, together amounting to Three Thousand, one hundred and Fifty Five Pounds 12s. 5d., charged in his accounts as having been advanced to meet Emigration payments.

I transmit to you herewith a Copy of the explanation which has been received from Mr. Barnard on this subject.

I have also received your further Dispatch No. 183 of the 6th of October, in which you again advert to the circumstance that large sums (as yet wholly unaccounted for) must have been received by Mr. Barnard for Lands sold in this Country.

I referred that Dispatch to the Colonial Land and Emigration Commissioners, and I transmit to you herewith two Reports, which have been made by that Board.

I have instructed Mr. Barnard to furnish you in future with quarterly Accounts of all monies in his hands arising from Sales of Land.

I also transmit the Copy of a letter from the Secretary to the Board of Treasury, enclosing a Report from the Commissioners of Audit, in which they submit a proposition for the adjustment of certain advances made from the Revenue of New South Wales for Emigration expences, chargeable to other Colonies for the years 1840 and 1841.

In accordance with the suggestions contained in that Report, I have directed the Agent General to transfer to the Credit of New South Wales the several sums, which appear therein, against the Colonies of Van Diemen's Land, Western Australia and New Zealand.

I have also authorized the Commissioners of Land and Emigration to pay over to Mr. Barnard, to the General Account of New South Wales the surplus of Two Thousand, Two hundred and Sixty one Pounds adverted to in their Report of the 5th of April.

I have, &c.,

STANLEY.
MR. E. BARNARD TO UNDER SECRETARY STEPHEN.

Sir, 5 Cannon Row, 25th January, 1843.

I have to acknowledge your Letter of the 25th Novr., enclosing a Copy of a Dispatch from the Governor of New South Wales, dated 19th April, 1842, representing that, in the account furnished by me, two sums of Money amounting to £3,155 12s. 5d. were charged against the Colony without any explanation of the particulars of the expenditure; and I have the honor to transmit for the information of Lord Stanley a Copy of my account with the Commissioners of Land and Emigration with the particulars of the application of the sums in question.

I have also to acknowledge your Letter of the 18th Inst. with a Copy of a Letter from the Governor of New South Wales, stating that the sum of upwards of £10,000 had been paid to me for Land in that Colony, but that no account had been rendered of its application; and I have the honor in reply to enclose, for the information of Lord Stanley, the copy of a Letter which I addressed to the Colonial Secretary of New South Wales on the 24th August last, giving the particulars of all monies received and giving the reasons why these sums had not been credited in my general account with the Colony.

In further explanation of this subject, I beg leave to call your attention to your Letter to me of the 1st of July last and to my answer of the 11th of the same month, and to add that, if it is required of me to send out to the Governor of New South Wales a Copy of my account with the Commissioners of Land and Emigration, I can readily do so, although I have never received any instructions to that effect, and had conceived that this duty would more properly be discharged at the office of the Commissioners themselves, who alone can furnish Information or explanation to the Governor of New South Wales of the particulars of the sums issued by me for this service.

I have, &c.,

EDWD. BARNARD.

[Sub-enclosure No. 1.]

STATEMENT OF ACCOUNT.

<table>
<thead>
<tr>
<th>Date</th>
<th>Entry</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 8th</td>
<td>To paid Lieut. Hodder, Government Emigration Agent at Dublin, Bill of 28th June, Amount of his travelling Expences</td>
<td>£12 0 0</td>
</tr>
<tr>
<td>Aug. 6th</td>
<td>Mr. Elliot, Salary as Commissioner from 10th January to 31st March, 1840</td>
<td>67 11 8</td>
</tr>
<tr>
<td>7th</td>
<td>Mr. Villiers, Salary as Commissioner from 10th Jan. to 31 March, 1844</td>
<td>37 10 0</td>
</tr>
<tr>
<td></td>
<td>Saunders and Wooley, for Painting, etc., of the Office for the Board of Emigration</td>
<td>180 4 5</td>
</tr>
<tr>
<td>19th</td>
<td>Mr. Benham for articles supplied to Do</td>
<td>133 18 0</td>
</tr>
<tr>
<td></td>
<td>Mr. Walcott, Salary from 18th to 31st March, 1840</td>
<td>117 14 6</td>
</tr>
<tr>
<td>22nd</td>
<td>Mr. Graham, Subsn. to Lloyds' Register of British and Foreign Shipping</td>
<td>23 1 6</td>
</tr>
<tr>
<td>Sept. 23rd</td>
<td>Mr. Walcott, on account of the Expenses of the Emigration Office, Quarter ending 31st March</td>
<td>10 10 0</td>
</tr>
<tr>
<td></td>
<td>Mr. Walcott, amount of the Commissioners' Warrant No. 1, of 21st Sept, on account of Salaries, etc., of the Emigration Office, Quarter ending 30th June</td>
<td>27 5 6</td>
</tr>
</tbody>
</table>

Statement of account by E. Barnard.
STATEMENT OF ACCOUNT—continued.

Statement of account by E. Barnard.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>£ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 29th</td>
<td>To paid Coll. Torrens, Salary as Commissioner from 10th Jan'y. to 31st March, 1840</td>
<td>180 4 5</td>
</tr>
<tr>
<td>Oct. 10th</td>
<td>Mr. Walcott, amount of the Commissioners' Warrant No. 2 of 8th Octr., on account of Salaries, etc., and of the Land and Emigration Office, Quarter ending 30th Septr., 1840</td>
<td>750 0 0</td>
</tr>
<tr>
<td>Decr. 30</td>
<td>Mr. Walcott, amount of the Commissioners' Warrant, No. 6 of 28th Decr., on account of Salaries, etc., of the Land and Emigration Office, Quarter ending 31st Decr., 1840</td>
<td>750 0 0</td>
</tr>
<tr>
<td>Apl. 3rd</td>
<td>Mr. Walpole, 3 Mo. Salary to 31st March</td>
<td>37 10 0</td>
</tr>
<tr>
<td>Augt. 6th</td>
<td>Mr. Elliot, miscellaneous disbursements of the Emigration Office, for the Quarter ending 31st March, 1840</td>
<td>78 2 5</td>
</tr>
</tbody>
</table>

Add the following items which, having been charged to New South Wales, were omitted in the account from 10th Jan'y. to 30th Sept., 1840, viz.:—

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>£ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apl. 3rd</td>
<td>Mr. Walpole, 3 Mo. Salary to 31st March</td>
<td>37 10 0</td>
</tr>
</tbody>
</table>

£1,615 12 5

Transmission of accounts.

Explanations of money received in purchase of land.

MR. E. BARNARD TO COLONIAL SECRETARY THOMSON.

Sir,

5 Cannon Row, 24th Augst., 1843.

I have the honor to transmit to you herewith a statement of sums received by me on account of the Purchase of Land in New South Wales and Port Phillip from the 5th April, 1840, to 8th July, 1842, the date of the last receipt.

In submitting this statement for the information of His Excellency the Governor, I have to request that you will be good enough to explain to His Excellency that the first deposit (made by Mr. Barker of £100 for Land in New South Wales) having been received under the regulations of T. F. Elliot, Esqre., then Agent General for Emigration, dated 12th October, 1839, was duly communicated to you in my Letter of the 15th April, 1840, but that the Deposits on account of Port Phillip having been made subsequently to the appointment of the Colonial Land and Emigration Commissioners being directly under their control, and the several sums being carried to the credit of the commission without appearing at all in my account with the Government of New South Wales, I did not think, until apprized of His Excellency's wishes, that it was necessary for me to communicate with him upon the subject, the more particularly as I understood that the necessary information was sent immediately on the receipt of the Deposits direct from the Land and Emigration Commissioners to the Colonial Authorities.

I will, however, in future apprize you, periodically, of the amount of Deposits received by me on account of the purchase of Land in New South Wales.

I have, &c.,

E. BARNARD.
STATEMENT of Sums paid to the account of Edward Barnard, Esqre., in respect of Emigration Services on account of the purchase of Land from the 5th April, 1840, to 8th July, 1842.

New South Wales and Port Phillip.

For the purchase of Land in New South Wales.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>£  s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apl. 15th</td>
<td>Received of Mr. John Barker</td>
<td>100 0 0</td>
</tr>
<tr>
<td>1840</td>
<td>For the purchase of Land at Port Phillip</td>
<td>100 0 0</td>
</tr>
<tr>
<td>May 26th</td>
<td>Received of Coutts and Co. on acct. of Mr. Knox Child</td>
<td>500 0 0</td>
</tr>
<tr>
<td>Augt. 9</td>
<td>Mr. Henry Dendy</td>
<td>5,120 0 0</td>
</tr>
<tr>
<td>Sept. 11th</td>
<td>Mr. Wm. Cross of Glasgow</td>
<td>640 0 0</td>
</tr>
<tr>
<td>&quot;  15th</td>
<td>Captn. Patrick Wood</td>
<td>640 0 0</td>
</tr>
<tr>
<td>Oct. 2</td>
<td>Mr. Robt. Officer</td>
<td>640 0 0</td>
</tr>
<tr>
<td>1841</td>
<td>Captn. Mackenzie</td>
<td>320 0 0</td>
</tr>
<tr>
<td>Jan. 14th</td>
<td>Mr. A. Goldsmith</td>
<td>320 0 0</td>
</tr>
<tr>
<td>Feby. 8th</td>
<td>Mr. Lindsay</td>
<td>320 0 0</td>
</tr>
<tr>
<td>Apl. 23rd</td>
<td>Mr. C. Payne</td>
<td>320 0 0</td>
</tr>
<tr>
<td>June 4th</td>
<td>Mr. Campion</td>
<td>320 0 0</td>
</tr>
<tr>
<td>Sept. 4th</td>
<td>Mr. John K. Tener</td>
<td>400 0 0</td>
</tr>
<tr>
<td>Decr. 19th</td>
<td>Capper and Gole for J. H. Spencer, Esq.</td>
<td>200 0 0</td>
</tr>
<tr>
<td>1842</td>
<td>Total</td>
<td>£10,060 0 0</td>
</tr>
<tr>
<td>July 7</td>
<td>Mr. W. P. Green</td>
<td>300 0 0</td>
</tr>
<tr>
<td>&quot;  8</td>
<td>Do</td>
<td>100 0 0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>£10,460 0 0</td>
</tr>
</tbody>
</table>

For the purchase of Land at Port Phillip.

<table>
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<td>Capper and Gole for J. H. Spencer, Esq.</td>
<td>200 0 0</td>
</tr>
<tr>
<td>1842</td>
<td>Total</td>
<td>£10,460 0 0</td>
</tr>
</tbody>
</table>

EDWARD BARNARD.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

9 Park Street, Westminster, 5th April, 1843.

Sir,

We have the honor to acknowledge your letters of the 23rd Ultimo, and of the 6th of February, forwarding by Lord Stanley’s direction the Despatches from Sir George Gipps enumerated in the margin, stating that, according to the best estimate he could form, a sum of upwards of £10,000 had been paid to Mr. Barnard for Lands in New South Wales sold by Our Board, but that no account whatever of it had yet been rendered to the Governor.

We beg leave to report that the Accounts for all Monies arising from Land sales in this Country are kept under regulations laid down by the Commissioners of Audit, and approved by the Lords of the Treasury. Each of our Warrants on Mr. Barnard contains on the face of it a statement of the objects for which it is drawn. From these Warrants he compiles, under his Instructions from the Commissioners of Audit, a Quarterly Account of all disbursements, which together with an account of the Receipts from the same period is transmitted to this Office to be certified, and then forwarded to the Board of Audit for examination. The Accounts are accompanied by the proper Vouchers, and supported with a distinct sanction from the Secretary of State, for every payment not included under some previous authority.

Such being the course observed in order to ensure regularity at home, we have the honor to state that We have never been...

* Marginal note.—This sum was afterwards repaid to Mr. Tener.
† Marginal note.—No. 74, 19th Apl., 1842; No. 144, 4 July, 1842; No. 183, 6 Oct., 1842.
instructed to keep any accounts of Colonial funds except for our own use, and for our guidance in certifying the Accounts of the Agent General. And, as he is an Accountant to the Colonial Govt., which we are not, we have supposed that the Governor would receive from him a statement of his receipts and disbursements under the present head, in like manner as for every other branch of the Colonial Service. In fact, had we undertaken that duty, we should merely have had to send out, Quarterly, a copy of all those parts of Mr. Barnard's Accounts for Colonial Land Sales, which related to New South Wales, instead of their going from the Office where they are kept and which is in constant and direct communication with the Governor. This is the reason why no account has hitherto gone to the Colony from our Office.

We confess we should doubt for the same reason, whether the information will not in future be most conveniently sent from the Agent General for Crown Colonies; a point, however, to which we would merely draw attention, as it seems one for Lord Stanley's decision.

But having thus afforded an explanation on the past, and suggested the question which seems to require Instructions for the future, we would add that we are most anxious that the Governor should without delay be supplied with the fullest information on the amount and appropriation of all monies received in this Country for the sale of Land; and we beg leave, therefore, to enclose at once, and irrespectively of any other question, a statement of all Receipts and Disbursements of this kind for New South Wales from the commencement of our Commission. To this is subjoined an abstract, with an explanatory note, by which it will be seen that the total amount received by Mr. Barnard on our account has been £10,860; that £400 were paid in mistake and returned, and £600 transferred to the general credit of the Colony; that, of the remaining £9,860, very nearly £3,000 (including some small outstanding Liabilities) has been appropriated to sending out Emigrants, and £5,266 has been carried to the general credit of the Colony in order to replace advances made for this Establishment; and that, after adjusting the remainder of the account, there may be expected to be a surplus of about £2,261. On the other hand, the advances from New South Wales from the date of the above mentioned repayment to the final close of all demands of a similar nature, will amount to £5,547 10s., and we apprehend therefore that it will be deemed the most convenient course, in pursuance of the former precedent, to transfer the whole of the above surplus from Land Sales to the general credit of the Colony, in which case no further Funds will remain at our separate disposal, arising from the sale of Land in New South Wales.

We have in this letter purposely confined ourselves to a view of the application of Land Deposits which alone fall under the control of this Board. On the subject, however, of the several advances from the general Funds of New South Wales, to which we have had occasion to advert in this Review, and which also come under one of the inquiries contained in Sir George Gipps' Despatch of the 13th of April, 1842, we submit a separate Report of this date for Lord Stanley's Consideration.

We have, &c.,

T. Fredk. Elliot,
Edward E. Villiers.
**LAND and Emigration Account for New South Wales.**

**Dr.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of Receipt</th>
<th>District</th>
<th>Amount</th>
<th>Date</th>
<th>Description of Payment</th>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840</td>
<td>To Deposit, Barker</td>
<td>Port Phillip</td>
<td>£100 0 0</td>
<td>Oct. 21</td>
<td>By Paid Capper and Goll, Agency to Mr.</td>
<td>Port Phillip</td>
<td>£128 0 0</td>
</tr>
<tr>
<td>Apr. 15</td>
<td>Deposit, Child</td>
<td>New S. Wales</td>
<td>£60 0 0</td>
<td>Marshall, 1st Moiety of Passage money &quot;Arny,&quot;</td>
<td>do</td>
<td>68 1 8</td>
<td></td>
</tr>
<tr>
<td>May 29</td>
<td>Deposit, Cross</td>
<td>Port Phillip</td>
<td>£5,120 0 0</td>
<td>Nov. 10</td>
<td>&quot;Lockwoods, 1st Moiety of Passage money &quot;York.&quot;</td>
<td>do</td>
<td>28 1 0</td>
</tr>
<tr>
<td>Sep. 11</td>
<td>Deposit, Wood</td>
<td>do</td>
<td>£640 0 0</td>
<td>Nov. 15</td>
<td>&quot;Stanbanks, 1st Moiety of Passage money &quot;Caroline.&quot;</td>
<td>do</td>
<td>53 1 6</td>
</tr>
<tr>
<td>Aug. 29</td>
<td>Deposit, Officer</td>
<td>do</td>
<td>£640 0 0</td>
<td>Nov. 25</td>
<td>&quot;Tindall, 1st Moiety of Passage money &quot;Sarah,&quot;</td>
<td>do</td>
<td>98 3 4</td>
</tr>
<tr>
<td>Oct. 2</td>
<td>Deposit, MacKenzie</td>
<td>do</td>
<td>£320 0 0</td>
<td>July 23</td>
<td>&quot;Marshall, 2nd Moiety of Passage money &quot;Arny.&quot;</td>
<td>do</td>
<td>68 1 8</td>
</tr>
<tr>
<td>Sep. 19</td>
<td>Deposit, Bunbury</td>
<td>do</td>
<td>£260 0 0</td>
<td>Aug. 5</td>
<td>&quot;Lockwoods, 2nd Moiety of Passage money &quot;York.&quot;</td>
<td>do</td>
<td>28 1 0</td>
</tr>
<tr>
<td>1841</td>
<td>Deposit, Goldsmith</td>
<td>do</td>
<td>£320 0 0</td>
<td>Aug. 24</td>
<td>Repayment to N. S. W. Genl. acct. of advances to 30 June.</td>
<td>do</td>
<td>5,266 1 2</td>
</tr>
<tr>
<td>Jan. 14</td>
<td>Deposit, Lindsay</td>
<td>do</td>
<td>£320 0 0</td>
<td>Sep. 17</td>
<td>For purchase of Exchequer Bill Phillips and Tiplady, 2nd Moiety of Passage money &quot;Fortitude.&quot;</td>
<td>do</td>
<td>2,663 1 6</td>
</tr>
<tr>
<td>Feb. 8</td>
<td>Deposit, Payne</td>
<td>do</td>
<td>£320 0 0</td>
<td>Oct. 11</td>
<td>&quot;Capper and Golli, Agency on Mr. Bank's Purchase.</td>
<td>do</td>
<td>41 3 4</td>
</tr>
<tr>
<td>Apr. 27</td>
<td>Deposit, Campion</td>
<td>do</td>
<td>£320 0 0</td>
<td>Nov. 19</td>
<td>&quot;Tinder, repayment on Deposit do. &quot;</td>
<td>do</td>
<td>8 0 0</td>
</tr>
<tr>
<td>June 4</td>
<td>Deposit, Tener</td>
<td>do</td>
<td>£400 0 0</td>
<td>Nov. 26</td>
<td>&quot;Stanbanks, 2nd Moiety of Passage money &quot;Caroline.&quot;</td>
<td>do</td>
<td>53 1 6</td>
</tr>
<tr>
<td>Sep. 4</td>
<td>Received from South Austa</td>
<td>do</td>
<td>£181 15 8</td>
<td>Nov. 16</td>
<td>&quot;Stamp receipt for £181 15 6 as per Ca.</td>
<td>do</td>
<td>0 2 6</td>
</tr>
<tr>
<td>Nov. 26</td>
<td>Deposit, Cotton</td>
<td>do</td>
<td>£100 0 0</td>
<td>Dec. 18</td>
<td>&quot;Carter and Bonus, 1st Moiety of Passage money &quot;Earl of Durham.&quot;</td>
<td>do</td>
<td>828 1 8</td>
</tr>
</tbody>
</table>

**31 March, 1843.**

**Cr.**
### Land and Emigration Account for New South Wales—continued.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of Receipt</th>
<th>District</th>
<th>Amount</th>
<th>Date</th>
<th>Description of Payment</th>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mch. 2</td>
<td>money &quot;Lady Fitzherbert.&quot;</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Apl. 22</td>
<td>do &quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>&quot; 22</td>
<td>do &quot;Lady Fitzherbert.&quot;</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>&quot; 22</td>
<td>do &quot;Fortitude.&quot;</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>&quot; 22</td>
<td>do Cooper and Gell, Agency on Mr.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>&quot; 25</td>
<td>Spencer's purchase.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May 17</td>
<td>do Devitt and Moore, 1st Moity of</td>
<td>Port Phillip</td>
<td>£ 125 1 8</td>
<td>do 1842</td>
<td>18 July. Accounts for land and emigration.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Passage money &quot;Platina.&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 20</td>
<td>Walcott, Sundry disbursements</td>
<td></td>
<td></td>
<td>do 1842</td>
<td>18 July. Accounts for land and emigration.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 25</td>
<td>&quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aug. 15</td>
<td>do Cooper, Bedding, &quot;Platina.&quot;</td>
<td></td>
<td></td>
<td>do 1843</td>
<td>Jan. 9. Carter and Bonus, 2nd Moity of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 15</td>
<td>do Tedal, 2nd Moity of Passage money</td>
<td></td>
<td></td>
<td></td>
<td>&quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 18</td>
<td>&quot;Sarah.&quot;</td>
<td></td>
<td></td>
<td>do 1843</td>
<td>Jan. 9. Carter and Bonus, 2nd Moity of</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stamp receipt for £42 2 7 as per</td>
<td></td>
<td></td>
<td>do 1843</td>
<td>Jan. 9. Carter and Bonus, 2nd Moity of</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ch.</td>
<td></td>
<td></td>
<td></td>
<td>&quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decr. 21</td>
<td>do Devitt and Moore, 2nd Moity of</td>
<td>Port Phillip</td>
<td>£ 125 1 8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Passage money &quot;Platina.&quot;</td>
<td></td>
<td></td>
<td>do 1843</td>
<td>Jan. 9. Carter and Bonus, 2nd Moity of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1843</td>
<td></td>
<td></td>
<td></td>
<td>Jan. 9</td>
<td>Jan. 9. Carter and Bonus, 2nd Moity of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jan. 9</td>
<td>do Carter and Bonus, 2nd Moity of</td>
<td>Port Phillip</td>
<td>£ 515 8 4</td>
<td></td>
<td>&quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 14</td>
<td>&quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
<td></td>
<td>&quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 14</td>
<td>do Sundry disbursements,</td>
<td></td>
<td></td>
<td></td>
<td>&quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 14</td>
<td>&quot;Platina.&quot;</td>
<td></td>
<td></td>
<td></td>
<td>&quot;Earl of Durham.&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mech. 6</td>
<td>General account of N.S.W. Chlds.</td>
<td>N. S. Wales</td>
<td>£ 500 0 0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 6</td>
<td>Deposit.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 6</td>
<td>General account of N.S.W. Barker's</td>
<td>Port Phillip</td>
<td>£ 100 0 0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 17</td>
<td>Deposit.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 17</td>
<td>&quot;Lady Fitzherbert.&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Overdrawn......................................................£12,683 19 11
Dr. ABSTRACT of New South Wales account to 31st of March, 1843.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Deposits received from Sales of Land</td>
<td>10.860</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Interest on Exchequer Bills</td>
<td>173 16 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; Repayments from South Australia on account of Office Establishment</td>
<td>424 3 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; Balance overdrawn</td>
<td>1,223 11 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12,683 10 11</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By Paid on account of Emigration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; in repayment of advance from General account for Establishment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; for purchase of Exchequer Bills</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; Deposits transferred to General account</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; Deposits returned to the party</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12,683 10 11</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Directions have been given for a Sale of Exchequer Bills sufficient to replace this overpayment.

**Note.**

Assets—31st March, 1843.

- £2,500 Exchequer Bills, with Premium and Interest valued at £2,685 0 0
- £000 Do do do 950 0 0

Liabilities—31st March, 1843.

- Balance overdrawn 1,223 11 5
- Passage Money, Bedding, etc., of Mr. Backland’s Emigrants estimated at 150 0 0

**£2,361 8 7**
Land and Emigration Commissioners to Under Secretary Stephen.

Colonial Land and Emigration Office,
9 Park St., Westminster, 5th April, 1843.

Sir,

The entire expense of this Establishment having been placed on the Parliamentary Estimate, we feel anxious to bring under Lord Stanley's notice the subject of the apportionment of that part, which has hitherto been charged to the Colonies, and of the repayment of so much of it as may be found due to New South Wales in respect of the advances drawn from that Colony on this account.

In our Letter of the 27th of February, we entered very fully into the total cost of the office up to the end of 1842, and the sources from which the actual payment of it had been derived. It was shewn that the entire cost was in 1840, £7,624 16s. 4d.; in 1841, £6,274 14s. 8d.; in 1842, £5,258 8s. 5d.—£19,187 19s. 5d.; and that the following was the amount charged to the Colonies exclusive of New South Wales:—1840, £3,566 1s. 2d.; 1841, £3,012 12s. 5d.; 1842, £2,871 19s. 4d. —£9,450 12s. lid.

To this will have to be added (subject to the return of a small balance hereafter) £983 15s. up to the 31st of March in this year, when the new Parliamentary Grant is proposed to commence. The whole of this combined amount of £10,434 8s. lid. has been advanced for the present by New South Wales.

We feel anxious, therefore, as we have above said, to bring under notice the question to what extent a settlement can yet be effected with other Colonies liable to the same charge. And for this purpose it is necessary briefly to recur to the course of past decisions on the subject.

By the correspondence between Lord John Russell and the Treasury at the formation of the office, the excess of Expenditure beyond that defrayed by Parliamentary Grant, or by South Australia, was to be paid from the Funds raised by the Sale of Lands in the different Colonies, the contribution from each Fund being in proportion to its amount. It was further settled, in May, 1840, that, so far as regarded this excess, the current expenditure of the Office should be provided for in the first instance by Advances out of any Funds, which the Agent General for Crown Colonies might have in his hands for New South Wales. And, in another correspondence with the Treasury in November and December, 1841, it was laid down that the intended apportionment should be calculated on the whole amount of the Revenue from Sales of Land within the year, whether effected in this Country or within the Colonies themselves.

Although the Colonies referred to were not actually named, we apprehend there can be no doubt that it was only the Australian Settlements and New Zealand, which were in contemplation. For we have never received authority to make Sales in this Country on account of any others; nor are we aware that there are elsewhere any available Revenues at the disposal of the Crown. South Australia must be excluded from the calculation, as that Colony has already paid direct for its own share in the Expenses of the Office.

Such being the principles on which the adjustment is to be effected, it has occurred to us that it will probably be most satisfactory to the Colonies that, for practical purposes, the computation...
STANLEY TO GIPPS.

should be made by one of the principal Offices of Account in this Country, to which we could tender any information that might be desired.

But, in order to throw as much light as we can at present on the subject. We beg leave to state that, by the best estimate we can form for 1840 and 1841, it would appear that, out of a sum of £6,600 advanced by New South Wales in those years, a repayment of nearly £2,000 will be due to it from the three Colonies named in the margin.* Subsequently to 1841, there has not been time for annual Land Returns to arrive from the several Colonies concerned. For 1842, therefore, and the first Quarter of 1843, a large sum will remain over for subsequent adjustment.

In conclusion we have only to submit to Lord Stanley our recommendation, 1st. That it be considered whether the Board of Audit, or some other fit authority, shall be named for the purpose of investigating the accounts for 1840 and 1841 on the foregoing principles, and pronouncing the apportionment to be made between the different Colonies; and 2ndly. That, in the meanwhile, the contents of the present letter be communicated to the Governor of New South Wales, in order to put him in possession of all the information which can be supplied up to the present date.

We have, &c,

T. FREDR. ELLIOT.

EDD. E. VILLIERS.

[Enclosure No. 4.]

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

Sir, Treasury Chambers, 29th June, 1843.

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit herewith Copy of a Report of the Commissioners of Audit, of the 31st May last, respecting the apportionment of the expenses of the Colonial Land and Emigration Commissioners to the Australian Colonies, in order that it may be submitted to Lord Stanley with reference to the communication from His Lordship's Department of 22d April last; and I am to request you will signify to his Lordship the concurrence of this Board in the proposition for the adjustment of advances from the funds of New South Wales for Emigration expenses chargeable to other Colonies, which has been submitted by the Commissioners; and I am at the same time to request that you will move his Lordship to cause the requisite communications on the subject to be made to the Agent General and to the Governors of the respective Colonies.

I have, &c,

C. E. TREVELYAN.

[Sub-enclosure.]

AUDIT COMMISSIONERS TO LORDS COMMISSIONERS OF TREASURY.

My Lords, Audit Office, 31st May, 1843.

 Agreeably to your Lordships' directions communicated to us by Mr. Trevelyan's Letter of 4th inst., we have taken into consideration a Letter from the Colonial Office, and a Report from the Colonial Land and Emigration Commissioners therein transmitted upon the subject of the apportionment of the expense of that Department to the several Colonies, upon which it is chargeable, from 1840 to 31st March, 1843, inclusive, and from which latter date the entire charge of the Establishment will, as stated by the Commissioners, be included in the Parliamentary Estimates.

* Marginal note.—Van Diemen's Land, Western Australia, and New Zealand.
The adjustment must for the present be limited, for the reasons stated in the 5th Paragraph of the Commissioners’ Report, to the sums advanced by the Colony of New South Wales in aid of the expenses of the Commission for the years 1840 and 1841.

Your Lordships will observe that the total expense of the Establishment for these years, is stated by the Commissioners to be as follows, vizt.:

1840, £7,624 16s. 4d.; 1841, £6,274 14s. 8d.*

In 1840, we find that the sum of £978 5s. 5d. was drawn from the Parliamentary Vote for that year, and £3,080 9s. 9d. from the Funds of South Australia, leaving £3,566 1s. 2d. to be temporarily provided for out of Advances from New South Wales Funds. In like manner in 1841, the sum of £1,000 was drawn from the Parliamentary Vote, £2,262 2s. 3d. from South Australia, and £3,012 12s. 5d. from New South Wales.

With Mr. Trevelyan’s Letter of 14th June, 1842, we received the Copy of a Letter from the Colonial Office, dated 23d Novr., 1841, in which, by the rule laid down for the apportionment, it was directed that the excess of the expenses of the Commission above the sum, provided by Vote of Parliament and by South Australian Funds, should be chargeable on the Settlements in which there is an available Revenue derived from Land; and it was suggested by Lord Stanley that the best test of the proportion of such expenses to be paid by each Colony would be the amount of the Revenue from the Sales of Land within the year, whether these Sales were effected in this Country or in the Colony.

In making the calculation which follows in this Report, we have in some measure deviated from this Instruction by including in the amount of Revenue, derived from Crown Land, not only the proceeds of the Sales, but other receipts also, properly constituting in our opinion part of the Land Revenue of such as Rent of Crown Lands, Quit Rents, Fines and Fees on Grants, Interest on unpaid purchase money, etc.

We have also included the Colony of Western Australia in the Estimate, although it is not named in Mr. Trevelyan’s Letter of 4th inst., it being one of the Colonies of Australia in which there is an available Revenue derived from Crown Lands.

Upon these data, we have prepared and have the honor to submit for your Lordships’ approval the following statement, shewing the Revenue derived from Crown Lands in each Australian Colony (South Australia excepted) and in New Zealand in the years 1840 and 1841, and the proportion of that part of the expenses of the Colonial Land and Emigration Commissioners’ Department for these years (not provided for by Parliamentary Vote or by South Australian Funds) chargeable on these Colonies, vizt.:

<table>
<thead>
<tr>
<th>Colony</th>
<th>1840</th>
<th>1841</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>£335,640</td>
<td>£111,452</td>
</tr>
<tr>
<td>Van Diemen’s Land</td>
<td>57,072</td>
<td>63,733</td>
</tr>
<tr>
<td>Western Australia</td>
<td>4,240</td>
<td>1,237</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Nil</td>
<td>27,760</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£396,953</td>
<td>£204,184</td>
</tr>
</tbody>
</table>

* Marginal note.—1840: £978 5s. 5d. : £3,080 9s. 9d. ; £3,566 1s. 2d.—£7,624 16s. 4d. 1841: £1,000 ; £2,262 2s. 3d. ; £3,012 12s. 5d.—£6,274 14s. 8d.
The Amount of the expenses of the Colonial Land and Emigration Department, as already stated in this report, chargeable against the Total Land Revenue of the Colonies for the year 1840, vizt., £396,933 13s. 4d. is £3,566 1s. 2d. equal to about 17.968 decimal parts per cent. on the Revenue, and, computing the proportion at this rate, the result divested of fractional parts may be stated in round numbers as follows:

| Payable by New South Wales | £ 3,016 1 2 |
| Van Diemen's Land | £ 512 0 0 |
| Western Australia | £ 38 0 0 |

£3,566 1 2

The amount of the expenses of the same Department for the year 1841, chargeable against the Total Land Revenue of the Colonies for that year, amounting to £204,184 10s. 8d., is £3,012 12s. 5d. equal to about 29.5 decimal parts per cent., and computing the apportionment in like manner, the result will be in round numbers:

| Payable by New South Wales | £ 1,644 12 5 |
| Van Diemen's Land | £ 940 0 0 |
| Western Australia | £ 18 0 0 |
| New Zealand | £ 410 0 0 |

£3,012 12 5

Should your Lordships approve the apportionment we have thus submitted, it will be proper that Instructions should be given to Mr. Barnard, Agent General for the several Colonies referred to, to transfer the following Sums to the Credit of New South Wales:

| From Van Diemen's Land | £ 512 0 0 |
| Western Australia | £ 38 0 0 |
| New Zealand | £ 1,452 0 0 |

These Transfers will reduce the amount of advances from New South Wales Funds to the sum properly remaining chargeable under the apportionment on that Colony, vizt...

| Expenses of the Colonial Land and Emigration Comrs. for 1840 and 1841 chargeable as above stated | £ 3,566 1 2 |

We beg leave also to suggest that the Governors of the several Colonies should be made acquainted with the particulars of the Settlement, when it shall have received your Lordships' sanction.

We have, &c.,

W. L. Herries.
J. Osborn.
H. F. Luttrel.
Sir George Gipps to Lord Stanley.

(Despatch No. 112, per ship Eweretta; acknowledged by Lord Stanley, 14th December, 1843.)

My Lord,

Government House, 18th July, 1843.

I have the honor to report to your Lordship that the first Elections for the Legislative Council of this Colony are concluded, and that the following gentlemen have been returned:

<table>
<thead>
<tr>
<th>Electoral District</th>
<th>Members returned</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney (City)</td>
<td>W. C. Wentworth Barrister.</td>
<td></td>
</tr>
<tr>
<td>Parramatta (Town)</td>
<td>H. H. Macarthur Surgeon.</td>
<td></td>
</tr>
<tr>
<td>Cumberland Boroughs</td>
<td>Wm. Bowman Member of the old Council.</td>
<td></td>
</tr>
<tr>
<td>Northumberland do</td>
<td>D'Arcy Wentworth A retired Major in the army, Brother of the Member for Sydney.</td>
<td></td>
</tr>
<tr>
<td>Cumberland (County)</td>
<td>Charles Cowper Settler, formerly in the Commissariat and afterwards Clerk to the Church and School Corporation.</td>
<td></td>
</tr>
<tr>
<td>Northumberland Do</td>
<td>Wm. Lawson Settler, once an Officer in the N. S. Wales Corps.</td>
<td></td>
</tr>
<tr>
<td>Argyle (County)</td>
<td>Wm. Bradley Barrister.</td>
<td></td>
</tr>
<tr>
<td>St. Vincent and Auckland Do</td>
<td>John Coghil Barrister and Brewer.</td>
<td></td>
</tr>
<tr>
<td>Murray, King, and Terence A. Murray</td>
<td>Wm. Sutter Settler.</td>
<td></td>
</tr>
<tr>
<td>Roxburgh, Phillip and Wellington do</td>
<td>Francis Lord Settler, formerly a Captain in the Staff Corps.</td>
<td></td>
</tr>
<tr>
<td>Bathurst Do</td>
<td>Wm. Dumaresq Barrister, son of the Police Magistrate of Sydney.</td>
<td></td>
</tr>
<tr>
<td>Brisbane, Bligh and</td>
<td>Richard Windeyer Formerly Colonial Secretary.</td>
<td></td>
</tr>
<tr>
<td>Hunter Do</td>
<td></td>
<td></td>
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<tr>
<td>Durham Do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gloucester, Macquarie</td>
<td>Alexr. Macleay Commissioner of the Court of Requests, and acting Attorney General.</td>
<td></td>
</tr>
<tr>
<td>and Stanley Do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cook and Westmoreland Do</td>
<td>John Panton Mayor of Melbourne, a Brewer.</td>
<td></td>
</tr>
<tr>
<td>Camden</td>
<td>Roger Therry Settler, Port Phillip.</td>
<td></td>
</tr>
<tr>
<td>Melbourne (Town)</td>
<td>Henry Condell Merchant, Sydney.</td>
<td></td>
</tr>
<tr>
<td>Chas. Hotson Ebden</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thos. Walker</td>
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</tr>
</tbody>
</table>
The Elections in general went off very well, and the Act of the last session, 6th Vict., No. 16, passed for the purpose of regulating them, was found to work in a satisfactory manner; some rioting however took place, both in Sydney and Melbourne, as also in the Country Towns of Windsor and Paterson. One life was lost in Sydney, and one in Paterson, the chief polling place of the County of Durham.

Your Lordship will perceive by the above list that one Officer of Government only (Mr. Roger Therry) has been elected a Member of Council. The other Public Servants, who offered themselves as Candidates, were The Surveyor General, who lost his Election at Port Phillip, and Mr. Charles Windeyer, Police Magistrate of Sydney, who was unsuccessful in the Northern United Counties of Gloucester, Macquarie, and Stanley.

Your Lordship will further perceive that one only of the unofficial Members of the former Council, Mr. Hannibal Macarthur, has been elected a Member of the new Legislative Body. The only other unofficial Member of the Old Council, who offered himself as a Candidate, was Mr. James Macarthur, and he was unsuccessful in the County of Cumberland. Up almost to the day of Election, his success was considered certain; but, in consequence of his having in the county of Camden (wherein he resides) given his support to Mr. Therry, who is a Roman Catholic, numbers of his friends of the Church of England deserted him, and in his stead, brought in Mr. Charles Cowper, who had been defeated by Mr. Therry in Camden. In consequence of the unexpected loss of his Election, I offered to Mr. James Macarthur a seat as a Nominee of the Crown, which, however, he declined to accept, assigning as his reasons for so doing that, after having been rejected by a popular constituency, he did not feel he could act as a Nominee of the Crown, either with advantage to the Public or satisfaction to himself.

Your Lordship will be surprised to hear that the Member returned for the Port Phillip District, by the name of John Dunmore Lang, Esq., is the person well known at the Colonial Office as the Revd. Dr. Lang, and until lately a Presbyterian Minister in Sydney. The election of this gentleman may lead to the discussion of two questions: one, whether a person in Holy Orders can sit in the Council as an elected Member; the other, whether
under the canons of the Church of Scotland, Dr. Lang can any longer be considered a person in Holy orders, a solemn sentence of deposition having been pronounced against him by the Synod of Australia. Dr. Lang has continued since his deposition to officiate as a Minister of the Gospel, but has not claimed or received any salary from the Government. I have, &c.,

GEO. GIPPS.

P.S.—The 41st Geo. 3d, Ch. 63,* does not seem to be conclusive on either of the above questions respecting Dr. Lang.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 113, per ship Eweretta; acknowledged by lord Stanley, 4th January, 1844.)

My Lord,

Government House, 18th July, 1843.

Having in my Despatch of this date, No. 112, reported the result of the late Elections for Members of the Legislative Council, I now proceed to state to your Lordship the names of the gentlemen, whom I have appointed Members of the same under the powers granted to me by Her Majesty's Warrant, transmitted with your Lordship's Despatch of the 5th September, 1842, marked separate.

The following are the persons, whom I have selected to be the Official Nominees of the Crown:

The Lieutenant General Commanding Her Majesty's Troops; The Colonial Secretary; The Colonial Treasurer; The Auditor General; The Collector of Customs; The Colonial Engineer (Lieut. Colonel Barney).

The latter being a locum tenens for the Attorney General, who is still absent from the Colony.

The unofficial Nominees are:

Richard Jones, Alexander Berry, John Blaxland, Members of the old Council; Thomas Icely; Edward Hamilton; Hastings Elwin.

Among the official Nominees, Your Lordship will perceive there is but one new Member, the Colonial Treasurer. I wished also to place the Solicitor General in the Council, but I had not a seat to offer him.

The persons, who were official Members of the former and are not of the present Council, are the Chief Justice and the Bishop of Australia. The reasons why the Chief Justice has not a seat in the Council have been already explained in my Despatch, No. 101 of the 29th ultimo; and, in respect to the Bishop of Australia, I have to report that, having communicated to him the contents of your Lordship's Despatch, marked Private, of

* Note 5.
the 5th September, 1842, immediately on the receipt of it in the month of January last, His Lordship took an opportunity of declaring in his place in Council his continued adherence to the opinions he had formerly expressed, and stated at considerable length the reasons why he thought a Prelate of the Church of England should not belong to a Body composed for the greater part of Elective Members.

Of the persons whom I have (subject to Her Majesty’s approval) appointed unofficial Members of the Council, three, Messrs. Jones, Berry, and Blaxland, were Members of the former Legislature. Mr. Icely is a gentleman of large property and long standing in the Colony. Mr. Edward Hamilton came to New South Wales in the year 1840, and has invested a considerable capital in the Colony; He is the son of Archdeacon Hamilton, and Nephew to Mr. W. Hamilton, formerly Under Secretary of State, and afterwards Minister at Naples. Mr. Hamilton came to New South Wales with Mr. Henry Denison, a Brother of the Member for Nottinghamshire and of the Bishop of Salisbury; to this gentleman I also offered a seat in Council, but I regret very much to say that he was forced by the state of his health to decline it.

Mr. Hastings Elwin is well known at the Colonial Office, having acted as Commissioner for the distribution of the money granted by Parliament as a compensation to the Proprietors of Slaves on the abolition of Slavery. Mr. Elwin is the managing Director in Sydney of a Loan and Trust Company, incorporated by Royal Charter; but it did not appear to me that this employment should be considered to render him ineligible for the situation of a Legislative Councillor; or at any rate, I thought it should not outweigh the qualifications which he appeared to possess for the Office, superior to those of any other person within my reach.

The only two Members of the Old Council, whom I have not as yet mentioned, are Mr. Campbell and Sir John Jamison, and they both are, I regret to say, by years and infirmities unable to continue their services to the Public.

I have, &c.,
Geo. Gipps.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 113, per ship Andromeda; acknowledged by Sir George Gipps, 21st December, 1843.)

Sir,

Downing Street, 19th July, 1843.

I transmit to you herewith copy of a letter from Captain Wetherall, R.N., requesting that he may be confirmed in a Grant of Land made to him in New South Wales in the year 1828, but
1843.
19 July.

Inquiry ordered.

I also enclose the Copy of a Report from the Land and Emigration Commissioners with a Correspondence, which has passed between Captain Wetherall and that Board on that subject.

I have to request that you will institute an enquiry into the circumstances stated by Captain Wetherall, and that you will report to me with as little delay as possible whether in your opinion the case calls for favorable consideration.

I have, &c,

STANLEY.

[Enclosure No. 1.

CAPTAIN WETHERALL TO LORD STANLEY.

My Lord, Camp Hill, Birmingham, 10th June, 1843.

I do myself the honor to address Your Lordship to state that, in the year 1828, a Grant of Land was awarded me in New South Wales, since which period I have been a Candidate for a situation in that Colony, my claims resting on the recommendation of the then Governor Sir Ralph Darling, who, in consequence of my Professional services* in establishing the Settlements of King George's Sound and Western Port, was pleased to write to Lord Bathurst in my favor; but, not having obtained the object of my wishes, I last year appointed an Agent, Mr. Bell, a Surgeon in the Navy and residing on the spot, to obtain the Title deeds of my Grant of Land, and find they are withheld on the ground of my not having paid the Quit Rent to the Crown; the object of my present solicitation is to request your Lordship will have the kindness to allow me to pay such part of the Quit Rent, as may under the circumstances be considered just, by instalments and that my Grant may be confirmed. F. A. WETHERALL, Captn., R.N.

[Enclosure No. 2.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Sir, Colonial Land and Emigration Office, 8th July, 1843.

With reference to your Letter of the 20th Ultimo, enclosing one from Captain Wetherall, R.N., requesting that he might be confirmed in a Grant of Land which was made to him in New South Wales in 1828, but for which he stated that he could not obtain the Title Deeds because the Quit Rents had not been paid, we have the honor to report that, as many other conditions were attached to Grants made at that period, we felt it necessary to request Captain Wetherall to supply some further information. We beg to enclose for Lord Stanley's information a copy of our Letter on the subject and of his reply.

We acquainted Captain Wetherall, who called at our Office, that it was necessary to construe strictly all questions connected with free grants of Land, and that we could not afford him any encouragement as to the result of his application. But it is so difficult to form a satisfactory judgment in such cases where they have not come home through the authorities on the spot, that we

* Note 6.
think it would be desirable to refer the papers to Sir George Gipps, with an enquiry whether or not, upon investigating the circumstances as stated by Captain Wetherall, he finds anything in the case to call for favorable consideration.

Should this course be adopted, we would recommend that Captain Wetherall be so informed in reply to his Letters.

We have, &c.,

T. FREDK. ELLIOT.

EDWARD E. VILLIERS.

[Sub-enclosure No. 1.]

MR. S. WALCOTT TO CAPTAIN WETHERALL.

Sir, Colonial Land and Emigration Office, 24th June, 1843.

With reference to your Letter of the 10th Instant, addressed to Lord Stanley, and referred by his Lordship's directions to this department, stating that a Grant of Land in New South Wales was made to you in 1828, but has since been withheld from you on account of the nonpayment of the Quit Rent; and I am desired by the Board to acquaint you that, as various other conditions are annexed to grants of Land of this nature, they have to request that, before entering upon the investigation of your Claim, they may be furnished with your replies to the following enquiries:

1st. Whether any particular Tract of Land was granted to you, and, if so, in what situation?
2nd. Whether you ever took possession of it, and how long after you received authority for so doing?
3rd. Whether you were called on at the time to exhibit the amount of Capital possessed available for the cultivation of your Grant?
4th. What amount of Capital you have since laid out? and
5th. Whether you have resided on the Grant, and how long; or whether you deputed any person for the purpose?

I have, &c.,

S. WALCOTT.

[Sub-enclosure No. 2.]

CAPTAIN WETHERALL TO MR. S. WALCOTT.

Sir, Castle Bar, Great Ealing, 28th June, 1843.

In reply to your letter of the 24th Inst. and to the enquiries therein contained, I beg leave to state:

1st. That a particular Tract of Land was granted to me, situated near Bateman's Bay, for my services rendered to the Colony when in Command of H.M. Ship "Fly" on that Station.

2nd. That I never took possession in consequence of my being in Command of one of H.M.'s Ships and ordered to the East Indies.

3rd. I have never been called on to exhibit the amount of Capital available for the cultivation of my Grant.

4th. That, on leaving the station, I appointed Mr. Huber to act as my Agent, and left a sum of £400 in the hands of Mr. Norton, a Solicitor at Sydney, for the purpose of fulfilling the conditions attached to the Grant.

5th. I never resided on the Grant, but have appointed Mr. Bell, who is in possession and resides on the spot, to act for me, who informs me that the Title deeds are withheld in consequence of the Quit Rent not being paid; as I have a large family unprovided for, and it being my intention to reside on my Grant, should it be restored to me, I trust Her Majesty's Government will not think it necessary to deprive me of it for an omission arising from the neglect of others.

I have, &c,

F. A. WETHERALL, Capt'n., R.N.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 114, per ship Eweretta; acknowledged by Lord Stanley, 27th December, 1843.)

My Lord,

Government House, 19th July, 1843.

I have received from Mr. John Walpole Willis a copy of a letter, which was addressed by him to your Lordship on the 27th June last, in consequence of his having been removed from
Mr. Willis' letter is, as might be expected, full of bold assertion and confident denial; but your Lordship will have observed that the main grounds of his defence, as far as they are developed in his letter, are that in the various accusations brought against him he has been assailed only by those who have met with, or who feared to meet with "merited rebuke and punishment at his hands for their guilty deeds."

Among the persons who have either come forward as the accusers of Mr. Willis, or who have in the performance of their duty censured his proceedings, are the following: The Governor of this Colony and the whole of His Executive Council (including the Lord Bishop of Australia, and the Lieut. General Commanding Her Majesty's Forces); The Superintendent or Officer acting as Lieut. Governor of the District of which Mr. Willis was the Resident Judge; The Chief Justice and the two Puisne Judges (of the Colony) who were indeed the first to appear as his accusers; The Attorney General of the Colony; The Crown Prosecutor of Port Phillip; and all the other Barristers practising in his (Mr. Willis') own Court, who, though they have not all come forward as his accusers, have without an exception signed a public document condemning his conduct; every Public Officer or Servant of the Government at Melbourne, with the exception of two or three Officers of his own Court, who may have had good reason to fear his displeasure; and finally, 573 of the most respectable inhabitants of Port Phillip, who signed the Memorial for his removal, amongst whom were 18 Magistrates, and (which may perhaps be a greater proof of his unpopularity) every one of the persons resident in the District, who were at the time Candidates for the honor of representing it in the New Legislative Council. The persons thus enumerated have all, openly or officially, expressed their condemnation of Mr. Willis; and, if it be true, as asserted by Mr. Willis, that none have assailed him but those who have met or who fear to meet with rebuke and punishment at his hands for their guilty deeds, then certainly must the Colony of New South Wales be in a condition calling instantly for your Lordship's interference, and then may Mr. Willis be that which he is anxious to persuade your Lordship he is, the only man of truth, honor or integrity in it.

The character of Mr. Willis was established, if I mistake not, before he came to New South Wales; he quitted Demerara* under circumstances which did not vouch for the amenity of his disposition; and he had previously been removed* from Office in

* Note 7.
GIPPS TO STANLEY.

Upper Canada; but not therefore was he received with any want of kindness in Sydney. From myself at least, he acknowledges to have received kindness of the most marked description; in his first differences with his Colleagues, it was generally considered, and I believe acknowledged by himself, that I acted towards him a very friendly part; and, long after his removal from Sydney, he continued in the extraordinary harangues, which he has always been in the habit of making from the Bench, to speak of me in terms of the grossest adulation, in the same manner as he has more recently, and possibly with the same object in view, spoken of your Lordship.

Mr. Willis asserts that the hostility of the Government Officers in Port Phillip was drawn upon him by his exposure of their Bill transactions, and their participation in the overtrading and speculations, which led to the embarrassments of the present times. That Officers of this Government have been led away by the universal mania, which prevailed between the years 1836 and 1841, and have engaged in some speculations from which they ought to have refrained, is not to be denied; and I could refer to passages in my own Despatches to shew that I have condemned it; but my Lord, that they have participated in such speculations, to the extent charged against them by Mr. Willis, is, I verily believe, not true; and, even if it were true, it would be no justification of the strain of studied insult, in which he has long been in the habit of speaking of them, even when their conduct was in no way whatever before him; and in respect to the two Officers, who have been most prominently attacked by him, Mr. La Trobe and Captn. Lonsdale, I feel it a duty to certify to Your Lordship, as I hereby do, solemnly and on my honor, that I believe them to be in the strictest sense of the word honest men, and conscientious Servants of the Crown. Captn. Lonsdale was not perhaps altogether free from blame in the matter of the Bank shares, which he purchased from the estate of the late Mr. Batman; but he is very far indeed from deserving the censures so uncharitably heaped upon him by the late Resident Judge. It is surely, My Lord, not to be borne that a British Judge shall take advantage of the privilege of the Bench to defame men in the eyes of the Public, to say the least as upright and honorable as himself; and that he shall justify his attacks on individuals, as well as the unseemly ebullitions of his own temper, by referring to what Lord Mansfield, Lord Ellenborough, Lord Kenyon or any other English Judge may have said or done on occasions of high importance. A man, who descends to practices such as these, will have partizans, and especially if in addition thereto he abuse the Government, and become the apologist of the cruelties.
Partisans of J. W. Willis.

Cause of removal of J. W. Willis.

Necessity for support of C. J. La Trobe.

Forfeiture of office by chief justice alleged by J. W. Willis.

1843.
19 July.

It is not denied that Mr. Willis has a party at Port Phillip; indeed, if he had not a Party, the excitement would not have been produced, which notoriously has existed in Melbourne for many months, and which as notoriously has been produced by his proceedings, however boldly he may deny it. In his letter to your Lordship, he assumes largely on the strength and respectability of his adherents; he also states that he expects addresses to be presented to him before he leaves the District; but, if Mr. Willis be addressed in terms of respect, of confidence or friendship by men equal in number and respectability to those, who addressed Capt'n Lonsdale on the occasion of his being attacked by the Judge, I shall be ready to admit that I have been deceived as to the degree of estimation in which the two individuals are respectively held in the District.

I now beg to point out to Your Lordship that Mr. Willis has not been removed from Office on any single accusation or for any precise number of improper Acts, but for a long continued course of misbehaviour, which, in the opinion of myself and my sworn advisers, rendered his further occupation of the Judgment seat incompatible with the peace and good government of the Colony. That he might have been suspended in the ordinary way, is, I believe, unquestionable; but, in the course which I with the concurrence of my Council adopted, I followed the advice of the Law Officers of the Crown, and the precedent established in Mr. Willis' own person in Upper Canada.

Had Mr. Willis confined himself to attacks on me or on my Government, I might have continued to let them pass without notice; but, in a newly occupied District like Port Phillip, 600 miles from the seat of Government, I could not avoid feeling that the authority of Mr. La Trobe required support, and that there was no one who could afford him ready support but myself.

If from general imputations of misconduct I were to descend to particulars, I should have to recapitulate the contents of the numerous Despatches which I have had occasion during the last three years to write to your Lordship respecting Mr. Willis. Without doing so, I will however mention a few, either of his errors in Law, or of what I can only designate as his attempts to produce mischief. After numerous and insulting attacks on his own Colleagues, he erroneously asserted that the Chief Justice had forfeited his Office by acting as Judge of the Admiralty Court. In this, his error was pointed out by the Law Officers of the Crown in England, as communicated to me in Lord John Russell's Despatch of the 18th November, 1839, No. 45.
In opposition to the declaration of this Government and the decision of the Supreme Court of the Colony, he declared the Aborigines not to be amenable to British Law. In this he was overruled by your Lordship's Despatch of the 2d July, 1842, No. 144. He imposed an excessive punishment, by way of fine and imprisonment, on Mr. Arden for a Libel published on himself, the remission of which punishment by this Government was approved by Your Lordship (Despatch of the 19th December, 1842, No. 224).

He has denied the right of the Crown to dispose of Lands in the Colonies, in direct opposition to the unequivocal declaration of that right, contained in Lord Normanby's Despatches to myself, No. 49 of the 17th May, and No. 83 of the 29th June, 1839. This denial is repeated in his letter to Your Lordship of the 27th ultimo. He has declared an Act passed by the Legislature of New South Wales for the incorporation of the Town of Melbourne to be invalid, notwithstanding it was passed in strict conformity with the Law, as laid down in the Constitutional Act of the Colony, 9th Geo. 4th, Ch. 83, and was introduced with the approval of the Crown, as notified in the Secretary of State's Despatch, No. 312 of the 21st July, 1841, and is, moreover, similar in its enactments to numerous Acts by the Legislatures of other Colonies. Notwithstanding also that it is the clear and indisputable duty of the Judges in New South Wales to receive as Law the Acts passed by the Legislature, until they may be disallowed by the Queen, even though such Acts contain objectionable matter, which Mr. Willis does not pretend to be the case in respect to the Act which he has declared invalid. Much inconvenience has been produced at Melbourne by this hasty and mischievous declaration of Mr. Willis; and the three Judges of the Supreme Court in Sydney have solemnly decided that he travelled needlessly out of his way to make it.

Mr. Willis has erroneously in Law, and with no conceivable object in view but that of producing mischief, declared that the Governor, the Judges, the Superintendent of Port Phillip, and I believe, all other persons holding Office in the Colony, except himself, have forfeited their Offices by reason of their not having made the declaration required by the 9th Geo. 4th, Ch. 17, notwithstanding that the Act in question is declared on the face of it to have operation only in England, and that persons abroad are not required to make the declaration, until they return to England. Notwithstanding, moreover, that annual Acts of Indemnity, such as the 4th Vict., No. 11, and 5th and 6th Vict., No. 10, have been passed, which would protect the Officers of this
Government from the penalties of the 9th Geo. IV, ch. 17, even were that Act of any force in New South Wales, which it clearly is not.

Lastly, Mr. Willis has erroneously and ignorantly recorded a sentence of Death against a man guilty only of a misdemeanour, for which Act alone he ought, I believe, by the Law of England to lose his Office (see papers No. 2 which accompany my Despatch, No. 104 of the 2d July, 1843). If, to these specific Acts of impropriety all of a Public nature and affecting the administration of Justice, be added the numerous others affecting Individuals which can be collected from the papers transmitted with my Despatches, and especially those complained of by the Judges (his own Colleagues), by the Attorney General, and by the Superintendent of Port Phillip, an amount of misbehaviour will, I submit, be established against Mr. Willis, such as probably never before was charged upon a British Judge.

But Mr. Willis complains that he has been condemned unheard and without enquiry! If Mr. Willis mean by this that he was not called before the Executive Council, or that Commissioners were not sent to Melbourne to enquire into his conduct, he is undoubtedly right; but your Lordship will not fail to remember that Melbourne is 600 miles distant from Sydney, and that Mr. Willis could not have been brought to Sydney; neither could a Commission have been sent to Melbourne without the greatest public inconvenience. But, if Mr. Willis mean to assert that the Executive Council decided against him without sufficient grounds, I would be satisfied to let the issue of that question rest on the production of those letters which were before the Council, written with Mr. Willis’ own hand, and of those speeches or addresses to the Public from the Bench, which were printed under his own authority, leaving it to your Lordship, or to any man or number of men of common discernment to decide whether an individual, who could make such speeches and write such letters, be a fit person to exercise the functions of a British Judge.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.  
(Despatch No. 114, per ship Andromeda.)

Sir,

Downing Street, 20 July, 1843.

I have received your Dispatch No. 221 of the 22d November last, forwarding a Demand for Clothing likely to be required for the Convict Establishments in New South Wales and at Norfolk Island for the year ending the 31st of March, 1845.
STANLEY TO GIPPS.

Having referred your Despatch for the consideration of the Lords Commissioners of the Treasury, I have now to acquaint you that their Lordships have signified to me that they have given the necessary directions for the preparation and transmission by the Ordnance of such portion of the Clothing required, as should be made up in this Country, and of the materials for the remaining Articles, observing that it will be desirable that this last mentioned portion of the consignment should be made as soon as practicable.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 115, per ship Andromeda; acknowledged by Sir George Gipps, 3rd February, 1844.)

Sir, Downing Street, 21st July, 1843.

I have received your Despatch of the 3rd of January, Despatch No. 3, reporting the removal of Mr. Thomas White from the Office of Assistant Surveyor under the Government of New South Wales.

While I admit that the general Conduct of Mr. White was such as to call for his removal from his Office, unless justified by some mitigating circumstances which do not at present appear, yet I am not able to acknowledge the sufficiency of the grounds for that measure, which were assigned to Mr. White himself. They were, first, the impropriety of the Letters which he addressed to his superior Officer, and, secondly, the unreasonableness of his objections to the arrangements made by the local Government respecting his purchase of an outfit.

That Mr. White's Letters were dry and peremptory in a degree, not becoming his relation to the Surveyor General, I admit; but I see no indication in them of a contumacious purpose to resist lawful authority, nor of a design to affront his Official Superior. For a failure in the mere proprieties of epistolary intercourse, such a punishment as the forfeiture of Office would seem unduly severe.

As to Mr. White's objection to the purchase of his Field Equipments in the manner and on the terms proposed to him, I think that you have clearly shewn that it was founded on a misapprehension of the facts, and that it was, therefore, unreasonable. But I do not find that the real state of the facts was explained to Mr. White; nor am I entitled to conclude that, had he been furnished with such an explanation, he would have persisted in his objections to the Arrangement.

On the grounds assigned to himself, I am, therefore, of opinion that his suspension from Office can not be justly confirmed; but,
1843.
21 July.

Qualified approval of dismissal of T. White.

on the further ground which you have stated to me, I think otherwise. A systematic neglect of duty for many months together, arising from indifference or dislike to his employment, is of course sufficient reason for the dismissal of any Public Servant. On that ground, I shall be prepared to Confirm and Complete your decision, by converting your suspension of Mr. White into a final dismissal of him from his Office. But, as this Charge does not appear to have been preferred to himself and as he has not hitherto enjoyed an opportunity of repelling it, I think that justice requires that he should have that opportunity.

Anxious as I at all times am to sustain you to the utmost of my power in the exercise of your lawful Authority, I should be unwilling to lay on you any instruction that might be embarrassing to you in your intercourse with Mr. White and your own Subordinate Officers. Referring entirely to your own discretion the manner of giving Effect to my views, I confine myself to the statement that Mr. White's imputed indolence and neglect of duty should be made the subject of an enquiry to which he should be a party, and that, according to the result of that enquiry, you should either reinstate him in his Office, or continue his exclusion from it. In either case, it will be desirable that the decision should, both in reality and in appearance, be as much as possible your own. The interposition of my authority in such a case is (I am quite aware) to be deprecated and avoided, unless where some unavoidable exigency requires it.

I am, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 116, per ship Eweretta.)

My Lord,

Government House, 21st July, 1843.

I had the honor on the 5th ultimo to receive the Duplicate of Your Lordship's Despatch, No. 205 of the 1st November, 1842, wherein I was directed to make enquiry respecting a Mr. Burrowes, supposed to be a Government Surveyor in this Colony; and I have in reply to report that Mr. Burrowes was employed for a time by the Government of this Colony as a Surveyor by Contract at the Clarence River, but was never on the establishment of the Surveyor General. He is now residing in the neighbourhood of Sydney; and, a copy having been sent to him of your Lordship's Despatch, as also of the letter which was enclosed in it from Mrs. Burrowes of No. 11, Church street, Hoxton, I forward herewith a copy of a communication which has been received from Mr. Burrowes in reply.

I have, &c.,

GEO. GIPPS.
MR. M. E. L. BURROWES TO COLONIAL SECRETARY THOMSON.

Sir,
East Bargo, near Appin, 6th July, 1843.

I have the honor to acknowledge the receipt of your Letter, dated 9th June, 1843 (which only reached me this day) covering the Copies of a Despatch from the Secretary of State to the Governor, and of a Letter from my Mother Mrs. S. A. Burrowes to the Secretary of State.

Since I left the Clarence River in consequence of His Excellency putting a stop to the system of Surveying by Contract, I have constantly resided at Balmain, and have written home several Letters, none of which it would appear have reached their destination.

I cannot conclude without expressing my grateful thanks to the Secretary of State for his kind attention to my Mother's communication.

M. E. L. BURROWES.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 116, per ship Andromeda.)

Sir,
Downing Street, 22nd July, 1843.

I have received your Despatch, No. 23 of the 1st of February last, on the subject of the disposal of a Property of 46 acres of Land, originally supposed to contain 40 acres, in the immediate vicinity of Sydney, which was included in the Estate of the late Church and School Corporation.

On a consideration of all the circumstances which you have stated, it appears to me that the most appropriate method of disposing of the Land in question would be by devoting it, as you propose, to the permanent support of the Bishoprick. The amount of the Land so appropriated should be limited to the 40 acres, which it was originally contemplated to make over to the Corporation. The Land should be conveyed to the Bishop and his successors for their maintenance as Bishops of the See of Australia, and should of course be taken in reduction or in satisfaction, according to the amount of its annual value, of the income at present payable to the Bishop from the Revenue of the Colony.

I am, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch marked "Military, No. 4," per ship Andromeda; acknowledged by Sir George Gipps, 22nd January, 1844.)

Sir,
Downing Street, 22nd July, 1843.

I transmit to you, herewith, copies of a correspondence, which has passed with the Board of Ordnance, relating to the defective state of the barrack accommodation at Port Melbourne.

My present impression, as you will collect, is that the Estimate for the barracks required is excessive, and that means should be
found on the spot, or with your co-operation, for relieving the British Treasury from any considerable outlay on that account. I shall be glad, therefore, if you will confer with the respective Officers of the Ordnance Department on the subject, and report to me the opinion which you shall form as to the steps which it may be proper to take in this case.

I have, &c.,

STANLEY.

[Enclosure No. 1.]

MR. G. BUTLER TO UNDER SECRETARY STEPHEN.

Sir,
Office of Ordnance, 26th June, 1843.

In reference to a Communication from this Officer dated 17 May, E/615, Transmission I have the honor, by command of the Board of Ordnance, to request you will submit to the Secretary of State the enclosed papers of report accommodation from New South Wales, respecting the defective state of the Barrack accommodation at Melbourne; observing that the erection of a new Barrack for 200 men at that Post was recommended from the Station at an expense of £25,000 in the Estimate of 1841-2, but was deducted for want of funds.

The documents forwarded herewith are found fully to confirm reports previously received of the very bad accommodation of the Melbourne Detachment; but, before undertaking new Barracks in the Australian Settlements, the expense of which will be very heavy, The Board request you will move the Secretary of State to inform them what allotment and distribution of permanent Garrisons are contemplated in that Quarter.

I have, &c.,

G. BUTLER, for the Secy.

P.S.—You will be pleased to return the enclosure.

[Sub-enclosure.]

BABBACK MASTER at Sydney to the Secretary to the Board. Reporting the want of Barrack accommodation for the Troops at Melbourne.

Sir,
Barrack Office, Sydney, 2d January, 1843.

In forwarding the Quarterly Return of Barracks in this Colony, I conceive it my duty to submit to the consideration of the Board the present very insufficient accommodation for the Troops at that important station, Melbourne, Port Phillip. 2. The other posts, specified in this Return as " Stockades," are situated generally in remote or recently settled districts, and are subject to removal from one place to another. The construction of these temporary Barracks is necessarily slight, and the convenience they afford limited.

3. The Military Post at Melbourne is, however, under very different circumstances. Troops are there stationed for the conservation of the Public Peace and the Protection of property, in a large and populous commercial Seaport Town, the Capital of an extensive province where, from the constant influx of Seamen, emigrants or other Strangers, and from the character of the surrounding native Tribes, the presence of a Military Force has become permanently indispensable. Between 70 and 80 men have accordingly been stationed at Melbourne for some time past.

4. The Barracks, these troops occupy, are a parcel of insufficiently built sheds, which had been hastily constructed by the Local Government for the reception, I believe, of immigrants on their first landing, and afforded neither adequate comfort to the Soldier, or the most Ordinary means of Military discipline; but, by the following quotation from a Letter addressed to me by Captn. Lewis, 80th Regiment, an Officer of long service, now in Command at Melbourne, a more correct idea of the condition of these Buildings will be conveyed than by any further remarks of mine.
“Something,” writes Officer, “must shortly be done for the men of this detachment. The miserable huts called Barracks, which now scarcely afford shelter, are rapidly falling to decay, and recent stormy weather of unusual violence has greatly added to the Soldier’s discomfort. It is really strange that, in so important a Commercial Seaport Town as Melbourne, there are not regularly built Barracks for at least two Companies.”

5. It is always with the greatest deference, I venture to propose any measure entailing expense; but, under the circumstances I have stated, I feel I should hardly perform my duty, did I omit to bring the subject of the Melbourne Barracks to the especial notice of the Board. I would therefore respectfully urge the necessity that exists for the erection of Barracks at that Port for the accommodation of at least three Officers and one hundred men, and also for the appointment of a Barrack Sergeant, whose Services, from the distance of Melbourne from Head Quarters, will be indispensable.

6. I will only further observe that the erection of these Barracks may now be proceeded in with the additional object of securing the Town by a well selected Military post against the aggression of a Foreign Enemy, a contingency hitherto wholly unprovided for.

ROBT. LYND, Lt. and Barrack Mast.
Office of Ordnance, Sydney, 3d Jany., 1843.

REferred to Lieutt. Colonel Barney for his opinion on the points adverted to by the Barrack Master, G.B., R.R., P.W.

Estimate for new Barracks at Melbourne has been submitted to the Inspector Genl. of Fortifications, under the authority of His Excy. the Lt. Genl. Commg.; the Service has however been postponed; it will probably be again brought forward in Estimate 1844-4 by Lt. Col. Gordon, C.R.E.; who, having lately visited Melbourne, will be able to afford correct information as to the state of the existing buildings; with reference to the 3d and 5th Paragraphs of this report, I would observe that subjects of this nature should be the subject of a special Report to His Excellency the Lieutt. General Commanding, with whom the question of the distribution of the Troops, I presume, entirely rests.


As Lt. Col. Gordon has recently had an opportunity of seeing the description and state of the buildings occupied by the Troops at Port Phillip, he will be pleased to make such observation thereon for the information of the Board as he may think necessary.

R.R., P.W.

THE Vessel, in which I came from England, having put into Port Phillip, I visited Melbourne, and examined the Barrack accommodation there. Until very recently, the whole number of men crowded in temporary Slab huts thatched with reeds; about half the number are now removed to a Brick Building, where they are sheltered from the inclemency of the weather, which those remaining in the huts are not. This brick building is however too low in the ceiling, being only about 7 feet high; the Brick flooring is also much out of repair. The use of this building was given to the Troops by the Local Authorities as a temporary measure. Half the number of men still remain in the Huts; but I conceive it to be almost impossible that they can exist there during the Winter months, such is the state of ruin these wretched Hovels are now in.

I consider Melbourne to be a station requiring a permanent Military force of at least two Companies.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO MR. G. BUTLER.

Sir,

Downing Street, 22nd July, 1843.

Having laid before Lord Stanley your letter of the 26th Ultimo, with its enclosure relating to the defective state of the barrack accommodation for the troops at Port Melbourne, I am directed to request that you will state to the Master General and Board of Ordnance that, without anticipating the decision which may ultimately be taken as to the amount of force to be stationed at that place, but considering it as probable that some addition will be made to the present Garrison, his Lordship would not be prepared to lend his sanction to the building of additional barracks at the outlay indicated in your letter, without having satisfied himself that the means at the disposal of the Government, as regards labour, materials, etc., cannot be rendered available to the object in question. It must be borne in mind, besides, that the period is approaching when a change in the allocation of the troops in New
1843.

22 July.

South Wales, especially at their Head Quarters, will naturally become necessary; and consequently that it may be expedient to consider whether such of the barracks at Sydney, as will no longer be wanted for the accommodation of the troops, might not be disposed of in a manner calculated to realise the means of constructing barracks in other Quarters.

Reports required.

Upon the whole, therefore, Lord Stanley is of opinion that, before any further steps are taken for building additional barracks at Port Melbourne, the Governor of New South Wales and the respective Officers of the Ordnance Department in that Colony should be instructed to confer on the subject, and report their opinion respectively as to the measures to be taken on that subject. His Lordship will instruct the Governor accordingly.

I have, &c.,

JAS. STEPHEN.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 117, per ship Eweretta; acknowledged by Lord Stanley, 27th December, 1843.)

At the request of the Judges of the Supreme Court resident in Sydney, I transmit to your Lordship a Copy of a letter which was addressed to me by their Honors on the 20th instant.

Your Lordship will perceive that it bears upon the case of the man named Manuel, against whom the Sentence of Death was improperly recorded by Mr. Willis, late Resident Judge at Port Phillip, as explained in the Papers which formed the enclosure No. 2 to my Despatch, No. 104 of the 2d instant.

The object of the Judges is to shew that the case, on which Mr. Willis relied for the justification of his sentence on Manuel, is not one in point, although even in that case an error was committed, which renders it necessary that the person convicted should receive pardon.

I have further to state that, in consequence of this opinion of the Judges, and the recommendation that accompanied it, I have pardoned the man named John Rial, now at Norfolk Island.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 118, per ship Eweretta.)

Having had the honor on the 5th ultimo to receive the Duplicate of Your Lordship’s Despatch, No. 193 of the 28th September, 1842, wherein was contained a complaint preferred to
Your Lordship by Mr. Burton Pinsent of Bristol against the Post Master at Melbourne, I caused the same to be referred to the Superintendent of the Port Phillip District; and I forward herewith a copy of a letter of explanation from the present Post Master at Melbourne (with an enclosure) which I have received from Mr. La Trobe in reply.

I am sorry to find that Mr. Pinsent has just cause to complain of the negligence of the Post Master at Melbourne; but your Lordship will perceive that the Post Master (Mr. Kelsh) was dismissed from his situation for habitual inattention to his duties long before the receipt of Mr. Pinsent's complaint.

Mr. Kelsh ceased to be Post Master at Melbourne on the 30th June, 1842, and has not since that day held any office under this Government.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MR. H. D. KEMP TO MR. C. J. LA TROBE.

Sir, Post Office, Melbourne, 19th June, 1843.

In reference to the Letter of the Honorable the Colonial Secretary dated the 10th of June and its enclosures, referred by your Honor for my report, I do myself the honor to enclose a Copy of a communication I addressed to Mr. Burton Pinsent in February last, in reply to a Letter I received from him in that month, and which contains all the information I have been able to gather with regard to his enquiries.

I will only add that great care has always been taken of late to forward Letters by the Vessels for which they may have been particularly posted.

I have, &c.,

HENRY D. KEMP.

[Sub-enclosure.]

MR. H. D. KEMP TO MR. B. PINSENT.

Sir, Post Office, Melbourne, 20th February, 1843.

I am in the receipt of your Letter of the 17th September last, complaining of irregular despatch of Letters posted at this Office for Particular Vessels, and I regret that you should have had cause for such complaint.

The Postmaster however, of the period alluded to by you, being now removed to a considerable distance from Melbourne, I am not able to obtain for you his particular explanation. I can state however as regards the Letter, which you say was 15 Months on the way, that it was despatched hence in a Mail with others to Bombay, intended for the over Land transmit thence to England; but, owing to an oversight in not advising the Bombay Post Office Authorities to that effect, it went round by Water to England.

The Letters you state to have been missing, I hope you will have received soon after despatch of your own communication.

The arrangements recently adopted by me here will, I hope, ensure regularity in future.

I remain, &c.,

HENRY D. KEMP,
Postmaster for the District.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 119, per ship Eweretta.)

My Lord, Government House, 24th July, 1843.

I had the honor, on the 5th June last, to receive your Lordship's Despatch, No. 216 of the 1st Decr., 1842, wherein I acknowledged.
24 July.


was desired to make enquiries respecting a person named Ann Sarah Kensett, who emigrated to Port Phillip in the year 1840, and was engaged in the family of Mr. Rucker, a gentleman residing near Melbourne.

Having made the requisite enquiry, I have the honor to enclose a copy of a letter from Mr. Rucker to the Superintendent of the Port Phillip District, in which full particulars respecting the conduct of Ann Sarah Kensett and her subsequent decease are given.

I also enclose a Certificate of her burial. I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

27 July.

Non-receipt of report re candidates for public employment.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Alfred; acknowledged by Sir George Gipps, 17th February, 1844.)

Sir, Downing Street, 27th July, 1843.

I have to recall your attention to the 8th Clause of the Regulations in respect to Appointments in the Colonies, which accompanied my Circular Despatch to you of the 15th June, 1842. I have not yet received from you the Confidential Report respecting the qualifications of the respective Candidates for Public Employment which you were required by the Regulations to transmit annually.

I have, &c.,

STANLEY.

My Lord, Government House, 27th July, 1843.

Sir George Gipps to Lord Stanley.

(Despatch No. 121, per ship Fama; acknowledged by Lord Stanley, 7th February, 1844.)

Having received from Mr. La Trobe further papers relating to the accusations brought by Mr. Willis, the late Resident Judge at Port Phillip, against Captain Lonsdale, in the matter of certain Bank shares purchased by the latter from the Estate of Mr. Batman, I think it right to forward copies of the same to Your Lordship, in order that they may be placed with the papers which formed enclosure No. 2 to my Despatch of the 2d July last, No. 105.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Maitland.)

Sir,

Downing Street, 28th July, 1843.

I have the honor to transmit herewith the copy of a Treaty of Commerce and Navigation between Her Majesty and the Emperor of Russia, signed at St. Petersburg on the 11th January last, together with an Order made by Her Majesty in Council for giving effect to that Treaty. I have to desire that you will give publicity to this Treaty in the Colony under your Government, according to the usual practice; and that you will take the necessary steps for carrying it into effect.

I have, &c,

STANLEY.

[Enclosure.]

[The English translation of this treaty and the order-in-council were published in the "Government Gazette" as a government notice, dated 23rd January, 1844.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 117, per ship Maitland.)

Sir,

Downing Street, 28th July, 1843.

I have received the Despatch addressed to me in your Absence by the Colonial Secretary of New South Wales, No. 2 of the 2d of March last, transmitting two Letters from the Judges of the Supreme Court, with their Enclosures, on the subject of the Property remaining in the hands of the late Registrar of the Supreme Court at the time of his defalcation.

I have communicated the information contained in those Letters to the several parties, who had made application to me on the subject, and I have forwarded to the Agent General for New South Wales Copies of the several statements furnished by the Judges.

I am, &c,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 118, per ship Maitland; acknowledged by Sir George Gipps, 8th April, 1844.)

Sir,

Downing Street, 28th July, 1843.

I transmit to you, herewith, the Copy of a Memorial addressed to me by the Revd. John Espy Keane, Colonial Chaplain of New South Wales; and I have to request that you will furnish me with a Report on the claims which he urges to certain Allowances as Chaplain.

I am, &c,

STANLEY.
Memorial

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

The Humble Memorial of John Espy Keane, Clerk, A.M., one of Her Majesty's Chaplains in New South Wales. Sheweth that, when his Grace the Duke of Wellington was formerly a Minister of State, it was officially communicated to your Memorialist that certain allowances were graciously made to him by his Grace's direction.

That amongst those were two several grants of land of 1,280 Acres each, the first at the end of five years' service, the second at the end of ten, and an allowance of two men on the public store.

That the first grant of land was given and also that two men were assigned with an allowance of nine pence per day for each man in lieu of maintenance on the store.

Your Memorialist humbly sheweth that, in the year 1836, the allowance for the men was stopped and that shortly after a sum of £260 or thereabouts was ordered in lieu of the second grant then due to your Memorialist, such sum of £260 being calculated at the discount on the value of human life on the supposition that the second grant was intended not at the end of ten years' service, then served by Your Memorialist, but at the end of ten years from the first grant, and calculated at the value of five shillings per acre, an estimate much below the Government value of land at the period of calculation.

Your Memorialist humbly craveth that, according to the Benevolent communication officially made to him, the allowance for the maintenance of the men be restored and the amount since 1836 be paid.

Your Memorialist further humbly stateth that, with regard to the second grant of land, the sum of £260 above mentioned was accompanied with directions to sign a deed, renouncing further claim on that behalf without which it was understood no allowance would be made, which deed was accordingly signed, and be on the behalf therefore humbly craveth Your Lordship's kind and equitable consideration of his case according to the benevolent intention of his Grace the Duke of Wellington.

And Your Memorialist will ever pray. [Unsigned.]

No. 1 Charlemont Mall, Portobello, Dublin.

Lord Stanley to Sir George Gipps.

(Despatch No. 119, per ship Maitland.)

Sir,

Downing Street, 29th July, 1843.

I transmit to you, herewith, the copy of a letter which I have received from the Society for the Propagation of the Gospel, with its Enclosure, bringing under my notice the Religious destitution of the Population in the Interior of the Port Phillip District, and suggesting, as a means of remedying the evil, the levy of a local rate for the support of a competent number of
CLERGYMEN for the spiritual care of the Settlers and of the surrounding Aborigines.

You will observe that the Society has declared its inability to bear any portion of the expense of supporting these Missionaries; and that it is proposed by the Superintendent of Port Phillip that half the expense shall be borne on Colonial Funds.

As this Report is signed by Mr. La Trobe in his capacity, not of Superintendent, but as Chairman of the Committee, I have no means of judging whether he has submitted it to you, nor, if so, whether it meets with your approbation; but, if you concur in the general scheme, and, adhering to the inability of the Society to afford pecuniary aid, you should be of opinion that there is any prospect of a Local Rate being raised for the purpose in question, as suggested by them, you will consider yourself authorized to take such steps as may be necessary for effecting the object, without awaiting an answer from me to the Report, which you will have the Goodness to make to me without delay.

I am, &c.,
STANLEY.

[Enclosure.]

MR. E. HAWKINS TO LORD STANLEY.

My Lord, 79 Pall Mall, 13th July, 1843.

I am directed, by the Society for the Propagation of the Gospel, to bring under your Lordship’s notice the deplorable religious destitution of the population in the interior of Australia Felix.*

According to a Report sent home to the Society, and certified by the signature of C. J. Latrobe, Esqre., the Superintendent of the Colony, it appears that there are upwards of 8,000 British Settlers scattered throughout the Bush entirely without the means of Grace. There are besides nearly 4,000 Aborigines, described as “literally naked untutored savages.” This population is continually moving from place to place, and can therefore only be reached by Itinerant Missionaries.

The Society, already pledged to an expenditure considerably above its income, is unable to make provision for the wants of these people, but is anxious to press upon Your Lordship’s attention the necessity of taking some measures to prevent the fearful consequences that must ensue, if a rapidly increasing population, like that of Australia Felix, be left destitute of the Ministrations of Religion.

The Society therefore ventures to suggest for your Lordship’s consideration, whether it might not be possible to induce the Colony, by means of a local rate, similar to that levied for the support of a Police, to maintain a competent number of Clergymen for the Spiritual care of the British Settlers, and, as far as possible, of the surrounding Aborigines.

If this suggestion should be found impracticable, the Society trusts your Lordship will adopt some other measure for the remedy of the evils to which it has now taken the liberty to call your attention.

I have, &c.,

ERNEST HAWKINS.

* Note 8.
REPORT of the Port Phillip District Committee of the Societies for Promoting Christian Knowledge and for the Propagation of the Gospel in Foreign parts on the Religious Condition and Prospects of the Population in the interior of the Port Phillip District.

The attention of the Port Phillip District Committee of the Societies for Promoting Christian Knowledge and for the Propagation of the Gospel in Foreign Parts having been directed to the large population in the interior of the Country, and to their religious condition and prospects, the Committee deemed it very desirable that such statistical information should be obtained on the subject as would enable them to ascertain the amount of population scattered over the wide extent of Country, and thence to estimate and lay before the Public their spiritual destitution on the total absence of religious instruction and Ordinances. The necessary enquiries were accordingly entered into; and the sub-Treasurer of Port Phillip kindly allowed free access to the Returns and other documents in his possession bearing upon the point; and the Chief Protector of the Aborigines, with equal readiness, gave such information regarding the numbers and local haunts of the Aborigines as to induce the Committee to believe that they are in a position to lay before the public a statement, that may be depended upon as correct, of the entire population living in the Bush without a Religion amongst them.

From the Returns made to the Treasury every half year by the Commissioners of Crown Lands, it appears that, in the District westward of Melbourne, denominated the Portland Bay District, there are on the Crown Lands 1,850 Souls from Great Britain and Ireland; and in the District to the North and East, called the Western Port District, there are 2,295. These are the numbers on Crown Lands; but in each District there are at the least 500 on private estates, which are not included in the Commissioner's Returns. In addition to this, there is always a moving population in the Bush of perhaps 500 in each District, more especially at the season for sheep shearing. Besides, there are above 700 Aborigines about Mount Rouse and the River Loddon, that is, to the Westward of Melbourne, and 600 about the Goulburn River and East from Melbourne. And near the Towns of Melbourne and Geelong, but beyond the reach of the regular ministrations of Religion, there are at least 2,000 Christian Souls.

These together amount to a population of 9,445, thus classed and distributed:

Westward from Melbourne.

On Crown Lands, 1,850; On Private Estates and small farms, 500; Going up the Country for employment or returning, 500; Near Geelong, 800—British Population, 3,650; Aborigines, 700—4,350.

North and East from Melbourne.

On Crown Lands, 2,295; On Private Estates and small farms, 500; Going up the Country for employment or returning, 500; Near Melbourne, 1,200—British Population, 4,495; Aborigines, 600—5,095; Total, 9,445.*

* Marginal note.—British Population, 3,650, 4,495—8,145.
These are scattered over a District, extending 300 Miles from East to West and to about 150 miles inward from the Coast. Beyond these limits to the North, there are about 3,000 Aborigines in Tribes, each having their locality.

In estimating the population around Melbourne and Geelong, and that on small farms, the Committee feel conscious that the numbers given are below the actual amount, as the class of cultivators of the soil is rapidly increasing.

It therefore appears, from returns and Statements on which the greatest reliance may be placed, that the Population in the interior entirely without the Ministrations and Ordinance of Religion amounts to no less than about 9,000, and that there are about another 1,000 who only occasionally and at very long intervals are visited by a Minister of Religion. It further appears that, amongst the British population in the Bush, there are 1,300 Aborigines in a savage and entirely un instructed state. Thus are many thousands of our Countrymen, of whom a large proportion came to this Country but little under Religious influence and guidance, placed in the most unfavorable circumstances, and in the most neglected condition with regard to Religion; 1,300 naked Savages roaming about amongst them to the injury and deterioration of both races. The total absence of any Religious Ordinances to call the attention and thoughts to the Public Worship of Almighty God, and the things which concern the Soul’s salvation and the day of Judgment, and the want of anything to mark the sacred day of Holy rest, induce a carelessness and indifference to Religion, which amounts almost to Practical Atheism, a living without reference to God; while removal from outward restraint and the checks which Society imposes, together with the leaven of some hundreds of degraded and untutored Savages, expose all to moral contamination and allow the vicious and polluted to proceed to great excesses in immorality.

The entire absence of Religious ordinances and of Family Devotion prevails throughout the greater extent of the Bush, while only here and there is the Lords Day observed by the Settler calling his Servants together for the reading of God’s word and the worship of His Holy name. In this state of things, not only do Religious impressions gradually wear off, but the knowledge of even the first principles of Christianity is forgotten, and Children, growing up amongst Parents thus lapsing into ignorance and irreligion, receiving neither the knowledge of the Truths of Christianity, nor seeing example of religious observances and habits, seldom or ever hearing the name of the Blessed Saviour, except in connection with profane swearing or some horrid oath, are nearly in the condition of the unenlightened Heathen. In a succeeding generation thus situated, the knowledge of Christian doctrine would be almost lost, and all traces of Religious worship and observances nearly obliterated.

With a view to direct attention to localities, the Committee have considered it expedient to take certain spots as centres, around which to a distance of above 30 miles they have endeavoured to ascertain the amount of the population. They have fixed upon four central Stations, which have been appropriated by Government to the peculiar use of the Aborigines, as places on which they might be collected and experiments made to civilize them. On these localities, the Aborigines are at present collected in considerable numbers under the charge of the Government Officers, denominated Assistant Protectors. These localities are Mount Rouse and the River
Loddon, towards the West and North-west of Melbourne, and the
Native Stations on the Goulburn and at Dandenong on the North
and East.

At Mount Rouse, there are about 300 Aborigines with access to
1,000 more, and, within a radius of 35 miles around that central
station, there are no less than 1,046 Christians, scattered in the
Bush in threes and fours, without ever seeing the face of a clergy­
man from one year's end to another. This presents a field of
spiritual labour for at least two zealous and active Missionaries to
be constantly itinerating by turns, to carry the ministrations of
Religion to a population so scattered.

The Loddon Protectorate Station has on it about 300 Aborigines
(with access to 1,000 more beyond the occupied Country), and, around
that centre with the same radius as before, there are scattered in
small numbers at distances of a few miles 1,102 Christians in the
same state of spiritual destitution. Here again is more than enough
for the constant exertions of two Missionaries.

On the Goulburn, there are about 400 Aborigines at the Station,
and 1,000 more in accessible tribes; and, within a circuit of similar
extent to those described, there are 750 of our Countrymen, similarly
situated with those around Mount Rouse and on the Loddon.

The remaining Native Station is Dandenong, about 20 Miles East
from Melbourne. On it, there are 200 Blacks, and around it 290
Whites on Crown Lands, besides above 100 on purchased estates
near Melbourne, in the same want of religious instruction and
ordinances.

Besides the numbers given as stationary in each of these cir­

 circuits, there are 257 in corners beyond the limits described, and
1,000 perpetually moving in the Bush, besides at least 2,000 on
small farms at the distance of 3 and 10 miles from Melbourne and
Geelong, as has already been noticed in giving the Estimate of the
entire population.

The following view may serve to show at one glance the num­
bers in each circuit, entirely removed from the restraints, the guid­
ance, the consolations and hopes of Religion as regards Public
Worship, and the ministration of God's word and Sacraments:

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<tbody>
<tr>
<td>Within circuits ...</td>
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<tr>
<td>Beyond Circuits ...</td>
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<tr>
<td>Moving population ...</td>
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<tr>
<td>Totals ...</td>
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<tr>
<td>Total British Population entirely destitute of Religious Ordinances ...</td>
</tr>
<tr>
<td>On purchased Lands ...</td>
</tr>
<tr>
<td>In Villages and Farms near Town ...</td>
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<tr>
<td>Total almost destitute ...</td>
</tr>
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<td>Total British Population ...</td>
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<table>
<thead>
<tr>
<th>Aboriginal or Black Population.</th>
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<tr>
<td>At Stations ...</td>
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<tr>
<td>Accessible beyond the limits of occupation ...</td>
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<tr>
<td>Total Black Population ...</td>
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<tr>
<td>White Population ...</td>
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<tr>
<td>Black Population ...</td>
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<tr>
<td>Grand Total ...</td>
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STANLEY TO GIPPS.

This view presents to the mind much to excite our sympathies and fears, and to call forth our active exertions to supply, at least, some of the Religious wants of our fellow Christians in the Bush. Their condition holds out to the Venerable Societies for Promoting Christian Knowledge and for the Propagation of the Gospel in Foreign Parts such a scene of spiritual destitution as called these noble Institutions into existence, when thousands of our Christian brethren were similarly situated in the North American Colonies, nearly a Century and a half ago. Worse therefore, and under more aggravated circumstances of Religious destitution than they were then in the Plantations, arc our Bush Population at the present day in this wide tract of Country without the observance of the Lord’s Day, without the celebration of Public Worship, without the Ministries of Religion, and without even the occasional visit of a Clergymen either to counsel or comfort, rebuke or exhort.

This is their condition: and, to add to the evils to which they are thus exposed, there are living amongst them 1,300 of the most degraded Heathens. As the limits of occupation extend, this evil will be encreased, for there are nearly 3,000 Blacks at no great distance beyond some of the remote stations on which Herds and Flocks are now running. The further the Bush is penetrated, the greater the evils to which all are exposed.

Such being the Religious condition of the population in the Bush, without any prospect of a better state of things arising out of the efforts of that population itself, the Committee feel that they would be wanting in sympathy towards their fellow Christians so situated, and also wanting in confidence in the readiness of the Church Societies to render aid, were they not to make known this great Spiritual destitution to the Venble. Societies, which have already done so much to supply the Religious wants of this Country. The Committee, therefore, is desirous to second the efforts of their beloved Bishop in laying this statement of the Religious destitution of the Population in the interior before the Venble. Societies, and would respectfully solicit such aid as the Societies may be able to extend for the maintenance of Religion amongst the scattered Members of the Church in Australia Felix, and for the conversion of the Heathen amongst them, whose Country God’s Providence has given to the British Crown, and whose amelioration and happiness He has confided to British Christian Benevolence.

J. LA TROBE, Chairman.

[Sub-enclosure No. 2.]

OUTLINES of a Plan of a Mission for maintaining the Ordinances of Religion amongst the British Population in the interior of the Port Phillip District and for instructing the Aborigines in the principles of Christianity.

I. The Objects.

1. To provide an Itinerating Ministry sufficient to impart Religious Instruction to a considerable part of the British Population.

2. To undertake the general Superintendence of the Religious and moral instruction of the Aborigines.
II. The Means.

To place two Missionaries at each Aboriginal Station, namely,
At Western Port, 2; At The Goulburn, 2; At Mount Rouse, 2;
At The River Loddon, 2—8.
At each Station, one good Schoolmaster, 4.

III. The Mode.

1. One of the Missionaries at each Aboriginal Station to devote himself to the Blacks, the other to the White population within a reasonable distance, to take the respective duties by turn, say in alternate Months.

2. The Schoolmasters to be under the Superintendence of the Missionaries, and to be men of respectable attainments and of perseverance.

3. The Missionaries to communicate with their Ecclesiastical Superior as to all matters affecting their Duties, and also to the Civil Authorities in all proper cases, such cases to be defined as particularly as may be.

4. Various other regulations to be made in respect of the Aborigines, to carry out more effectually the objects of the Mission, in advancing their civilization and religious Instruction. (These will perhaps be matters for Legislative Enactment and need not be considered here.)

IV. Means of Support.

One half of the cost of the Missionaries to be borne by the Church of England Societies, the other half by the Colonial Government. The Church of England, considering it as part of her Apostolic Mission more especially to preach the Gospel to the Heathen Subjects of the British Crown, is willing to take the whole expense on herself of the Ministry to the White population as already detailed, instead of putting forward her claim to that assistance from the State, to which, according to the existing Colonial regulations, she is in justice entitled as much as in the case of Town population. She therefore, in return for the expenditure here proposed, only claims what may fairly be considered as necessary for the Instruction of the Aborigines, in giving effect to the present plan, which, it is submitted, will advance their welfare along with the moral and Religious improvement of the white population and serve to promote decency and order and a good understanding between the two Races.

V. Expenses.

Four Clergymen to be maintained by the Church Societies, on a Salary say of £250 each £1,000
Horse and allowances, £50 each 200
Expenses to be borne by Govt.
Four Clergymen with allowances as before 1,200

£2,400

N.B.—The Salary for the four Schoolmasters required is already included in the expenses of the Protectorate; no additional expense is therefore entailed under this head.

It is submitted that this arrangement combines economy with efficiency in a great degree, embracing the improvement of both the Blacks and Whites, and enabling the Missionaries, by an interchange of duties, to go through more work than if always confined...
exclusively to either branch. Constant Itinerating would wear down the strongest constitution, but such a result would thus be obviated. On higher grounds, it ought to be borne in mind that the efficiency of the Missionaries would thus be increased, as has been proved in all Missions even from the very earliest times.

The Schoolmasters also, by being put under this Superintendence, would be likely to discharge their duties more beneficially, as has always been found to be the case by experience. Proper conduct on their part, and that of all the subordinate Officers connected with the Aborigines towards the Protectors, will thus be ensured. These advantages, arising from the properly defined position and authority of a Minister of the Gospel, are important, as well as the instruction personally communicated by them. The example too and practice of regular discipline and subordination cannot fail of producing good results upon the Aborigines, and furthering their civilization, as must also the general propriety of demeanour, which it may be hoped will thus be insured.

It is submitted that this proposed Establishment provides in the most effectual way for the peculiar position, in which the two distinct Races are placed in the Bush by placing both under one system of Instruction and Religious Superintendence.

The moral improvement, which under the Divine Blessing may be hoped to be effected by the Ministrations of Religion amongst the white population, hitherto neglected and too much removed from restraint, will take away a chief obstacle to the advancement of the Blacks; while it will tend at the same time to diminish those causes of collision justly lamented by His Excellency Sir George Gipps in his Despatch on the progress of Australian Discovery.

The truths of Religion, being thus taught to both the Whites and Blacks by the same individuals as Messengers of Peace, will, it is hoped, tend to produce one of the great objects of their promulgation, the promotion of harmony and good will.

This organization, in instructing the Blacks and Whites by the same individuals and under one uniform system, will effect a far greater and more permanent degree of improvement than any desultory efforts.

The instruction of the Aborigines, it is submitted, should be under regular system and superintendence, and as such come under the notice of Government as the duties of the Protectorate do, in what may be considered to belong more especially to their temporal and civil interests. The systematic operation of the plan cannot fail of being far superior to any desultory efforts and undefined attempts, and is calculated to advance the mutual interests of the two Races, each of which so much affects the other.

It is to be observed that, in the evidence given before the Committee of the House of Commons on the subject of the Aborigines of Australia, a great stress is laid upon the religious instruction of the remote Bush population, considering that any attempts really and permanently to benefit the Aborigines would be futile without it. The basis of the present proposition is that Christianity is the proper foundation alike for civilization and of respect for human Laws.

It will not be disputed that the British Government is called upon to provide for the civilisation and Religious enlightenment of the Aborigines of this Country; the Church of England recognizes similar duties; and, in submitting the present proposition, it is felt that she adopts the human means most tending to their

* Note 9.
accomplishment, while undertaking to administer at her own entire
charge her ordinances to the white population brought chiefly and in
the most critical way into contact with them.

The more the whites in the Bush are brought under the in­
fluence of Religion, the more easy, humanly speaking, will be the
instruction of the Blacks.

Recapitulation.

1st. The object is to maintain the Knowledge of Religion amongst
the Whites, and to impart it to the Blacks, by one and the same
Agency.

2nd. For this combined effort are required, as a beginning, Eight
Clergymen and Four Schoolmasters.

3rd. The expenses to be borne jointly by the Church of England
Societies and the British Government, namely:

Expenditure by the Government for 4 Mis­sionaries, say £1,200
4 Schoolmasters, say each on a Salary of £150 — 600

Expenses to be borne by the Church Societies 1,200

Amount pr. annum for the Mission £3,000

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 120, per ship Maitland.)

Sir, Downing Street, 1st August, 1843.

With reference to my Despatch, No. 96 of the 30th of June,
I transmit to you, for your aid in considering the Case of the
Emigrant Ship "Agricola," the copy of a Letter from the Colo­
nial Land and Emigration Commissioners with Copies of Reports
of the Government Agents at the Ports of London and Cork on
the state in which that Ship was fitted and supplied for her
Voyage.

I am, &c,
STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY
STEPHEN.

Colonial Land and Emigration Office,

Sir, 0 Park Street, Westminster. 21 July, 1843.

With reference to Lord Stanley's decision on the various
Cases of refusal of Bounty reported on in our Letter of the 31st
May. We have the honor to enclose the Copy of a Letter from
Messrs. Carter and Bonus, requesting that certain information
might be supplied to the Colonial Government on the state in which
the Ship "Agricola" left this Country.

We also enclose the Copies of the Reports which we called for
accordingly from the Officers, by whom she had been inspected; and
we would submit our request that the several papers may be for­
warded to Sir George Gipps for his use and assistance in consider­
ing the Case to which they refer. We have, &c.,

T. FREDK. ELLIOT.
JOHN G. SHAW LEFEVRE.
MESSRS. CARTER AND BONUS TO MR. S. WALCOTT.

Sir,

11 Leadenhall Street, 4th July, 1843.

We beg to acknowledge the receipt of your Letter dated 30th June, No. 1657, Request for
and with reference to the 6th Clause we respectfully request that the Commissioners will
be pleased to call upon their Agents in London and Cork to report their observations
and opinions as to the mode in which the ship "Agricola" was fitted for the Emigrants,
and supplied with provisions, Medical Comforts and Medicines for their use,
and to cause such reports to be forwarded to the Governor of New South Wales, in
order to prevent a further reference to this Country, which may otherwise be deemed
necessary by the Colonial Government on this point. We are, &c.

CARTER AND BONUS.

MR. S. WALCOTT TO LIEUTENANTS LEAN AND FRIEND.

Colonial Land and Emigration Office,

Sir, 9 Park Street, Westminster, 4th July, 1843.

I am directed by the Colonial Land and Emigration Commissioners to inform you that the expenses of Quarantine for the Ship "Agricola," which sailed with Bounty Emigrants on the 13th of June, 1841, having been charged by the Colonial Government to the Owners, it is possible that information may be required on the mode in which the Ship was fitted for the Emigrants, and supplied with provisions, Medical Comforts, and Medicines for their use. I am, therefore, to request that you will supply the Board with any remarks or information you may be able to offer on that subject.

I am, &c,

S. WALCOTT, Secretary.

LIEUTENANT FRIEND TO MR. S. WALCOTT.

Sir, Government Emigration Office, Cove of Cork, 10th July, 1843.

I have the honor to acknowledge the receipt of your Letter of the 4th instant, requiring any information I may be able to offer on the equipment, etc., of the ship "Agricola" which sailed from this on 10th June, 1841, with Emigrants for Port Phillip.

On examining the papers relating to that Vessel deposited in this Office, it appears she was abundantly supplied with provisions, Medicines and Medical comforts, and had also a Cow on board. She was fitted under the inspection of Lieutt. Lean in London and came here to receive the greater part of her passengers, 22 only being from London. I do not recollect anything objectionable in her fittings or equipment excepting the large portion of room, which it was then usual to allot to the Intermediate Passengers at the expense of the steerage. Her Supplies appear to have been on a liberal scale, a Copy of which I can forward for the information of the Board if required.

I have, &c.

CHARLES FRIEND.

LIEUTENANT LEAN TO MR. S. WALCOTT.


I have the honor to acknowledge your Letter of the 4th instant, acquainting me that the expenses of Quarantine for the Ship "Agricola," which sailed with S. Lean, Bounty Emigrants on the 13th June, 1841, having been charged by the Colonial Government to the Owners, it is possible that information may be required on the mode in which the Vessel was fitted for the Emigrants and supplied with provisions, Medical Comforts and Medicines for their use, and requesting me to furnish the Board with information thereon.

In reply, I beg to transmit herewith a List of Provisions and Stores Shipped on board the "Agricola" furnished to me at the time by the Charterers, and found complete in a supply of Medicines according to a scale drawn up by that Gentleman for 200 Emigrants, which I also enclose for the satisfaction of the Board, the quantities therein specified having been shipped in the "Royal Saxon," a previous Ship despatched by Messrs. Carter and Bonus.

This Document, if the Commissioners do not desire to retain it, I request may be returned. It must be borne in mind that every Merchant Vessel is required by Law to have a Medicine Chest on board for the use of the Crew. As in the present instance it is usual to have two Medicine Chests, one for the Passengers, as well as the one belonging to the Ship; altogether the supplies of every
kind were fully equal to any of the Ships previously or subsequently despatched by this Firm. With reference to the fitting, I find noted the objection I have always raised of having intermediate Cabins below; but at the same time it will not escape the observation of the Board, so often brought under their notice by me, that having such Cabins between Decks to the prejudice of the Steerage Passengers as regards space was a common practice of all the Bounty Agents, who availed themselves on this point of the advantage arising from the defective framing of the old Law of the Passengers’ Act, now remedied by the enactments of the present one. In other respects, the fitting was quite as good as any other Bounty Ship proceeding from this Port. It may be necessary to state that the “Agricola” did not clear out under the Passengers’ Act from London, but from Cork where she embarked the greater part of her Passengers.

I have, &c,

J. S. LEAN.

[A list of medicines and stores was attached to this letter.]

3 Aug.

Report re conflicts with Maoris.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 122, per ship Fama; acknowledged by Lord Stanley, 29th January, 1844.)

My Lord,

Government House, 3d August, 1843.

I have the honor to enclose herewith copies of documents, which reached me from Port Nicholson on the 13th July last, representing to me that collisions had taken place between the Natives of the Middle Island of New Zealand and the settlers at Port Nelson, and, requesting that I would dispatch a Military Force to the assistance of the latter. Her Majesty's ship “North Star” happening to arrive in Sydney three days after these communications reached me, I conferred on the subject of them with Captn. Sir J. Everard Home (now the senior Naval Officer on the Station) and the Lieutenant General Commanding Her Majesty’s Forces in the Australian Colonies; and I have to report to your Lordship, as the result of our consultations, that Sir Everard Home sailed from Sydney for New Zealand on the 1st instant, having taken on board a party of the 80th Regiment, consisting of one Captain, one Subaltern, a Medical Officer, and 50 rank and file. It was, however, clearly understood that Sir Everard Home will not land these men in any part of New Zealand, unless he consider their landing, or the landing of any portion of them, to be absolutely necessary for the protection of the lives and property of Her Majesty’s subjects; and that, if not landed, he is to bring them back to Sydney.

I enclose a copy of a letter, written by my direction on this subject to the Government of New Zealand, and of which a copy was also sent officially to Sir Everard Home.

Sir Everard Home intended to touch at Auckland on his way to Port Nicholson, unless prevented by the state of the weather.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

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

Sir, Downing Street, 4th August, 1843.

I have received your Dispatch No. 37 of the 27th of March last, forwarding a Petition to The Queen, signed by persons principally of the Working Classes in Sydney against the importation of Coolies or other Labourers from India into the Colony of New South Wales.

You will acquaint the Petitioners that I have laid their Petition before The Queen, who was pleased to receive it very graciously, and that Her Majesty's Government have no measure in contemplation for permitting the Emigration of Coolies into New South Wales.

I have, &c.

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 123, per ship Maitland; acknowledged by Sir George Gipps, 12th February, 1844.)

Sir, Downing Street, 5 August, 1843.

In transmitting to you the Copy of a letter with its Enclosure from the Commissioners of Colonial Land and Emigration, I have to request that you will forward to me, by an early opportunity, the Documents referred to in that letter.

I have, &c.

STANLEY.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigrant Office,

Sir, 9 Park St., Westminster, 27th July, 1843.

We have the honor to enclose for Lord Stanley’s information an Extract of a Letter from Messrs. Masson and Hoggins stating that the Certificates of certain Emigrants sent out to New South Wales on Bounty are required for the purpose of being produced in an Action at Law raised against Messrs. Masson and Hoggins in consequence of the non-payment of the Bounties; and we would beg leave to suggest that the Governor be requested to send home the original Certificates for the purpose required.

We have, &c.

T. FREDK. ELLIOT.

JOHN G. SHAW LEFEVRE.

[Sub-enclosure.]


"An Action at Law having been raised against us, in consequence of the non-payment of the Bounties for the Immigrants named in the Margin* conveyed to Sydney in the Ship "Palestine," amounting to the sum of £95, we are under the obligation to produce the Certificates for the purpose required.

* Marginal note.—William Costello, William Morgan, Sarah Cullen, Catherine Gannon, Ellen Downing.
necessity of requesting that the Commissioners of Land and Emigration will be pleased to obtain the authority of the Secretary of State for the Colonies, directing that the Governor of New South Wales will cause the original Certificates, which were regularly passed through your Office, to be sent home for production on the said trial, in order that the Attesting Householders, Clergymen, and others, who signed the said Certificate, may prove the truth in every respect of the representations which the said Certificates contain, their production being indispensable in the Cause at issue."

MEMO.—Ellen Downing proceeded with a fellow Servant named Elizabeth O'Neill, both being included and vouched for in the same Certificate. The Bounty has been paid for E. O'Neill but not for E. Downing.

Sir George Gipps to Lord Stanley.

(Despatch No. 123, per ship Fama; acknowledged by Lord Stanley, 20th January, 1844.)

My Lord,

Government House, 9th August, 1843.

In my Despatch No. 112 of the 18th July last, I reported to your Lordship the result of the first Elections for Members of the Legislative Council of this Colony, and, in my succeeding Despatch of the same day, No. 113, I laid before your Lordship the names of the gentlemen whom I had appointed Members of the Council under the powers granted to me by Her Majesty's Warrant, transmitted with Your Lordship's Despatch, marked Separate of the 5th Septr., 1842.

I have now further to report that the Council, thus constituted, met on the 1st day of the present month, that being the day for which I had by Proclamation called them together for the despatch of business.

After being duly sworn, in the manner directed by the 25th Clause of the 5th and 6th Vict., Ch. 76, the Members proceeded to the Election of a speaker; and, the election having fallen on Mr. Alexander McLeay (formerly Colonial Secretary), the Council adjourned to await my allowance of their choice.

On the next day, being Wednesday the 2d August, the Speaker elect, attended by nearly the whole Council, presented himself to me at Government House; I then verbally allowed the election, and informed the speaker that I would proceed at 12 o'clock on the morrow to the Council Chamber to open the Session.

Accordingly, at noon on Thursday the 3d inst., I opened the session in person; and, after I had withdrawn, the Council took into consideration the speech which I had delivered and voted to me an address in reply. This Address was presented to me at Government House on the 8th instant by the Speaker and the whole Council (one Member only being absent) and a short
reply from myself terminated the ceremonial of the opening of the Council.

I have the honor to enclose copies of all the documents alluded to, namely:

1. Copy of my Proclamation convening the Council.
2. Copy of the Commission issued to three Members of the Council to administer the Oaths, agreeably to the 25th Clause of the 5th and 6th Vict., Ch. 76.
3. Message delivered by the same three Members (or Commissioners) to the Council at its first meeting.
4. Speech from myself to the Council on opening the Session.
5. Address from the Council in answer to my Speech.
6. My reply to the Address.

In conclusion, I am happy to report to Your Lordship that the whole of these preliminary proceedings passed off in the most satisfactory manner.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

PROCLAMATION.

By His Excellency Sir George Gipps, Knight, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, etc., etc.

WHEREAS, by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the fifth and sixth year of the reign of Her present Majesty Queen Victoria, intituled, "An Act for the Government of New South Wales and Van Diemen's Land"; it was, amongst other things, enacted that it should be lawful for the Governor of New South Wales for the time being to fix such place or places within any part of the said Colony, and such times for holding the first and every other Session of the Legislative Council, constituted under the said recited Act, as he might think fit; Now therefore, I, Sir George Gipps, as such Governor as aforesaid, do hereby, in pursuance of the power and authority so in me vested, announce and proclaim that the first Session of the said Legislative Council shall commence and be holden on Tuesday, the first day of August, one thousand eight hundred and forty-three, at Twelve of the Clock, at noon, in the Building known as the Council Chambers,* situated in Macquarie-street, in the City of Sydney; and the Members of the said Council are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and Seal, at Government House, Sydney, this 29th day of June, in the year of Our Lord one thousand eight hundred and forty-three and in the seventh year of Her Majesty's Reign.

GEORGE GIPPS.

By His Excellency's Command,

E. DEAS THOMSON.

GOD SAVE THE QUEEN!

* Note 10.
Commission to three members of council to administer oaths.

By His Excellency Sir George Gipps, Knight, Captain General and Governor in Chief over the Territory of New South Wales and its Dependencies, and Vice Admiral of the same.

Whereas, by an act of the Imperial Parliament of Great Britain and Ireland, passed in the fifth and Sixth year of the Reign of Her Majesty Queen Victoria, intitled "An Act for the Government of New South Wales and Van Diemen's Land," it was, amongst other things, enacted that no member of the Legislative Council established in pursuance of the said Act should be permitted to sit or vote therein, until he shall have taken and subscribed the Oath of allegiance or affirmation (as the case may be) as therein set forth before the Governor of the said Colony, or before some person or persons, authorised by such Governor, to administer such Oath; Now Know Ye, that I, Sir George Gipps, Governor of the said Colony, Do hereby, in pursuance of the power so vested in me, authorise and empower The Honorable Edward Deas Thomson, Esquire, Colonial Secretary; The Honorable Campbell Drummond Riddell, Esquire, Colonial Treasurer; and Hannibal Hawkins McArthur, Esquire, jointly and separately to administer all such Oaths and affirmations to each other, and to the other Members of the Legislative Council.

Given under my Hand and the Seal of the Territory at Government House, Sydney, in the said Territory, this First day of August in the year of Our Lord One thousand eight hundred and forty three. GEORGE GIPPS, L.S.

By His Excellency's Command,
E. DEAS THOMSON.

[Enclosures Nos. 3. 4. 5 and 6.]

[These were:—
Message delivered by Commissioners.
Speech by Sir George Gipps.
Address in reply.
Reply by Sir George Gipps to address.
Copies of these papers will be found in the "Votes and Proceedings" of the legislative council.]

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Lord Stanley to Sir George Gipps.
(Despatch No. 124, per ship Maitland.)

Sir,

Downing Street, 10th August, 1843.

I have received your Dispatch No. 215 of the 17th November last, transmitting for the Royal allowance various Acts passed by the Legislative Council of New South Wales during the Session ended the 9th September, 1842, together with your Dispatch No. 216 of the same date on the subject of the Corporation Acts, Nos. 3, 5, 7, 8 and 9.

I have had the honor 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 Twelve of those Acts,
the numbers and Titles of which are enumerated in the sub-
joined List.

The Acts Nos. 3, 5, 7, 8 and 9, relating to the Incorporation of the Towns of Sydney and of Melbourne, provide in those particular cases for the same objects for which provision is made throughout the Colony generally by the Act passed in the last Session of Parliament for the Government of New South Wales and Van Diemen's Land; and, feeling uncertain as to the course it may have been thought expedient to take on the receipt of the Imperial Statute, I have not thought proper to advise Her Majesty to make any order on the subject of those Acts.

The Acts No. 1 respecting the introduction of Goods from New Zealand and Van Diemen's Land duty free, and No. 12 for the Appropriation of the Revenue, are still under the consideration of Her Majesty's Government. I have, &c.,

STANLEY.

[Enclosure.]

[These were the acts of council, 5 Vict., Nos. 22, 23, 24 and 25, and 6 Vict., Nos. 2, 4, 6, 10, 11, 13, 14 and 15.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 124, per ship Fama.)

My Lord,

Government House, 10th August, 1843.

I have the honor to acknowledge the receipt of the under-
mentioned Despatches from Your Lordship, Nos. 2, 19, 22, 25, 2d January, 2d, 8th, 13th February, 1843, having reference to cases in which appeals have been made to your Lordship against disallowances by this Government of Bounties on the importation of Immigrants.

In most of these cases, I have already transmitted to England the information which would be necessary to enable any impartial person to arbitrate between this Government and the parties claiming the disallowed Bounties; but, as by your Lordship's Despatches I find that all the cases are referred back to this Gov-
ernment, I have determined to bring them before my Executive Council, and I have been only waiting the return of the Bishop of Australia, who has been absent for some weeks on a tour of a part of his Diocese, to enter on the business.

I have considered it on many accounts desirable that the Bishop should take part in the revision of these disallowances; and, as he returned to Sydney yesterday, there will be no further delay in the matter, beyond that which may be rendered neces-
sary by His Lordship's other avocations. I have, &c.,

GEO. GIPPS.
Transmission of reports re Port Essington.

Despatch acknowledged.

Difficulties of communication with Port Essington.

Proposed relief of garrison at Port Essington.

Advantage of sale of land at Port Essington.

G. W. Earl to return to settlement.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 125, per ship Fama; acknowledged by Lord Stanley, 14th March, 1844.)

My Lord,

Government House, 11th August, 1843.

I have the honor to forward herewith copies of two letters, which I have recently received from Captain McArthur, Commandant of the Settlement at Port Essington; of these, one, dated the 22d April last, reached me by Her Majesty's Ship "North Star" on the 16th of last month, the other dated the 24th May came to hand on the 9th instant.

I also enclose a copy of a Report on the state of the settlement, made by Captn. Sir Everard Home of the "North Star" to Vice Admiral Sir William Parker, dated the 19th April last.

I have at the same time to acknowledge the receipt of your Lordship's Despatch, No. 226 of the 26th December, 1842, on the subject of Port Essington, wherewith was enclosed to me a copy of a note which had been addressed by Sir John Barrow to Mr. Hope on the 2d of that month, representing the state of banishment in which the small garrison under Captn. McArthur is living at that place.

I beg to assure your Lordship that I have been in no way unmindful of the Settlement at Port Essington; and the private letters, which I have received from Captn. McArthur, abound in expressions of thankfulness for my attention to his wants; but it is perhaps necessary I should remind your Lordship that Port Essington is 2,000 miles from Sydney, and that opportunities of communicating with it occur but rarely. The passage from Sydney to Port Essington through Torres Straits (which, however, is impracticable from October to March) may be considered on an average to occupy from three to four weeks; but the return from Port Essington to Sydney will rarely take less than six weeks (The "North Star" was three months on her passage).

I think it extremely desirable that Captn. McArthur's Garrison should be changed, and this might be done with great ease by the Admiral on the Indian Station; but it would, I apprehend, in no way accord with the views of Her Majesty's Government, were I to send Troops from this Colony to Port Essington.

In respect to the disposal of Land at the Settlement, I have never felt myself at liberty to give any directions since those which were reported in my Despatch, No. 155 of the 20th Novr. 1839; but I certainly think it desirable that Captn. McArthur should be authorized to sell Land in small quantities, provided it can be done consistently with the provisions of the 5th and 6th Vict., C. 36.

Mr. Earl,* who arrived in Sydney by the "North Star," will return to Port Essington by the first opportunity, after having

* Note 11.
STANLEY TO GIPPS.

been made a Magistrate and a Commissioner of Crown Lands.
I shall avail myself of the opportunity of his return to send two
or three Cows to the Settlement. Your Lordship will perceive
by the documents, of which I enclose copies, that in other respects
the Settlement is well supplied.
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. 128, per ship Fama.)

My Lord,
Government House, 12th August, 1843.

I had the honor to receive, on the 5th instant, your Lordship's Despatch No. 35 of the 16th March last, directing me to repay into the Military Chest the sum of £5,500, which had been advanced to Mr. Barnard on account of this Colony; and I have to report that this sum was paid to the Deputy Commissary General this day.
I have, &c.,
GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(A circular despatch, per ship Maitland.)

Sir,
Downing Street, 15th August, 1843.

I have the honor to transmit to you herewith for publication, in the usual manner in the Colony under your Government, the Copy of a Treaty of Amity, Commerce and Navigation between Her Majesty and the Oriental Republic of Uruguay, signed at London on the 26th August, 1842.
I have, &c.,
STANLEY.

[Enclosure.]
[The English translation of this treaty was published as a government notice, dated 23rd January, 1844, in the "Government Gazette."]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 125, per ship Maitland; acknowledged by Sir George Gipps, 24th January, 1844.)

Sir,
Downing Street, 15th August, 1843.

I have to request that you will take an early opportunity of furnishing the information required by the Writer of the enclosed letter relative to the death of Mr. E. Skillman of Parramatta, New South Wales.
I have, &c.,
STANLEY.
Miss Skillman to Lord Stanley.

My Lord,

Wye, Near Ashford, 7 Aug., 1843.

I trust Your Lordship will excuse the liberty I now take in addressing you, but requiring information respecting the death of a Brother which took place (I suppose) in Parramatta, having directed a letter to him there which was returned through the Dead Letter Office a few days since, written on dead, and, his Life being insured, induces me to trouble you with this letter to know if the necessary certificate of his burial for claiming on the Policy can be procured in England; if not, would your Lordship condescend to give me Instructions to what parties I had better refer.

I am, &c.,

Ann Skillman.

P.S.—My Brother’s Address was:—E. Skillman, Mr. Lakeman’s, White Horse Inn, Parramatta, Sydney.

Sir George Gipps to Lord Stanley.

Despatch acknowledged.

My Lord,

Government House, 15th August, 1843.

I had the honor to receive, on the 5th instant, Your Lordship’s Despatch No. 20 of the 7th February, 1843, enclosing to me copies of a correspondence which had taken place 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 Rantzch, and for information respecting property left by him in New South Wales; and I have the honor to inform your Lordship in reply that all the information, which could be collected of the person in question, as well as a certificate of his burial, was forwarded to Mr. Barnard by the Colonial Secretary of this Colony on the 13th April last.

I have, &c.,

Geo. Gipps.

Lord Stanley to Sir George Gipps.

Despatch acknowledged re act for administration of justice.

Sir,

Downing Street, 16th August, 1843.

I have received and have laid before The Queen your Dispatch No. 217 of the 17th November, 1842, containing certain explanations which you had been called upon by my Predecessor to furnish on the subject of the Act, passed by the Legislative Council of New South Wales (4 Vict., No. 22) entitled “An Act to provide for the more effectual administration of justice in New South Wales and its Dependencies.”
Among the objections urged to this Act in Lord John Russell’s Dispatch of the 8 July, 1841, was the following, namely, that sufficient reasons did not appear why Barristers admitted to the Bar of New South Wales without having previously been admitted either to the English or Irish Bar should be deemed ineligible for advancement to the Bench of New South Wales. It appears to me that no good reason is given in the Report of the Committee of the Legislative Council (which accompanies your Dispatch) for introducing the provision in question into the Act. Feeling, however, convinced that, if my views on this point are correct, an alteration in accordance with them will be passed in the shape of a proposal for its amendment in the local Legislature, I have not thought proper to withhold my advice that the Act should be confirmed; and I have accordingly to acquaint you that Her Majesty has been pleased to confirm and allow it.

I have, &c,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 127, per ship Maitland.)

Sir, Downing Street, 16th August, 1843.

I have received your Dispatch No. 20 of the 27th January, 1843, reporting on the Claim of Mr. John Nicholson, late Harbour Master of Sydney, to a Pension; and I have to convey to you the sanction of Her Majesty’s Government of the Pension of Two hundred Pounds per annum voted to that officer by the Legislative Council of New South Wales.

I have, &c,

STANLEY.

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SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 128, per ship Fama; acknowledged by Lord Stanley, 27th January, 1844.)

My Lord, Government House, 16th August, 1843.

I have the honor to enclose herewith a copy of a Notice, which I caused to be issued in the Government Gazette of this Colony, fixing, subject to the approval of Her Majesty, the style and Precedence of the Speaker of the Legislative Council of New South Wales.

By the Table of Precedency in the Book of Regulations of 1837, the Speakers, both of the Legislative Council and of the House of Assembly, take precedence of the Puisne Judges; but, as the Puisne Judges of New South Wales were placed next to Members of the Executive Council by the decision of the
Secretary of State, communicated to me by Lord Glenelg's Despacht, No. 160 of the 18th July, 1838, it was not in my power to give to the Speaker a higher place than that which I have (subject to Her Majesty's approval) assigned to him. I have, &c.,

[Enclosure.]

Notice re style and precedence of speaker.

Notice.

Colonial Secretary's Office,
Sydney, 3rd August, 1843.

Style and Precedence of the Speaker.

His Excellency the Governor has been pleased to direct that, until the pleasure of Her Majesty shall be known, the Speaker of the Legislative Council shall, in all Official Documents, be styled and addressed as "The Honorable the Speaker of the Legislative Council of New South Wales," and that he take precedence next to the Judges of the Supreme Court.

By His Excellency's Command,

E. Deas Thomson.

Sir George Gipps to Lord Stanley.

(Despatch No. 130, per ship Fama; acknowledged by Lord Stanley, 24th February, 1844.)

My Lord,

Government House, 19th August, 1843.

Your Lordship may have observed, in the speech with which I opened the present session of the Legislative Council, a passage wherein I stated that I should speedily submit to the consideration of the Council a measure to place the credit of the Savings Bank of the Colony beyond the reach of doubt. My intention to bring a measure of this nature before the Council was reported to your Lordship in my Despatch of the 11th May last, No. 69; but, in addition to what I therein stated, I now beg to offer to your Lordship the following observations:—

The principle, on which the Savings Bank is established, and the nature of its operations, are explained in the documents referred to in the Margin,* from which it may be seen that, although not unaware of defects in the constitution of the Bank, persons of the highest authority both in the Colony and in England have up to a very recent period concurred in thinking that, in the absence of any Government securities, wherein the money of the Depositors could be vested, the method, in which the business of the Bank has hitherto been conducted, did not admit of improvement.

I regret to say that recent events have convinced me that the conclusions thus arrived at were erroneous, and that it is

* Marginal note.—Despatches from Sir George Gipps, 1840, 10th Feb., No. 16; 1841, 12th Octr., No. 206. From the Secretary of State, 1840, 12th Octr., No. 163; 1842, 14th July, No. 150.
unsafe, in a country like New South Wales, to have the whole, or by far the larger part of the money of the Depositors invested in Mortgages, or employed in the discount of Bills, unless a larger Rest or Security fund be provided than any which has heretofore been thought necessary in New South Wales, and unless also some means be devised, by which the Trustees of the Bank may obtain loans of Money to meet sudden demands which may be made on them by the Depositors.

In my Despatches of the 31st March and 6th May last, Nos. 40 and 64, I addressed Your Lordship on the subject of the Banks in general and of the monetary affairs of the Colony, reporting that three Banks in the Colony had given way; and, in the last mentioned of these Despatches, I stated that, on the 1st and 2d of May last, a run had taken place on the Savings Bank.

The measures, which I then adopted and the publication of the report, of which a copy was enclosed with my Despatch No. 68 of the 11th May last, removed in great measure the apprehensions which had arisen among the Depositors for the safety of their money. But symptoms of distrust have, nevertheless, at times subsequently shewn themselves; and, were another Run to take place, it would be impossible for the Bank to meet it without the Assistance of Government. I have therefore now only the option of promising my assistance in maintaining the credit of the Bank, or of facing the evils which might arise if the Bank were to stop payment.

In my Despatch of this day's date No. 131, I have stated to your Lordship that the diminution of building, consequent on the fall of Rents in Sydney, has caused a considerable number of Workmen (principally Mechanics) to be thrown out of employment; these persons are now in great part living on the money which in better times they deposited in the Savings Bank; and if, in addition to the loss of wages, they had to encounter the effect of loss of their savings, consequences might ensue, which it is fearful to contemplate.

Though, therefore, it is beyond doubt that the Government is not legally responsible for money deposited in the Savings Bank, I feel that to support the credit of the Bank is a measure absolutely necessary for the peace and tranquility of the public. The way, in which I propose to support the credit of the Bank, is by guaranteeing the repayment of any Loan which the Trustees may have occasion to raise, in order to procure funds wherewith to meet the demands of the Depositors; and I have very little doubt that the mere publication of such a guarantee will prevent the recurrence of a Run, though, in consequence of the general pecuniary distress, deposits to a very considerable extent may be withdrawn.
I propose at the same time to introduce considerable altera-
tions in the management of the Bank, and to reduce the rate
of Interest on monies deposited in it. The practice of looking
to a high rate of Interest, rather than to the security of capital,
has been one of the chief causes of the distress which now prev-
in New South Wales; and the evil of it has affected the
Savings Bank, as well as all other Institutions connected with
the Monetary affairs of the Colony, or indeed I might say the
affairs of almost every individual in the Colony in any way
engaged in business.

I have, &c.,
Geo. Gipps.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 131, per ship Fama; acknowledged by
lord Stanley, 28th February, 1844.)

My Lord, Government House, 19th August, 1843.

I propose, in the present Despatch, to address to your
Lordship some general observations on the state of this Colony,
the occasion of the first meeting of the enlarged Legislative Coun-
cil appearing to me to be one on which I may with propriety
do so.

The principal features, which distinguish the present state of
New South Wales, are:

1st. The extent to which Insolvency has occurred amongst all
Classes of the Community, even among men who were a short
time only ago considered in wealthy circumstances; and 2ndly.
The great fall which has taken place in the price of every article
of Colonial produce, and even also of Articles imported into the
Colony.

Abundance and cheapness prevail throughout the Land to an
unprecedented extent, and consequently the expense of living (in-
cluding even house-rent) is greatly reduced; it may not perhaps
be too much to say that the expense of housekeeping in Sydney
is not more than one half of what it was only three years ago,
and doubtless the change is greatly in favor of persons coming
to settle in the Colony; in favor also of all persons who live
either on fixed incomes, or depend on the produce of their
labour for their support; but, on the other hand, wages are fall-
ing; and persons, who have nothing but Colonial property (Sheep,
Cattle, Houses or Lands) wherewith to meet pecuniary engage-
ments, are driven in crowds to the Insolvent Court. Real prop-
erty is scarcely saleable at any price; whilst Chattel property,
including Sheep and horned Cattle, may be generally said to have
fallen to one half, or even to one third of the price which it bore
in 1840.
The Revenue of the Colony sustained itself, up to a very recent period, in a manner that surpassed my expectations; but I am sorry to say it has, within the last three or four months, fallen off, and I cannot but apprehend a further decline; the Government, therefore, will probably feel some embarrassment, though not, I hope, of a very serious nature, provided only that the seasons continue favorable. The falling off in the Revenue during the first seven months of the present year, as compared with that of last year, amounted to about £25,000.

As it is not my present purpose to enter into an investigation of the causes which have produced these remarkable changes, I will only say that I continue to adhere to the opinions I have publicly and officially expressed respecting them on various occasions, and particularly in my speech to the Legislative Council on the 9th September last, of which a printed Copy was transmitted to your Lordship with my Despatch of the 20th of the same month, No. 173. Other causes are by many persons assigned for the present monetary confusion; such for instance, as the cessation of Transportation, the operation of the Insolvent Act (5th Vict., No. 17), the rise in the Minimum price of Land, and the payment of the expense of Immigration during the last three years in ready money, instead of out of the proceeds of a Loan. I cannot myself, for reasons which I have repeatedly explained, adopt these opinions, except in a very modified degree; but, as they are widely entertained throughout the Colony, I ought not to pass them by without notice.

The condition of the several Banks in the Colony is a matter which gives me great solicitude; three of them have already given way, as was reported in my Despatches of the 31st March and 6th May last, Nos. 40 and 64. Of these three, the Sydney Bank is expected to wind up its affairs tolerably well, that is to say, with little loss to the Shareholders; the Port Phillip Bank will also wind up, but in what way I hardly know, and this Bank is altogether of minor importance; of the third however, or the Bank of Australia, the whole subscribed Capital is, I fear, lost; and it is even probable that the shareholders will be called upon for further contributions to make good the liabilities of the establishment.

The condition of the four Banks, which remain, is simply this: they are the holders collectively of discounted Bills to the amount of about two Millions sterling; or in other words, they have parted with their subscribed Capital, and hold in lieu of it Bills to the amount I have mentioned; but the Drawers and Indorsers of these Bills are daily going into the Insolvent Court; and the amount of loss which the Banks may consequently have to sustain, it is impossible as yet to calculate.
In a separate Despatch of this day's date No. 130, I have explained to your Lordship the reasons, which have induced me, on the part of the Government, to take measures for the support of the credit of the Savings Bank. I am fully aware of the responsibility which I have taken on myself in so doing; but I have determined on it after the most mature consideration.

Another matter, which now gives me anxiety and may entail some expense on the Government, is that considerable numbers of workmen, and especially artizans, have lately been thrown out of employment in Sydney, in consequence of the check, which the Building Trade has received by the general pecuniary distress and the reduction in House rent.

These persons are calling on the Government for employment; and I feel that in some way or other it must be afforded to them, though at wages considerably below what they have hitherto demanded.

I intend therefore to offer employment at 3s. a day to Mechanics, and 2s. a day to all Labourers who may be out of work. At the present price of provisions, namely, Mutton one penny per pound, and Wheat 30s. per quarter, these wages will keep persons above want, though I by no means wish, or expect to see them adopted, as the general rate of the Colony.

Two new processes have lately been carried on in the Colony with the view of increasing our Exports. The first is the salting of Beef, the second, that of boiling down sheep* for their Tallow. The latter especially is being carried on in the neighbourhood of Sydney to a considerable extent, several establishments having been fitted up with Cauldrons capable of boiling three hundred Sheep at a time.

As far as a judgment can as yet be formed of the effect of this experiment, it seems that it will fix the minimum price of a fat Sheep, weighing perhaps sixty pounds, at about six shillings. Lean sheep are of course not fit for boiling.

Considering that the great inconvenience complained of by our Settlers has long been that their Sheep increased faster than they could get Shepherds to take care of them, any process would seem to be an advantageous one, by which the too rapid increase of their flocks may be checked, and at the same time a minimum price for sheep established, sufficient to defray the expense of rearing them. The Wool and Tallow of sheep will, I have reason to believe, even at present prices, defray all the expenses of sheep farming, and yield a moderate profit to the farmer, provided only he be unencumbered with debt; but I fear it must be allowed that, for a man who purchased his sheep with money borrowed at from ten to fifteen per cent. per annum interest, there is no hope
but in the Insolvent Court. It cannot perhaps be too explicitly declared that the extravagant rate of interest for money is ruining in this Colony both borrowers and lenders.

In conclusion, I would only observe that, in estimating the present condition of New South Wales, it is essential to bear in mind the changes which have taken place in the Colony during the last few years.

From a penal Colony it has become a free one; the form of its Legislature has been changed, as well as the system of disposing of Crown Lands in it; Immigration, so long and so loudly called for, has been pushed to an extent, which threatened for a time to produce evil, and again has been discontinued; The Land Revenue has in one year risen above £300,000, and in another fallen below £15,000 and Capital, which once flowed into the Colony too rapidly, is now moving in another direction and flowing out.*

Changes of so important a nature could not, I must submit, have occurred in any Country, without making Government of it anxious and difficult, or without producing fluctuations of an analogous nature in the fortunes of Individuals.

I am happy however to add that the Colony is not disturbed by any political or religious agitation, that the seasons are propitious, and that Crime is (I have good reason to believe) on the decrease.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 132, per ship Alert.)

My Lord, Government House, 21st August, 1843.

I have the honor to receive your Lordship's Despatch, No. 27 of the 18th February, 1843, acknowledging the receipt of the Returns from this Colony for the year 1841, which were required by Lord John Russell's Circular Despatch of the 29th May, 1841, but pointing out to me that a very important part of them, namely, that which relates to the disposal of Country Lands, was omitted.

I have to submit to your Lordship that there appears to have been some mistake in respect to these Returns, but I can only account for it in the following manner:—

The enclosed is a copy of the Return relating to Land, which was forwarded with my Despatch, No. 39 of the 22d Feb., 1842; and in it Country Lands, under the name of "Farm Portions," are included, as well as Town and Suburban allotments; though

* Marginal note.—About £48,000 in specie is supposed to have left the Colony in the Quarter ended the 30th June last.
from the insufficiency of the Printed form furnished from England, the different descriptions of Lands are all included in one column instead of in separate ones. A further inspection, however, of this printed form leads me to conclude that it is only the second half of a Return, of which the first part has never been transmitted to me; and that consequently, the real mistake or omission is chargeable on the person who made up Lord J. Russell's circular Despatch, and who neglected to enclose with it the first part of the Return relating to Land. I have, &c.,

GEO. GIPPS.

[Enclosure.
[A copy of this return will be found in a volume in series II.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 133, per ship Alert.)
My Lord,
Government House, 23d August, 1843.
I have had the honor to receive your Lordship's Despatch, No. 196 of the 13th October, 1842, enclosing a copy of a Memorial from John O'Neill of Ballygullen, near Gorey in the County of Wexford, wherein enquiry is made respecting some property supposed to have been left by his Uncle, also named John O'Neill, who was transported to New South Wales during the Irish Rebellion.

The accompanying copies of letters from the Registrar of the Supreme Court and the Principal Superintendent of Convicts will shew that I have made all the enquiry in my power respecting the said John O'Neill, or any property left by him, but I regret to say without effect.

As John O'Neill is stated to have been transported for seven years, in or shortly after the Irish Rebellion of 1798, he must long ago have become free, and all trace of him is lost.

I may further add that, in the month of April last, enquiry was made respecting this same John O'Neill by the Government of Van Diemen's Land, on the application of the Chief Justice of that Colony, who had received a letter from John O'Neill of Ballygullen, the same person who applied to your Lordship.

I have, &c.,
GEO. GIPPS.

[Enclosure No. 1.]

MR. W. CARTER TO COLONIAL SECRETARY THOMSON.
Registry Office, Supreme Court, Sydney, 15th Augst., 1843.
Sir,
With reference to your letters dated respectively No. 43/243, 29th April, No. 43/317, 9th June, No. 43/425, 1st August, No. 43/440, 9th August, 1843, relative to certain property said to have been
GIPPS TO STANLEY.

left by a man named John O’Neill, who was transported from Ireland shortly after the rebellion in 1798; I have now the honor to inform you that I have caused diligent search to be made in this Office, and have also referred to my predecessor for information on the subject of the said property, but cannot find that the estate of any such person as above named has ever been brought under the notice of either Mr. Manning or Mr. Macpherson.

I have, &c.,

WILLM. CARTER,
Regst., Supreme Court.

[Enclosure No. 2.]

CAPTAIN McLEAN TO COLONIAL SECRETARY THOMSON.

Principal Superintendent of Convicts’ Office.

Sir, 2nd August, 1843.

In reply to the enquiry contained in your letter of the 19th Report re Ultimo (No. 43/169) relative to the man named in the margin,* J. O’ Neal. I have the honor to acquaint you that three prisoners of that name arrived between the years 1798 and 1806, the particulars of whom, as far as they can be traced by me, are annexed; but on reference to the Census taken in 1823, I can find no mention of them; they must, therefore, have been dead, or left the Colony.

I have, &c,

J. McLEAN.

[Sub-enclosure.]

PARTICULARS WITHIN REFERRED TO.

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<th>particulars of which, as far as they can be traced by me, are annexed</th>
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<td>Minerva, 1799... Monaghan..... October, 1798...... Life.</td>
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<td>John O’Neal...</td>
<td>Minerva, 1799... Armagh...... September, 1797 7 Years.</td>
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<td>John O’Neal...</td>
<td>Tellicherry, 1806... City Dublin... July, 1804...... 7 Years.</td>
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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 134, per ship Alert; acknowledged by Lord Stanley, 28th February, 1844.)

My Lord,


I have the honor to enclose herewith a Copy of the Estimates for the year 1844, which I caused to be laid before the Legislative Council on the 23d instant; also a copy of the Message which I at the same time caused to be delivered to the Council, respecting the financial state of the Colony.

I shall not fail to transmit to your Lordship the Financial Papers of the year in a complete form, as soon as an Appropriation Act shall have been passed.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

* Marginal note.—John O’Neal.
1843.
27 Aug.

Clothing to be supplied for convict establishment.

Transmission of address from legislative council.

Reasons for address.

Amount of corn imported.

Opinion of Sir G. Gipps re tax on corn.

HISTORICAL RECORDS OF AUSTRALIA.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 120, per ship Caledonia.)

Downing Street, 27th August, 1843.

Sir,

I forwarded for the consideration of the Lords Commissioners of the Treasury your Dispatch, No. 221 of the 22d November, 1842, transmitting a Demand for Clothing likely to be required for the Convict Establishment at New South Wales and Norfolk Island for the year ending the 31st of March, 1845, and I have to acquaint you that the necessary directions have been given for the preparation and transmission to the Colony of the supply in question.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 135, per ship Alert.)

Government House, 27th August, 1843.

My Lord,

I have the honor herewith to forward to Your Lordship a Copy of an Address which I received on the 26th instant from the Legislative Council of this Colony. It is signed by the Speaker, and was voted by the Council on the 24th instant.

The Address was, I believe, adopted in consequence of the proposal having been of late much agitated in the Colony, of putting such a duty on the importation of Foreign Corn as may act as a protection to the producer of Corn in the Colony; but I beg to explain that the proposal for such a tax did not originate with me.

The present duty on Corn is 5 per cent. ad valorem, with the exception of Corn grown in Van Diemen’s Land, which is imported duty free.

The quantity of Corn imported into the Colony in the three years, 1840, 1841 and 1842, is as follows:—

Van Diemen’s Land, 25,218 Quarters; Val Paraiso, 27,815; Calcutta, 8,189—71,222. Average per annum, 23,740.

It may be proper for me to explain that, when the subject of a tax on Corn was incidentally mentioned in the Old Council, I stated that I should not object to the conversion of the present ad valorem duty into an equivalent fixed duty, though I doubted whether the Local Legislature had power to make the conversion, their power being, by the 3d Geo. IV, Ch. 96, S. 2, and the 9th Geo. IV, Ch. 83, S. 26 and 27, limited to the imposition of ad valorem duties, not exceeding 15 per cent.

The highest fixed duty, which I could under existing circumstances advise, would be from 2s. to 4s. per Quarter of eight bushels.

I should not perhaps conclude without stating that the present moderate tax of 5 per cent. ad valorem has been suspended
three times during the last eight years, the following Acts of Council having been passed for the purpose of allowing all kinds of grain to be imported free of duty in times of scarcity:—

6th Gul. IV, No. 13, 24th October, 1835; 2 Vict., No. 26, 26th October, 1838; 3d Vict., No. 29, 16th June, 1840.

I have, &c.,

[Enclosure.]

GEO. GIPPS.

ADDRESS.

To His Excellency Sir George Gipps, Knight, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, etc., etc., etc.

May it please Your Excellency,

We, Her Majesty's most dutiful and loyal Subjects, the Members of the Legislative Council of New South Wales in Council assembled, beg leave respectfully to request that Your Excellency will be pleased to take the necessary steps to obtain from Her Majesty's Government at Home such information, as may be in its power relative to the Culture of Wheat, with the cost of growing, transporting, and Shipping the same, in the different States of North and South America; and that Your Excellency will cause the information, so collected, to be laid before the Council.

ALEXR. MCLEAY, Speaker.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch* per ship Alfred.)

Sir, Downing Street, 28 August, 1843.

I have received from Mr. Justice Willis a Letter dated the 3d of May last, bringing under my consideration Copies of a correspondence, which had passed between the Superintendent of Port Phillip and himself, relative to an enquiry into the conduct of Captain Lonsdale, the sub-Treasurer of that District.

This communication having been sent to me from the Colony by the writer, and not having been transmitted through you, I have to desire that you would apply to the writer for a Copy of it, and that you would forward that Copy to me, accompanied by such a report as the case may appear to you to require.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 130, per ship Maitland.)

Sir, Downing Street, 29th August, 1843.

I avail myself of the departure of the "Maitland" Convict Ship to acknowledge the receipt of your Dispatches of the numbers and Dates specified in the margin,† which reached this

* Note 13.  † Marginal note.—No. 42, 1st April, 1843; No. 43, do, do.
Department yesterday, and which have placed me in possession of
your report on the state of Convict Discipline at Norfolk Island,
founded on personal observation.

Although this report places Captain Maconochie's Administra-
tion of his functions as Superintendent at Norfolk Island in a
more favorable light, than that in which I had hitherto viewed
it, it does not alter but rather confirms my opinion of the neces-
sity for the measures which Her Majesty's Government have
adopted with reference to the treatment of Convicts at that
Settlement.

The experience derived from your recent visit to Norfolk
Island will enable you to give the fullest instructions to Major
Childs, who proceeds by the Ship which carries this Dispatch.

I have, &c,

STANLEY.

30 Aug.

Reasons for assigning
Convicts per
ship Maitland
to Governor
of New
South Wales.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 131, received by the ordinary post.)

Sir,

You will have observed that the Assignment List of the
Convicts, who have proceeded to Norfolk Island in the Convict
Ship "Maitland," has been made out to the Governor of New
South Wales, and, as this proceeding may appear to you to be
inconsistent with the decision of Her Majesty's Government not
to send any more Convicts to that Colony, I think it necessary
to explain the considerations which have rendered it necessary
to make out the Assignment List in these terms.

Heretofore it had been the custom to assign Convicts, whose
ultimate destination was Norfolk Island, to the Lt. Governor of
Van Diemen's Land; but such Convicts were invariably sent in
the first instance to Van Diemen's Land and from thence were
sent on by the Lt. Governor to Norfolk Island. In the case of
the Maitland, however, it was decided to send the Convicts direct
to Norfolk Island, a course which was inevitable, inasmuch as
some of the Convicts had been expressly sentenced to transporta-
tion to that Settlement. But, as you are aware, having con-
sidered it expedient to delay the contemplated annexation of
Norfolk Island to Van Diemen's Land in order to allow the new
system to be commenced under your superintendence, it appeared
to me irregular to assign them to the Lt. Governor of that Colony,
who would have no authority within Norfolk Island at the time
of their arrival there, and within whose jurisdiction they would
not, in the course of their voyage, be brought. The more regular
course seemed to be to assign them to the Governor of New
South Wales as Governor of Norfolk Island also, which place
is expressly reserved in the order of Her Majesty in Council as a place of transportation, disregarding as nominal merely, and as entitled to no real weight, the apparent inconsistency of assigning Convicts to the Governor of New South Wales after the discontinuance of transportation to that Colony.

I have, &c.,

STANLEY.

[A memorandum from the colonial office was transmitted, stating that “The Dispatch No. 132 has been Cancelled.”]

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LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Alfred.)

Sir, Downing Street, 30th August, 1843.

I have the honor to transmit to you herewith an Order made by Her Majesty in Council on the 23rd instant, granting to Citizens of the Republic of Hayti, the privilege of Trading directly with Her Majesty’s Colonial Possessions in Ships, built, navigated, and owned as required by the Laws of Navigation of this Country.

I have to desire that you will give publicity to this Order in the Colony under your Government, and will take such measures as may be requisite to ensure its being carried into effect.

I have, &c.,

STANLEY.

[Enclosure.]

[This order-in-council was published as a government notice, dated 6th February, 1844, in the “Government Gazette.”]

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 133, per ship Alfred.)

Sir,

Downing Street, 31st August, 1843.

With reference to my Dispatch of the 10th Instant, No. 124, I have to acquaint you that I have laid before The Queen the Act of the Legislature of New South Wales (No. 1, 6 Vict.) entitled “An Act to permit goods, the produce or Manufacture of New Zealand or Van Diemen’s Land, to be imported into the Colony of New South Wales free of duty; and to indemnify certain Officers for Acts already done.”

The object of this Act is to give to Articles, the produce or objects of act. manufacture of New Zealand, the same advantages in their importation into New South Wales as are now enjoyed by Articles, the produce or manufacture of Van Diemen’s Land.

* Note 14.
Objections to differential duties.

It has been passed no doubt in consideration of New Zealand having until lately formed a Dependency of New South Wales, and having as such been entitled to the same Advantages in regard to its trade as that Colony.

But the principle of establishing differential duties in favor of particular Colonies is so objectionable that Her Majesty's Government cannot consent to any further extension or recognition of such a system. If allowed, it would inevitably give rise to retaliating Measures on the part of other Colonies, and a system of protection and preferences would gradually be established among the several Colonial Dependencies of the Empire, by which the operations of commerce would be embarrassed and the Colonies be deprived of the advantage they now derive from being parts of one great empire.

Under these circumstances, I have felt it my duty to submit to Her Majesty that this Act should be disallowed; and, Her Majesty having been pleased to approve that advice, the Act is disallowed accordingly.

I have, &c.,

STANLEY.

Exemption from duty of objects of natural history.

LO Lord STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Alfred.)

Downing Street, 1st September, 1843,

Sir,

I have the honor to transmit to you herewith an Order made by Her Majesty in Council on the 23rd ult., exempting from Duty specimens illustrative of Natural History on their importation into Her Majesty's Colonial Possessions.

I have to desire that you will give publicity to this Order in the Colony under your Government, and will take the necessary steps to ensure its being carried into effect. I have, &c.,

STANLEY.

[Enclosure.]

[This order-in-council was published as a government notice, dated 14th February, 1844, in the "Government Gazette." ]

Letter received from J. W. Willis.

LO Lord STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 134, per ship Alfred.)

Downing Street, 1 September, 1843.

Sir,

I have received a letter from Mr. Justice Willis, bearing date the 24th of February, 1843, transmitting a Duplicate Copy of his letter to me of the 8th of the same month, the original of which accompanied your Dispatch No. 31 of the 18th of February.
GIPPS TO STANLEY.

You will have the goodness to acquaint Mr. Willis that his letter has been received and that the whole case to which it relates has been referred to the Judicial Committee of the Privy Council.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 135, per ship Alfred.)

Sir,

Downing Street, 1 September, 1843.

With reference to my Dispatch No. 14 of the 26th of January last on the subject of Convict Discipline, I have to signify to you the appointment of Mr. Francis Rowe to be Clerk to the Superintendent of Norfolk Island with a Salary of one hundred pounds per annum.

Mr. Rowe has received an advance of Twelve pounds Ten Shillings on account of the half Salary to which he was entitled from the date of his embarkation.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 137, per ship Alert; acknowledged by lord Stanley, 28th February, 1844.)

My Lord,

Government House, 1st Septr., 1843.

In my Despatch, No. 131 of the 19th ultimo, I reported, inter alia, to your Lordship that a considerable number of workmen were out of employment in Sydney, and that it was my intention to provide work for them at the reduced wages of 3s. per diem for Mechanics and 2s. for Labourers.

I now think it right to report to Your Lordship that the number of persons to whom I have given employment at these wages is as follows:—

Carpenters, Joiners and Sawyers, 103; Masons, 52; Quarrymen, 13; Smiths, 25; Labourers, 139—332,

and I am sorry to say that I have reason to suppose there are at least as many more still wanting employment in the Town or neighbourhood of Sydney.

The season of the year is approaching when employment may be expected to be more abundant; and the Corporation of Sydney is about to employ a considerable number of labourers in repairing the streets of the City; but, nevertheless, I feel myself (however reluctantly) bound to say to your Lordship that, if under existing circumstances Emigrants in any large numbers were to arrive in the Colony, they would in all probability be a burthen on the Government.
A Committee has been appointed by the Legislative Council on the subject of Immigration; and there is still a prevailing opinion in the Colony that Emigrants will again shortly be wanted.

I have, &c.,

GEO. GIPPS.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 136, per ship Alfred.)

Sir, Downing Street, 2 September, 1843.

I have to acknowledge the receipt of your Dispatch No. 48 of the 7 of April last, forwarding the Copy of an address presented to you by the Members of the Legislative Council of New South Wales at the close of the Session, together with a Copy of the answer which you returned to that Address.

I have observed with much satisfaction the testimony borne in this Address to the harmony, which has existed between yourself as President of the Council and the Members of that Board up to the termination of its Debates and proceedings.

I have, &c.,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 137, per ship Alfred.)

Sir, Downing Street, 3d September, 1843.

I have received your Dispatch, No. 1 of the 1st of January last, in which you report your opinion how far the arrangements, then recently adopted by Her Majesty's Government with regard to Convict Discipline, might render it unnecessary to continue the maintenance of the Establishments connected with the Supervision of Convicts in New South Wales. I have communicated your report to the Lords Commissioners of the Treasury.

That report has reference to the continuance of Norfolk Island under the Government of New South Wales, and not to the more recent arrangements for Convict Discipline, which have now been communicated to you. These arrangements will, I trust, afford opportunity for further revision and reduction of the Establishments of your Government, and a strict attention to the principle of making the labor of Convicts maintained at the charge of this Country always available for meeting or diminishing the expense of such maintenance should have the effect of considerably reducing the provision required from Parliament for Convict Services in New South Wales.
You appear to me to have shewn sufficient reason for believing that, for some time, it will be difficult to effect any considerable reduction in many of the Convict Establishments; but I am inclined to doubt whether an exception might not be made with regard to the cases of the Female Factory and the Hyde Park Barracks, the expense of which Establishments, I should conceive, might be expected to decrease progressively and rapidly.

I have, &c.,

STANLEY.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 138, per ship Alfred.)

Sir,

Downing Street, 4 September, 1843.

With reference to my Dispatch No. 112 of the 18th July last on the subject of the adjustment of certain Advances made from the Revenues of New South Wales for Emigration expenses chargeable to other Colonies, I have to acquaint you that the Commissioners of Land and Emigration have intimated to me that they have caused to be paid over to Mr. Barnard, to the General account of New South Wales, the sum of Two Thousand, Two hundred and sixty seven pounds 7s. 7d., being the available Balance of Funds received for Land after providing for all outstanding Claims.

I have, &c.,

STANLEY.

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 139, per ship Alert; acknowledged by lord Stanley, 12th February, 1844.)

My Lord,

Government House, 4th Sept., 1843.

I have had the honor to receive your Lordship's Despatch No. 5 of the 8th January, 1843, transmitting to me a copy of a Memorial, which has been addressed to Your Lordship by Mr. Wm. Cape, and requiring me to report upon the same. With your Lordship's Despatch, I also received a Copy of one on the subject of Mr. Cape's Claims, addressed by Lord Glenelg to Sir Richard Bourke on the 31st December, 1836, but to which no answer appears to have been received in Downing Street.

In obedience to your Lordship's instructions, I have gone through a voluminous correspondence relating to Mr. Cape's claims, and extending over a period of more than twenty years, from which I gather his case to be as follows:—

Mr. Cape emigrated from England to Van Diemen's Land in 1822, and received in Van Diemen's Land in that year a promise of a grant of 1,000 acres of Land. In 1823, he removed with his...
family from Van Diemen’s Land to New South Wales, and obtained employment under the Government as a Schoolmaster. In 1825, he gave up his School (his system of management not being approved of by Archdeacon Scott, who came in that year to the Colony), and, on the relinquishment of his employment, received from Sir Thomas Brisbane the promise of a Grant of 1,000 acres for himself, and of a grant of 500 acres for each of his two Elder sons, those sons being then under age. According to the custom of the day, he was allowed to select these three Grants where he chose; and he selected them in what was then a remote and unsurveyed part of the Country, on a small River or Creek, known by the name of Wyong, near a salt water Lake called Brisbane Water in the County of Northumberland. The letter or document, containing Mr. Cape’s own description of the Lands which he selected, appears never to have been recorded, and hence arose some of the difficulties of his case; but, in the course of the long correspondence and enquiries which took place between the years 1825 and 1830, it was settled, to the satisfaction of General Darling, who had succeeded Sir Thomas Brisbane as Governor, that the whole of the Land selected by Mr. Cape for himself and his two sons was on the North side of the Wyong; and that the Land on the South side of the Wyong had been given, or rather promised, about the same time to Mr. Hely, then Principal Superintendent of Convicts. Mr. Cape, however, either by mistake or in the supposition that the 500 acres promised to his second son Richard were on the South Side of the Wyong, cleared a portion of Land which he called “Condobbins,” on that side of the River, and erected on it a Barn; and it is in respect to this Land of Condobbins that Mr. Cape thinks himself principally aggrieved, General Darling having, after a long controversy, decided that Mr. Hely should be confirmed in the possession of it on his undertaking to compensate Mr. Cape for the improvements which he had made on the Land. Mr. Hely and Mr. Cape subsequently went to Law about the amount of this compensation, and, from Mr. Cape’s own statement, it appears that he was beaten in the contest, though on this part of the subject the records of the Government afford no information.

In these proceedings, I see no reason to suppose that any injustice was done to Mr. Cape, the strong probability of the case being that the whole of Mr. Cape’s lands, and those of his two Sons, were originally intended to be on the North side of the Wyong, and Mr. Hely’s on the South.

But there is yet a stronger point against Mr. Cape which is to be thus explained.
His only claim to any Land south of the Wyong rested on his assertion that he had originally selected his second son's 500 acres to the South of that stream, acknowledging that he had taken his own 1,000 and his eldest son's 500 to the North of it. But this same second son Richard, on coming of age, declared himself dissatisfied with the selection which his Father had made for him when a minor, and applied to be allowed to give up his Land on the Wyong, and to take 500 acres at Lake Macquarie, about 25 miles distant from his Father's Land; and, as the Government allowed him to do so, and he actually received his 500 acres at Lake Macquarie, it is clear that neither the Father nor the son could any longer have a claim to Land on the South Bank of the Wyong.

It appears indeed that Richard Cape (the son) subsequently declared that he would give up his second selection at Lake Macquarie, and resume the Land at Condobbins, but he had evidently no right to do so; and ultimately the Land at Lake Macquarie was accepted by him.

Having thus disposed of Cape's claim to Condobbins, in virtue of his selection of it for his second son, I now come to his claim to the same Land in virtue of what he calls a promise to himself.

It appears that, when Mr. Cape (the Father) found that his Son Richard had obtained leave from the Government to give up his 500 acres at Wyong, and take 500 other acres at Lake Macquarie, he applied, on the 24th November, 1829, to Governor Darling to be allowed to have 100 acres at Condobbins as an additional Grant for himself, alleging that he had by mistake cultivated a part of it. In answer to this application, he received from the Colonial Secretary (Mr. McLeay) a printed paper, such as it was usual to send to all persons who asked for Grants of Land, and he was desired (as was also usual) to return the paper with a description of the Land which he wished to obtain. Mr. Cape has constantly asserted, and still persists in asserting, that the sending to him of this paper was equivalent to a promise of the Land; but it is quite clear that it implied no promise whatsoever, as could, if necessary, be proved by hundreds of examples; and his application was subsequently refused on the ground that all the Land on the South Bank of the Wyong had been promised to Mr. Hely. Mr. Cape again asserts that this refusal was improperly made by the Colonial Secretary, Mr. McLeay, without the knowledge or against the wishes of the Governor; and further asserts that he convinced the Governor of the justice of his claim; but I can find nothing in the correspondence to lead me to suppose that the Governor was more favorable to
Mr. Cape than the Colonial Secretary; indeed, from the minutes in Governor Darling's own writing on many of Mr. Cape's letters, I should adopt a very opposite conclusion.

I now pass to the third of Mr. Cape's complaints.

I have already explained that Mr. Cape received in Van Diemen's Land in 1822 the promise of a Grant of 1,000 acres; at his own request, he was subsequently, in 1828, allowed to relinquish the Land in Van Diemen's Land, and take in exchange 640 acres as an additional Grant, adjoining his other Land on the North Bank of the Wyong. His complaint is that he was unjustly charged Quit Rents on these 640 acres, as, according to the 7th and 8th Clauses of the regulations of the 5th September, 1826, Quit Rents were not, as he contends, to commence until after the Land had been valued, and were to be in proportion to the value of it; but it has often been pointed out to Mr. Cape that his second grant of 640 acres, being a "Grant in extension," was by the 15th Clause of these same Regulations* chargeable with Rent from the day on which he entered into possession of it, and that the 7th and 8th clauses of the regulations relating to original grants did not apply to his 640 acres, though they might to his prior Grant of 1,000 acres.

But Mr. Cape asserts not only that he was unjustly charged Quit Rents on this Land, but also that his non-payment of this unjust charge was given as a reason for refusing him the grant which he asked for of 100 acres at Condobbins. The practice of the time was to refuse even to entertain an application for a Grant of Land from a person indebted in any way to the Government, and consequently his application for the 100 acres at Condobbins was in the first instance very properly refused to be even entertained or looked at, because he was in debt to the Government for a year's rent of his 640 acres; but his claim to the Land at Condobbins was ultimately rejected, not on account of his being in debt to the Government, but for the reason which I have already stated, namely, that Mr. Hely had a prior claim to it. Mr. Cape, I believe, failed in the end to get any compensation or consideration for the improvements (whatever they may have been), which he made on the Lands of Condobbins; but how far this may have been owing to the extreme and indecorous pertinacity with which he urged his claim, and how far to the readiness with which he entered into a Legal contest with Mr. Hely, the documents do not enable me to judge; it may suffice to say that the decision in the Legal proceedings was given by the regular tribunals of the Colony.

* Marginal note.—These regulations are to be found at page 12 of a Parliamentary Paper, No. 394, printed by order of the House of Commons in 1832, and headed "New South Wales Land Regulations."
STANLEY TO GIPPS.

The fourth and last complaint of Mr. Cape is that he has never received the Acre of Land at Elizabeth Bay, near Sydney, which he alleges was promised him by Major Goulburn (the Colonial Secretary) in 1825 in the name of Sir Thomas Brisbane. Of this complaint, it may be sufficient to say that there is no record whatsoever of any such promise, nor does the claim appear in any of the early part of the correspondence between Mr. Cape and the Government. It was indeed an old practice to give an allotment in Sydney (for a Town residence) to any person receiving a considerable grant of Land in the Country, and it is therefore probable that Mr. Cape would, like others, have got an allotment in or near Sydney, if he had taken proper means to have his claim to one recorded; but there is no record of this claim, and it is out of the power of the present Government to make a grant of Land on the allegation of a verbal promise made in the year 1825.

The probability, I think, is that Major Goulburn did in the year 1825 offer an acre of Land to Mr. Cape at Elizabeth Bay, distant about a mile from what was then the Town of Sydney, but that Mr. Cape, not considering the Land worth having, took no means to secure it. It is notorious that even two or three years later Land in the same neighbourhood, but nearer Sydney, was refused by Officers of the Government, to whom it was offered by General Darling.

It is again true that the Land at Elizabeth Bay, to the extent of about fifty acres, was, as alleged by Mr. Cape, granted by Governor Darling to Mr. McLeay in 1828; but though this valuable grant has in later times been often made a matter of reproach, both to the giver and the receiver, it evidently has nothing at all to do with the case of Mr. Cape. I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 139, per ship Alfred.)

Sir,

Downing Street, 5 September, 1843.

I have received your Dispatch No. 44 of the 1st of April last, in which you report the reasons which had led you to defer the removal to Van Diemen's Land of certain Prisoners at Norfolk Island, who had been for a period of three years under the experimental management of Captain Maconochie; and I have to convey to you my approval of the course which you adopted with regard to those Prisoners. I have, &c.,

STANLEY.
LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 140, per ship Alfred; acknowledged by Sir George Gipps, 16th and 28th February, 1844.)

Sir,

Downing Street, 5 September, 1843.

With my Dispatch No. 110 of the 14th of July, I transmitted to you the Copy of a Communication from the Commissioners of Colonial Land and Emigration, enclosing Copies of the Letters addressed by them to the several parties who had appealed against refusals of Bounty on Immigrants introduced into New South Wales.

I now transmit to you the copy of a further Report from the Commissioners enclosing Copy of a representation made to them by Messrs. William Smith and Sons of Liverpool, together with a Memorial addressed to me by those Gentlemen, enumerating several cases in which the Bounty had been refused, and which they submit for favorable consideration.

I have approved of the answer which the Commissioners propose to make to the Messrs. Smith, a Copy of which is enclosed for your information and guidance; and I have to direct that you will dispose of the several Cases in question in the manner suggested in the Report of the Immigration Commissioners.

I beg to direct your attention to the concluding remarks of the Commissioners in regard to the exercise of the discretion reserved to the Local Authorities in the Colony in deciding upon Claims to Bounty on Immigrants.

I have, &c.,

STANLEY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir, 21st August, 1843.

With reference to our Letter* of the 3d Ultimo, enclosing the statement we had made to the parties interested of the principles which Lord Stanley had laid down for the determination of Appeals on Bounty Cases, we have the honor to transmit herewith a Letter afterwards received by us from the Messrs. Smith, accompanied by a Memorial which they had prepared for submission to Lord Stanley.

The Memorial, it will be observed, was drawn up before Messrs. Smith had received the above mentioned decision. They return their thanks for the attention bestowed on the subject, and acknowledge the justice of the principles which have been laid down by the Secretary of State; but, having prepared their Memorial, they still wish it to be considered, especially as parts of it are not provided for by the general rules since adopted.

In reporting on this Memorial, we shall not offer any apology for entering into some of the details of the cases. We feel no doubt that Lord Stanley will consider it our duty not merely in justice to the particular parties concerned, but also because an Emigration, in which payment is to depend on the discretion of the local

* Note 15.
STANLEY TO GIPPS.

authorities, having been renewed under the sanction of Her Majesty's Government, it becomes exceedingly important that there should be a clear understanding with the Government in the Colony on the spirit in which that discretion is to be exercised. The present seems a particularly favorable opportunity for a fair examination, because we have the advantage of being possessed of the replies of Mr. Merewether, the Agent for Immigrants at Sydney, to the Importers' representations, so that the case is complete.

First, with regard to single Women not deemed under proper protection, the Messrs. Smith commenced by stating the remarkable fact that, out of 730 Females sent out by them in all, it had only been found necessary to reject 14 on this ground, and that the whole of them were in their last four Ships. Certainly this would seem a material circumstance both in the presumption it affords in favor of the Messrs. Smiths' previous arrangements, and also in its bearing on the fact, which has been alleged by all the Appellants, of a change in the administration of the Bounty rules.

We now turn to Mr. Merewether's remarks on the present subject. He enumerates the following as the different sorts of the alleged protection of single Women:—

1. Married Couples who are relatives or intimate friends.
2. Brothers.
3. Married Couples from the same Village or Town.
4. Do. selected for the purpose by the Agent in England.
5. Do. Who have only assumed the protection on reaching Sydney Harbor.
6. The Surgeon Superintendent.
7. Single Men calling themselves Cousins, or single boys from the same place.

On this, it is almost needless to say that the last three heads are mere evasions, and we do not know that any Importer pleads them. Mr. Merewether says that, under the first three, the Government has always paid. The only question, therefore, is as to head 4, on which the local Authorities have thought they ought not to pay, but on which we think they ought. if the Women have not been ill conducted. Lord Stanley has so decided, and the Orders are gone out to the Governor.

But we cannot deny that, on looking at the particulars of the present decisions, the majority seem to us to have been, even under the Colonial view, hard cases. Thus four young Women in the "Agnes Ewing" were placed under the care of one Mulholland, two were paid for because so placed by their relatives, the other two were refused because placed by the Agent. Yet, if they behaved well, it seems hardly reconcilable on any solid reason to pay on the one hand, and refuse on the other for Women under the very same protection.

In the "Champion," two cases are refused in a similar manner. Michael Quigley having taken charge of three Girls, and none of them apparently having misbehaved, one is paid for because intrusted to Quigley by her Father, the other two rejected on the plea that the Agent selected Quigley to take care of them. The event having justified his selection, and the selection of the very same person by another party having been approved, the Importer is equally punished.

Ellen McCue was refused because placed under the care of Macmanus by the Bounty Agent. But in this case Macmanus himself said that he had known her at home, so that, under the third
of the heads mentioned by the Immigration Agent, payment might well have been made in this instance. The same remark applies to the three Women refused in the "Agnes," all of whom were under the protection of a Man stated to be their neighbour.

In fact out of the whole 12 cases, which we find noticed in the Agent for Immigrants' report, there were only 4 that by his own shewing were simple cases of Women placed by the Bounty Agent under charge of persons previously unknown to them; and, in two of those four cases, the Married party volunteered a statement of his belief that the persons were decent Girls. If more liberal principles of judgment had at that time prevailed in the Colony, and there had been a greater reluctance to leave on the Importer the expense of having introduced Immigrants not in themselves ineligible, it might have been expected that, for 8 out of the 12 cases, even under the rules explained by the Agent for Immigrants himself, the Bounty would have been paid when they were landed. Under Lord Stanley's decision, the Importer will now receive payment tho' tardily for all.

Secondly, we proceed to refusals on parties who, having passed muster and left the Ships, think proper to leave the Colony. In so far as any refusal may rest exclusively on this reason, it must, under Lord Stanley's decision on the former appeals, be revoked. We think therefore that payment should be made on Domk. Kelly and his wife, passengers in the "Champion," for, although the Immigrant Agent now mentions that they appeared above their Class, no such objection was stated at the time, and we do not think that the ground ought to be changed. The Messrs. Smith also have produced a Letter from their Sub Agent containing a solemn asservation, not merely that he was ignorant of any intention on Kelly's part to proceed to Adelaide, but that he had even been requested by Kelly to give him a Letter to a relative near Paramatta as a means of procuring employment. The case however of three Passengers in the "Agnes" is of a different nature, because, besides their having left the Colony, they were objected to at the time as apparently above their professed Class of Agricultural Laborers. The Messrs. Smith complain of Judging only by people's appearance; and they represent, in which we agree with them, that the mere fact of Emigrants having a few pounds in their Pockets ought not to be taken as an objection. We confess we are disposed to view it as rather the contrary. But the Messrs. Smith do not appear to tender any fresh evidence in these three cases, and we conceive that they must be left for decision in the Colony.

Thirdly, the next cases are those of three Men of the "Nabob," rejected because "accused" of broaching a Cask of Wine. They had been committed for Trial for that offence, and we think this would have been a very good reason for suspending payment of Bounty. But the trial never took place. The Immigration Agent then argues that, although the Men may have been innocent of the charge, the fact of its being brought against them is "strong ground for the assumption" that they must have been of bad character; but he admits that, if the Importers can get together evidence that they have been well behaved ever since, then payment might be made. This doctrine appears to us neither constitutional nor just. We cannot concur in the fitness of assuming that parties are guilty because they have been accused, and, without throwing the burthen of any further proofs on the Importers, we would suggest that directions should be given to pay this money at once.
Fourthly, with regard to the single Men rejected because there was not an equal number of single Women, it has already been decided that the comparison should be with the number of single Women embarked from England, and not the number landed and approved in the Colony. Beyond referring to this general principle, it does not appear to us that it would be practicable to enter into the discrepancies between the number on the Lists, kept by the Messrs. Smiths, and the number which appear to have been allowed for in the Colony. In respect, however, to the alleged excess of single Men sent out under a former order of the Messrs. Smith, which excess they ask permission to set off against the defect in that respect in the Ship “Wallace,” we apprehend that the view to be taken of it would depend on the length of the interval since the close of those previous transactions. If no excessive time had intervened, the request would not seem unreasonable; and we would suggest that it should be referred, subject to a proper examination of the details, for the consideration of the Governor.

Fifthly, with regard to Miscellaneous cases not coming under any of the foregoing heads, we can merely propose that the additional evidence, which the Messrs. Smiths now proffer, should be forwarded to the Governor for revision in the Colony and for such decision as Justice may require.

We beg to annex for approval the Draft of a Letter in which, should the foregoing suggestions meet with concurrence, we would propose to communicate the result to the Messrs. Smiths.

Having thus gone through their case, we would observe, with respect to the readiness which Mr. Merewether states that he has always shown to afford every information to parties concerned on the grounds of refusing Bounties, that, from all we have seen of Mr. Merewether’s proceedings, and from the pains observable in his reports, we give him full credit on this score. We cannot say, however, that we agree with him in seeing anything unreasonable in the time of the Messrs. Smiths’ renewing their application for payment. The Messrs. Smith had been losers to the extent of £3,000. We think that it was by no means too late for them to call attention to their claims; and we have merely noticed the remark, because it seems to us to have been the prevailing error at Sydney to regard parties in this situation as Suitors for a favour, instead of Claimants of Justice.

If we dwell on this topic, our excuse must be the deep conviction we feel of the importance of the Spirit in which the administration on this subject shall hereafter proceed. We cannot doubt the intention of the Colonial Government to do justice; and we fully believe that, after the forcible representations which have been elicited, considerations, that must have been overlooked before, would exercise their due influence on future decisions. But it is not the less our duty to mention the strong practical reasons we have for believing that, unless more consideration is shown for the parties who have to repose their faith entirely in the liberal exercise of the discretion reserved to the local authorities, it will be impossible to continue Emigration on that basis. The complexion of the late Tenders at this Office afford distinct proof that, except in so far as the intervention of the Secretary of State must have certainly been known, no Firms of experience or established reputation were prepared to deal with the Colonial Government unless on terms too extravagant to be accepted. If it were not for that revision which, at no early period and with an evident reluctance to interfere
Necessity for fixed policy re bounty immigrants.

Criticism by W. Smith and sons of reasons given for refusal of bounties.

We have, &c.

T. FREDK. ELLIOT.
EDWARD E. VILLIERS.

[Sub-enclosure No. 1.]

MESSRS. WILLIAM SMITH AND SONS TO LORD STANLEY.

My Lord,

Liverpool, 1 July, 1843.

Referring to the communication which we did ourselves the honor to transmit to your Lordship in November last, relative to our claims upon the Government of New South Wales for bounties not paid by them upon certain immigrants which arrived there in vessels sent out by us under permissions granted to our House in Sydney and to Mr. Townsend, we now beg your further attention to the following particulars:

We have received from Sydney copy of a report by Mr. Merryweather, the Immigration Agent to the Colonial Secretary, which we now hand you. In this respect, reference is first made to the cases of unmarried females said to have been under improper protection, being in answer to a question put by Messrs. A. B. Smith and Co., "What is meant by improper protection?" We beg to call your Lordship's attention to a paragraph at the head of page No. 2. This we have marked (No. 1) in red Ink.

Your Lordship will observe it is admitted that the Board had latterly become more strict than they were formerly, which of course could not be known to us here; and we acted as we had previously done, using all the care we could, and concluding that what had been approved of would continue to be approved of by the Immigration Board at Sydney. We beg to present to your Lordship's notice one strong fact in our favor, that of the total number of single females sent out in the vessels which we despatched, amounting to 199, the bounties were refused on only 14; and these were in the last four vessels, thus proving satisfactorily that every possible care was taken by us to provide adequate protection for such females, and that such protection had been deemed sufficient. In every case, we required parties, who undertook the protection of single females, to sign a printed obligation to that effect which ran thus: "I hereby promise to protect and take care of, until otherwise provided for in the Colony of New South Wales." These engagements were voluntarily signed by the parties, who, we had every reason to believe, had some acquaintance with the females whom they engaged to protect, though possibly in some cases they may not have known them prior to their arrival in this town. They frequently lodged in the same house here, and volunteered their protection on the condition of obtaining assistance from the single females in taking charge of their children during the voyage. In addition to this precaution on our part, the Government Emigration Agent here always questioned the contracting parties on this subject before signing their certificates, and satisfied himself that the proper protection would be afforded. Your Lordship will observe in page 3 a paragraph, which we have marked in red Ink (2) which refers to parties "not only protecting single females during the voyage but also supporting them after their arrival in the Colony until they obtained situations." The obligations entered into as already given, did combine this; but at the same time it must be obvious and is a matter of fact that very few indeed of the immigrants had the means of supporting themselves and families for a single day, and were maintained in "Barracks" specially provided for them by the Government in the few cases, which occurred of their not meeting with employment during the ten days which the importers were bound to support them on board of the vessel after arrival. Where the protecting parties obtained situations in the Colony for themselves, the agreement signed by them in this country would we presume be sufficient to enable the New South Wales Government to require them to support the females. It will be found on a perusal of the documents, which we now transmit to your Lordship, that the mere circumstance of some parties appearing in the opinion of the Immigration Committee in New South Wales to be above the class of "Agricultural or Working Laborers," subjected us to the loss of bounties upon them.

The Emigration Agent at Sydney in his "Report," refers to seven distinct heads, and those for whom we have been refused bounties are all specified as coming under which he states protection is said to have been afforded to single females.
under No. 4; nor is any accusation brought against us of sending out single
females without providing what at one period was evidently considered sufficient
protection for them.

We now come to the cases alluded to in the Agent's Report.

With respect to Jane Brown and Sarah Wood, we can only observe that, Mul-
holland and his Wife being respectable persons and engaging to take charge of these
two young Women, it was so arranged; and there does not appear to be any ground
of complaint against the young Women as respects their conduct during the
Voyage.

The next case is that of Ellen McCue. She came over from Ireland with McManus
and his Wife under their protection, which was arranged prior to her leaving home.
It is admitted in the report that McManus and his Wife were acquainted with this
young Woman "at home," and yet the bounty has been refused to us on the
allegation that she was placed under McManus's protection by us. If she had
been so placed (which however is not the fact), could a better selection have been
made than that of a personal acquaintance prior to her leaving home.

The next is the case of Eliza Mackenzie, who it is stated represented herself to
have been placed under the protection of Joseph Simpson and wife by the local Agent.

In the report, it is admitted that she came over from Ireland with Simpson and
his Wife, and we herewith hand a Letter from the local Agent (No. 3) stating
that this arrangement was made prior to her leaving home to take charge of her. The
Bounty is refused because Simpson stated to the Immigration Agent at Sydney
"that he did not consider her part of his family." It appears that, owing to
some mistake, an engagement was taken from a person named Shipchence instead
of from Simpson, which was a mere clerical error in the hurry of business.

The next are the cases of Bridget Madden and Bridget Moran, who, it is stated,
were put under the protection of Willem Myers by Mr. Smith. We hand a letter
from our Agent, Mr. P. McMahon, dated 15th October, 1841, and numbered (4),
which was sent at the time the Emigrants in question arrived here; and it will
be seen that arrangements were made prior to their leaving home for the protection
of these females by Myers. We may here observe that it appears to be a common
practice to apply the name of Mr. Smith to all our local Agents, which has prob­
ably been the cause of some of the difficulties which have occurred.

Mary Tracy. We cannot learn any particulars respecting her.

Anne Cogovan, Marion Moore and Anne Walsh, it is admitted in the Report,
were "under the protection of Lawrence Daly, a Neighbour," to whom they were
entrusted by the Agent. This was the Agent in their own Neighbourhood. Mr.
P. McMahon and his letter No. 5 explains this.

The last cases of this nature are those of Helen and Honora Brennan, who were
placed under the protection of Michael Quigley, prior to their leaving home, and
upon the representation of their being relatives of Quigley's Wife.

In no case has any charge of improper conduct on the part of any of these
females, while on board of the Vessels, been brought forward; and we therefore
trust your Lordship will take a favorable view of our claim to be paid bounties
upon them on the ground of their being under proper protection; indeed we eanno
doubt but that their respective friends considered the protection sufficient and satis­
factory, or they would not have consented to their leaving home in the first instance.

The fact is established by the admission made in the Report that in almost every
case the parties protecting them were Neighbours or acquaintances.

The next cases referred to in the report of the Immigration Agent are those of
Bernard Conlan and Edward and George Dease (No. 6, Page 16), who shortly after
landing left the Colony for Van Diemen's Land, and Dominick Kelly and Wife
(No. 7) who proceeded to Port Phillip on their way, as it was surmised, to South
Australia.

The Bounties in these cases were withheld from us, though we had no power what­
ever to detain them in New South Wales. It would appear, however, that a power
did exist on the part of the Government which was not exercised, for we find, in
the Report, that they, the three first persons, presented an appearance far above
that of Agricultural labourers "when they applied at the Office of the Water Police
Magistrate for the documents necessary to enable them to leave the Colony." So,
in the case of Dominick Kelly and Wife, who are stated to have mentioned to the
Immigration Agent's Clerk their intention of proceeding to Adelaide when he applied
to him for his Certificate which he required in order to enable him to leave the
Colon. There is a clear admission here that the Government Immigration Agent
had the power of preventing these parties from leaving the Colony; and, if he did
not think proper to exercise that power, it is very hard upon us that, having ful­
filled our agreement, we should be refused the promised bounties, though we had
no power whatever of compelling the parties to remain in the Colony. It is
equally impossible for us to judge whether a Man may or may not have a few
pounds in his pocket; nor do we understand why he should make a worse Settler
from the fact of his being possesséd of a trifling sum of money. In the cases of

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5 Sept.

CRITICISM

by

W. SMITH

and sons of
reasons given
for refusal
of bounties.
Immigrants, who availed themselves of the bounty system to obtain a passage to New South Wales, with the intention of immediately proceeding from thence to another Colony, it appears to us that, if the Government, as it was morally bound to do, had paid the bounty to the Merchant, it had power either to compel the party to refund the money or remain in the Colony; but your Lordship will perceive that no effort was made, in the cases referred to, to protect or do justice to the Merchant, who is at once deprived of the bounties which were engaged to be paid to him.

The next and last Cases referred to in the "report" are those of three Men, Joshua Epworth, James Street and William Leech and their families. The Men being charged with pilfering Wine from on board of the "Nabob," the Vessel in which they proceeded to New South Wales, They appear not to have been brought to trial and consequently are innocent in the eye of the law. Should it, however, have been otherwise, and they had been found guilty of "broaching some Wine Casks on board of the Vessel," we conceive it could hardly be considered just that we should be deprived of Bounties on these Men and their families, amounting together to £119. We have received from respectable parties additional Certificates of their good conduct prior to their leaving this Country, which we hand herewith and to which we beg your Lordship's attention. We have also to claim the Bounty of 1 Man per "Champion" named John Finn, who passed the Board but died a few days after landing.

We do not consider it necessary to comment on the subsequent observations made by Mr. Merewether, the Immigration Agent, in his report, as our object is simply to refer to facts and leave it to your Lordship to draw your own conclusions.

We have next to call your Lordship's attention to the accompanying Lists of Immigrants per Ships "Agnes Ewing," "Champion," "Agnes" and "Nabob," for whom bounties were not allowed, together with the reasons assigned and the amount of such bounties, as furnished by the Immigration Agent at Sydney. To each of these, we have attached our remarks and appended such evidence as we have been enabled to collect in support of our claim to be paid the Bounties. Owing to the length of time which has elapsed, the difficulty of meeting with the parties who signed the Certificates, and the death of one of our Agents, we are unable to produce any further evidence; but, as many cases not supported by direct testimony are very similar in character to others which are so supported, we trust your Lordship will see that the conclusions, arrived at by the Board in Sydney for the purpose of diminishing the amount of pecuniary claims upon the Government of New South Wales, have neither been dictated by former precedents or by justice to us, who had to bear the expense of conveying the Emigrants to New South Wales. It is not asserted that we were guilty of any intentional attempt to defraud the Government, but simply that we were deceived in some of the cases by parties who signed the Certificates of the Emigrants. No fault was found with us for improper treatment of them during the Voyages of the respective Vessels, and it remains to be proved that the parties, for whom bounties were disallowed, have not been as beneficial Settlers as any others who were sent out.

There have been cases of deductions in some other Vessels: but, not having received similar reports of them from the Immigration Agent at Sydney to those which accompany this Memorial, we are unable to bring them now under your Lordship's notice. We trust, however, to be enabled to do so in the course of a short time.

The single females, rejected on the ground of not being under proper protection and of not being Domestic servants, were:

- Per Champion, 8; Nabob, 1; Agnes Ewing, 10; Agnes, 8; together, 22;

which, with a greater number of deaths among the single women (10) than the single Men (9) a calamity which we could neither foresee nor prevent, caused the Immigration Agent at Sydney to refuse payment to us on 29 single Men by the aforenamed Vessels, though there were no objections whatever to them, and they were regularly passed by the Board. Your Lordship will perceive that there was a double object in endeavouring to prove that the single Women were not under proper protection or not Domestic servants.

In addition to all the aforenamed claims, we have also to state that we are alleged to have sent out, upon our unconditional order which expired on the 11th January, 1842, 30 Single Men in excess of Women, and upon these no bounties have been paid. According to the account which we kept, there was an excess of single Women among the Men of 22. The difference must have arisen in the incorrect account having been kept by us, which was unintentional or may in part have arisen from more Women than Men dying during the Voyages. We annex a Letter from the Colonial Secretary of New South Wales, dated 21st March, 1842, and addressed to our house, Messrs. A. B. Smith and Co. of Sydney, intimating that the bounties on these 30 would be paid on condition of their importing an equal number of single females in conformity with the regulation and within the prescribed time. The we were prevented from doing in consequence of your Lordship having put a stop to the sending out of any further Emigrants. Messrs. A. B. Smith and Co., but

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two Conditional orders each for 250 families, one for Sydney and one for Port Phillip; but the only Immigrants, which arrived out under them, were 66 families, 39 Single Women and 51 Single Men who went out in the "Wallace" to Port Phillip. They had previously an unconditional order for 500 families for Port Phillip, and those sent out by us upon that order consisted of 257 families, 225 single Women and 214 Single Men; consequently we considered that we had 11 single females to set against the 12 single Men, which were in excess per "Wallace." The Bounties on these Men have not been paid to us, and we have to request that your Lordship will be pleased to give directions that they, together with the other cases enumerated, may be favorably considered and the several amounts which have been withheld may be paid to our House, Messrs. A. B. Smith and Co. of Sydney, the total of which exceeds £3,000.

We have, &c.

WM. SMITH and SONS.

[Sub-enclosure No. 2.]

MR. F. L. S. MEREWETHER TO COLONIAL SECRETARY THOMSON.

Sir,

Emigration Office, Sydney, 4th October, 1842.

As requested by your blank cover Memorandum of the 13th August last and again by your Letter of the 28th Ult., I now do myself the honor to furnish the information required by His Excellency on points, raised by Messrs. A. B. Smith and Co. in a Letter herewith returned respecting the disallowance of Bounties on certain Immigrants by the "Agnes Ewing," the "Agnes," the "Nabob," and the "Champion."

The information first desired by His Excellency regards the following question put by Messrs. Smith and Co. with reference to the case of certain unmarried Females, who arrived in the above mentioned Ships and were reported to be ineligible for Bounties in consequence of their not having been properly protected. What is meant by not under proper protection, As we are not aware of a single instance in which any unmarried Female by any of our Vessels came out otherwise than under the protection of a respectable married couple?

In reply to this question, it might perhaps be sufficient to state that the Females referred to, though nominally under the protection of Married Couples, did not appear to the Board to have been attached to those couples in the manner prescribed by the Regulations, namely, "as forming part of the family and as destined to remain with them until otherwise provided for."

As however the Board have in many instances been satisfied with less clear proof that this Regulation had been strictly complied with than after His Excellency's late Instructions, it might have been their duty to require, I feel it necessary to state the line, which on receipt of those Instructions the Board thought it advisable to adopt with a view to preserve uniformity in their decisions.

The different description of protection, under which Females have been represented to the Board to have emigrated hither, may be shewn under seven distinct heads.

1. The protection of relatives or intimate friends, who feeling a real interest in the young Women under their care would anxiously and earnestly endeavor to promote their welfare both during the voyage and after arrival in the Colony; such I conceive to be the protection contemplated by the framers of the Regulations.

2. The protection of Brothers, which though in some respects perhaps it may be less satisfactory than that of married relatives or friends, may be considered as sufficient security against the exposure of single Females to insult or ill treatment during the Passage or to destitution after their arrival, if unable to obtain immediate employment.

3. The protection of Married Couples coming from the same Village or Town with the Girls under their care, and either more or less acquainted with them previously, or made known to them by mutual friends at whose request they undertook the charge. In few such cases, can the young women be said strictly "to form part of the family, or to be destined to remain with it until otherwise provided for"; but the interest, arising out of common friendship and a common birth place, may be expected to form a link between them and their protectors sufficiently strong to answer the main object of the Regulation.

4. The protection of a Married Couple provided or said to have been provided not by the Female's friends but by the Bounty Agents in England.

5. The protection of a Married Couple provided for single Females, who have embarked unprotected after leaving the Port; such protection as His Excellency is aware has not unfrequently commenced in Sydney Harbour.

6. The protection of the Surgeon Superintendent. Females so protected were numerous before the protection of a Married Couple was declared to be indispensable qualification for Bounty; but latterly the proportion protected according to regulation has much increased and the "Doctors" have been relieved from the special charges formerly committed by them.

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5 Sept.

Criticism by W. Smith and sons of reasons given for refusal of bounties.
Report by F. L. S. Single Females, who have appeared to have been under any of the three first disallowance of bounties, have been uniformly passed by the Board, even though in some instances as many as nine or ten young women have been attached to the same family and under such protection (if protection it can be called) were those single Females who form the subject of this Report.

His Excellency cannot fail to see, without insisting upon that part of the Regulation which requires the protection and support of the Married Couple to be extended to the female after her arrival in the Colony, the protection likely to be afforded by persons selected for the Office by the Bounty Agents, without any previous intimacy and probably without any previous acquaintance with the charge, cannot be considered as any security for the suitable Guardianship of any Female even during the passage.

I may here observe too that it has been brought within the knowledge of the Board that, in some cases, unmarried Females have, for the convenience of the Shipmasters, been separated from the families in whose company they proceeded from their homes to the port of embarkation and have been sent on a different Ship either without any other protection than that generally afforded by the Surgeon and Officers or have been provided with a nominal protector by the Agent, in the manner of which I am now speaking. The cases, to which I refer, did not occur in Ships equipped by the Messrs. Smith; but I have mentioned them merely as instancing one out of many evils, which would result from an allowance on the part of the authorities here of the sufficiency of protection provided by the Bounty Agents.

I will now proceed to state the circumstance of each of the several cases in question, as I find them to have been stated by the females themselves or by their nominal protectors on the day of Muster. My own practice in such instances has been to take down briefly the statements of the parties as to the manner in which single Females were put under protection and as to the length of their acquaintance, etc., as well as the mere fact of their having been put under protection by the Agent instead of by their own friends; and I am glad to find some explicit statements in several of the cases now under consideration, which will afford to His Excellency the means of judging of the remainder.

"Agnes Ewing," Jane Browne and Sarah Wood.

John Mullholland, under whose protection they represented themselves to have been so placed, the former by her Brother and the latter by her Mother, stated to one of my Clerks that Ellen Vance, Harriet Pattison, Sarah Wood and Jane Browne were under his protection; that these Females travelled with him to the Port of embarkation and were since under his protection, Sarah Wood and Jane Browne of the request of the Agents in Liverpool, Ellen Vance and Harriet Pattison are her friends and relations, The Protection of the two latter was considered satisfactory, that of the two former unsatisfactory.

Ellen McCue represented herself to Mr. Brown to have been placed under the charge of Patrick McManus and Wife by Mr. Smith. This statement is confirmed by Mr. McManus himself, who however says at the same time that he knew them both at home.

Eliza Mackenzie represented herself to me to have been put under the protection of Joseph Simpson and wife by the local Agent. Joseph Simpson stated that she was not known to him before he saw her at the Local Agent's Office in his neighbourhood; that she came over to Liverpool with him; but that he does not consider her as part of his family.

In the certificate produced in favor of this Girl, it is stated that she was under the protection of John Chipchase, whose written promise to that effect was attached, dated Liverpool, 23rd September, 1841. Chipchase when examined stated that he had no Girls under his care.

Bridget Madden and Bridget Moran represented themselves to me to have been under the protection of William Myers and Wife, but stated that they were unknown to her until she met them at Mr. Smith's Office, and that she was put under their protection by Mr. Smith.

William Myers stated that these Girls were unknown to him until he met them at Mr. Smith's Office; that they were put under his protection by Mr. Smith; that he believed them to be decent Girls but he knew nothing of them.

Mary Tracey represented herself to me to have been under the protection of William Riggs and his wife; she stated that she never saw them before she met them at the Agent's Office in Liverpool, and that she was put under their protection by Mr. Smith.
STANLEY TO GIPPS.

William Rigg stated that Mary Tracey was unknown to him before he saw her in the Agent's Office in Liverpool; that she was put under his care there; that she was not a part of his family.

"Agnes."

Ann Cogovan, Marian Moore and Ann Walsh represented themselves to one of my clerks to have been under the protection of Lawrence Daly, a neighbour, to whom they were entrusted by the Agent.

"Champion."

Ellen and Honora Brennan represented themselves to one of my clerks to have been under the protection of Michael Quigley, to whom they were entrusted by the Country Agent.

Michael Quigley stated that Margaret Nevan, Ellen Brennan and Honora Brennan were under his protection. The first placed by her Father, and the two latter given in charge to him by the Country Agent. The protection of Margaret Nevan was considered satisfactory, and that of the other two unsatisfactory.

The next case, on which His Excellency desires a report, is the stoppage of Bounty "for parties, who having passed muster and left the ships think proper to leave the Colony."

With regard to this case, I would beg to refer to His Excellency's decision in the case of three men per the 'Wilson,' who immediately after their arrival took ship for New Zealand at their own expense. His Excellency may remember that, in the course of a verbal communication which I had the honor to hold with him regarding this case, I ventured to express my opinion that it might be somewhat hard on the Importers to refuse payment of Bounties on these men after they had reached Sydney, merely because, in violation of an express engagement entered into with the Importers and recorded on the face of their certificates, they chose to transfer their labour to a neighbouring Colony instead of working for wages here. His Excellency was I think of opinion that, though the case might be hard, yet that the loss arising from such a glaring breach of their engagement by these men should fall upon the Importers, who made the Contract with them and not upon the Public. The justice of such a view, I must admit to be unquestionable, tho' I might not be sorry to see indulgence extended in such a case, supposing the Immigrants to have been well selected in conformity with the Regulations.

I need not repeat here the circumstances of one of the cases referred to by Messrs. Smith and Co. that, viz., of Bernard Coulan and Edward and George Dease per 'Agnes,' as they are fully stated in the List originally transmitted by me, and as their departure from the Colony is not the only ground of objection raised against them. They are reported by the water Police Magistrate to have presented an appearance far above that of Agricultural Labourers when they applied at his office for the document necessary to enable them to leave the Colony.

The case of Dominick Kelly and wife per 'Champion' appears to me, so far as I am able to form a judgment from the circumstances as represented to me, to be of a precisely similar character with that of the men per 'Wilson' above referred to.

The "Champion" arrived in the Harbour on the 12th February last, and the Emigrants were mustered by the Board. I think on the 15th February; on the 19th February Kelly and wife embarked in the "Sea Horse" for Port Phillip (as I have been informed by the Water Police Magistrate) on their way to Adelaide, their ultimate destination, as was reported to me by one of my Clerks, to whom he applied for his Certificate, which he required in order to enable him to obtain a clearance. The passage to Melbourne alone in the steerage of the "Sea Horse" is six pounds per head, and it is presumable that a Married Couple able to expend twelve pounds in this way and a further sum for their passage to Adelaide must have been of a class superior to that to which they represented themselves to belong.

The last remaining case, on which His Excellency desires information, is that of three men per "Nabob" on whom Bounties have been withheld in consequence of the Surgeon Superintendent's report, that they had been concerned in the theft of Wine on Board. The Surgeon's statement was as follows:

"Joshua Hepworth has been committed for broaching some Wine Casks; James Street was also sent to the Police Office but was admitted to bail.

"William Leach will be committed for being concerned in the theft of the Wine. The Police are in search of him."

I believe that no trial of this case did take place in consequence of the non-appearance of the principal witnesses; supposing these men to be innocent of the charge brought against them, and of good character, it would doubtless be hard upon Messrs. Smith and Co. that they should lose the Bounties; as however there is strong ground for the assumption that, even though they were not guilty of the offence charged against them, their character in the Ship was not good. I should not be disposed to recommend the allowance of Bounties, unless Messrs. Smith and Co. can give satisfactory proof that the men have conducted themselves with credit.
since their arrival in the Colony, and that they are engaged in the occupations which they professed to follow; proof of this latter fact will be the more necessary in the case of James Street and William Leach, as there appears some reason to doubt whether they have correctly represented their occupations.

Report by F. L. S. Merewether re disallowance of bounties.

I regret that this report should have been so long delayed; but, it having been called for during the Session of the Council, I could not give my immediate attention to the case, and I have since been obliged to set it aside for more pressing business both in this and the Council Department. At the same time, I cannot but observe that the question now raised by the Messrs. Smith respecting the protection of the single Females, appears to me to have been most unreasonably deferred. At the time when the Lists of the Immigrants and reports of the Board were being prepared in my Office, Messrs. Smith and Co. had every opportunity to ascertain the precise nature of every objection raised to any of the Immigrants on whose amount they claimed Bounty. As far as my recollection serves me, I believe that Mr. Smith, Junr., called frequently at the Office, whilst his Claims were under consideration, and that he then obtained every information which he required; and I distinctly remember that he was made aware, during the muster of the Immigrants, that the protection provided for single Females by their Agent at home could not be considered satisfactory.

In order to shew that the fullest information was or would on request have been afforded, I may remark that no small portion of my own time has been occupied in fully explaining to any persons, whether Agents, Surgeons Superintendents, or Masters, who called at the Office in support to rejected claims to Bounties, the precise nature of the objections taken and the grounds of all unfavorable decisions. I considered it my duty so to do, not only for their satisfaction and my own, but also in defence of the Government against a charge which has in many instances been urged before me in no seemly manner that the strict enquiry latterly made into the qualifications of Immigrants had arisen, not out of a just regard for the welfare of the community, whose interests were being sacrificed to those of careless or unscrupulous speculators, but out of consideration for the declining state of the Fund from which the Immigrants were to be paid for.

I cannot of course complain that Messrs. A. B. Smith and Co. should at any time bring forward proof that the Board has formed an erroneous judgment in any particular case; and I should have great pleasure if their unquestionably heavy losses could be much reduced by the production of such proofs; but I cannot think it consistent in them to raise at this late date such general questions as that by which I am now referring. Had they reason to be dissatisfied with any decision of the Board or to question the correctness of the circumstances on which any decision was founded, they ought, it appears to me, to have drawn up a statement of the case with their objections, and to have transmitted it at the time for His Excellency's consideration to be submitted if necessary to reinvestigation by the Board.

I have, &c.,

FRANCIS L. S. MEREWETHER.

[Sub-enclosure No. 3.]

STATEMENT.

In the United Kingdom, a Ship which we despatched for Sydney in May, 1841, there were 94 families, 74 Single Men and 58 Single women. Of the Single Men, 2 viz. Chris. Johnson and Peter Mitchell, were rejected, both on the ground of their being Clerks, not Agricultural Laborers. We have no means of procuring any further evidence respecting them. Another young man by the same Vessel was rejected on the ground of his Certificate not being signed by the Commissioners; he was a step son of Thomas Slater, whose general certificate was signed by the Commissioners, and included him; the Certificate bears the Commissioners No. 36. By the same Vessel, there were three single females, Margaret and Jane Barnes and Catherine Kennedy, who were rejected as being over age. We took them on the faith of the Certificates of age which they produced, and think it hardly fair that because they appeared to be older, we should be deprived of the bounties.

[Sub-enclosure No. 4.]

ADJUSTMENT PROPOSED RE EXCESS MALE IMMIGRANTS.

Gentlemen,

In reply to your letter of the 1st Instant, I am directed by his Excellency the Governor to inform you that there will be no objection to allow the excess Male Emigrants, imported by you in excess of the Female Emigrants, and above the number for whose introduction you held unconditional promises of Bounty, to be placed against the conditional authorities, and allowed for on your importing an equal number of females, in conformity with the Regulations and within the prescribed time.

I have, &c.,

E. DEAS THOMSON.
STANLEY TO GIPPS.

[Sub-enclosure No. 5.]

Colonial Secretary Thomson to Messrs. A. B. Smith and Co.

Gentlemen,

Colonial Secretary's Office, Sydney, 7 Novr., 1842.

In compliance with the desire, expressed in your letters of the 10th of August Transmission and 24th of September last, to obtain further information respecting the disallow- of report. ance of Bounties on certain Emigrants by the "Agnes Ewing," "Agnes," "Nabob," and "Champion," I am directed by his Excellency the Governor herewith to transmit to you a copy of a report, dated 4th ultimo, made by the Agent for Emigration in consequence of your communication.

E. Deas Thomson.

[Sub-enclosure No. 6.]


Gentlemen, Colonial Land and Emigration Office.

I am directed by the Colonial Land and Emigration Commissioners to Draft of acquaint you that the Memorial enclosed in your letter of the 1st ultimo has been forwarded to Lord Stanley and been fully considered, and I am now to convey to you the reply on the several points which it involves.

With respect to single Women rejected on the ground that they were not under proper protection, the principles of decision, communicated to you in my letter of the 30th of June last, will meet the cases which you have brought forward. The same principles will also govern the cases of persons rejected exclusively on the ground of their having left the Colony after they were approved. Dominick Kelly and his wife therefore will come within this rule. But, in respect to the three Passengers in the "Agnes," you will observe that, besides their having left the Colony, they were objected to on the ground of being considered above their professed class. The remarks, you have made on this point, will be forwarded for the consideration of the Governor. But, the matter being one on which the judgment was by the Rules specially reserved to the local authorities, the decision must be left to be taken in the Colony.

Instructions will be given to pay the bounties claimable on the men and their families on whose account they have been hitherto withheld, because they were accused but not convicted of a theft of wine.

With respect to single men rejected because there was not an equal number of single women, the rules of decision above referred to settle that the comparison should be with the number of Single Women embarked from England and not with the number who may have reached the Colony alive or been approved there. Beyond this general principle, it would not seem practicable to enter into any discrepancies between the numbers on the lists you have kept in this Country and those which appear to have been recognised in the Colony. But in regard to the wish which you express that the excess of single Women alleged to have been sent out under a former order held by yourselves or your correspondents in the Colony, may be set off against the subsequent deficiency in the ship "Wallace," also sent out by you, I am to state that the view to be taken of it will probably depend on the length of the interval since the close of those previous transactions. If no excessive time intervened, the request would not appear unreasonable; and it has been referred, subject to a proper examination of the details, for the consideration of the Governor.

With respect to Miscellaneous cases not coming under any of the foregoing heads, the additional evidence you have produced has been forwarded to the Governor for revision in the Colony, and for such decision as justice may require.

I am, &c.,

[Unsigned.]

[Sub-enclosure No. 7.]

Messrs. W. Smith and Sons to Mr. S. Walcott.

Sir, Liverpool, 1st July, 1843.

We have had the satisfaction to receive your communication of the 30th Letter ultimo containing a memorandum of certain general principles,* which have been acknowledged. laid down by Lord Stanley for the guidance of the Governor of New South Wales in reconsidering the cases of Immigrants for whom Bounties have not been allowed. We feel grateful for the consideration which has been given to this subject by Lord Stanley and the Colonial Land and Emigration Commissioners, and desire to acknowledge the justice of the principles set forth in the memorandum referred to. We notice the intimation at the conclusion of your letter that it is open to us to bring before the Governor, in the regular manner through our Agents at Sydney, any cases which appear to us to fall within the scope of the general rules; but, having prepared a Memorial to Lord Stanley on the subject of our claims, which we had intended to send to day to His Lordship, through the medium of Lord

Sir. I. Vol. XXIII—H  * Note 16.
1843.
5 Sept.
Submission
of statement
of claims.

114 HISTORICAL RECORDS OF AUSTRALIA.

Sandon, we shall now adopt the course of transmitting it to you for the purpose of being laid before Lord Stanley by the Land and Emigration Commissioners, and we enclose it accordingly.

The Commissioners will observe that there are several cases that do not fall within the scope of the general rules laid down in the memorandum, respecting which we should be glad that Lord Stanley's sentiments should be conveyed to the Governor of New South Wales. It appears to us that, as the matter now stands, the governor would reject all cases at once which do not come within the scope of the general rules; and, as some of ours so circumstanced are of a peculiarly aggravated character, we feel assured that there will be every disposition on the part of Lord Stanley to do us justice.

We would first call attention to the cases of 30 Single men, referred to in the letter of the Colonial Secretary to our Sydney House dated 31st March, 1842, and to the 12 Single men per "Wallace" to Port Phillip, both alluded to in our Memorial herewith. Next there are the cases of various persons, whose certificates represented them to be Farm Labourers, which in fact they were to all intents and purposes just as much as any of the trades which the Immigration Agent at Sydney has specified them as belonging to. They were generally employed on Farms, but could work also as Tailors, Woolsorters, etc.; and, as at the period of their arrival in Sydney the farming interest was very much depressed, and the influx of farm Labourers very great, it was natural that they should avail themselves of the knowledge they possessed, and obtain employment accordingly. We also refer to the cases of three families per "Nabob," the Bounties for whom were withheld on the plea of their being suspected of having broached some Casks of Wine on board of that Vessel during the voyage. These are all cases, which do not come under any of the Rules laid down in the Memorandum, which has been transmitted to us.

We have, &c.,
WILL. SMITH  and SONS.

6 Sept.
Transmission
of petition
from family
of J. Batman.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 140, per ship Alert; acknowledged by Lord Stanley, 30th January, 1844.)

My Lord,

Government House, 6th Septr., 1843.

Herewith I have the honor to transmit a Petition, which has been addressed to Her Most Gracious Majesty by The Widow and Children of the late Mr. John Batman of Port Phillip, praying that, in consideration of their losses and suffering, they may receive a grant of Land in that District; and, though the request is one which cannot, since the passing of the 5th and 6th Vict., C. 36, be complied with, I do not feel at liberty to decline forwarding the Petition.

Mr. John Batman was one of the original adventurers who passed over from Van Diemen's Land to Port Phillip in 1835, and formed what was then called the "Port Phillip Association," in respect to which a long correspondence ensued, which was terminated only by my Despatch No. 225 of the 24th November, 1841, wherein I reported the final settlement of the arrangement, under which Lands were granted to the Members of the Association to the value of £7,000.

Mr. Batman's name has also occurred on more recent occasions in my Despatches to your Lordship, and particularly in relation to Captain Lonsdale's complaints against Mr. Willis, late Resident Judge at Port Phillip, Capt'n Lonsdale having been one of Mr. Batman's Executors, and in that capacity engaged in Legal proceedings before the Supreme Court of the District.
I greatly lament to find that the Widow and family of Mr. Batman have, during the pecuniary reverses of the Colony, been reduced to distress; but I am not myself in possession of any fund out of which relief can be afforded to them. 

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this petition will be found in a volume in series III.]
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 141, per ship Alert; acknowledged by lord Stanley, 12th February, 1844.)

My Lord,

Government House, 7th Septr., 1843.

I have the honor herewith to forward a Memorial which has been addressed to Your Lordship by Mr. W. Brooks, who arrived in this Colony as a Settler in the month of Decr., 1826.

The object of Mr. Brooks’ Memorial is to complain that he has been unjustly treated by me, first in 1839 in being refused an additional Grant of Land under the Regulations of April, 1826, and more recently in not being allowed to reckon the maintenance of Convict servants in the extinction of his Quit Rents, to one or other of which advantages he alleges he is entitled by virtue of a letter which he obtained from the Colonial Office in Downing Street in May, 1826.

It is quite true that both these claims have been overruled by me; and the reasons why I overruled them may be summed up by saying that Mr. Brooks’ case was repeatedly under the consideration of Governor Darling in the years 1826, 1827 and 1828, when the claims of settlers to Grants of Land were generally admitted with great facility; that he received all General Darling considered he had a right to, and that under General Darling’s decision he is entitled to nothing more. Mr. Brooks received from General Darling three sections (square miles) or 1,920 acres of Land in two portions, one of 640, the other of 1,280 acres; but both these Grants (or rather promises of Grants) were made expressly under the regulations promulgated in the Colony on the 5th September, 1826; and, under these regulations, Mr. Brooks is not entitled to either of the things which he has asked of me. I have now before me letters, proving that Mr. Brooks urged his case with General Darling most perseveringly, but failed to obtain from him more than I have mentioned. Supposing even injustice to have been done to him by General Darling, he ought then, that is to say at latest in 1828, to have appealed to the Secretary of State; as however he did not do so, I have refused to go back beyond the date of General Darling’s decisions, or to constitute myself the Judge whether or not those decisions, given fifteen years ago, were right or wrong.

The documents, of which I enclose Copies, will, I think, fully prove that I am justified in considering Mr. Brooks to have obtained his Land under the Regulations of the 15th Septr., 1826; and that he is entitled to no further advantages than those regulations secure to him.
Copy of an application from Mr. Brooks for a Grant of Land, under the very regulations in question, signed by himself, dated the 2d Jany., 1827.

Copy of the Report of the Land Board on the same application, indorsed by General Darling, "Le: him have authority to select one square mile."

Copy of an application from Mr. Brooks for a further Grant of Land, with an endorsement on it by General Darling, authorizing him to select a second section, in consideration of the mistake which had been committed in his case.

Copy of a further application from Mr. Brooks, dated the 14th Augt., 1828, indorsed on which is a minute from General Darling, allowing Mr. Brooks two additional sections of Land instead of one.

Of these three several sections of Land, Mr. Brooks has subsequently obtained regular Deeds of Grant from the Crown; but they are issued under the Regulations of the 5th September, 1826, and expressly specifying that the Lands granted to Mr. Brooks are to be charged with Quit Rents, redeemable in no other way than by payment of 20 years' purchase of them; these Deeds were not, it is true, issued until long after General Darling left the Colony, but they were issued (by myself) in strict conformity with the promises made to Mr. Brooks by General Darling.

Of the Regulations of the 5th Septr., 1826, I do not enclose a copy, as they are to be found at Page 12 of the Parliamentary paper, No. 394, ordered to be printed by the House of Commons, on the 13th April, 1832, and headed "New South Wales Land Regulations."

In respect to Mr. Brooks' application for a secondary Grant under the authority of the Letters, issued from Downing street in 1826 and 1827, to persons intending to Emigrate to New South Wales, and which are quite distinct from the Regulations issued in the Colony on the 5th Septr., 1826, I may explain that his application for a secondary grant was refused on three grounds:

1st. Because he was not the bearer of one of those letters from Downing Street, but of one of an earlier date;

2ndly. Because he had already received a Grant of two sections of Land, in addition to his original or primary Grant of one Section, and that consequently, had he even been the bearer of one of those letters, his claim to a secondary Grant would have been already satisfied; and,

3rdly. Because his application to the Colonial Government was not made until the 27th Septr., 1838, whereas it ought to have
been sent in before the 1st January in that year, according to Government notice of the 27th June, 1837.

I have only to add that, though I have no Copy of the Paper of which Mr. Brooks really was the bearer, I have no reason to doubt its being such as he describes it; I suppose it indeed to have been a Copy of the paper alluded to in Lord Bathurst's Despatch to General Darling of the 30th July, 1826, as having been transmitted to Sir Thomas Brisbane on the 1st January, 1825; I doubt, however, very much, whether it would have entitled him to as much Land as he got from General Darling, viz., 1,920 acres, the available capital which he brought with him being only £500.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

The Memorial of William Brooks of Lochend, near Newcastle, County of Northumberland, New South Wales,

To The Right Honorable Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies, etc., etc., etc.,

Humbly Sheweth,

That your Memorialist left London for this Colony on the eighth day of June, 1826, accompanied by his wife and sister in law. That, on the tenth day of May immediately preceding, he addressed a letter to Earl Bathurst, then Secretary of State, intimating his intention to emigrate to this Colony, and requesting to be furnished with the necessary instructions; subjoining also the testimony of William Grane, Esquire, Solicitor, John Street, Bedford row, and Messrs. Crump and Mutrie, Warehousemen, Watling Street, London, as to his respectability and the amount of his property.

On the 12th day of May, 1826, just twenty seven days before he left London, your Memorialist received an answer to his application, by order of Earl Bathurst, with the written signature of R. W. Hay, Under Secretary of State, referring him to a Summary of Rules accompanying the letter, and which were stated to contain all the information your Memorialist required, and that agreeably to these Rules he should receive a Grant of land on his arrival in the Colony.

On the faith of these well known Rules, which are dated Nov., 1824, and are still in his possession, your Memorialist left his native land, and immediately on his landing in Sydney he waited on the Governor, General Darling, and presented the Secretary of State's letter and Rules, which His Excellency declared to be obsolete, and referred your Memorialist to the land regulations which had superseded them.

Under the latter regulations, which were dated April, 1826, your Memorialist was entitled to (by the amount of his property) and received a primary grant of 1,920 acres, whereas, under the "Summary" he had brought with him, he should have had a grant of 2,560 acres.
In the Rules of 1826, however, a specific promise was made of a secondary Grant, on condition of expending in improvements five times the estimated value of the primary grant.

Your Memorialist with perfect good faith performed the prescribed conditions, and then applied for his Secondary Grant. His Excellency Sir George Gipps, however, having taken a totally opposite view of his case from that which General Darling had taken, refused him his secondary grant, on the ground that your Memorialist had emigrated under the Summary of 1824, those Rules which General Darling had declared to be obsolete and refused to act upon.

Your Memorialist, then recurring to the "Summary" of 1824, which he had brought with him, and which Sir George Gipps had thus recognised as sufficient to decide a case against him, applied to be allowed to redeem his quit rent, agreeably to the 15th Rule of the same summary; but His Excellency would not acknowledge his right to do so.

Your Memorialist has thus sustained very heavy losses, amounting to three times the upset price of his primary grant, first by the mistake of the Colonial Office in furnishing him with obsolete land regulations, or which the Governor of the time declared to be obsolete, and again by the conflicting decisions of successive Governors, denying to him the peculiar advantages of both sets of land regulations, those of November, 1824, and those of April, 1826.

Your Memorialist’s claims, under each set of land regulations, are as follows:

Under the “Summary” of 1824, which he received from the Secretary of State, just 27 days before he left London to join his ship at Gravesend, he would have received 2,560 acres, but he only received 1,920 acres under those of April, 1826. Under the Summary of 1824, he was allowed to charge in the redemption of his quit rent £3 4s. per annum for each Convict he maintained, and in this way by paying a certain sum (which he has paid) has redeemed his quit rent; but his right to charge as above has been refused by Sir George Gipps. In the same Summary, it is clearly stated in what manner an Emigrant shall become entitled to a secondary Grant, but this also has been denied to him.

Abstract of Claim under 1824 Rules:—640 acres primary grant due 16 years. Right of charging for maintenance of Convicts in the redemption of his quit rent. A general right to a secondary Grant. Or, under the regulations of April, 1826, in force on his arrival, your Memorialist having obtained his primary grant of 1,920 acres, and having agreeably to the same expended the requisite amount in improvements and being possessed of the amount of property prescribed, he became entitled to a secondary of 2,560 acres and such a grant his fellow passenger Mr. J. P. Webber actually received; but a secondary grant has been refused to your Memorialist as before mentioned on the ground that he emigrated under the regulations of 1824, which General Darling declared to be obsolete on his landing.

Claim under the regulations of April, 1826:—A secondary Grant of 2,560 acres due five years.

Your Memorialist humbly entreats your Lordship to grant him redress, either by directing that, under the regulations of 1824 on the faith of which he left his native land, he be allowed the
1843. 7 Sept.
Memorial of W. Brooks claiming additional land grant and remission of quit rent.

remainder of his grant, and he allowed to charge, as promised in the same regulations, for the maintenance of Convicts in redeeming his quit rent. Or that, under the subsequent regulations of April, 1826, he be allowed his secondary grant, which he has more than purchased by the otherwise unnecessary expenditure, which he incurred in order to entitle him to it. Or in such other way, as may appear to your Lordship to meet his case.

Your Memorialist has four sons born in the Colony. He begs to mention that he is personally known to Dep. Com. Genl. Wemys of Edinburgh, Captain Sir W. E. Parry, and Thomas Cudbert Harington, Esquire.

WILLIAM BROOKS.
Lochend, N. Newcasle, N. S. Wales, 16th August, 1843.

[Sub-enclosure.]
COPY of the 15th Rule referred to in the foregoing Memorial.

"15th. In the redemption of his quit rent, the Grantee will have credit for one fifth part of the sums which he may have saved to His Majesty's Government by the employment and maintenance of Convicts; and, for the purpose of making this allowance, it will be calculated that the Government has saved £16 for each convict employed by the Grantee, and wholly maintained at his expense on his land for one whole year."

Summary or Rules, dated Nov., 1824.

[Enclosure No. 2.]
APPLICATION for a Grant of Land without Purchase.

Sir, Sydney, 2nd January, 1827.
I beg you will submit to His Excellency the Governor my Request that I may receive a Grant of Land, under the Regulations contained in the Government Order, No. 35, dated 5th September, 1826, the Means which I propose appropriating to Agricultural Purposes being as follows, viz.:—

<table>
<thead>
<tr>
<th>Description</th>
<th>£  s  d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash in Bank of Australia</td>
<td>400</td>
</tr>
<tr>
<td>in my own hands and articles useful in agriculture</td>
<td>50</td>
</tr>
<tr>
<td>in England</td>
<td>580</td>
</tr>
<tr>
<td>Leasehold property in do (£35 pr. an.) say</td>
<td>250</td>
</tr>
</tbody>
</table>

£1,330 0 0 Stg.

I have, &c.,
WM. BROOKS.

at John Bushy, Esq., Liverpool Street.

N.B.—Besides this property I am possessed of furniture and Clothes to the value of nearly £400.

W.B. Copy of General Darling's minute on the foregoing letter.

REFFER to the Land Board to verify his Capital. It will be right to ascertain in what manner he proposes to employ himself at present.

4 Jan'y. R.D.

[Enclosure No. 3.]
MESSRS. W. STEWART AND W. LITHGOW TO COLONIAL SECRETARY MACLEAY.

Sir,
Land Board Office, 29th January, 1827.

We have the honor to acknowledge the receipt of your letter of the 8th Instant, transmitting to us the application of Mr. Wm. Brooks, a new Settler, for a Primary grant of Land, and requesting
of us "to ascertain the actual amount of his Capital, which is now available in this Colony for agricultural purposes, and the manner in which he proposes to employ himself at present." In reply, we beg leave to report, for the information of His Excellency the Governor, that Mr. Brooks came before the board on the 8th Instant, and laid before us the enclosed Schedule of his property at present available in this Colony, amounting to £500, but he stated to us, at same time, that, exclusively of this sum, he has £580 in England, for which he is authorized to draw as he requires it, and that it is his intention to do so without loss of time.

He is also the Proprietor of a Leasehold property in England of the value of £250, for the immediate disposal of which he gave instructions before he embarked.

His referee, Mr. Deputy Commr. General Wemyss, who knew the applicant in Scotland before he came to this Country, gives a highly favorable character of him, and confirms the statement, he has made, as to the amount of his Capital.

He also informs us that he is at present employed by Archdeacon Scott as a Catechist in the District of Hunter's River, and adds that the applicant has come out as a bona fide Settler, and will reside upon and manage in person any Land that may be granted to him. We can, therefore, see no objection to the applicants receiving a Grant of Land in proportion to his means.

We have, &c,

WILLIAM STEWART.
WM. LITHGOW.

Copy of General Darling's minute on the foregoing letter.

[Enclosure No. 4.]

MR. W. BROOKS TO COLONIAL SECRETARY MACLEAY.

Sir,

Sydney, 12th January, 1828.

Having lately resigned my office of Catechist under the Church and School Corporation, I take the liberty to request that you will do me the honor to lay before His Excellency the Governor the circumstances connected with the Grant of Land made to me in February, 1827, and which from its limited extent so greatly disappointed the expectations I had been induced to form in England, and on which my resolution of emigrating to this Colony was formed.

Previous to my leaving England, I sent a statement of my capital, amounting to £1,300, to the Secretary for the Colonies, attested by my Solicitor Mr. Grane of the highly respectable firm of Messrs. Brooks and Grane and Cooper of London, to which I received an answer, conveying to me the rules or conditions for the granting and sale of lands, by which I considered myself entitled to the largest grant of 2,560 acres.

I beg leave most respectfully to request His Excellency's attention to the rule on which my claim is founded; "Rule 12. no grant is to be made to any person without purchase, unless the Governor is satisfied that the Grantee has both the power and the intention of expending in the cultivation of the Land a capital equal to half the estimated value of it."

R.D., 15.

Minute by R. Darling.
I proved to the Land Board that I possessed £500 Stg. in the Colony and £800 at home, which I was to bring out as I required it. 2,560 acres at 2s. 6d., which is half the average value of land, amounts to £320, so that I considered the £500 of itself as sufficient to entitle me to the largest grant of 2,560 acres, agreeably to the rules which I received from R. W. Hay, Esq., under Secretary of State, on the faith of which I ventured myself on a long perilous and expensive voyage to this Colony.

The statement of my property, though made in London, was exclusive of about £300, the costs of the voyage and also exclusive of household furniture, cloths, etc., to a considerable amount.

I have been obliged to come to Sydney again on this business at a considerable expense; and I would humbly and respectfully request His Excellency the Governor to give my case an early consideration; it is not a question of aggrandisement, but of mere living; the land, that I have received, will not support my family; it will not feed my Cattle; the value of it does not exceed one half of the costs of my voyage from London to Sydney. I have purchased nothing on credit to swell the nominal amount of my property. I have had recourse to no acts of deception or of policy, but have simply and plainly stated the facts of my case; and the result is, that I possess the means (If I receive the quantity of Land that I calculated on when I left England), under the good providence of God, to render myself perfectly independent; but, if a sufficient portion of Land is not granted to me, the consequence will be to reduce myself and family to a meagre and dependant condition, which I had no reason to dread from the amount of my means, had I remained in my native Country.

WM. BROOKS.

Extract of General Darling's minute on the foregoing letter.

"Inform him that the regulations, which he brought out, were dated in the year 1824, and were obsolete when he arrived. That, in consequence, however, of the mistake and understanding he intends to reside on his land, I shall give orders for his receiving authority to select another square mile to be added to the former as an original Grant, and shall be very glad to afford him any further assistance, as soon as I can do so consistently with the claims of other applicants.

"Let him have authority to select a Second Square mile as above."

R.D. 19.

[Enclosure No. 5.]

MR. W. BROOKS TO LIEUTENANT DE LA CONDAMINE.

Sir,

Cumming's Hotel, Sydney, 14th August, 1828.

As I am very desirous to return to my family by Saturday's Packet, I do myself the honor to state to you a few facts, which more prominently appear in my case now awaiting the award of His Excellency the Governor.

I received at first only one section of Land, and, in choosing it, I selected the most eligible, where the Country to the North was (according to the Chart) perfectly open. The Land to the North, however, has since been claimed and granted, and I am thereby driven into a corner; and His Excellency's kind intentions in granting me another section in March last have been thereby
frustrated, for having built and fenced and settled on my first section, unless I can receive the second section near to it, I should incur great loss and be subject to inconvenience and difficulties, which, with a family consisting of my wife, my daughters and sister, would be severe indeed.

The accompanying statement will shew that even agreeably to the Government order of September, 1826, I am entitled to about three Sections; and I pray His Excellency to order me to receive the third; but I will not press that this should also be adjacent, if His Excellency should feel any difficulty in granting it.

I have, &c.,

WILLIAM BROOKS.

WILLIAM BROOKS.

Amount brought with me and proved before the Land Board January, 1827 £500
Amount drawn for and received in goods by ship Australia 400
Amount that I can yet draw for and intend drawing for as I require it wide annexed certificate of Messrs. Spark and Ropsey 500

£1,400

The above is a general statement, but I am sure the amount stated is within my means.

WM. BROOKS.

Copy of General Darling’s minute on the foregoing letter.

“LET Mr. Brooks be informed that the former authorities have been cancelled, and that he will be allowed to select two square miles in addition to the one he has already received as a Primary Grant; but he cannot, with reference to the Government notice of this date, be admitted as a Candidate for purchase.

“Octr., 23.”

R. Darling.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 142, per ship Alert.)

My Lord, Government House, 9th September, 1843.

In obedience to the directions contained in Your Lordship’s Despatch, No. 33 of the 8th March, 1843, I have caused enquiry to be made respecting a man named John Burch, who was left in this Colony in July, 1841, when the ship (the “Earl Grey”), to which he had belonged, proceeded to China; and I forward the enclosed copies of statements for the satisfaction of his Mother, on whose behalf an application was made to Your Lordship on the 24th Feb., 1843, by Mr. E. E. Perkins.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

MEMO. for the information of His Excellency the Governor, respecting John Burch.

JOHN BURCH arrived in this Colony in the “Earl Grey,” Captn. Mollison, on the 24th June, 1841; was discharged from that vessel on the 2d July following; shipped in the “Tamar” Steam Boat
on the 29th of the same month; was discharged from that Vessel on the 6th September in the same year, and shipped in the Schooner “John and Charlotte,” on the 16th of the same month; was discharged from that Vessel on the 11th November following; and, on the 23d of the same month, he went as passenger to Wollongong in a Cutter called the “Elizabeth Lloyd,” since which time he has not been heard of.

As the Cutter “Elizabeth Lloyd” belongs to Wollongong, and trades about the 5 Islands, it is probable some more information may be obtained respecting this individual by application to the Authorities in that District.

H. H. Browne, J.P.

Supt. of Water Police.

Water Police Office, Sydney. 23d August, 1843.

[Enclosure No. 2.]

REPORT BY MR. P. PLUNKETT.


The Schooner “Elizabeth Lloyd” made three trips to this District in June and July, 1841, viz., to Wollongong, Shellharbour, and to Kiama, and has not been here since. The Police Magistrate of Wollongong cannot obtain any intelligence of John Burch, the man required for.

P. Plunkett, P.M.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 143, per ship Australasian Packet; acknowledged by Lord Stanley, 2nd March, 1844.)

My Lord,

Government House, 11th Sept., 1843.

In my Despatches Nos. 90 and 92 of the 16th May, 1842, I brought under your Lordship’s notice the atrocious murder of three Aboriginal Women and a Child, committed on or about the 23d February in that year at a grazing Station belonging to Messrs. Smith and Osbrey near Port Fairy, in the District of Port Phillip; in a subsequent Despatch of the 11th June, 1842, I assured your Lordship that no exertion should be wanting to discover and bring to justice the perpetrators of the horrid deed; and, after the lapse of more than a year, I transmitted to your Lordship papers with my Despatch, No. 104 of the 2d July, 1843, shewing that three persons, named as in the Margin,* had been committed to take their trial for the Murders in question. These latter papers were, I may remark, transmitted in connexion with some of the various charges made in the Port Phillip District against the late Resident Judge, and for the purpose of shewing, on the part of Mr. La Trobe and the Official Protectors of Aboriginals, the tendency which the interference of the Judge was likely to have to defeat the ends of Justice.

* Marginal note.—Richd. Guinness Hill; Joseph Betts; John Beswicke.
GIPPS TO STANLEY.

I have now to report to Your Lordship that the trial of the three men, already named, came on at Melbourne before the acting Judge, Mr. Jeffcott, on the 31st July last, and ended in an acquittal.

I enclose copies of the following documents:
1. The Judge's Notes of the Trial;
2. Letters from the Judge to Mr. La Trobe;
3. Letter from Mr. La Trobe to the Colonial Secretary with one enclosure.

From these documents, it seems to me to be established beyond any rational doubt that the three Aboriginal Women and the Child were murdered by a party of white men, who left Mr. Osbrey's Hut with fire arms, and returned to it after about an hour's absence, on the 23d February, 1842; that two at least of the persons, who have been acquitted, accompanied the party; and that there is no doubt of the identity of two or three others, though they have, I believe, left the Colony.

I have, &c.,
Geo. Gipps.

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

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 142, per ship Alfred.)

Sir, Downing Street, 12 September, 1843.

I have received your Dispatch No. 38 of the 28 of March last, enclosing a letter addressed to me by the Bishop of Australia relative to the style alleged to have been assumed by the Revd. Dr. Polding as Head of the Roman Catholic Church in New South Wales. I have also received your Dispatch marked "Separate" on the same subject.

You will acquaint the Bishop of Australia that his letter has been received, but that I must decline a discussion of the questions which it raises.

I have, &c.,
Stanley.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 144, per ship Australasian Packet; acknowledged by Lord Stanley, 4th March, 1844.)

My Lord, Government House, 12th Septbr., 1843.

I have the honor herewith to enclose addresses of Congratulation to Her Most Gracious Majesty the Queen, and Her Majesty's Royal Consort Prince Albert, from the Legislative
1843.
12 Sept.

Address from legislative council to H. M. the Queen:

Address To The Queen's Most Excellent Majesty.

May it please Your Majesty,
We, your Majesty's dutiful and loyal subjects, the Members of the Legislative Council of New South Wales, in Council assembled, desire to approach your Royal presence with the unanimous expression of our heartfelt congratulations to your Majesty on the auspicious occasion of the birth of another Princess.

By this happy event, the nation receives the further gratifying assurance that the succession to the Throne will be secured in the line of Your Majesty's illustrious House. We gratefully acknowledge the Divine Providence, which has watched over Your Majesty's Safety; and we earnestly pray that Your Majesty, under a continuance of the same Divine blessing and protection, may be long spared to reign over a loyal and united people.

ALEXR. McLEAY, Speaker.

Legislative Council Chamber, Sydney, 5th September, 1843.

[Enclosure No. 2.]

Address To Field Marshall His Royal Highness Albert, Prince of Saxe-Coburg and Gotha, etc., etc., etc.

May it please your Royal Highness,
We, Her Majesty's dutiful and loyal Subjects, the Members of the Legislative Council of New South Wales, in Council assembled, having received the gratifying intelligence of the birth of another Princess, desire to offer to your Royal Highness our sincere and most respectful congratulations on that auspicious event. We fervently pray that the Royal Infant may prosper, and that Her most gracious Majesty, and your Royal Highness, may be long preserved to the nation.

ALEXR. McLEAY, Speaker.

Legislative Council Chambers, Sydney, 5th September, 1843.

———

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 144, per ship Alfred.)

Downing Street, 14 September, 1843.

Sir,

I have received your Dispatch No. 27 of the 7th of February last, relative to the verification of Balances in the Colonial Treasury at New South Wales; and, having communicated that Dispatch to the Lord Commissioners of the Treasury, I have now to acquaint you that their Lordships have intimated to me that, altho. it does not appear that the Instructions addressed to you in regard to such verification had been strictly complied with,
the measures adopted for the security of the Public Money seem to have been efficient, and that, adverting to the powers in regard to control over Colonial Funds which will rest in the Local Legislature and Government of New South Wales under the arrangements sanctioned by the Act of 5 and 6 Vict., Cap. 76, the Lords Commissioners do not deem it necessary that any further directions should be conveyed to you on the subject.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 145, per ship Australasian Packet.)

My Lord, Government House, 14th Sept., 1843.

I have the honor to forward herewith a Copy of an Address which I have received from the District of Port Phillip, thanking me for having removed Mr. Willis from the Office of Resident Judge of that District.

I also enclose a Copy of a letter from Mr. La Trobe which accompanied the address.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 145, by the ordinary post; acknowledged by Sir George Gipps, 9th April, 1844.)

Sir, Downing Street, 15th September, 1843.

I transmit to you, herewith, copy of a Memorial addressed to me by Mr. Percy Simpson on the subject of pecuniary claims on Government, arising out of the appointment he held as Civil Commandant of Wellington Valley, New South Wales.

I have to request that you will furnish me with an early Report on this claim.

I am, &c.,

STANLEY.

[Enclosure.]

The Memorial of Percy Simpson, Esquire, late Police Magistrate of Patrick's Plains in the Colony of New South Wales, now residing at No. 9 Whitehall Place, London,

To the Right Honorable Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies, etc., etc., etc.

Most respectfully Sheweth,

That your Memorialist emigrated to New South Wales in 1822, and on his landing in November obtained a Grant of 2,000 Acres of Land.
That, on the 1st of Jany, following, your Memorialist entered into a written Agreement with the Colonial Government to undertake the formation and conducting of an Agricultural Depot in a remote and newly discovered part of the Colony called Wellington Valley, and by way of Payment for so arduous a service (subject to every privation both moral and physical), it was stipulated that your Memorialist was to receive a Salary for the first year in advance, after which he was to receive £4 for every Convict he was able to subsist for the next year on the wheat produce of the Settlement.

That, on the arrival of General Darling as Governor, Your Memorialist applied for a settlement of his account; that His Excellency made several proposals to your Memorialist to compromise his Claim (having previously admitted the agreement by paying three several sums of money thereon on the same terms as had been previously paid by Sir Thomas Brisbane), which offer to compromise your Memorialist not acceding to, His Excellency published an order in the Government Gazette on the 30th of June, annulling all agreements made by Sir Thomas Brisbane, and informing your Memorialist of his services being discontinued; that your Memorialist should for his past services be allowed a Salary at the same rate as that paid to the Military Commandant at Bathurst, a Settlement that had been established for many years with a full compliment of Civil Officers attached thereto.

That your Memorialist by such unprecedented decision had only a balance paid him of £193 17s. 2d.

That your Memorialist respectfully protested against such arbitrary decision as not being in accordance with his written agreement, His Excellency however refused to alter his decision, but left the question open for reference to his Predecessor Sir Thos. Brisbane, with whom your Memorialist had made the agreement.

That by such decision your Memorialist was plunged into extreme pecuniary distress; and, in order to discharge debts contracted on the faith of the agreement made with the Colonial Government being fulfilled, had to sell his promised Grant of Land for a very inconsiderable sum of money owing to his not being able to get the Title Deeds from General Darling until 5th March, 1829.

That the proceeds of such Grant of waste Land being sunk towards the discharge of his original debt and interest thereon, your Memorialist was further obliged to sell his Military Commission for £700, although your Memorialist was receiving thereon the yearly sum of £136 17s. 6d. as a Lieutenant on the retired List of the 5th Royal Veteran Battalion.

That your Memorialist further suffered an equally serious loss from the same cause by being obliged to discontinue and lose for ever a Policy of Insurance, which had been kept up several years to the full amount of his Military pay as aforesaid, thereby leaving your Memorialist's Family, consisting of a Wife and seven Children, totally unprovided for.

That your Memorialist is far from wishing to impute to General Darling an intention to cause this ruin to him or to do an act of injustice, but that he acted solely from misconception of the agreement, as is now proved by Sir Thos. Brisbane's Letter of the 17th August, 1843.

That your Memorialist's claim on the above agreements amounts to £2,810 as by Documents annexed, exclusive of the sum of £500 as Compensation for 21 years' services under the Colonial Government.
by a Regulation of the Rt. Honble. the Secretary of State, as laid down by a Dispatch to the Governor bearing date the 26th Sept., 1831.

That your Memorialist ventures to submit a memorial presented to Governor Sir George Gipps and his reply thereto, together with an opinion of the Surveyor General Sir Thomas Mitchell as regards your Memorialist’s Services in New South Wales; also Letters from the late Sir Thomas Maitland and the Adjutt. General Sir Henry Torrens relative to your Memorialist while serving in the Ionian Islands as Judge advocate, and subsequently as local Governor of the Island of Paxo for three years.

That your Memorialist has now returned to England (leaving his Wife and Family in New South Wales) for the express purpose of submitting this Memorial, supported by the opinion expressed by Sir Thomas Brisbane under date of the 17th Instant, which establishes the justice of your Memorialist’s claim.

Your Memorialist, therefore, most respectfully implores that your Lordship may be pleased to take his case into favorable consideration, and afford him such relief under the circumstances of the case (one of extreme hardship), as to your Lordship shall seem meet, by granting compensation for loss of appointment, and directing the balance due on Sir Thomas Brisbane’s agreement to be paid your Memorialist from the British Treasury or allow the question to be tried before a competent Tribunal by consent of the Lord High Chancellor where the Evidence of Sir Thomas Brisbane can be produced.

And Your Memorialist will ever Pray. 

Percy Simpson.

No. 9 Whitehall Place, 1st September, 1843.

List of Papers which accompany the Memorial.

No. 1. Letter from Downing St., dated 5th March, 1822.

2. Colonial Secretary’s letter, Sydney, 1 January, 1823.


4. Six authenticated copies of Warrants by Sir Thomas Brisbane from 23 March, 1824, to 2 Nov., 1825 incl.


10. Dr. and Cr. Acct. of Percy Simpson, Esq., 1 Sept., 1843.

11. Attested Return of Wheat expended at Wellington Valley.

12. Attested Affidavit of Wheat remaining on hand at Wellington Valley on 30th June, 1826.


The papers marked thus (\$) being among the records* of the Colonial Government are not transmitted.

Col. office, 6 Oct., 1843.

* Note 17.
1843.
15 Sept.

ORDER FOR LAND GRANT TO P. SIMPSON.

WARRANT FOR PAYMENT TO WIFE OF P. SIMPSON; 

UNDER SECRETARY WILMOT TO LIEUTENANT P. SIMPSON.

Sir,

In reply to your application of the 3d Instant for a Grant of Land in New South Wales, I am directed by Lord Bathurst to transmit to you herewith a letter to the Governor of that Colony for a Grant of Land upon your arrival in proportion to the means you may possess of bringing the same into Cultivation.

I am, &c.,
R. WILMOT.

UNDER SECRRETARY WILMOT TO LIEUTENANT P. SIMPSON.

Sir,

In reply to your application of the 3d Instant for a Grant of Land in New South Wales, I am directed by Lord Bathurst to transmit to you herewith a letter to the Governor of that Colony for a Grant of Land upon your arrival in proportion to the means you may possess of bringing the same into Cultivation.

I am, &c.,
R. WILMOT.

ADVANCE ON ACCOUNT, NO. 7.

To William Balcombe, Esq., Colonial Treasurer.

You will be pleased to advance to Mrs. Simpson, Wife of Percy Simpson, Esq., Commandant of the Settlement of Wellington Valley, the Sum of Two hundred and Fifty Spanish Dollars, or Fifty four pounds, three Shillings and four pence Sterling, to be charged against Mr. Simpson, holding him responsible to repay or account to you for the same on a Warrant being granted for the Settlement of his Salary and allowance as Commandant of the said settlement.

Government House, Sydney, 16 February, 1826. RA. DARLING.

ADVANCE ON ACCOUNT, NO. 12.

William Balcombe, Esq., Colonial Treasurer.

You will be pleased to advance to Lieut. Percy Simpson the sum of Six Hundred Spanish Dollars, or One hundred and thirty pounds Sterling, holding him responsible to repay or account to you for the same on his accounts as the late Commandant at Wellington Valley being finally settled.

Government House, Sydney, 21st March, 1826. RA. DARLING.

By His Excellency's Command,
ALEX. MCLINT.

RECEIVED the amount on the conditions within specified.
Percy Simpson.

ADVANCE ON ACCOUNT, NO. 37.

To William Balcombe, Esquire, Colonial Treasurer.

You will be pleased to advance to Percy Simpson, Esquire, the sum of Five hundred Pounds Sterling, holding him responsible to repay or account to you, on your accounts as the late Commandant at Wellington Valley being finally settled.

Government House, Sydney, 29th July, 1826. RA. DARLING.

By His Excellency's Command,
ALEX. MCLINT.

RECEIVED the above under the Conditions above specified one fifth in British Coin.
Percy Simpson.

SIR THOMAS BRISBANE TO MR. P. SIMPSON.

Sir,

I have been duly favored by your letter of the 14th Instant on the subject of pecuniary Claims on Government, arising out of the Appointment you held as Civil Commandant of Wellington Valley, New South Wales, while I was Governor.

I have only received the written Agreement entered into with you as directed by me and signed by the late Major Goulburne, dated the 1st of January, 1823, and I beg to state that the construction I then and now place on that Agreement was that you were entitled to receive a percentage on the amount of wheat raised by you while at that Command, as a stimulus to induce you to exert to the utmost your endeavours to render them productive to the Government, and thereby lessen the expense of the Convict to the Crown; and I regret that any other construction should have been placed on the Agreement.

It is now a distant period since your claim existed, tho' I hope you may yet be able to get it adjusted to your satisfaction.

I return you all your original documents as they will be of use to you in establishing what your Agreement was at that time with the Colonial Govt.; and I have further to observe that there was a marked difference between the Commands at Wellington Valley and Bathurst.

I remain, &c.,
THOS. MACKINTOSS BIRRBRAN.

SIR THOMAS BRISBANE TO MR. P. SIMPSON.

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I remain, &c.,
THOS. MACKINTOSCH BIRRBRAN.
The Right Honorable the Lords Commissioners of Her Majesty's Treasury in account with Percy Simpson, late Committee of Wellington Valley.

<table>
<thead>
<tr>
<th>1826</th>
<th>To Wheat expended at Wellington Valley, in New South Wales, as per Return A</th>
<th>By Cash received by me as by Genl. Darling’s Agreement from 1st Jan., 1826, to 30 June, 1826</th>
<th>Balance due</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 Feb. 1826</td>
<td>Ditto per Voucher B, 900 bushels @ 56 lbs. per bushel</td>
<td>£1,050 0 0</td>
<td>2,810 0 0</td>
</tr>
<tr>
<td>24 Feb. 1826</td>
<td>Total</td>
<td>600,588</td>
<td>3,860 0 6</td>
</tr>
<tr>
<td></td>
<td>Equal 8621 Rations of 624 lbs. each, at £4 per Ration</td>
<td></td>
<td>£3,860 0 0</td>
</tr>
<tr>
<td></td>
<td>Three and a half years’ Salary @ £100 per annum</td>
<td>350 0 0</td>
<td></td>
</tr>
</tbody>
</table>

To balance due... £2,810 0 0

A Return of Wheat and Meal, the growth of the Settlement, issued from His Majesty’s Victualling Store at Wellington from the 7th of February, 1824, to the 11th of February, 1826, inclusive, taken from the Ration and General Account Book.

<table>
<thead>
<tr>
<th>Total Quantity</th>
<th>Issued in Rations</th>
<th>How Expended</th>
<th>Wheat Sold Geo. Thomas Palmer, Esq., to be paid for by the Commiss. Genl.</th>
</tr>
</thead>
<tbody>
<tr>
<td>One hundred and forty eight thousand nine hundred and forty six pounds of Wheat and Meal issued as follows:</td>
<td>Ninety five thousand seven hundred and thirty four pounds of Meal Rations issued.</td>
<td>Fifty two thousand three hundred and seventy two pounds of Seed Wheat Sown.</td>
<td>Eight hundred and forty pounds of Wheat issued Mr. Palmer on his land.</td>
</tr>
</tbody>
</table>

Issued in Rations | Issued Seed Wheat to Sow | Issued to Mr. Palmer on bond | Total issued |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>95,734 lbs.</td>
<td>52,372 lbs.</td>
<td>840 lbs.</td>
<td>148,946 lbs.</td>
</tr>
</tbody>
</table>

To Alexr. McLeay, Esq., Col. Secy.
True Copy:—E. Dean Thomson.

JAMES McCaughan, Victualling Store Keeper.

15 Sept.
1843.
15 Sept.

Affidavit by
W. Maun.

WILLIAM MAUN, Free, came before me this day and deposeth
that from his perfect knowledge of farming, and having acted as
Overseer of Agriculture at Wellington Valley he is qualified and
declares on oath that, on the 24th of February, 1825, there was there actually
secured in stack at Wellington Valley upwards of Nine thousand Bushels of excellent
wheat, the growth of that Settlement, which quantity deponent ascertained from the
produce of a given number of loads threshed, a tally having been kept by him and
the Clerk of the total number of loads put in Stack under Deponent’s superintendence.

Sworn before me, one of the Justices of the Peace for the Territory of New
South Wales, this twenty first day of July, one thousand, eight hundred and
twentysix.

J. T. CAMPBELL, J.P.

Testimony to
services of
P. Simpson
on roads;
and in island
of Corfu.

SIR THOMAS MITCHELL TO MR. P. SIMPSON.

My dear Sir,
Surveyor General’s Office, 19th August, 1842.

I should regret less the prospect of your removal from the Magisterial Bench
if you are likely again to give the Country the benefit of your experience in road
making, and that in directing and arranging the means applicable to such public
Works. In this respect, I value your ability so highly that I consider your employ­
ment in any other capacity a loss to the Colony.

Perhaps there may be an opening for your reappointment on the Roads, if Convict
labor is again conceded to this Colony for that purpose only, and for which Boon a
Petition numerously and respectably signed is ready for transmission to Her Majesty’s
Govt., and will I hope be sent by the first Vessel for England.

I remain,—&c,
T. S. MITCHELL

SIR FREDERICK HANKEY TO SIR H. TORRENS.

Sir,
Corfu, 23 April, 1817.

His Excellency the Commander of the Forces directs me to give this letter
to Lieut. Simpson of the Royal Corsican Rangers, who, in consequence of his having
been appointed Chief of the Government of the Island of Paxo, and having held it
till the other day, only now quits these Islands in consequence of the reduction of
the Regiment to which he belonged; and to that circumstance alone is owing his
being removed from Paxo, where his conduct met with His Excellency’s approbation.

He has held the situation of Judge Advocate and Local Governor of one of the
Ionian Islands for some years, and he returned to this Country in consequence of the
reduction of the Regiment to which he belonged, bringing with him a strong recom­
mendation to me from Sir Thomas Maitland with a request from the General that I
would exert myself on the behalf of Mr. Simpson; and I feel assured that, should
you have an opportunity of serving him, he will prove himself worthy of your favor­
able notice and protection.

I remain,—&c.,
FREDK. HANKEY, Mily. Secretary.

A true Copy:—T. R. DIGHTON, Horse Guards, 14 March, 1822.

SIR H. TORRENS TO SIR THOMAS BRISBANE.

My dear General,
Horse Guards, 16th March, 1832.

Letter of introduction for P. Simpson.

He has held the situation of Judge Advocate and Local Governor of one of the
Ionian Islands for some years, and he returned to this Country in consequence of the
reduction of the Regiment to which he belonged, bringing with him a strong recom­
mendation to me from Sir Thomas Maitland with a request from the General that I
would exert myself on the behalf of Mr. Simpson; and I feel assured that, should
you have an opportunity of serving him, he will prove himself worthy of your favor­
able notice and protection.

I remain,—&c.,
H. TORRENS, A.G.

GENERAL Regulations for the Government Establishment of
Wellington Valley, New South Wales.

No. 1. Throughout the year, the first Bell is to be rang at daylight. The Second
Bell to be rang twenty minutes after the first, when the Prisoners of the Crown
are to be mustered by the Clerk at the General place of Assembly in the front of the
Lumber Yard, from whence on working days they are to be taken to their respective
employment by their Overseers, But, on Sundays at the above hour, they are to be
marched to the General Fall for the purpose of washing their persons and bathing
when the weather permits.
2. The hours of labor, during the Spring, Summer, and Autumn, will be from daylight till eight o'clock, when one hour and a half will be allowed for cleanliness and breakfast. At half past nine O'clock will be resumed till noon when one hour will be given for dinner, after which work will be continued until sun set.

3. Owing to the dense Fogs and damp which generally prevail in the Valley during the Winter, the Men will be allowed one hour and a half from Day light for Cleanliness and Breakfast, and then to be sent to their Work until twelve o'clock, the dinner hour; afternoon labour as above.

4. On Saturday after eight O'clock in the morning, a general cessation of Labor will be allowed for the purpose of washing and mending their Clothes except Offenders who may have been ordered additional Labor; during harvest time however no such indulgence can be granted.

5. The winter Months to be understood commencing on the first of May and terminating the end of August.

6. On Sundays at 10 O'clock, A.M., the Men are to be mustered by the Clerk at the General place of Assembly, and half an hour allowed for Inspection and reading orders; the Overseers will examine the men of their respective divisions and see that they are shaved, combed, washed and have on clean Shirts and that their hair be kept close cut—the principal Overseer will receive their reports and himself examine the whole Parade previous to the Inspection of the Commandant. The Bell will then be tolled for Divine service, when they are to be regularly marched two and two to the place of worship.

7. Divine Service will be performed by the Commandant, which when ended the men are to be marched back in the same order to the place of Assembly and dismissed to dinner.

8. The Gaol Gang to attend at Divine Service under the charge of the Chief Constable.

9. On Sunday Mornings, the Clerk will give in a written Church Parade State to the Commandant at the time of Inspection, reporting the number of Men present, naming those absent and whether on duty or exempt through sickness.

10. The Men are to be hutted in Camp Divisions and under the immediate superintendence of a Divisional Overseer, who will be held responsible for the cleanliness of the Quartet entrusted to his charge.

11. Each Hut to be numbered and allotted to three Men, who in their turns are to sweep inside and around their respective dwelling every morning at Breakfast time.

12. Fire Wood is at all times prohibited to be cut or laid in front of the Huts or Street, a daily proportion however may be kept in the rear piled up.

13. Every Seven Huts to form a Camp division, to be distinguished by the name of the Superintending Overseer.

14. The Camp cleaner is to sweep the Streets of the Camp every morning on the men going out to work after Breakfast. On Sundays immediately after dinner, he is to be assisted by the Gaol Gang or Mill Grinders in hand-carting away Ashes or Sweeping from the Camp, which is to be taken to the Farm Manure heap.

15. Every day during Summer (Sundays excepted), the Blankets are to be hung out to air on the Rails in the rear of each Hut, from daylight until going out after Breakfast. In Winter Months, they are to be put out during dinner hours only.

16. No Carts or Drays are allowed to enter the Streets of the Camp nor Drivers on any account to use their Bullock teams in drawing timber or Logs to the Camp for the purpose of Firewood.

17. The number on each Man's Blanket and Clothing to be noted down in writing on a Roll call to be kept by the Divisional Overseer, also a Memorandum of each Axe and utensil in each Hut, which are to be mustered by them every Saturday after dinner, or, in the event of any Man running away from the Settlement, any deficiency to be reported immediately to the Commandant or Clerk.

18. All prisoners of the Crown are to take off their Hats in a respectful manner on passing any Gentleman who may occasionally arrive on the Settlement, to stand upon their visiting the Huts or pass through the Streets of the Camp.

19. All Drays, Carts or Men arriving on this Settlement belonging to Govt, are to be searched by the Chief Constable for the purpose of preventing the introduction of Spirituous Liquors.

20. The Black Native Women are at all times to be prevented by the Camp Constable from entering the Camp, and persons allowing them to enter their Huts are to be instantly put into confinement by the Constable or Overseer for Breach of Orders.

21. Ill treatment or violence offered to the Black Natives by any person in Wellington Valley without exception will be considered a great Offence and taken notice of accordingly.

22. The day Camp Constable is not to permit any Man to stay in the Camp during the hours of labor, nor allow any person to enter any Hut but their own in the absence of the rest of the Men; at anytime, he is to use his utmost endeavours to prevent pilfering and to make prisoners of all persons found Gambling, Fighting or behaving in a riotous manner.
23. The Night Camp Constable is to parade the Streets of the Camp from Dark till daylight to prevent noise, disturbance or irregularity; and, in the event of his discovering any fire breaking out in the Settlement, to ring the Alarm Bell which he is to continue doing until the fire is extinguished.

24. Night Constable or Watchmen are to call out all’s well every half hour, nor are they to leave their posts until regularly relieved.

25. At eight O’Clock every evening throughout the year, the Bell is to be rung and the Men Mustered in their Huts by the respective divisional Overseers in the presence of the principal Overseer, who is immediately to make his report to the Commandant.

26. No person to be absent from their Huts at night after eight o’Clock longer than ten Minutes at one time.

27. The principal Overseer will receive the divisional Overseers’ reports relative to the Men being present in their Huts at Muster for the information of the Commandant.

28. Such Men, as may be exempt from Labor by the Medical practitioner, are to be removed to the Hospital to be under his charge; nor are they to be allowed to leave it until they return to their duty.

29. The Dispenser of Medicine will inspect the Gaols, Cells and Men’s Huts once every day, and make his Report to the Commandant in writing on Monday Mornings (weekly), stating whether they are kept properly, white washed, cleaned and ventilated, or any remark connected with health and comfort.

30. The Dispenser of Medicine will cause such Blankets, as he may have occasion from time to time to draw for the use of the sick, to be washed prior to their being returned into Engineer Store.

31. Sick Reports to be at Commandant’s Office by eight o’Clock.

32. It is strictly prohibited for any person to cross the Macquarie River on any pretence without a pass signed by the Commandant or going any further from the Settlement than two Miles except on Duty.

33. Runaways or others, who may be brought to the Settlement under custody, are to be directly taken to the Gaol and given over to the Gaoler and a receipt made out by the Principal Clerk to be signed by the Commandant and given to the Constable or Military escort, under whose charge they may have arrived.

34. Runaways from the Settlement, when brought back, will be punished by solitary confinement in the Cells for seven days on Bread and Water, and then put to additional Labor in the discipline Mill room or Gaol Gang in Irons for a period not longer than Six Calender Months. In cases of repeated desertion or aggravated offences, whipping will be had recourse to not exceeding fifty lashes on the breech in addition to the above punishment; Minor Offences will be marked by the party being put in the Stocks, to hard labor on Saturdays, their Tobacco stopped or confined in the Gaol on Sundays.

35. The indulgence of Tobacco to be withheld from all Prisoners under Punishment of whatsoever nature during the term of sentence.

36. The Gaoler is to enter in a Book the Names, Crimes, date of Entry and Discharge of all persons committed to his Custody, either in the Cells or Gaol, into either of which places are knives to be admitted.

37. The Gaoler is not to allow persons to hold communication with prisoners in the Cells under his Custody or any thing to be given to them, except the Gaol allowance of Bread and Water, with which they are to be daily served by him.

38. No smoking to be permitted in the Lumber Yard in the Gaol, Mill room, or Cells, under any pretence whatever; the Watchman in the Lumber yard and Gaol to be held responsible for the due observance of this order.

39. The Cells to be opened once every Morning (at daylight) for a ¼ of an hour, in order that they may be cleaned out, and Bread and Water given to the Prisoners confined therein.

40. All persons confined in the Gaol for a period longer than twenty four hours are permitted by the Commandant the use of their Blankets.

41. Constables and Overseers are empowered to commit Offenders to Gaol, stating their offence to the Constable in charge of the Gaol and making their reports to the Commandant as soon as possible.

42. The Overseers and Constables are strictly prohibited from striking or pushing any of the Men: should they however have cause of complaint, they are to make their Report to the Commandant for his investigation.

43. Should any individual think himself wronged or aggrieved by the Overseers, Constables, or any other person on the Settlement, he is to complain thereof to the Commandant for the purpose of doing Justice to the Complainant.

44. Prisoners belonging to the Settlement are not to send or take any letters out of it from Prisoners of the Crown without being first submitted to the Commandant’s perusal, who will endorse his name on the back with the word *Examined*, nor are letters arriving to be delivered to them by any person whomever without they being first brought to the Commandant for the purpose of being opened and read by him in the presence of the party to whom they may be directed.

45. No person is permitted to approach the Stores or Stock yard after sun set, until going out to work in the Morning.
GIPPS TO STANLEY. 135

46. The live stock in the Settlement to be Mustered by the Overseer of Agriculture on the last Saturday in every fortnight, and a written Report of their numbers signed by him and given into the Comdt. Office.

47. The (Milch Cows and Young Cattle) Stock Yard to be kept constantly clean by the Milkman and day Stockman.

48. The respective Constables and other persons will receive the Commandant's orders through the medium of the principal Overseer when not previously delivered by the Commandant.

49. No prisoners of the Crown to hold communication with the Military, nor to enter the Barrack under any pretence whatever.

50. No Stores of any description to be expended without a written requisition being first presented to the Commandant for his approval, which requisition if approved is to be produced as Vouchers by the Engineer Storekeeper with his Monthly accounts.

51. All disorders and neglects, which any of the prisoners of the Crown belonging to this Settlement may be guilty of, to the prejudice of good order and strict discipline though not specified in these rules, will be punished according to the nature and degree of the Offence at the discretion of the Commandant.

52. These Rules and regulations to be read and published every Sunday at Church Parade by the principal Clerk and are to be duly observed and strictly obeyed by all persons belonging to Wellington Valley.

53. In future to prevent any improper applications to the Storekeeper, he is required on no account or under any circumstances to make any issue from the Store whatever without a written order, signed by the Commandant, which orders are to be preserved by the Storekeeper as his Document or Voucher.

54. The Storekeeper will of course in all cases conform most strictly to the General rules and regulations now and in the Colony in regard to the distribution of Rations.

55. All representations, that the Storekeeper may have occasion to make from time to time to the Commandant relative to supplies, provisions or anything relating to the Storekeeper's Department, will be made in writing by him for the Commandant's consideration.

56. All written orders issued by the Commandant, previous to being published, be entered into a Book by the Clerk with his Signature attached thereto, certifying it to be a true copy.

I CERTIFY the above to be a true Copy of the Commandant's Order of the 3d January, 1824.

A true copy:—James McGuire, Victualling Storekeeper.  
A true copy:—Percy Simpson, Commandant.

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 146, per ship Australasian Packet; acknowledged by lord Stanley, 6th March, 1844.)

My Lord,

Government House, 16th Sept., 1843.

Having made the enquiries directed in Your Lordship's Circular Despatch of the 18th March, 1843, respecting a complaint addressed to Your Lordship by Mr. Larymore, Post Master at Morpeth in this Colony, of the inadequacy of his Salary, I have the honor to inform your Lordship that Mr. Larymore is not an Officer of this Government receiving a regular Salary in the Post Office, but merely an inhabitant of the Village of Morpeth, acting as Post Master, and receiving the Commission on his Collections which is usual throughout the Colony.

I transmit herewith a Copy of a letter from the Post Master General on the subject of Mr. Larymore's complaint, with two enclosures, one of which is from Mr. Larymore himself.

I have, &c.,

Geo. Gipps.

---

1843.

15 Sept.

General regulations for establishment at Wellington valley.

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16 Sept.

Report re complaint of A. W. Larymore.
MR. J. RAYMOND TO COLONIAL SECRETARY THOMSON.

Sir,
General Post Office, Sydney, 7th Sept., 1843.

In acknowledging your letter of the 11th Ult. directing me to obtain and forward with my Report a copy of a Memorial addressed to the Right Honorable the Secretary of State by Mr. Larymore, Postmaster of Morpeth, on the Subject of the inadequacy of the Salary attached to his Office.

I now do myself the honor to forward Mr. Larymore's letter, stating his inability to furnish a copy of the Memorial alluded to; but, as my letter to that Officer at the time of his application may enable the Governor to reply to the Secretary of State's Despatch, I beg to forward a copy for His Excellency's information.

I have, &c.,

JAS. RAYMOND.

[Sub-enclosure No. 1.]

MR. A. W. LARYMORE TO MR. J. RAYMOND.

Sir, Post Office, Morpeth, 23rd August, 1843.

I have the honor to be in receipt of a letter from you, requesting me to furnish a copy of a letter written by me to the Secretary of State for the Colonies. I regret to say I have mislaid it, and to this you have to attribute my not answering your letter sooner.

At the same time, allow me to add that I feel extremely sorry that I should put you to any additional trouble when so many onerous duties are devolving on you.

I have, &c.,

A. W. LARYMORE.

[Sub-enclosure No. 2.]

MR. J. RAYMOND TO MR. A. W. LARYMORE.

Sir, General Post Office, Sydney, 28th Sept., 1843.

With reference to your letter of the 26th Instant expressive of your dissatisfaction of the allowance you receive for your services as Postmaster at Morpeth, I beg leave to state that you receive such Scale of Commission as is allowed all the other Colonial Postmasters; and, as you feel the emoluments of your Office beneath your consideration, I beg to add that your services are not compulsory, and that it entirely rests with yourself to be relieved from those duties the inadequacy of remuneration for which you so loudly complain of.

I am, &c.,

JAMES RAYMOND.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 147, per ship Elizabeth.)

Sir, Downing Street, 17th September, 1843.

I transmit to you, herewith, for your information and guidance, the enclosed Copies of a Correspondence between this Department and the Board of Treasury and the Land and Emigration Commissioners on the subject of the resumption of Emigration on Bounty to New South Wales. That Correspondence will place you so fully in possession of the subject that it is not necessary that I should add much further explanation.

The Correspondence with the Board of Treasury will explain to you the grounds, on which Her Majesty's Government have felt themselves justified in sanctioning the renewal of Emigration on Bounty to an extent which will be limited to 4,000 Statute Adults.
The Correspondence with the Land and Emigration Board and the Public Notice issued by them on the 15th July, 1843, shew the mode in which that Emigration will be conducted.

You will perceive that H.M.'s Government have felt it their duty to act on the opinion, which you have expressed, that the former Emigration on bounty must be considered at an end, and that for the future Contracts for introducing the Emigrants ought to be made in this Country; and, advertting also to the very small number of the Holders of outstanding Bounty Orders in this Country as precluding any competition amongst them, to direct that the business connected with this Emigration should be offered to Public Competition.

You will also perceive that H.M.'s Government contemplate the possibility, in case other funds are not available, of resort being had, in order to provide for the expense of this Emigration, to a temporary issue of New Colonial Debentures, or a temporary renewal, to the necessary extent, of those which have been already issued, the Debentures to be based on the security of the Land Fund, to bear Interest not exceeding 6 per Cent., and to be receivable in payment of Land, or, if not tendered for that purpose, to be liquidated out of the first proceeds of the Land Sales. The whole Bounty will also be paid in the Colony. One third, as nearly as possible, of the Emigrants will be sent to Port Phillip, and the rest to Sydney.

I have endeavoured to establish such supervision on the part of the Emigration Board of the arrangements of the Contractors, as may ensure, as far as possible, a due fulfilment of their Engagements.

I am, &c.,
STANLEY.

[Enclosure No. 1.]

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

Sir,
Downing Street, 31st May, 1843.

I am directed by Lord Stanley to request that you will refer the Lords Commissioners of the Treasury to the Correspondence noted in the Margin; on the subject of the decision come to in the Autumn of 1841 to suspend the Emigration then in progress upon Bounty Orders to New South Wales, and that you will state to their Lordships whether the time has not arrived when the reasons, which led to that suspension, have in a great measure ceased to operate; and whether a limited renewal of Emigration is not more required by the interests of the Colony.

As regards the demand for Labour, Their Lordships will perceive by the enclosed Report of the Governor, written after the arrival of the Colony.

the very large addition to the population which took place in 1841 and 1842, that he was even then of opinion that the Colony could still beneficially to itself and to the Emigrants receive as many as 10,000 such persons in the course of the current year. The Reports of the Emigration Committees of Sydney and Port Phillip and of the Committee of Council are to the same effect; and it appears in point of fact that, out of a number of 26,546 persons, who had been sent out from this Country under the Bounty Regulations of June the 3d, 1840, between the 1st July, 1840, and the 1st November, 1841, there remained but 144 without employ (including 30 Women and 57 Children) on the 14th May, 1842. Advertising to these facts, Lord Stanley desires me to state that he has every reason to believe that, if the means can be found for defraying the Expence. Emigration to the extent mentioned by the Governor might with safety and propriety be sanctioned, and also that an entire suspension of Emigration for a much longer period may cause serious injury to the Agricultural interests of New South Wales.

With regard to the prospect of obtaining the means necessary for defraying the expences of such Emigration. Lord Stanley desires me to refer you to the accompanying extracts of Despatches or Minutes* from the Governor of New South Wales, and to the Correspondence, which took place in the Year 1840, between this Department and the Board of Treasury, as also to that, with Gentlemen connected with New South Wales, noted in the Margin† as to proposals made both in the Colony and in this Country for raising a Loan to a considerable amount for Emigration purposes. Lord Stanley directs me to state that he adheres entirely to the opinions expressed in my Letter to Messrs. Brownrigg and others of the 3d Ultimo on the subject of a Loan, which should have the effect of anticipating the ordinary revenues of the Colony. He has however, in consequence of the generally prosperous condition of the finances of New South Wales, directed his attention to the question whether, without creating any permanent burthen upon the Colony, its Financial prospects are not such as would justify his sanctioning the renewal to some extent at least of emigration in the anticipation that, even if not prior to the time at which the charges on account of it would become due, still at all events within a moderate period after that time the Surplus Revenue of the Colony will of itself suffice to provide for the necessary expenditure; and, as bearing on this question, he desires me to bring under their Lordships' particular notice the Statement by Sir G. Gipps in his Financial Minute of the 26th July, 1842, and the Extracts from the Minute enclosed in his despatch of the 17 December of the same year, which accompany this communication.

In addition to the favorable prospects held out by the Minute of July and in great measure verified by that of December, his Lordship desires me to remark that the calculation of the probable Revenue, consisting as it does mainly of duties on Articles of Consumption, has been made on the footing of that of 1841, while the addition to the Population in the course of the Year 1842 has been equal to nearly a Sixth of its whole previous numbers; and he

* Marginal note.—Financial Minutes, 26 July, 1842; No. 236, 17 Dec., 1842.
† Marginal note.—Messrs. Cockerell and others, Feby., 1843; Mr. Hope, 16 Mar., 1843; Mr. J. S. Brownrigg and others, 20 Mar., 1843; Mr. Hope, 3d April.
desires me further to observe that, although the main charges upon the Land Fund, namely the Surveys, are provided for in the Estimates, no Credit is taken for any receipts on account of the Sale of Lands, notwithstanding that the reviving Commercial prosperity of the Colony and the opening of Moreton Bay for Settlement render the renewal of such Sales highly probable.

Lord Stanley, therefore, cannot but anticipate, not only that the Surplus shewn by these Statements on the general revenue is likely to be larger than estimated, but that there is a reasonable prospect of an increase concurrently on the Land Revenue. It would not perhaps be easy to determine, with any precision, the exact extent to which a Fund, to be derived from these combined sources, can be calculated on. Considering however that no demand could be made in New South Wales before the close of this year, or the beginning of the next, on account of any charges for Emigration from this country, which is not yet in progress,

Lord Stanley cannot doubt but that the Colony could afford by that period (or soon after it) a Sum of from £70,000 to £80,000 to be applied to this Service.

The amount of Emigration, which could be carried into effect for such a Sum, Lord Stanley is well aware, would not amount to much more than half what, by the concurrent testimony both of Official Authorities and private persons, could be advantageously received in the Colony in the course of one year; but continuing, as he does, to think that at the present moment, at all events, it would not be proper to endeavour to burden, permanently, the resources of the Colony by anticipation, he would not feel justified in authorizing any expenditure to a greater amount than (as he hopes would be the case to the amount suggested) could be discharged out of the Current Revenue of the Colony; and even the whole of that Revenue still under the control of the Crown, he would have felt no hesitation whatever in at once recommending to their Lordships to sanction a charge being incurred on account of Emigration to this amount.

The circumstance, however, of the general Revenue of the Colony having been placed at the disposal of the Local Legislature, does undoubtedly to a certain extent diminish the certainty of funds being immediately available to meet the outlay on account of the limited Emigration proposed; because it is certainly possible that the Local Legislature, having obtained the supply of labour for the moment, may refuse to make good the outlay incurred on that account. But Lord Stanley considers this a most improbable supposition. A continued stream of Immigration, to a limited amount, is and must be for some years among the first wants of the Colony, as it had been the subject of their repeated and urgent requests; and they would be well aware that a refusal to sanction an expenditure for such a purpose would fore the future deprive them of all hope of a similar accommodation.

Lord Stanley sees, therefore, little reason to doubt but that Her Majesty's Government will be met by the Local Legislature in the same spirit by which they are actuated in sanctioning the plan, and that an adequate provision will be made by them for defraying the charges of its execution; But, even in the very improbable event of the Legislature of New South Wales declining to fulfil the engagements entered into in their behalf, the Crown has in its
hands in the Colony, not only in Land unsold but in Revenue arising from Rents, Fees for Pasture Licences, and from other sources, a Fund to which if made available (as it would be his Lordship's duty to direct that it should be, as speedily and effectually as possible) Her Majesty's Government may confidently look for an ample and ready indemnity against the liabilities which, under the proposed limited scheme of Emigration, they would incur.

The question, in what mode exactly it will be most advisable to carry such plan into execution, is one which His Lordship proposes to refer to the Land and Emigration Commissioners. He would wish however in the first instance to obtain their Lordships' sanction for directing them to incur liabilities to the amount, which I have before specified, and which it may be most convenient, with a view to receiving tenders of rates of passage money if deemed advisable, to limit rather by reference to the numbers, the cost of whose transport it is well ascertained it would cover, namely, about 5,000 Emigrants of all Ages and Sexes, than by a specification of the exact sum to be expended.

G. W. Hope,

[Enclosure No. 2.]

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

Sir,

In reply to your Letter of the 31st Ultimo, I am commanded by the Lords Commissioners of Her Majesty's Treasury to request you will state to Lord Stanley that their Lordships, having had under consideration the Documents therein submitted to them, see no reason to doubt the sufficiency of the financial resources of New South Wales, including any available surplus of the general Revenue, for furnishing the means of defraying the Expenses of renewed Emigration from the United Kingdom to the extent proposed by his Lordship, or to dissent from Lord Stanley's views as to the expediency of sanctioning such renewal, or his anticipations as to the probable readiness of the newly formed Local Legislature to authorise any practicable appropriation from the general Revenue Fund for this purpose.

At the same time you will observe to Lord Stanley that my Lords have no Funds at their disposal, irrespective of the Colonial resources, which could be applied, even temporarily, to meet pecuniary demands for such a service; neither have they the means of exercising within the Colony any supervision over Disbursements incident to it. But you will add that, as provision for the Expenses of Surveys and for other services which would constitute primary charges on the Crown Land Fund, has heretofore been made from the General Revenue of New South Wales, and has been included in the usual manner in the Estimate of the General Expenditure of the Government for the current year, My Lords see no objection to the appropriation of the whole produce of the Land Revenues to the purposes of Emigration.

Under these circumstances, you will state to Lord Stanley that my Lords apprehend that the only course of proceeding, which could be adopted without previous communication and concert with the Colonial Government and Legislature, would be the revival, to a limited extent of an Emigration upon Bounty, relying on the co-operation of the Local Legislature in providing, out of the surplus general Revenue, for deficiency of the Land Sales Fund, or other Crown Revenues to meet the liabilities that would thus arise.
You will further observe to Lord Stanley that the obvious interest of the Colonists in the promotion of Emigration, as well as their expressed wishes in regard to it, appear to this Board as well as to his Lordship to warrant this reliance; but, should the Legislature not possess a sufficient amount, from surplus of the general Revenue, to meet engagements for Bounty exceeding the immediately available Crown Funds, my Lords, concurring in opinion with Lord Stanley that the interests of the Colony might suffer by a continued suspension of the Immigration conducted at the Public Expense, although decidedly opposed to the plan of permanently burdening the Colonial Funds by extensive anticipations of Revenue, would not withhold their assent to a temporary issue of new Debentures, or a temporary renewal, to the necessary extent, of those which have been already issued, these Debentures to be based on the security of the Land Fund, to bear Interest not exceeding 6 per Cent., and to be receivable in payment of Land; but, if not tendered for that purpose, care must be taken that they are liquidated out of the first proceeds of the Land Sales.

If Lord Stanley should concur in this view, their Lordships would suggest that the requisite authority and instructions should be conveyed to the Emigration Commissioners and to the Governor of New South Wales for the purpose.

I am, &c,

C. E. Trevelyan.

[Enclosure No. 3.]

UNDER SECRETARY STEPHEN TO LAND AND EMIGRATION COMMISSIONERS.

Gentlemen,

Downing Street, 20th June, 1843.

Her Majesty's Government having decided forthwith to resume the Emigration on Bounty to New South Wales to the extent of 5,000 persons, I am directed by Lord Stanley to request that you will report to his Lordship your opinion as to what measures it will be most proper to adopt for giving effect to this arrangement, regard being had in the first instance to outstanding Bounty Orders.

I have, &c,

JAS. STEPHEN.

[Enclosure No. 4.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir,

9 Park St., West., 4 July, 1843.

We have the honor to state that we have duly considered the subject of your Letter of the 20th Ultimo, acquainting us that, Her Majesty's Government having determined to resume Emigration on Bounty to New South Wales to the extent of 5,000 persons, Lord Stanley desired to receive a Report from us what steps we would suggest for carrying the measure into effect, having regard in the first instance to outstanding Bounty Orders. We have at the same time adverted to the several Despatches and Reports which will be found enumerated in the margin.*

On a reference to these several papers, and considering it as laid down that the new Emigration is to be upon Bounty, the following are the heads of the measures we would submit for carrying it into effect.

1st. The Commissioners to inspect the fittings and victualling of the Ship, which are to be as good and complete as in their own Vessels, and subject to the full control of their Office. This condition will be rather more stringent than the former one on the same subject, but we think some additional control desirable, and it is in conformity with what seems to be wished in the Colony.

2ndly. The Commissioners to reserve to themselves the right of either appointing the Surgeons, or of calling upon the Contractors to nominate them, subject to every security which may be required for their competency. As the contractors are still to suffer the loss in case of mismanagement, the present proposal will leave room for receiving nominations from them, if they wish it, of Surgeons in whom they place confidence; and it enables the Commissioners to take the appointments into their own hands if they find it necessary, or if the parties themselves wish to profit by the resources of a Government office in selecting the persons to fill the present situation.

3rdly. The Commissioners not in future to receive the Certificates of Emigrants on Bounty, but the whole burthen of providing sufficient proof of their fitness to rest upon the Bounty Agents, and the judgment, as is essential to the Bounty system, to remain with the Colonial Authorities. There is an inconvenience in requiring Bounty Agents to submit their Emigrants' Documents, though for a limited object, to an official examination here, which nevertheless cannot except them from a refusal of Bounty upon the same Emigrants after arrival in this Colony. The proposed course will put an end to the mixed and indefinite responsibility involved in that mode of proceeding; and it will be quite in accordance with an opinion thrown out by the Committee of Council that the partial check upon Certificates may do more harm than good.

4thly. In other respects the former regulations on Bounty, so far as regards the selection of Emigrants and the supervision exercised in this Country, to remain in force.

5thly. Parties, who offer to operate on the proposed Plan, to be prepared to send their Emigrants to Sydney or Port Phillip as may be directed.

6thly. The parties to bind themselves, under penalty, that the number of people, for whom they obtain permission, shall be sent out by them within a specified time.

7thly. In order to avoid the most inclement season, the Emigration to be suspended during the first Six months of the year.

8thly. In order to prevent the Emigration from being inconveniently crowded into one period, and also in order to conduce to regularity in its rate of speed, a condition to be made that about one half should take place before the close of the present year, and the remainder be effected after the recommencement next year.

9thly. In inviting parties to enter into the business, an intimation to be made of the nature of the provision made for payment.

Should these suggestions be adopted, we have next to state the points on which we should stand in need of directions.

With respect to the provision for payment, it would be desirable that we should be instructed what terms we may employ.
Observing that the proportion of Emigrants to Port Phillip amounted in the two years 1840 and 1841 to about one third of the whole number who went to New South Wales, we would apply for Lord Stanley’s sanction to consider this the proportion to be aimed at, as far as circumstances will admit, in the new Emigration.

With respect to the limit of 5,000 persons, we would request to be informed whether it means the entire number of Souls, or whether a number of people equal to 5,000 Adults calculated according to the Passengers Act. For practical purposes, it would be almost indispensable that, in our dealings with the parties, we should use the latter mode of reckoning. We would request permission therefore to employ it in our proceedings, and, if the present limit applies to the total number of persons, we would ask authority to substitute for it 4,000 Statute Adults.

But the most important question of all is, who shall be the persons to carry the scheme into effect. On examining the list of parties, who according to requisition registered their Bounty orders at this Office by the 1st of March, 1842, we find that, setting on one side the holders of conditional orders, which have been cancelled by the notice in the Royal Gazette, dated 7th of February, 1842, and also one firm which it has been determined with Lord Stanley’s approval to exclude for mismanagement, there remain only 6 parties, of whom a List is annexed to this Letter. Of these 6 the last 3, it will be observed, hold orders for comparatively unimportant numbers; but the other 3 still possess orders for Emigrants amounting, as far as we can compute, to nearly 20,000 Souls.

The Governor’s Minute of 14th May, 1842, embodying the result of his consideration of the subject, contains the following opinions:—“Bounty Emigration, as it has existed for the last 5 years, should be put an end to. Agreements should be made in England by the Commissioners with parties willing to export Emigrants, the number to be exported, and the Bounty to be paid on them being made, if necessary, matters of separate bargain in each case.” Were this plan acted on, which was suggested by the Governor for the future and permanent course, it would devolve on us to offer the business, according to our regular practice, to some species of public Competition.

But we are of opinion that to so small a number of holders as we have above pointed out, the principle of competition would not be applicable. Any attempt to employ it could hardly be otherwise than illusory. We apprehend, therefore, that one of two courses must be adopted, which we would request leave to submit for Lord Stanley’s decision, either to commit this particular Emigration to the actual holders of Bounty orders, without competition, distributing it in an equitable proportion amongst them, but adhering to the same fixed rate of Bounty named in the Colonial Regulations; or else to offer the business to public Competition, if it be thought proper to consider Emigration at a fixed rate of Bounty as virtually brought to an end by the force of circumstances, and all remaining Bounty orders thereby cancelled, and to give immediate effect to the Governor’s opinion on the best mode of proceeding.

We have, &c.,

T. FREDK. ELLIOT.
EDWARD E. VILLIERS.
TABLE of unconditional orders registered at the Office of the Commissioners by the 1st March, 1842, showing how much of them is estimated to remain still unexecuted.

<table>
<thead>
<tr>
<th>Name of Party holding the Order</th>
<th>Number of families in the order</th>
<th>Number of Single Emigrants</th>
<th>Number of Single Emigrants remaining to be Selected</th>
<th>Number of Souls remaining to be Selected at 4 to a family</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masson and Hoggins (6 orders)</td>
<td>2,170</td>
<td>900</td>
<td>Cannot be stated.</td>
<td>7,323</td>
</tr>
<tr>
<td>Carter and Bonus (3 orders)</td>
<td>2,000*</td>
<td>2,000</td>
<td>1,379</td>
<td>2,138</td>
</tr>
<tr>
<td>Fym (1 order)</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>G. S. Brodie (1 order)</td>
<td>170</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Honer (1 order)</td>
<td>250</td>
<td>170</td>
<td>170</td>
<td>170</td>
</tr>
<tr>
<td>Total 13 orders</td>
<td>5,340</td>
<td>4,170</td>
<td>20</td>
<td>20,827</td>
</tr>
</tbody>
</table>

* Marginal note.—It has been assumed that the order which allows a proper proportion of Single men and Single women to accompany 1,000 of the families has regards Single Emigrants been half executed.
STANLEY TO GIPPS.

Bounty must be considered at an end, and that, for the future, Contracts for introducing the Emigrants ought to be made in England; and, considering the very small number of the Holders of outstanding Bounty orders in this Country as precluding any competition amongst them, Lord Stanley has decided to adopt the method of offering the business to public competition. You will take the necessary measures for that purpose on the principles now prescribed to you, taking care at the same time to avoid any pledge that the lowest Tenders will be accepted, and giving every due weight in the acceptance of such Tenders to the character and experience of the parties in that particular branch of business.

I have, &c.,

JAS. STEPHEN.

[Enclosure No. 6.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigratn. Office,

Sir,

We have the honour to forward for Lord Stanley's consideration the enclosed Letter from the London Contractors for the new Emigration to New South Wales, respecting unmarried female Emigrants. We may also mention that We have just received a Letter from the Contractor in Scotland, in which he mentions his apprehension of a large reduction in the proportion of unmarried Males and Females. The Contractors it may be observed have no interest in this matter, further than to be enabled to make such a selection of Emigrants altogether as may be most likely to be satisfactory to the Colonial Government.

We are aware that the subject is one of considerable difficulty. In itself, it would of course be better that only those single Women should be taken who are near relations of married persons in the same Vessel, or so connected with them that reliance might be placed on the undertaking that they were to remain part of the same family in the Colony. But then comparatively few unmarried females would be found procurable under such circumstances. Now single Women are a Class whose introduction is peculiarly desired in the Colony. And without them single Men cannot be brought in, who form the other Class most wanted. The reduction in the number of these two preferable kinds of Emigrants enhances proportionately the number of families with numerous Children, who form the Emigrants most liable to sickness and mortality on the passage, and least easily disposed of with advantage after their arrival; in fact the Class which has always been most complained of in the Colony.

While then it would be easy, if attention were confined to the single Women, to bring arguments against any relaxation of the former rule, yet we cannot help feeling that a strict enforcement of it would endanger the issue of the whole Emigration, and probably produce a general dissatisfaction with it in New South Wales. Wishing therefore cordially to co-operate in the success of the new effort for supplying the Colony with labour, and acting upon the remark thrown out by Sir George Gipps in his able Memorandum of the 14th of May, 1842, on Bounty Emigration, that he would have been glad if there had been less scruple on the part of the Officers in this Country in promoting any essential improvements
in the working of the Colonial scheme, We will venture to offer our recommendation that the plan embodied in the enclosed Letter be sanctioned, and that we be authorized to communicate it to all the Contractors, merely adding to the proposed undertaking by the married Couple under whose protection a single female may proceed, that she shall continue to form part of the same family not only during the Voyage, but for a fortnight afterwards unless either party be previously engaged. We have, &c.,

T. FREDERICK ELLIOT,

JOHN G. SHAW LEEFEVER.

[Sub-enclosure.]

MESSRS. CARTER AND BONUS TO LAND AND EMIGRATION COMMISSIONERS.

Sir, 11 Leadenhall Street, 4 August, 1843.

With reference to our Contract for the conveyance of Emigrants to New South Wales, we request that you will be so good as to draw the attention of the Commissioners to the following extract from the Bounty Regulations of 3rd March, 1840.

"A sum of £19 will also be allowed for every unmarried female domestic or farm Servant, whose Age shall not be below 15, nor above 30 years, who shall come out under the protection of a married couple as forming part of the family, and destined to remain with it until such female be otherwise provided for."

We are most anxious to comply strictly with the intentions of the Colonial Government; but, as we are not aware of the sense in which this passage is understood by them, we respectfully request that it may be defined officially for our Government.

We beg to remark that, if no unmarried females can be taken except those who are nearly related to married Emigrants, their number must of necessity be very limited, probably not exceeding 10 or 12 in a Ship, and the number of unmarried men must be reduced, by the operation of the following rule in the same proportion, by which the Colony would be deprived of the most desirable and available description of labor, and burthened with an increased number of Children accompanying the families that must be selected in lieu of the unmarried Males and Females.

It appears to us that the object of the regulation will be accomplished by each young Woman being placed under the bona fide protection of a Married Couple, who may be willing to undertake that she shall form part of their family during the Voyage. As well selected young Women almost invariably obtain situations immediately on their arrival, it seems hardly necessary to call upon the Man to undertake her support after arriving in the Colony, a burthen which he would in all probability repudiate there in any case in which he might be required to assume it.

Should the Commissioners think fit to authorize us to act under this limited construction of the Bounty regulation, we would suggest that the written engagement of the married Man to protect the young Woman, and the acknowledgment of the arrangement by both parties before the Commissioners' Agent at the Port of Embarcation, and the Surgeon Superintendent, should be deemed conclusive upon the point of protection.

I have, &c.,

CARTER and BONUS.

[Enclosure No. 7.]

UNDER SECRETARY HOPE TO LAND AND EMIGRATION COMMISSIONERS.

Gentlemen, Downing Street, 29th August, 1843.

Lord Stanley has had under his consideration your Letter of the 21st Instt, enclosing the Copy of one addressed to your Board by the London Contractors for the New Emigration to New South Wales in regard to the Regulation which provides that every unmarried Female Emigrant shall go out under the protection of a married Couple, forming part of the family, and remaining with it until otherwise provided for.

Messrs. Carter and Bonus suggest that the "written engagement of the married Man to protect the young Woman, and the acknowledgement of the arrangement by both parties before the
STANLEY TO GIPPS.

Commissioners' Agent at the Port of Embarkation, and the Surgeon Superintendent, should be deemed conclusive upon the point of protection."

Lord Stanley directs me to acquaint you that he cannot assent without qualification to this arrangement. The engagement to protect on the part of the Married Man is not, in his Lordship's opinion, sufficient; but the Contractors must be held responsible for the protection being in fact and bona fide given.

Lord Stanley approves of your proposal that the female Emigrant shall continue to form part of the family under whose protection she proceeds, not only during the Voyage, but for a fortnight afterwards, unless either party be previously engaged.

I have, &c.,

G. W. HOPE.

[Enclosure No. 8.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office.

Sir, 2nd September, 1843.

With reference to your Letter of the 20th Ultimo respecting the Protection to be required for Single Females Emigrating on Bounty, we have the honour to state that we are preparing a collection of all Rules on the subject of Bounty Emigration, and we beg leave to enclose herewith for Lord Stanley's consideration, and to request his Lordship's sanction for, one of the proposed articles in which we have endeavoured to embody the spirit of the decision conveyed in the above Letter, but to place it in such a definite form as may be calculated to guard against the misunderstandings that have arisen before. What we understand to be decided is that an engagement to Protect shall not be sufficient, if no Protection is afforded. This is a most necessary condition. But there is still the vagueness of the term Protection. It could never answer for example that the question should be submitted to the opinions of different fellow Passengers, whose notions on the kind or extent of Superintendence constituting proper Protection might be very various, and whose evidence ought for several reasons not to be made too essential in deciding on the payment or refusal of large sums of Money. We have proposed a sentence therefore which will constitute the woman's conduct a test of Protection, and we would submit that, if this be approved, it will serve to guide the minds of the Board at Sydney to the issue to be tried, and at the same time let the Contractors know distinctly by what they are to be judged.

We have, &c.,

T. FREDEK. ELLIOT.

EDWARD E. VILLIERS.

[Sub-enclosure.]

PROPOSED REGULATION.

So far as regards Protection, it will suffice that a single woman, if not younger than 18, be placed under the bona fide protection of a Married Couple, who may be willing to undertake that she shall form part of their family during the voyage, and at least a fortnight after its termination. The written engagement of the Married Man to this effect and the acknowledgment of it by both parties before the Commissioners' Agent at the Port of Embarkation and the Surgeon Superintendent will be admitted as evidence of the arrangement, but will not avail against such misconduct on the part of the single Female, as shall constitute a presumption that the Protection must have been illusory, or her previous character bad.
1843.
17 Sept.

Approval of regulation.

[Enclosure No. 9.]

UNDER SECRETARY STEPHEN TO LAND AND EMIGRATION COMMISSIONERS.

Gentlemen, Downing Street, 5th September, 1843.

I have laid before Lord Stanley your Letter of the 2nd instant, and I am directed to express his Lordship's approval of the terms of the notice, which you propose to issue explaining the degree of Protection to be afforded to unmarried Female Emigrants during the voyage to New South Wales and on their first landing in the Colony by parties undertaking the charge of them.

I have, &c.,

JAS. STEPHEN.

Transmission of letter from A. Maconochie.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 147, per ship Australasian Packet.)

My Lord, Government House, 17th Septr., 1843.

I have the honor herewith to forward a Copy of a letter, which was addressed to me a short time since by Captn. Maconochie, in consequence of my having sent to him a Copy of the Report, which I made to Your Lordship on the 1st April, 1843, after visiting Norfolk Island.

As Captn. Maconochie's letter contains observations on my Report, and may in some degree be considered a reply to it, I think it right that your Lordship should be in possession of it.

I have, &c.,

GEO. GIPPS.

[Enclosure.

[A copy of this letter will be found in a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 148, per ship Alfred; acknowledged by Sir George Gipps, 20th February, 1844.)

Sir, Downing Street, 18th September, 1843.

With reference to my Despatch No. 147 of the 17th inst., explaining the regulations under which Her Majesty's Government have decided to renew to a limited extent Emigration to New South Wales, I now transmit to you a Copy of a Letter from the Emigration Board with a Copy of a communication from Messrs. Carter and Bonus, Contractors for the conveyance of Emigrants under that system, requesting that they may subsequently receive payment in this Country instead of in the Colony for a definite portion of the Bounties, which may become due to them, and that the remaining portion may be paid to their Agents either at Sydney or at Port Phillip, as they may be due, for the conveyance of Emigrants to either place.
STANLEY TO GIPPS.

On the first point, I transmit to you for your information and guidance a Copy of a Letter from the Assistant Secretary to the Board of Treasury stating the arrangement under which the Lords Commissioners are prepared to permit a compliance with the application by remissions to this Country through the Commissariat Chest in the Colony of such sums, not exceeding one moiety of the Bounties becoming due on the Contracts made by the Emigration Commissioners, as the Contractors might be desirous to have paid in this Country.

I have also to recommend, so far as local circumstances may permit, a compliance with the other request of Messrs. Carter and Bonus, that the remaining portion of the bounty may be paid either at Sydney or at Port Phillip, as it may be due.

I have, &c,

STANLEY.

[Enclosure No. 1.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir,

21st August, 1843.

We have the honour to forward for Lord Stanley's consideration the enclosed Copy of a request from the London Contractors to receive payment in this Country of a definite proportion, either three fourths or one half, of the Bounties which may hereafter become due to them for Emigrants to New South Wales.

We have the honor to state that, for the sake of enabling the Colony at all times to obtain the most favorable terms, we think it very desirable to grant every accommodation of this kind that can be reasonably afforded. There is no doubt that, under the late operation of the Bounty system, much inconvenience and some heavy losses were encountered under the necessity of employing a Local Agency for the receipt of the whole of such large sums of money. We would submit therefore that the Lords of the Treasury should be consulted on the practicability of making the proposed arrangement.

The Contract of Messrs. Carter and Bonus is for an amount somewhat less than £40,000, so that the sum required here on their account would be from £20,000 to £30,000, according to the proportion adopted for payment in England. We have sent to inquire of the other Contractors how far, if the proposed measure were found admissible, they would wish to participate in the arrangement.

For the same reasons as above mentioned, we would suggest that the application of the Contractors for payment at Sydney and Port Phillip respectively of the sums, which fall due at each of those places, be forwarded for the favorable consideration of the Governor, so far as local circumstances will admit.

We have, &c,

T. FREDK. ELLIOT.

JOHN G. SHAW LEFEVRE.
1843.
18 Sept.

[Sub-enclosure.]

MESSRS. CARTER AND BONUS TO MR. S. WALCOTT.

No. 11, Leadenhall Street, 4th August, 1843.

Sir,

With reference to our Contract for the conveyance of Emigrants equal to 2,000 Statute Adults to New South Wales, we take the liberty of suggesting that the convenience of the Colonial Government, as well as our own, might be promoted by the Bounty money being partly paid in this Country after the receipt of Certificates from the Colony of the arrival of the Immigrants; and we beg to state that we shall be willing to receive either one fourth or one half of the amounts, which will become due to us at Sydney and Port Phillip respectively, and the residue in London.

Under the former Bounty system, it was usual in the case of Immigrants landed at Port Phillip for an uncertain portion of the Bounty to be paid there and the balance at Sydney, which was attended with great inconvenience and additional risk to parties in England, who were obliged to have a double Agency and were in uncertainty as to the place at which their funds would be available; and we trust that under the present Contract, whether the payments be made wholly or partly in the Colony, they will be only at the place to which the Immigrants are carried.

We are, &c,

CARTER and BONUS.

[Enclosure No. 2.]

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

Sir, Treasury Chambers, 9th September, 1843.

Having laid before the Lords Commissioners of Her Majesty's Treasury your Letter of the 31st ULto. respecting an application of Messrs. Carter and Bonus for payment of a definite portion of the Bounties becoming due to them for the conveyance of Emigrants to New South Wales;

I am commanded by their Lordships to acquaint you, for the information of Lord Stanley, with reference to the proposition submitted to the consideration of the Land and Emigration Commissioners forwarded to this Board in your said Letter that, as the object of the Commissioners would appear to be to relieve the parties, contracting for the conveyance of Emigrants to New South Wales on Bounty, from the risk and expense attending the employment of Private Agents to receive and remit the amount of the Bounties that may become payable in the Colony, and, as the Commissioners anticipate that, if arrangements could be made for this purpose, the Contracts might be effected on terms more favorable to the Colonial Government, My Lords, adverted to the large amount of the expenditure for the public Services in the Australian Penal Settlements defrayed from Funds furnished from this country, would not object to authorize the Commissariat Officer in New South Wales to receive from the Colonial Government into the Chest under his charge at the current exchange of the day such sums, not exceeding a moiety of the Bounties becoming due upon Contracts made by the Commissioners, as the Contractors might be desirous to have paid in this Country; and My Lords would further authorize the Commissary to grant, in lieu of Bills at 30 days' sight, Certificates of the principal sums so received, upon the production of which My Lords would direct the amount to be held at the disposal of the Land and Emigration Commissioners.

At the same time, however, My Lords deem it necessary to observe that, as this arrangement might very possibly place in the Commissariat Chest Balances to a much larger amount than the ordinary expenses of the Services to be defrayed from it would require, they are only induced to sanction the adoption of it under the impression that the Colony would be benefitted by it in effecting the Contracts.

I am, &c,

C. E. TREVELYAN.
STANLEY TO GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 148, per ship Australasian Packet; acknowledged by Lord Stanley, 3rd March, 1844.)

My Lord,

Government House, 18th Septr., 1843.

With reference to my Despatch, No. 80 of the 24th May, 1843, respecting the issue of Letters of Denization to Mr. Meinertzhagen, I have the honor to enclose herewith a copy of a letter received on the 9th instant from Mr. Meinertzhagen, and to solicit your Lordship’s permission to issue Letters of Denization to that gentleman.

I have, &c.,

[Enclosure.]

GEO. GIPPS.

MR. H. MEINERTZHAGEN TO COLONIAL SECRETARY THOMSON.

Sir, Sydney, 5th September, 1843.

In answer to your favor of the 10th May last, I have delayed furnishing the particulars required for my letters of Denization in hopes of receiving those documents direct from England upon my first application dated some two years ago.

Having given up that hope, in consequence of my London friends having lost sight of that Subject, I now beg to repeat my application for such letters, and beg to state that I am borne in Germany on the 19th August, 1805, that I arrived in this Colony on the 28th January, 1838, and have been since then and am now established in this City as a merchant.

I am, &c.,

Addr.: No. 3 Charlotte Place, Churchill. H. MEINERTZHAGEN.

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

Sir, Downing Street, 19th September, 1843.

I transmit to you herewith, for your information, the Copy of a Report from the Commissioners of Colonial Land and Emigration, enclosing a correspondence with the London Contractors on the subject of the Surgeons’ mess in their future Emigrant Ships to New South Wales.

I have signified to the Commissioners my approval of their proposals of the substitution of a money payment to the Surgeons for the allowance of Wine, Spirits and Beer hitherto made to them.

I have, &c.,

[Enclosure.]

STANLEY.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office.

Sir, 20 September, 1843.

We have the honor to transmit, with a view to its being forwarded to the Governor for his information, the enclosed Correspondence with the London Contractors on the subject of the Surgeon’s Mess in their future Emigrant Ships to New South Wales.

It has been the practice of the Messrs. Carter and Bonus not to include Wine, Spirits or Beer in the charge for Cabin passages.
HISTORICAL RECORDS OF AUSTRALIA.

1843.
19 Sept.

Practice re wine, spirits or beer on immigrant ships.

Money allowance proposed for surgeons.

but to leave each person to pay separately for what he may consume. This practice appears to us in itself a good one. It is a great evil on all long passages that persons, who are accustomed to live moderately at home, are not permitted to cross the Sea without using, and being charged for, all sorts of luxuries that they never think of consuming on Shore. But the Surgeon Superintendent in one of the Bounty Ships is entitled to expect a Mess according to the most liberal scale customary in the Trade. On the other hand to make a distinction between him and the other Cabin Passengers would be impossible. The natural resource therefore is to make him compensation in money, which will likewise serve to defray the charge of such Wines or other extra Articles as he may use on the passage.

The Messieurs Carter and Bonus propose for this purpose a sum of Twenty Guineas, to which we see no objection. But, in order to guard against the payments being in any way contingent or capable of interfering with the independence of the Surgeon, we have required it to be paid before sailing in the presence of the Government Emigration Agent, who will affix his Signature as a Witness to the Surgeon's Receipt for the money.

We think it a further convenience that, without compromising the Surgeon's independence, or entailing any new charge on the Colony, this measure will attach some little additional advantage to an Office, for which it is so desirable to secure the services of the most respectable persons that can be procured. We have only now to submit our request that this report, if it meets Lord Stanley's approval, and the papers which it contains, may be forwarded to the Governor.

We have, &c.,

T. FREDK. ELLIOT.
EDWARD E. VILIES.

[Sub-enclosure No. 1.]

EXTRACT of a Letter from Messrs. Carter and Bonus, dated 14th August, 1843.

"It will be observed by the Prospectus that, in order to promote Temperance on board our Ships, we proposed to follow the plan which we found to work well in 1841 of not including Wine, Spirits and Beer in the charge for Cabin Passengers, but requiring each to pay in addition for whatever he may consume.

"As it is provided in our Contract that we shall furnish a Mess for the Surgeon to be appointed by the Commissioners, we feel bound by that condition to do so in as complete a manner as is customary on board respectable Ships in the Trade; but it would be attended with great inconvenience if we should make a distinction between the Surgeon and the Cabin Passengers; and we therefore request that we may be permitted to pay to each Surgeon such sum of money as the Commissioners may consider a fair compensation for the deficiency in the Mess provided by us, and we take the liberty of suggesting Twenty Guineas as a proper sum for that purpose."

[Sub-enclosure No. 2.]


"With respect to the question submitted by you on the Surgeon's Mess, I am to acquaint you that, under the circumstances you mention, the Commissioners see no objection to the proposed payment of Twenty Guineas to the Surgeon instead of attempting to make any distinction between him and other Cabin Passengers; but that, in order to preclude any idea of this payment being contingent or interfering with the independence of the Surgeon, the Board consider that either it should be made by the Government in the Colony and be settled for afterwards between the Government and your Agent, or, if this would be objectionable, because the Surgeon might require the money for his expenditure on the passage, that payment should be made before the Ship's final departure in the presence of the Government Emigration Agent, and the Surgeon's receipt bear his signature attached as a witness.

"I am to request your answer on this point, in order that the necessary communication may be made to the Colony and to the Commissioners' Officers.'"
MESSRS. CARTER AND BONUS TO MR. S. WALCOTT.

Sir, No. 11 Leadenhall Street, 36th August, 1843.

We beg to acknowledge the receipt of your Letter of the 18th inst., conveying the sanction of the Colonial Land and Emigration Commissioners to the payment by us of the sum of Twenty Guineas to the Surgeon of each Ship to be dispatched by us with Emigrants to New South Wales in consequence of the Mess in our Ships being of a limited nature; and we engage that that sum shall in each case be paid on board the Ship, immediately before her final departure from Cork, in the presence of the Government Emigration Agent and a receipt taken from the Surgeon in the presence of that Officer.

We are, &c.,
CARTER and BONUS.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord, Government House, 19th Septr., 1843.

In my Despatch, No. 124 of the 10th August, 1843, I had the honor to inform your Lordship of my intention to bring under the review of my Executive Council all the cases, in which Bounties on the importation of Emigrants had been disallowed by this Government, and also all the appeals against those disallowances, which had been received from the parties claiming Bounties; and I now have the honor to report that the enquiry before the Council was carried on between the 21st ultimo and the 5th instant, a Minute adopted on the latter day, of which I enclose a copy.

The Bishop of Australia attended the Council on this occasion, and between the days mentioned minutely went through the whole of the Papers.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

EXTRACTS from Minutes (Nos. 43/17 and 43/18) of Proceedings of the Executive Council on the 21st August and on the 5th September, 1843.

(Minute No. 43/18 of 5th September confirmed on the 13th September.)

Cases of appeal against disallowances of Bounties on the Importation of Immigrants.

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

His Excellency the Governor stated to the Council that He had to lay before them a number of claims, demanding the most serious consideration, not only for their own magnitude, but as being the forerunners of many others of a similar nature, and to be decided therefore upon similar principles.
Between the 1st July, 1841, and the close of the following year, deductions to an amount exceeding £24,000 were made on various grounds from the Bounties claimed on account of Immigrants introduced into the Colony during that period. That these deductions would give great dissatisfaction to the parties concerned in the shipment of the Emigrants was of course to be anticipated; and, in order to enable the Secretary of State to meet any applications which might be made to him on the subject, His Excellency had reported fully the circumstances of every case of magnitude; and he had done so in the expectation that the Secretary of State would decide, with the assistance of the Land and Emigration Commissioners, on any claims to further payment which might be laid before His Lordship, and so act as arbitrator between the local Government and the parties holding themselves aggrieved. This expectation had however not been realized, as in the replies, which His Excellency had up to that time received, the Secretary of State had expressed his determination not to interfere in such cases with any further qualification than an acknowledgment that, although it was His Lordship's opinion that the final decision ought, if possible, to rest with the local Government, there were conceivable cases in which it might be His Lordship's own duty to revise and even to reverse that decision.

Answers to the same effect having been given to those persons who applied to the Secretary of State for redress, some of the cases had been, and all doubtless would be, thrown back upon His Excellency for reconsideration. Without admitting in the slightest degree that His review would be other than an impartial one, His Excellency nevertheless could not but feel that a revision of his own decisions by himself, or by any Board of his own appointment, would fail to give satisfaction to the appellants. His Excellency had, therefore, no other course open to him than to seek the advice of His Executive Council in the matter.

The disallowances appealed against would, His Excellency observed, be most conveniently classified under the four following heads:—

1. Quarantine Expenses charged against the Importers.
2. Single females not under proper protection.
4. Persons ineligible on various grounds other than the foregoing.

A fifth class might, His Excellency observed, be added, namely, Persons who immediately after arrival quitted New South Wales for other Colonies.

The claims which had been already put forward, and which His Excellency had to lay before the Council were the following:—

1. A claim made by Mr. Towns on behalf of Messrs. Gore and Co. for the Quarantine Expenses of the Ship Eleanor, and for Bounties disallowed on Immigrants by the Ships Premier, Royal Sovereign, Canton, Eleanor, Fairlie, Duke of Roxburgh and Sir Edward Paget.
Also a claim made by the same Gentleman on behalf of Mr. Were for the Quarantine expenses of the Agricola.

2. A claim made by Messrs. Gilchrist for Mr. Miller for the Quarantine expenses of the New York Packet; and, as agents for Mr. Francis Reid, for the Quarantine expenses of the Manlius.

3. A claim made by Messrs. A. B. Smith and Co. for Bounties disallowed on Immigrants imported to Sydney by them or through their agency since the 1st July, 1841.

The grounds, on which the Quarantine expenses Were charged, would be seen by the Council from the Reports of the Immigration Boards, with the evidence and other documents thereto appended.

The grounds, on which Bounties were disallowed, would be seen from statements prepared by the Agent for Immigration, shewing the nature of the objection taken in each case, and the statements on which the Board formed their conclusion.

These Papers His Excellency then laid before the Council, with the Despatches of the Secretary of State, and other documents relating to the subject brought under their consideration; and He particularly called their attention to a Report from the Agent for Immigration, dated the 3d October, 1842, which, though having immediate reference to the particular case of Messrs. Smith and Co., contained general explanations applicable alike to other cases.

The Council, after some deliberation, deferred the further consideration of the matter to a future day.

(Min. No. 43/18.)

5th September, 1843.

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

The Council resumed the consideration of the cases of deductions from Bounties, respecting which His Excellency had asked their advice at the last meeting.

Having first directed their attention to the cases in which the Importers complained of having been debited with Quarantine expenses, the Council were of opinion that in no one of those cases did there exist any just ground of appeal against the decisions of the Government.

The Council were aware that the expenses of Quarantine had been defrayed by the Government in some cases, in which there did not appear to have been culpable neglect or want of efficient arrangements for the health and comfort of the Emigrants, on the part either of the persons shipping them, or of those entrusted with their care during the voyage. The Council could not, however, but maintain that this proceeding on the part of the Government was an act of liberality, to which the Importers could not advance any claim on the ground of right. To remove such an impression, did it exist on the part of the persons whose claims were under consideration, it appeared only necessary to call their attention to the following words of the Tenth clause of the Regulations: “It is also to be understood that no expense whatever attendant upon the introduction of these Immigrants will be defrayed by Government excepting the Bounties and Gratuities herein before mentioned.”

The Council felt it unnecessary to record at length their opinion on each of the four cases before them, in which the Quarantine
Minutes of executive council re disallowances of bounties on immigrants.

1843. 19 Sept.

expenses had been thrown upon the Importers. They were satisfied that in each of those cases very censurable neglect was traced to the parties holding the Bounty orders, their agents or their servants; and they therefore saw no reason to dissent from the conclusions already formed by the Government.

The Council then proceeded to consider the case of the deductions made on account of single females not under such protection as the Regulations required. The Regulation requiring every single female to be " under the protection of a married couple, as forming part of the family, and destined to remain with it until otherwise provided for," was a most important one; and The Council deemed that no sufficient excuse could be pleaded for the inattention with which its spirit as well as its letter had been disregarded in a very large number of cases. The Council reviewed the principles upon which the Immigration Board had decided what was and what was not sufficient protection; and they considered that indulgence had been shewn to fully as great an extent as was consistent with the object of the Regulation, and much greater than the shippers of the Immigrants had any right to expect, cautioned as they were that the Regulation would be strictly construed.

The third case, that namely of single males not paid for merely for want of a corresponding number of eligible single females was one in which the Council considered that a concession might be made by the Government without prejudice to the interests of the Colony. The excess of males had in most instances been caused by the rejection of single women on the ground of their not having been under proper protection. Of the females so rejected, many, it was to be hoped, had not proved worthless, and by the services of the men, personally eligible as they were pronounced by the Immigration Board to have been, the Colony was unquestionably benefited. The Council were also influenced by the consideration that, in some instances, the sufferers by the deductions made on this ground were prevented by the stoppage of Emigration from importing at a subsequent time the number of females requisite to establish their claim to payment for the males. In advising, however, that Bounties should now be allowed on account of such single men as were not paid for solely in consequence of there not having been " brought out at the same time " (or rather by the same person, for it did not appear that the same time had in any case been insisted upon) " an equal number of females accompanying and attached to a family," etc., the Council would specially except the cases of those ships in which gross abuses had been proved in the selection of the female Immigrants, or gross irregularities had occurred during the passage. The ships, to which they referred, were the "Queen Victoria," the "Carthaginian," and the "Sir Charles Napier."

As regarded the fourth case, that namely of Immigrants ineligible under the Regulations on various grounds other than the foregoing, the Council were not disposed to advise any modification of the decisions made by the Government at the time of the arrival of the Immigrants. The Immigrants had been inspected and questioned by the Immigration Board in the presence of the persons claiming Bounties on their account or their Agents; and these persons had been then unable to disprove the grounds on which the Government refused their claims. The Council moreover could not perceive that any advantage would be likely to result to the
That parties in England may have been themselves deceived in respect to the qualifications of many of the Immigrants shipped by them, the Council could not in justice to those parties but allow to be probable. But, were this fact conclusively established, the Council could not admit for a moment that the Government was in the least degree bound to pay for a description of persons not answering to the terms of the agreement, because the parties making the selection had been subjected to imposition. Such a plea would certainly not be entertained in any ordinary mercantile transaction, nor could it in this.

Whilst, however, they were willing to concede that, in many instances in which "Immigrants not qualified by age, calling, character or otherwise" have been introduced, the persons by whom they were selected may have been themselves deceived, the Council could not acquit those persons generally of culpable inattention to the description of Emigrants, for whom alone it had been latterly deemed advisable to provide a passage at the public expense, and for whom therefore Bounties were promised under the amended Regulations issued at the commencement of the year 1840. And the Council could not but advert to a practice which, so far as it extended, must have had a strong tendency to produce the inattention of which they saw such just ground to complain, the transfer namely of Bounty Orders (as they were termed) from the original grantees to persons of whom the Government had no cognizance, to whom Bounties would not have been allowed, if claimed in their own names, and who were therefore under no direct responsibility to the Government for the faithful performance of the duties undertaken by them. The prevalence of this practice had been currently reported, but its existence had not been brought within the knowledge of the Government, until the application came before it of Messrs. McCann and Campbell to the Secretary of State for the Amount deducted from the New York Packet Bounties, from which application it clearly appeared that, on those gentlemen had devolved the Execution of the Bounty Order, which the Government had granted to Mr. John Miller of Glasgow, and that Mr. Miller, though the nominal claimant of the Bounties, had taken no part in the transaction.

The Council, however, in advising that these cases generally should not be reopened, did not at all intend to prejudice any just claim, resting on positive evidence, which even at this distance of time might in any individual instance be brought forward, and which might in fact have been conceded by the Government on a proper representation, even had the present enquiry not been instituted.

As regarded the fifth class mentioned by His Excellency, being that in which Bounties had been refused on account of persons proceeding immediately after arrival to other Colonies, the Council
1843.
19 Sept.
Minutes of executive council re disallowances of bounties on immigrants.

approved of the course adopted by the Government in disallowing the Bounties, as it was necessary to check promptly an evil which might have otherwise grown into considerable magnitude. That object having now been answered, the Council thought payment might now be made of Bounties, which had been refused in such cases, provided that there should appear to be no other grounds of disqualification to be urged against the parties.

FRANCIS L. S. MEREWETHER,
Clerk of the Council.

20 Sept.
Despatch acknowledged.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 150, per ship Alfred; acknowledged by Sir George Gipps, 9th April, 1844.)

Sir,
Downing Street, 20 September, 1843.

I have received your Dispatch No. 60 of the 28th of April last, forwarding a Memorial from Mr. James Ralfe, late of the Surveyor General's Department in New South Wales, on the subject of his removal from that Department.

On a consideration of the circumstances which are made to appear from the Documents before me, I certainly am of opinion that there is nothing to call for the restoration of Mr. Ralfe to the Service of your Government.

There are, however, some points on which I should wish to receive further information to satisfy me that Mr. Ralfe's Claim has been fairly satisfied. I would therefore request to be informed:

1st. Whether the Contract with that Officer was such that the Government could conclude it after a broken period of Service;
2ndly. Whether, supposing the government to have the power, Mr. Ralfe had not a reasonable expectation that it would be continued, not having terminated at the end of the year; and 3rdly, supposing that to have been the case as I am led from your Report to infer, whether One hundred and Fifty pounds was a fair and reasonable Compensation for the loss sustained by him on account of Cattle and Stores purchased for the Public Service.

I have, &c,

STANLEY.

21 Sept.
Transmission of rules of court.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 150, per ship Australasian Packet; acknowledged by Lord Stanley, 5th March, 1844.)

My Lord,
Government House, 21st Septr., 1843.

In compliance with the enactments of the Imperial Statute, 9th Geo. IV, C. 83, S. 16, and of the Local Act of this Colony, 4th Vict., No. 22, I have the honor to forward herewith the Gracious allowance of Her Majesty certain Rules made by the
GIPPS TO STANLEY.

Judges of the Supreme Court of New South Wales; and in so doing it may perhaps be convenient for me to refer to my own Despatch to your Lordship, No. 108 of the 9th July, 1843.

I have, &c.,

GEO. GIPPS.

[Enclosure.]  
[These rules of court were printed in the issue of the "Government Gazette," dated 19th September, 1843.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 151, per ship Australasian Packet.)

My Lord,

Government House, 23rd Septr., 1843.

Referring to my Despatch, No. 95 of the 22d June last, I have the honor to report that Mr. R. G. Dunlop left this Colony clandestinely on or about the 20th ultimo.

He was not in debt to the Government at the time of his departure; but he has, I believe, left several claims unsatisfied in the Colony.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 152, per ship Australasian Packet; acknowledged by lord Stanley, 9th August, 1844.)

My Lord,


With reference to my Despatch of the 31st March last, No. 41, I have the honor to inform Your Lordship that, in consequence of the report of a Medical Board, a Copy of which is enclosed, I caused Mr. John Ross to be released from Gaol on the 23d instant on his own recognizance.

He was in prison from the 8th May to the 23d instant (139 days), and I fully believe that he had not the means of paying to the Government the sum for which judgment had been given against him.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

CERTIFICATE OF MEDICAL BOARD.

Sydney, 21st September, 1843.

HAVING met, in compliance with instructions from His Excellency the Governor, for the purpose of reporting on the state of health of Mr. Ross, now confined in the Debtors' Prison, and having carefully examined him, We hereby certify that his general health is at present much deranged in consequence of indigestion and functional disorder of the Liver, induced by confinement and want of
exercise. He also suffers from a number of ulcers on the legs, the effect of his general bad health, which prevent him from taking walking exercise within the Walls of the Prison.

P. HARNETT, Col. Surgeon.
ARTHUR SAVAGE, Surgeon, R.N.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 151, per ship Alfred.)

Sir, Downing Street, 26th September, 1843.

With reference to my Dispatch, No. 29 of the 26th of February last, I transmit to you herewith, for your information and guidance, a Copy of a letter from the Assistant Secretary to the Board of Treasury with a Copy of a Report from the Commissioners of Customs relative to the Memorial of Messrs. Dunlop and Ross to be relieved from the Penalties on certain export Bonds.

I have, &c,

STANLEY.

[Sir George Clerk to Under Secretary Stephen.]

Treasury Chambers, 13th September, 1843.

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you the enclosed Copy of a Report from the Commissioners of Customs, dated the 2nd Instant, respecting Memorials from Messrs. Dunlop and Ross to be relieved from the Penalties on certain Export Bonds; and I am to request that you will submit the same to Lord Stanley for his information, with reference to your letters of the 14th January and 24th March last, and to the communication made to you by my Lords' Directions on the 17th Feb. last relating to the seizure which has given rise to the Proceedings against these Parties.

I am, &c,

G. CLERK.

[Sub-enclosure.]

REPORT BY COMMISSIONERS OF CUSTOMS.

May it please your Lordships.

Your Lordships, having referred to us two Letters from Mr. Stephen, transmitting by direction of Lord Stanley copies of Despatches from the Governor of New South Wales, forwarding two Petitions addressed to your Lordships by Mr. Robert G. Dunlop, Merchant in Sydney, and Mr. John Ross, his Partner, praying relief in consequence of verdicts obtained against them for certain Penalties for the breach of two Custom Bonds, into which they had entered for the due exportation of a large quantity of Spirits, shipped at Sydney.

We beg leave to state to Your Lordship that all the circumstances, which led to the prosecution of the applicants in consequence of the illegal Landing of the Spirits in question, are fully detailed in our report of the 31st March last, No. 496.

That, from the only report which the Collectors of this Revenue at Sydney has since transmitted to us in regard to the proceedings instituted against the Parties in the Supreme Court of the Colony, it would appear that, in the month of Nov., 1842, Verdicts have been obtained for £5,000 against Dunlop, being the amount of Treble the Duties on 59 Hogsheads of Rum, entered for Exportation, and against Ross for £6,000, the amount of Treble the Duties on 129 Quarter Casks of Brandy, for the Exportation of which he had entered into Bond to the Crown; but, as only 29 Hogsheads of Rum were actually shipped, we informed our Collector at Sydney that no higher penalty could legally be recovered under the Bond given by Dunlop than treble the Duties of importation upon that quantity and which amounts to £1,700. But, as we are not in possession of sufficient information to enable us to
submit our opinion upon the present applications, we have deemed it expedient to transmit copies thereof to our Collector at Sydney for his immediate report and observations upon the several allegations therein contained, and with directions also to state the proceedings, which have been taken to enforce the payment of the penalties by the applicants; and, upon receiving a reply to our enquiries, we shall lose no time in submitting to your Lordships the result, with our observations hereon.

E. STEWART.  H. RICHMOND.
W. CUST.  COLLING C. SMITH.

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 153, per ship Australasian Packet.)

My Lord,

Government House, 26th Sept., 1843.

I have had the honor to receive your Lordship's Despatch, Despatch No. 41 of the 27th March, 1843, directing me to report, at the request of Captain Thomas Stuart, R.N., whether a statement which has appeared in the Public Papers of the death of his Brother, Colonial Assistant Surgeon James Stuart at Sydney, be true.

In reply, I have the honor to enclose herewith, a Copy of a letter, which has been received from Mr. Patrick Harnett, one of the Executors of the late Dr. Stuart, by which your Lordship will perceive that full particulars of that Gentleman's death have already been forwarded by Mr. Harnett to the friends of the deceased in Ireland.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MR. P. HARNETT TO MR. H. W. PARKER.

Macquarie Street, Sydney,

My dear Sir,

25 September, 1843.

In reply to your note of this morning, I beg to state, for the Reports transmitted re J. Stuart.

I am the Executors of the late Doctor Stuart, who died on the 26th May, 1842.

As soon after his death as his affairs were arranged, I sent a Duplicate statement of them, with copies of his Will, to his friends in Ireland; and, in consequence of a note received from you some months back, enclosing a letter addressed to His Excellency by his brother Mr. Thomas Stuart, I forwarded a letter to that gentleman with a triplicate copy of the Will.

Yours, &c.,

P. HARNETT.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 152, per ship Alfred.)

Sir,

Downing Street, 27th September, 1843.

I have received your Dispatch No. 45 of the 1st of April last, reporting that you had caused a payment to be made out of Convict Funds to Captain Bell, R.N., Commanding Her Majesty's Ship "Hazard," of the sum of one hundred and Forty
four Pounds for the entertainment of yourself and Suite on board that Vessel on your late visit of inspection to Norfolk Island.

In reply, I have to observe that it is the invariable practice to require Naval Officers to apply to the Board of Admiralty for the payment of such sums as they may be entitled to receive for the entertainment of Public officers, whether Civil or Military, or persons of distinction, on board Ships under their Command, in order that the Board of Admiralty may, after ascertaining the propriety of the Claim, take measures for the payment of it.

There does not appear to be any reason for a departure from the general regulation in the present instance; and, altho. the expense incurred on this occasion would appear to be properly chargeable on the Convict Funds, the data furnished are not sufficient to enable Her Majesty's Government to judge whether the sum paid to Captain Bell is the amount to which he was entitled by the Naval Regulations.

I should, therefore, wish to receive from you a statement showing the number of days during which yourself and your suite were entertained on board Her Majesty's Ship "Hazard," in order that the requisite reference may be made to the Board of Admiralty, before the payment in question is finally sanctioned.

It will be desirable that on any future occasion you should adhere to the Rule laid down in such cases. I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(My Lord, Government House, 27th Septr., 1843.)

I have had the honor to receive your Lordship's Despatch, No. 48 of the 1st April, 1843, wherein I am desired to inform Mr. Heneage Finch that, without the correspondence referred to in his Memorial, it is impossible for your Lordship to enter on the merits of his representations.

I have sent to Mr. Finch a copy of your Lordship's Despatch; and, in order to account for the absence of the documents which ought to have accompanied the Memorial which I transmitted from Mr. Finch to your Lordship with my Despatch, No. 137 of the 5th Septr., 1842, I enclose a copy of a letter which I caused to be addressed to him on the 4th July, 1842, wherein Mr. Finch was informed that I could not allow the time of persons, receiving salaries from Government, to be occupied in furnishing copies of documents to accompany his Memorial.

I have, &c.,

GEO. GIPPS.
STANLEY TO GIPPS.

[Enclosure.]

COLONIAL SECRETARY THOMSON TO MR. H. FINCH.

Colonial Secretary's Office,
Sydney, 4th July, 1842.

Sir,

Having laid before the Governor your letter of the 27th ultimo, containing a communication, in Triplicate, to the Secretary of State relative to your removal from the Surveyor’s Department, I am directed to inform you that, in taking up your Memorial for the purpose of forwarding it to the Secretary of State, His Excellency finds that no less than thirty-two Documents are referred to in it, of which you have furnished no Copies.

It would appear that you expect copies of the Documents to be furnished from the Colonial Office; but His Excellency regrets to say that He cannot allow the time of persons receiving Salaries from Government to be occupied in making them.

If you choose to furnish them yourself, they shall of course, be forwarded; and I am further to add that His Excellency will wait fourteen days for your reply before He forwards your Memorial without the Copies.

I have, &c.,

E. DEAS THOMSON.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 153, per ship Alfred.)

Sir, Downing Street, 28th September, 1843.

I have received your Dispatch No. 59 of the 26th of April last, enclosing a Memorial addressed to me by Sir Thomas Mitchell, the Surveyor General of New South Wales, preferring a claim to arrears of Salary, at the rate of Six hundred and Fifty pounds per annum for having formerly superintended the making of Roads and Bridges in the Colony.

This Claim for past salary cannot be admitted.

If Sir Thomas Mitchell was underpaid during the period in respect of which this demand is now advanced, he should then have called for a higher remuneration. Having however from year to year accepted his Salary in satisfaction of his Claims, he is debarred by his own Act from maintaining that they are unsatisfied.

The further question referred to in Sir Thomas Mitchell’s Memorial is one of Account between himself and the Local Audit Office, and is one into which, in its present form, it appears to me quite unnecessary for me to enter.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 154, per ship Alfred.)

Sir, Downing Street, 28th September, 1843.

Her Majesty’s Government have recently had under their consideration Reports from the Principal Commissariat Officers
in New South Wales and Van Diemen's Land, relative to the arrangements adopted in those Colonies respectively for checking the application of Stores, issued for distribution to Officers of the Convict Establishments.

From these Reports, it appears that the Officers of the Ordnance Store Department in New South Wales and Van Diemen's Land take no cognizance of the disposal of Clothing or Stores after issue from the principal Depots, and that no effective measures have been adopted by the Colonial Governments, in either of those Colonies, for ensuring the proper application of the Stores to the purposes for which they are issued from the Depots, for preventing unnecessary issues to the Distributors, or for ascertaining in what manner either surplus or unserviceable articles are disposed of by these Parties.

It is obviously unnecessary to remark on the defects of such a system, or on the abuses to which it must certainly lead; but, with a view to the prevention of such abuses in future, Her Majesty's Government have decided on establishing the following Regulations, Vizt.:—

1st. That all Requisitions for Issues from the Principal Store Depot should be accompanied by Accounts and Returns, verified by the Superintending or visiting Officer of the Station, or other competent authority, of the distribution of previous issues to the Distributor, and of all Articles remaining in his possession, specifying whether they are serviceable or unserviceable.

2nd. That the Officers of the Ordnance Department, in charge of the principal Depots, shall render to the Officer in charge of the Commissariat, Monthly Accounts of all Clothing for Convict Services issued from those Depots, or by any Officers of the Convict Establishments, or any other Parties, for distribution or otherwise, such accounts being supported by the Requisitions with the accompanying documents before mentioned, and by the acknowledgements of the Parties to whom issues are made.

3rd. That all Persons, other than the Ordnance Officers, to whom Clothing or Stores may be entrusted, either for distribution in detail or otherwise, shall render regular Accounts of the disposal of them, supported by such vouchers for, or attestation and certificate to, the correctness thereof, as the case may allow.

4. That these several Store Accounts shall be duly examined and checked in the Department of the Commissary of Accounts, and that the Officers of the Ordnance or Convict Establishments, or any other Parties, concerned in the custody or distribution of the Clothing or Stores, shall be prepared to furnish the Commissary of Accounts with any additional information or vouchers he may find it necessary to call for in explanation or support thereof.
STANLEY TO GIPPS.

These Regulations have been communicated, by the Lords Commissioners of the Treasury, and the Master General and Board of Ordnance, to the Commissariat and respective Officers, for their guidance in their several Departments; and it only remains for me, therefore, to instruct you to take all such measures as shall depend on yourself to ensure their punctual execution.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 155, per ship Alfred.)

Sir,
Downing Street, 29th September, 1843.

I have received your Dispatch, No. 46 of the 3rd of April last, enclosing the Annual Reports for the Year 1842 of the different Officers of your Government employed in the civilization or protection of the Aborigines, and also the Reports from the different Missionary Establishments receiving aid from Government.

I have attentively considered these Reports, and I perceive nothing in them which enables me to add any thing to the Instructions on this subject generally conveyed to you by my Dispatch No. 225 of the 20th Decr., 1842.

There is, however, a point to which I think it necessary to call your attention. In the Report of the Wesleyan Missionary Society’s Mission to the Aborigines of the District of Geelong, Port Phillip, reference is made to the Murders perpetrated by the Natives of the different Tribes on each other, and particularly on the Members of the comparatively weak and defenceless Tribes, in some cases on those connected with the establishment of the Mission. An individual instance is cited of a Murder of this description Committed on a Native Woman; and it is observed as a prevalent notion that we have no right to interfere with the Natives so long as they exercise their own Customs on themselves.

From such an opinion, I must express an unqualified dissent. I cannot admit an unprovoked murder committed on a Woman living under the protection of our Missionary Establishment to be one of the Customs with which we cannot interfere; and it is to be the duty of the local Government to use its utmost influence to counteract such an opinion and to check so barbarous a Custom.

I am, &c.,

STANLEY.
Lord Stanley to Sir George Gipps.
(Despatch No. 150, per ship Alfred.)

Sir,
Downing Street, 29th September, 1843.

I have received your Dispatch, No. 63 of the 5th of May last, with the Memorial therein enclosed from various Members of the Association for obtaining permission to import Coolies or other Labourers from India.

You will acquaint the Memorialists that Her Majesty's Government must decline to be parties to the Appropriation of any part of the Revenue of New South Wales to the expense of introducing Indian Laborers into that Colony.

I am, &c.,
Stanley.

Despatch acknowledged.

Objections to charters for banks or loan companies.

Financial distress caused by British colonial bank and loan company.

Sir George Gipps to Lord Stanley.
(Despatch No. 155, per ship Australasian Packet.)

My Lord,
Government House, 29th Septr., 1843.

I had the honor, on the 23d instant, to receive (via Port Phillip) your Lordship's Despatch, No. 47 of the 31st March, 1843, with which were transmitted to me Copies of a correspondence between the Colonial Office and the British Colonial Bank and Loan Company, respecting an application made by the latter for a Charter of Incorporation.

Your Lordship will, I am sure, be fully prepared by my Despatches, dated and numbered as in the Margin,* for my not at present advising the issue of a Charter to any Company formed for the purpose of Banking or money lending in New South Wales. But, in respect to the Company now applying for a Charter, I would more particularly refer to the concluding part of my Despatch on Revenue and Finance, dated the 8th July, 1842, wherein, when speaking of the distresses of the Colonists, I incidentally alluded to it in the following words:

"The operations of a Company, formed in England under the name of the British Colonial Bank and Loan Company, have contributed greatly to the distress under which we are suffering; a large proportion of the paper issued by them in Sydney, under the name of Scrip, having been returned from London as unsaleable, and the Bills which the Scrip had been sent to London to cover, being also returned to the Colony, with charges for re-exchange, etc., of 25 per cent.

"This Company, I believe, never received either assistance or countenance from Her Majesty's Government; but, as others have and others may again, I trust I may be permitted on this

* Marginal note.—No. 40, 31st March, 1843; No. 64, 6th May, 1843; No. 113, 19th Augt., 1843.
occasion to express to Your Lordship my strong opinion that this Colony has never derived, nor is it ever likely to derive, any advantage from Companies formed in England, neither from the Australian Agricultural Company, the Bank of Australasia, nor any other; and, though it is not within the strict line of my duty to speak of other Colonies, I cannot but apprehend that the high pretensions of the recent Companies, which have started into existence elsewhere, and especially of those formed for the colonization of New Zealand, will end in disappointment, if not in disaster."

The Company now applying for a Charter has never yet acted as a Bank, either of issue or deposit, nor has it done much business in the discount of Bills. Its operations have principally consisted in lending money on Mortgage; and, to this I perceive by the papers transmitted to me, it is henceforth intended exclusively to confine them. In such case, the Association will be assimilated to that which exists in the Colony under the name of the "Australian Trust Company," and of which the affairs have been, I believe, ably conducted by Mr. Hastings Elwin.

The only objection, I have to urge against Companies of this nature, is that the mere existence of them induces people to borrow money when under any temporary pressure, instead of striving by industry and economy to extricate themselves from their difficulties, whilst the rate of interest charged by them (10 per cent.) is, I believe, more than the profits of farming in the Colony will justify, though not perhaps greater than the risks run by the lenders require.

In judging of the advantages or disadvantages of investing money in Mortgage in New South Wales, it is necessary to bear in mind that such a thing as a Rental scarcely exists in the Colony, as even the largest proprietors keep for the most part their Lands in their own hands. Lands, therefore, have hitherto been Mortgaged with reference only to their selling value, which value again has until lately been fixed rather with reference to the expected advance of the Colony, than the yearly profit derivable from them. Lands not capable of producing a rent of £50 might probably, a year or two ago, have been readily mortgaged for £1,000, which same Lands would not now produce a rent of £20, and would not sell for £500.

The Mortgages, held by the Company now applying for a charter, are understood to be taken in the name of the Agent of the Company in Sydney (Mr. Bloxsome) and their Solicitor (Mr. Turner); and the Mortgages, held by the Chartered (Trust) Company, are understood also to be taken in the names of two or three individuals, Members of the Company. The object of
taking the Mortgages in this way evidently is that the Company can thus, by the intervention of Trustees, hold Land which they otherwise could not do; but the difficulty of finding a Tenant, that is to say, a rent-paying Tenant for the Lands, will probably prevent, at least for many years to come, the accumulation of any large quantities of Land in the hands of any Company.

I may further observe that the chief object of a Charter is generally to fix a limit to the liabilities of the Shareholders; but the liabilities of a Company, formed for the sole purpose of lending money, never ought to be great; and it may be doubted whether a Charter can be of any real advantage to it beyond that of adding to the respectability of the Association. Even the usual advantage of suing and being sued in the name of its Chairman must be almost null, so long as Mortgages continue to be taken not in the name of the Chairman, but in the names of individuals, secretly constituted Trustees for the Company.

For these reasons, though I cannot advise the issue of a Charter to the parties now applying for it, I am not prepared to say that any serious evil is likely to arise, should Her Majesty on other considerations be advised to issue one.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 157, per ship Alfred.)

Sir, Downing Street, 30 September, 1843.

I have received your Dispatch, No. 53 of the 17th of April last, transmitting Copies of three Acts passed by yourself and the Legislative Council of New South Wales on the 23d of February, 1843, entitled:

No. 16 (6 Vict.), "An Act to provide for the division of the Colony of New South Wales into Electoral Districts, and for the election of Members to serve in the Legislative Council."

No. 17, "An Act to amend an Act passed in the 4th year of H.M.'s Reign, entituled, 'An Act to provide for the Trial by Jury in Civil and Criminal cases in the Circuit and other Courts to be holden within the Colony of New South Wales and its dependencies.'"

No. 18, "An Act to remove doubts in respect to the exercise of certain Powers by the Councils of the City of Sydney and Town of Melbourne, and to declare the Competency of Witnesses and the jurisdiction of Magistrates in Certain Cases within the same."

I have to acquaint you that, having submitted these Acts to the Queen, Her Majesty has been graciously pleased to confirm and allow them.

I am, &c.,

STANLEY
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 138, per the ordinary post.)

Sir,

Downing Street, 30th September, 1843.

With reference to my Dispatch of the 15th Instant, No. 145, enclosing a Copy of a representation from Mr. Percy Simpson relative to his claims on the Government of New South Wales, I now transmit to you, for your information, Copies of a further Correspondence with Mr. Simpson; and you will perceive that I have consented to authorize you, in the event of your being satisfied of the justice of his claim and the propriety of admitting it, to take measures, so far as it may be in your power, for satisfying it without waiting for further Instructions from the Government in this Country.

I am, &c.,

STANLEY.

[Enclosure No. 1.]

MR. P. SIMPSON TO LORD STANLEY.

My Lord,

Whitehall Place, 21st Sept., 1843.

Referring to my Memorial dated the 1st inst., which your ignorance of Lordship has directed to be forwarded to the Governor of New South Wales for his Report, I venture most respectfully to observe that Sir George Gipps is totally unacquainted with the Case, as the pecuniary claim preferred by me, supported by authenticated Official Documents, arises out of a difference of opinion that took place between General Sir Ralph Darling, then Governor in New South Wales, and myself in 1826 as to the meaning and intention of his predecessor’s Agreement with me in 1823; consequently Sir George Gipps cannot possibly afford correct information (if any) so as to enable your Lordship to arrive at a satisfactory conclusion, or decide on this, perhaps unprecedented case, unless explained by Sir General Sir Thomas Brisbane, now in Scotland; and to this fact alone is to be attributed my having deviated from the usual routine of transmitting my claim through the Colonial Government, trusting that, under the circumstance of the Case, your Lordship would see the reasonableness of my motive, and tolerate a departure in this instance from the ordinary rule, more particularly as General Darling had left the question open, with my consent, for future reference to Sir Thomas Brisbane, as he alone could establish the justice of my claim.

I will not trespass on your Lordship by portraying the ruinous consequences that must result to my Wife and seven Children, solely depending on my future exertions to maintain them in that position in Society, they have been accustomed by education and habits, if the adjustment of my claim is to be in abeyance so long as contemplated, resting satisfied that Your Lordship feels disposed to afford me every reasonable redress by the most prompt and practicable means; I would, therefore, most respectfully suggest and implore Your Lordship to refer my Memorial and Documents to General Sir Thomas Brisbane and Sir Ralph Darling for their report; or otherwise that your Lordship would be pleased to take into favorable consideration my long services, as a Civil Officer of the Crown in the Ionian Islands and New South Wales (making a period of twenty five years) and confer on me such permanent
1843.
30 Sept.

Inability

to employ
P. Simpson.

Necessity for
reference of
claim to
Sir G. Gipps.

Authority for
settlement of
claim by
Sir G. Gipps.

PERCY SIMPSON.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO MR. P. SIMPSON.

Sir,
Downing Street, 30th September, 1843.

I am directed by Lord Stanley to acknowledge the receipt
of your Letter of the 21st Inst., and to acquaint you in reply that
his Lordship can hold out to you no prospect of a compliance with
your application for Official employment under this Department.

With regard to your further request that your claim on the Local
Government of New South Wales may be decided without a refer­
ence to the present Governor, on the plea that Sir George Gipps
can have no knowledge of the case, Lord Stanley directs me to
observe that such a reference is not a mere form or ceremony to be
observed or disregarded at pleasure, but is an indispensible step
towards a sound and just decision on the claim. For, although
Sir George Gipps may have no personal knowledge of the par­
ticular case, there will probably be within his reach much evidence,
both oral and documentary, bearing directly upon it.

The Governor also has means, which his Lordship has not, of
appreciating the real effects of which any such decision might be
productive in other cases.

Much as Lord Stanley regrets the injurious consequences of the
delay which must thus be interposed, it is impossible to forget that
the rule requiring the transmission' of such Applications through
the Governor is a rule which was perfectly well known throughout
the Colony at the time when you quitted it.

Lord Stanley, however, directs me to add that he will authorize
Sir George Gipps, in the event of his being satisfied of the justice
of your claim and the propriety of admitting it, to take measures so
far as it may be in his power for satisfying it without awaiting
any further instructions from this Country. I have, &c.,
JAS. STEPHEN.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 156, per ship Australasian Packet.)

My Lord,
Government House, 1st October, 1843.

I am sorry to have to inform your Lordship that Mal­
practices have been discovered in the Female Factory at Parra­
matta, and that I have been forced to suspend the House Steward,
Matron, and sub-matron (Mr. and Mrs. Bell, and Mrs. Corcoran)
with the view of having them (or some of them) indicted for
conspiring with the Contractor to defraud the Government.

The 10th and 11th paragraphs of the report which I addressed
to your Lordship on the 20th May last (Despatch No. 76) will
shew that I was then greatly dissatisfied with the conduct of the
Contractor; and, though I did not express them in my report,
GIPPS TO STANLEY.

I had even then, and had had for some time previously, suspicions of the integrity of Mr. Bell and Mrs. Corcoran. About the middle of July last, these suspicions were greatly strengthened, it being then proved to me that Rations had been drawn during several months in the year 1841 for a considerable number of children more than there were in the Factory; but even then it remained doubtful whether this had been done by accident only, as alleged by Mr. Bell, or with the intention of committing fraud. Not long afterwards, however, a quarrel arose between Mr. Bell and Mrs. Corcoran, and they preferred against each other charges, which I caused to be enquired into by a Board of Officers, whereof the Deputy Commissary General was President.

The report of this Board I placed in the hands of the Attorney General, and preparatory measures are now in progress for bringing Mr. Bell, Mrs. Corcoran, and Mr. Hamilton (the Contractor) before a Court of Justice for Conspiracy. Should this charge fail, Mr. Bell may still be indicted for embezzlement, but Mrs. Bell is not included in the charge, as the Law would presume that she acted under the control of her husband.

I shall report more fully on this matter to Your Lordship, as soon as the proceedings against the parties are terminated. In the meantime, I may say that I very greatly regret the loss of Mrs. Corcoran, who, though formerly a Prisoner, has been most efficient in the discharge of her duty, and is a woman of extraordinary energy.

I have of course made arrangements for carrying on the business of the Establishment; and it scarcely seems necessary for me to add that I shall not now issue the gratuities mentioned in my Despatch, No. 78 of the 20th May last, even though I receive authority so to do.

I have, &c,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 3rd October, 1843.

I have had the honor to receive your Lordship’s Despatch, No. 55 of the 18th April, 1843, enclosing a copy of an application from the Revd. Mr. Heptonstall for the usual allowance for the passage of a Roman Catholic Clergyman from England to New South Wales, to supply the vacancy occasioned by the appointment of the Revd. Mr. Murphy as Vicer General in the room of the Revd. Dr. Ullathorne; also enclosing to me a copy of the answer which had been returned to the Revd. Mr. Heptonstall, by your Lordship’s direction.
### Historical Records of Australia

In reporting, as required to do, to Your Lordship on this matter, I have the honor to state that the vacancy occasioned by the appointment of the Revd. Mr. Murphy as Vicar General has been filled up in the Colony.

I take advantage of this opportunity to transmit to your Lordship a List of all the Clergymen in this Colony, now receiving Salaries from Government, by which Your Lordship will perceive that the number of each denomination is as follows:

- **Church of England**, 53; **Presbyterian**, 20; **Wesleyan**, 7; **Roman Catholic**, 24; **Total**, 104;
- of whom the following (as far as can be ascertained) have either been Ordained in the Colony, or have come to it without any express authority from Her Majesty’s Government:

I would further remark to your Lordship that the Estimate, now before the Legislative Council for the Church Establishments of the Colony during the year 1844, amounts to the sum of £36,022 10s., and that it is extremely doubtful whether the Council will vote anything in addition to the sum of £30,000, which by Schedule C of the Act for the Government of New South Wales (5th and 6th Vict., C. 76) is secured for the purposes of Public Worship.

Under these circumstances, I regret that I cannot advise your Lordship to sanction for the present the embarkation for this Colony of additional Clergymen of any denomination. I shall report further to your Lordship on this subject, as soon as the Estimates shall have passed the council; and, in the mean time, I think it right to refer to my previous Despatch on the subject of the provision for the Clergy in this Colony, No. 163, 3d December, 1839.

I have, &c.,

Geo. Gipps.

---

### Statement of the Stations and Names of the several Clergymen, receiving Salaries from the Colonial Treasury of New South Wales, distinguishing those who have been ordained in the Colony, or have come to the Colony without the permission of the Secretary of State.

<table>
<thead>
<tr>
<th>Station</th>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Church of England</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sydney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Philip</td>
<td>1. Wm. Grant Broughton</td>
<td></td>
</tr>
<tr>
<td>St. James</td>
<td>2. William Cowper</td>
<td></td>
</tr>
<tr>
<td>St. Laurence</td>
<td>3. Robert Allwood</td>
<td></td>
</tr>
<tr>
<td>St. Andrew</td>
<td>4. W. H. Walsh</td>
<td></td>
</tr>
<tr>
<td>The Holy Trinity</td>
<td>5. B. L. Watson</td>
<td></td>
</tr>
<tr>
<td>Gaol, Darlinghurst</td>
<td>6. J. C. Grills</td>
<td>Came to the Colony without permission of the Secy. of State.</td>
</tr>
<tr>
<td></td>
<td>7. John Elder</td>
<td>Ordained in the Colony.</td>
</tr>
</tbody>
</table>
GIPPS TO STANLEY.

[Enclosure]—continued.

A STATEMENT of the Stations and Names of the several Clergymen receiving Salaries, etc.—continued.

Station. Name. Remarks.

Church of England—continued.

<table>
<thead>
<tr>
<th>Station</th>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashfield and Balmain</td>
<td>F. Wilkinson</td>
<td></td>
</tr>
<tr>
<td>Cook's River</td>
<td>Thomas Steele</td>
<td></td>
</tr>
<tr>
<td>Parramatta</td>
<td>H. H. Bobart</td>
<td></td>
</tr>
<tr>
<td>Marsfield</td>
<td>James Walker</td>
<td>Came to the Colony without permission of the Secy. of State</td>
</tr>
<tr>
<td>Hunter's Hill and Lane Cove.</td>
<td>G. E. Turner</td>
<td></td>
</tr>
<tr>
<td>Prospect</td>
<td>John Troughton</td>
<td>Ordained in the Colony.</td>
</tr>
<tr>
<td>Liverpool</td>
<td>John DuFus</td>
<td></td>
</tr>
<tr>
<td>Campbell Town</td>
<td>George Vidal</td>
<td>Ordained in the Colony.</td>
</tr>
<tr>
<td>Angip</td>
<td>H. D. D. Sparling</td>
<td></td>
</tr>
<tr>
<td>Illawarra</td>
<td>M. D. Meares</td>
<td></td>
</tr>
<tr>
<td>Karellan and Cabramatta</td>
<td>Thomas Hassall</td>
<td></td>
</tr>
<tr>
<td>Camden</td>
<td>Robert Forrest</td>
<td>Came to the Colony without permission of the Secy. of State</td>
</tr>
<tr>
<td>Sutton Forest</td>
<td>William Stone</td>
<td></td>
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<tr>
<td>Goulburn</td>
<td>Wm. Sowerby</td>
<td></td>
</tr>
<tr>
<td>Bungonia</td>
<td>Geo. N. Woodd</td>
<td></td>
</tr>
<tr>
<td>Queanbeyan</td>
<td>Edward Smith</td>
<td></td>
</tr>
<tr>
<td>Braidwood</td>
<td>James Allan</td>
<td></td>
</tr>
<tr>
<td>St. Vincent</td>
<td>E. G. Pryce</td>
<td></td>
</tr>
<tr>
<td>Yass</td>
<td>William Lisle</td>
<td></td>
</tr>
<tr>
<td>County of King</td>
<td>Robt. Cartwright</td>
<td></td>
</tr>
<tr>
<td>Windsor</td>
<td>Henry T. Stiles</td>
<td></td>
</tr>
<tr>
<td>Richmond</td>
<td>J. K. Walpole</td>
<td>Ordained in the Colony.</td>
</tr>
<tr>
<td>Pitt Town, Wilberforce and Sackville Reach</td>
<td>T. W. Bodenham</td>
<td></td>
</tr>
<tr>
<td>Lower Hawkesbury</td>
<td>W. W. Simpson</td>
<td>Ordained in the Colony.</td>
</tr>
<tr>
<td>Castlerough and Emu</td>
<td>John Vincent</td>
<td></td>
</tr>
<tr>
<td>Mulgoa</td>
<td>T. C. Makinson</td>
<td></td>
</tr>
<tr>
<td>Penrith and South Creek.</td>
<td>Robt. K. Scone</td>
<td></td>
</tr>
<tr>
<td>Keoh</td>
<td>Chas. Woodward</td>
<td>Came to the Colony without permission of the Secy. of State</td>
</tr>
<tr>
<td>Bathurst</td>
<td>Thomas Sharpe</td>
<td></td>
</tr>
<tr>
<td>Brisbane Water</td>
<td>Edward Rogers</td>
<td></td>
</tr>
<tr>
<td>Newcastle</td>
<td>C. P. L. N. Wilton</td>
<td></td>
</tr>
<tr>
<td>Raymond Terrace</td>
<td>Chas. Spencer</td>
<td></td>
</tr>
<tr>
<td>East Maitland</td>
<td>G. K. Rusden</td>
<td></td>
</tr>
<tr>
<td>West Maitland</td>
<td>William Stack</td>
<td></td>
</tr>
<tr>
<td>Hexham and Alwrick</td>
<td>Robert T. Bolton</td>
<td></td>
</tr>
<tr>
<td>Hinton</td>
<td>G. A. Middleton</td>
<td></td>
</tr>
<tr>
<td>Paterson</td>
<td>J. Jennings Smith</td>
<td></td>
</tr>
<tr>
<td>Muswell Brook</td>
<td>Wm. F. Gore</td>
<td></td>
</tr>
<tr>
<td>Scöne</td>
<td>John Morse</td>
<td></td>
</tr>
<tr>
<td>Patrick's Plains</td>
<td>Francis Cameron</td>
<td></td>
</tr>
<tr>
<td>Clarence River</td>
<td>J. M. Connell</td>
<td></td>
</tr>
<tr>
<td>Port Macquarie</td>
<td>John Cross</td>
<td></td>
</tr>
<tr>
<td>Moreton Bay</td>
<td>John Gregor</td>
<td></td>
</tr>
<tr>
<td>Melbourne</td>
<td>A. C. Thomson</td>
<td></td>
</tr>
<tr>
<td>Portland</td>
<td>J. Y. Wilson</td>
<td></td>
</tr>
<tr>
<td></td>
<td>J. E. Reane</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Absent from the Colony on leave.</td>
</tr>
</tbody>
</table>

Return of clergy receiving salaries from government.

1843. 3 Oct.
A RETURN of clergy receiving salaries from government.

Station. Name. Remarks.

**Church of Scotland.**

<table>
<thead>
<tr>
<th>Station</th>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>1. John McGarvie</td>
<td>Came to the Colony without permission of the Secy. of State, but subsequently obtained it.</td>
</tr>
<tr>
<td></td>
<td>2. James Fullerton</td>
<td></td>
</tr>
<tr>
<td>Parramatta</td>
<td>3. John Tait</td>
<td>Came to the Colony without permission of the Secy. of State.</td>
</tr>
<tr>
<td>Campbelltown</td>
<td>4. H. R.Gilchrist</td>
<td></td>
</tr>
<tr>
<td>Camden Hill</td>
<td>5. Thomas Moubray</td>
<td></td>
</tr>
<tr>
<td>Wollongong</td>
<td>6. C. Atchison</td>
<td></td>
</tr>
<tr>
<td>Goulburn</td>
<td>7. Wm. Hamilton</td>
<td>Ordained in the Colony.</td>
</tr>
<tr>
<td>Windsor</td>
<td>8. Mathew Adam</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. George Maefie</td>
<td></td>
</tr>
<tr>
<td>Wollongong</td>
<td>10. Colin Stewart</td>
<td></td>
</tr>
<tr>
<td>Bathurst</td>
<td>11. K. D. Smythe</td>
<td></td>
</tr>
<tr>
<td>Newcastle</td>
<td>12. Robert Stewart</td>
<td></td>
</tr>
<tr>
<td>Maitland</td>
<td>13. Wm. McIntyre</td>
<td></td>
</tr>
<tr>
<td>Hinton</td>
<td>14. Robert Plain</td>
<td></td>
</tr>
<tr>
<td>Patrick's Plains</td>
<td>15. William Ross</td>
<td></td>
</tr>
<tr>
<td>Port Macquarie</td>
<td>16. Irving Hetherington</td>
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<tr>
<td>Geelong</td>
<td>17. William Purves</td>
<td>Ordained in the Colony.</td>
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<tr>
<td>Portland</td>
<td>18. James Forbes</td>
<td></td>
</tr>
<tr>
<td>Vale of Clwyd</td>
<td>19. Andrew Love</td>
<td>Came to the Colony without permission of the Secy. of State.</td>
</tr>
<tr>
<td>Bathurst</td>
<td>20. Alex. Lawrie</td>
<td></td>
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</table>

**Wesleyan Methodists.**

<table>
<thead>
<tr>
<th>Station</th>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>1. John McFerney</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. D. J. Draper</td>
<td></td>
</tr>
<tr>
<td>Parramatta</td>
<td>3. Edward Sweetman</td>
<td></td>
</tr>
<tr>
<td>Windsor</td>
<td>4. F. Lewis</td>
<td></td>
</tr>
<tr>
<td>Bathurst</td>
<td>5. Sam Wilkinson</td>
<td></td>
</tr>
<tr>
<td>West Maitland</td>
<td>6. Jonathan Innes</td>
<td></td>
</tr>
<tr>
<td>Melbourne</td>
<td>7. Wm. Schofield</td>
<td></td>
</tr>
</tbody>
</table>

**Roman Catholic Clergy.**

<table>
<thead>
<tr>
<th>Station</th>
<th>Name</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>1. J. B. Polding</td>
<td></td>
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<tr>
<td></td>
<td>2. Francis Murphy</td>
<td></td>
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<tr>
<td></td>
<td>3. H. H. Gregory</td>
<td></td>
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<tr>
<td></td>
<td>4. Peter Young</td>
<td>Came to the Colony without permission of the Secy. of State.</td>
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<tr>
<td></td>
<td>5. John McEncroe</td>
<td></td>
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<tr>
<td></td>
<td>6. John Grant</td>
<td>Ordained in the Colony.</td>
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<tr>
<td></td>
<td>7. N. J. Coffey</td>
<td></td>
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<tr>
<td></td>
<td>8. John Fitzpatrick</td>
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<tr>
<td></td>
<td>9. James Goold</td>
<td></td>
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<tr>
<td></td>
<td>10. J. C. Summer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. John Rigney</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. Michl. Brennan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13. Chas. Lovatt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14. T. F. McCarthy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15. Michael Ryan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>17. Michl. O'Reilly</td>
<td></td>
</tr>
<tr>
<td></td>
<td>18. C. D. Coghlan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>19. C. V. Dowling</td>
<td>Came to the Colony without permission of the Secy. of State.</td>
</tr>
<tr>
<td></td>
<td>20. Edmd. Mahony</td>
<td></td>
</tr>
<tr>
<td></td>
<td>21. John Lynch</td>
<td>Came to the Colony without permission of the Secy. of State.</td>
</tr>
<tr>
<td></td>
<td>22. Thomas Slattery</td>
<td></td>
</tr>
<tr>
<td></td>
<td>23. P. B. Googhegan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>24. Michael Stevens</td>
<td></td>
</tr>
</tbody>
</table>

Audit Office, Sydney, New South Wales, 3d Oct., 1843.
STANLEY TO GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 155, per ship Australasian Packet; acknowledged by Lord Stanley, 8th March, 1844.)

My Lord,

Government House, 3rd October, 1843.

With reference to my Despatch of this day's date, No. 157, I have the honor to forward a Copy of a letter addressed to the Secretary of this Colony by the Revd. Mr. Murphy, Roman Catholic Vicar General, forwarding the Certificates of the death of two Roman Catholic Clergymen in compliance, as it is stated, with the verbal directions of Your Lordship to the Revd. Dr. Polding.

I have, &c.,

[Enclosure.]

GEO. GIPPS.

REVD. F. MURPHY TO COLONIAL SECRETARY THOMSON.

Sir, Sydney, 23rd September, 1843.

By direction of the Most Reverend the Archbishop, I have the honor to acknowledge receipt of your letter of 18th Instant, and in reply to state for the information of His Excellency the Governor that, at an interview which His Grace had with the Secretary of State for the Colonial Department, when the consent of the Home Government was obtained for Outfit, etc., for two Clergymen to supply the vacancy occasioned by the Decease of the Reverend Richard Marum and the Reverend Coll. McColl, Lord Stanley required that Certificates of their Deat should be transmitted him through the usual Official Channel.

I have, &c.,

F. MURPHY, V.G.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 159, per ship Alfred; acknowledged by Sir George Gipps, 4th May, 1844.)

Sir,

Downing Street, 4 October, 1843.

In transmitting to you the enclosed copy of a Letter from Mr. James Russell, I have to request that you will ascertain whether there is any accuracy in the statement made therein, and whether it is possible to be of any service to the Writer.

I am, &c.,

STANLEY.

MR. J. RUSSELL TO LORD STANLEY.

Anghacloy, Co. Tyrone, Ireland,

My Lord, 26 September, 1843.

Your humble Petitioner James Russell lays the following complaint before your Lordship in hopes of justice, and your Lordship's ever kind consideration, as I find you whom I may depend upon placed at the head of Her Gracious Majesty's Colonial Grants.

A few years ago the Honorable Colonel Verner set forth to employ and take out of this Country a number of young men for the purpose of sending them to Sydney on his property at King's Plains in New South Wales, leaving Captain Crossley and Mr.
1843.
4 Oct.
Complaint by J. Russell re non-receipt of money transmitted by sons.

Lewis to act here as his Agents in this Country and to fully satisfy all Parents of the strict justice, and shew that all Slave bondage or defraud on such persons should be strictly attended to under Her Majesty’s Grant. On such conditions, I sent my two Sons, James and Francis Russell, and they labored at King’s Plains under his own Agent Mr. McCartney until they raised the sum of £20 by honest industry, then lodged it in his hands to send home and be paid to me. By Mr. Lewis of Dublin, Agent, I am denied it; but if I would produce Mr. McCartney’s order, Mr. Crossley stated to me that he would see it paid. I wrote and got his Order; then Capt. Crossley refused paying the order. They hold my Children as Slaves, and all their money under the t of Government; but I hope through God and you to yet see them brought to justice that I may in my old age receive the benefit of my Children’s honest hire; and May God set forth to your Lordship the promise of a Parent for a Child and true justice to me a poor old worn out Father, that, thro’ all officers connected with justice, Your Lordship will order a search that I may receive the Sum stated. I can produce all letters and perfect witness to the money being lodged and to be paid by Capt. Crossley Colonel Verner’s Agent, who sent my Children away under the Colonial Grant. and &c.

JAMES RUSSELL

5 Oct.
Transmission of memorial from R. Crawford.

Report re claims of R. Crawford.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 160, per ship Australasian Packet; acknowledged by lord Stanley, 17th May, 1844.)

My Lord,
Government House, 5th October, 1843.

I have the honor herewith to forward a Memorial, which has been addressed to Your Lordship by Mr. Robert Crawford, in consequence of my having declined, unless under your Lordship’s express sanction, to make to him a Grant from the Crown of 6,000 acres of Land, of which he has been in possession for a number of years.

Mr. Crawford’s case was first brought before me on the 4th Nov., 1842, and is as follows:—

Mr. Crawford came to New South Wales with Sir Thomas Brisbane in 1821, and is known to have enjoyed the favor and good opinion of that Governor. He also was appointed by Sir Thomas Brisbane, soon after his arrival, to a Clerkship in the Office of the Colonial Secretary.

In 1822, he received a free grant of 2,000 acres of Land; and, on the 21st November, 1825, he received from Sir Thomas Brisbane a promise of a further grant of 1,300 acres, which promise, however, was subject to the approval of the Secretary of State; also on the 28th Novr., 1825, he received from Sir Thomas Brisbane a permission to purchase 3,000 acres of Land, and a similar permission to purchase other 3,000 acres was on the same day given to his Brother, Mr. Thomas Crawford. The Grants

* Marginal note on original enclosure.—Name illegible in Orig. May be Rivers or Tivers.
† Note on original.—Illegible.