This Act merely adopts the Imperial Act, 6th and 7th Vict., ch. 85. The following is a Copy of a letter respecting it from the Attorney General:


"I have the honor to acknowledge the receipt of your letter dated yesterday, enclosing a Copy of the Act for improving the Law of Evidence, which has lately passed the Legislative Council, and been presented to the Governor for the Royal Assent, and stating that His Excellency requests my advice, in conjunction with that of the Solicitor General, whether it be, or be not, an Act, to which the Royal Assent should be given.

"In reply, I beg leave to state that we are not aware of any reasons which should operate with Her Majesty against the allowance of the Act referred to. It is almost a verbatim Copy from a similar Act in England, and we are of opinion that its introduction here is only a measure of justice.

"I have, &c.,

"JOHN H. PLUNKETT, Attorney General.

"The Honble. The Colonial Secretary."

8th Vict., No. 2.—"An Act to regulate and amend the Law of Apprentice-Orphan and other Apprentices in the Colony of New South Wales."

This Act was introduced by the Attorney General, the Supreme Court having pronounced a decision which made it doubtful whether the English Law of Apprentices was in force in the Colony, and whether there was any Law to authorize Justices of the Peace to act in cases between Master and Apprentice, the Sydney Justices having in fact refused to act in any such cases.

8th Vict., No. 3.—"An Act to continue for a further limited time an Act intituled, 'An Act for preventing the extension of the disease, commonly called the Influenza or Catarrh in Sheep and Lambs, in the Colony of New South Wales.'"

This is merely a continuation for two years of the Catarrh Act which has been in force since the year 1838.

8th Vict., No. 4.—"An Act to amend the Laws regulating Jury trials in trial by Jury in New South Wales, in so far as they relate to the trial of Civil causes."

This Act was introduced by Mr. Windeyer (a Barrister), Member for the County of Durham. The object of it is to substitute a trial by a Jury of four persons, for the trial by two assessors, which was sanctioned by the 9th Geo. IV, ch. 83, s. 8, the right being still reserved for either the Plaintiff or Defendant to claim a Jury of twelve if he desire it.
The fourth clause is important; it provides that, after the Jury shall have remained six hours in deliberation, the verdict of three fourths of the number shall be taken as the verdict of the whole; and that, if after twelve hours’ deliberation three fourths of the number cannot agree, the Jury shall be discharged.

8th Vict., No. 5.—“An Act to further continue for a limited time an Act intituled ‘An act to facilitate the apprehension of transported felons and offenders illegally at large, and of persons found with Arms, and suspected to be robbers.’”

This Act continues for two years, and without alteration, what is called the “Bushranging Act” of the Colony.

8th Vict., No. 6.—“An Act to further amend an Act, intituled, ‘An Act for giving relief to Insolvent persons, and providing for the Administration of Insolvent Estates, and to abolish Imprisonment for debt.’”

The object of this Act was simply to repair an accidental omission in the Act of last year, 7th Vict., No. 19, on which Act I reported fully in my Despatch, No. 1 of the 1st January, 1844. It was intended to have a Chief Commissioner of Insolvents at Port Phillip as well as in Sydney, but accidentally a Commissioner only and not a Chief Commissioner was authorized.

The present Act authorizes the appointment of a Chief Commissioner (see my Despatch No. 129 of the 29th June, 1844).

8th Vict., No. 7.—“An Act for applying certain sums arising from the Revenue receivable in New South Wales to the supplementary service thereof, for the year one thousand, eight hundred and forty four.”

The supplementary appropriation Act for 1844 was this year passed separately from the appropriation Act for 1845; but it will come more properly under review in my general financial Despatch for the year.

8th Vict., No. 8.—“An Act to amend the Act passed in the second year of the reign of her present Majesty Queen Victoria, intituled, ‘An Act to define the qualifications of Medical Witnesses at Coroners’ Inquests, and Inquiries held before Justices of the Peace in the Colony of New South Wales.’”

The object of this Act was simply to establish a Medical Board* at Port Phillip, similar to that which has existed in Sydney since 1838. The Board does not grant Diplomas, but simply examines those granted by regular Colleges or Faculties, and certifies to their being satisfactory.

8th Vict., No. 9.—“An Act to suspend for a limited period, so much of an Act of the Governor and Council of New South

* Note 18.
GIPPS TO STANLEY.

Wales 'To declare the Town of Sydney to be a City, and to Incorporate the Inhabitants thereof,' as relates to the estimating and levying a rate for the Police of the said City.'

Under the Sydney Corporation Act (6th Vict., No. 3), the whole expense of the Police of the City ought to be defrayed (Sec. 7) by rates on the Inhabitants; but, contemporaneously with it, a subsidiary Act was passed (6th Vict., No. 5) under which an aid of £5,000 a year was given out of the general Revenue towards the payment of the Police, and another aid of equal amount towards the general purposes of the City. This subsidiary Act, however, expired on the 2d August, 1844 (see Sec. 7), twelve months after the meeting of the New Legislative Council.

Under the 47th Clause of the Constitutional Act of the Colony, 5th and 6th Vict., ch. 76, half the expense of the Police throughout the Colony ought to be defrayed by local assessments, and half out of the general revenue; but, by a Despatch dated the 21st August, 1844 (No. 177), I reported that I had consented that, during the year 1845, the whole expense should be defrayed out of the public funds. Having consented to this arrangement for the Colony in general, I considered it would be unfair on the inhabitants of Sydney to make them support the Police of the City by means of assessment; and consequently I introduced the present Act, the object of which simply is to relieve the Corporation during the year 1845 from the obligation of raising Police Rates.

I ought to explain that, though during the year 1845 the Government will pay the whole of the expense of the Sydney Police, it will be relieved altogether from the payment of £5,000 a year to the City fund, to which it was subject under the fourth clause of the subsidiary Act, 6th Vict., No. 5; consequently that the expenses of the Government will not be increased.

8th Vict., No. 10.—"An Act to amend an Act intituled, 'An Act to consolidate and amend the laws for the distillation of Spirits in the Colony of New South Wales, and for the issue of Licenses for distilling, rectifying, and compounding Spirits therein, and for repealing certain laws relating thereto.'"

The object of this Act is sufficiently apparent. The immediate cause of its being passed was an application from the Gas Company of Sydney, for permission to use a Still for the production of Naptha.

8th Vict., No. 11.—"An Act to suspend for a limited period, so much of an Act of the Governor and Council of New South
Wales 'to incorporate the inhabitants of the Town of Melbourne,' as relates to the estimating and levying a rate for the Police of the said Town.'

This Act does for the Corporation of Melbourne the same that the 8th Vict., No. 9 (reported on above) does for that of Sydney.

The Melbourne Corporation Act is the 6th Vict., No. 7; the Melbourne subsidiary Act the 6th Vict., No. 8.

8th Vict., No. 12.—"An Act to amend an Act passed in the sixth year of the Reign of Her present Majesty, intituled, 'An Act to incorporate the inhabitants of the Town of Melbourne.'"

This Act was passed for the purpose of amending in Minor particulars the Corporation Act of the Town of Melbourne. The most important clause of it is the 4th, which reduces the qualification of Burgesses from £25 (at which it was fixed by the 12th Clause of the 6th Vict., No. 7) to £20, which is the qualification of Electors under the 5th Clause of the Constitutional Act of the Colony, 5th and 6th Vict., ch. 76. The inexpediency of having two franchises in the same Town, one for the election of Members of Council, the other for the election of Municipal Officers, is so apparent, that the propriety of the change can scarcely be called in question.

The 9th Clause* is not, I think, a judicious one, neither is the 10th,* inasmuch as they go to increase the frequency of Elections; but I nevertheless did not think it right to disallow the Act in consequence of the insertion of these Clauses.

The 23rd Clause* is one of doubtful policy, and may lead to abuses; but the same may be said of it as of the 9th and 10th.

These are the only clauses on which it seems to me necessary to offer any observations.

8th Vict., No. 13.—"An Act for applying certain sums arising from the Revenue receivable in New South Wales to the service thereof, for the year one thousand eight hundred and forty five, and for further appropriating the said Revenue."

This Act will be reported on separately.

8th Vict., No. 14.—"An Act to amend an Act intituled, 'An Act to declare the Town of Sydney to be a City, and to incorporate the inhabitants thereof,' and for other purposes."

This is an Act for Sydney similar to No. 12 for Melbourne, though not precisely the same in its enactments.

8th Vict., No. 15.—"An Act to amend the Act passed in the fifth year of Her Majesty's Reign for the relief of Insolvent Debtors, and also the Act lately passed for amending the same, and abolishing Imprisonment for debt."

* Note 19.
This Act was passed to amend the Act, 5th Vict., No. 17, in some matters of a technical nature without in any way altering the principle of it.

The first two clauses do no more than confirm to the Trustees of Insolvents powers which it is, I believe, necessary they should have. The object of the 3d clause is to declare that persons may still be arrested in certain cases, mentioned in the Act of the 3d Vict., No. 15, for abolishing Arrest on Mesne Process. The 4th Clause is purely technical, as it merely points out the form of Writ to be used on certain occasions.

8th Vict., No. 16.—"An Act to make further provision for the payment of Wharfage rates, and to amend the laws for the regulation of shipping in certain cases."

In reporting on this Act, it is necessary to premise that Wharfage in New South Wales is in reality a tax; and to explain why the Act reduces the Wharfage on goods landed at a public wharf only, not on goods landed at a private wharf.

Originally, the only wharf in Sydney, at which goods subject to duty could be landed, was the King's (now the Queen's) wharf; and the rates of wharfage then fixed have been continued, with little alteration, to the time of the passing of the present Act. But, after the introduction into Sydney of the Bonding system, numerous private (or sufferance as they are called) wharfs and Warehouses have been licensed. By various Acts of Council, of which the last is the 7th Vict., No. 12, goods landed at private wharfs, pay a wharfage to the Government equal to one third of what they would pay, if landed at the Queen's Wharf; thus, for instance, if a hogshead of Sugar be landed at the Queen's wharf, the wharfage on it is Is., the whole of which goes into the public Treasury; but, if it be landed at any private or sufferance wharf, a wharfage of 4d. is paid on it to the Government (which is in reality a tax); The charge made by the Wharfinger on the same hogshead of sugar is of course a matter of private arrangement, though it is generally understood to be 4d. also, so that the whole of the wharfage on a hogshead of Sugar landed at a private wharf is only 8d., whereas it was, until the passing of the present Act, one shilling at the Queen's wharf. This difference was of little importance so long as the Government had only one wharf, as at it very little business could be done; but, on the recent completion of a New Wharf, it was considered that the rate of wharfage at both the old and the new wharf should be reduced and accordingly this Act was passed. By the 1st clause of it, the wharfage to be levied at any public wharf is reduced to two thirds of what it formerly was, so that henceforward the wharfage on a hogshead of sugar,
instead of being 1s., will be 8d. only, or the same as at a private
wharf, assuming the charge at such private wharf to be as above
stated.

The Act was strenuously opposed in Council by some of the
owners of the private wharfs, and Counsel was heard against it
on their behalf, their chief argument being, that the Legislature
had no right to assume that the wharfage taken by private whar­
fingers for the use of their wharfs, was less than that taken at the
Queen's wharf, that is to say, that the Legislature had no right
to assume that the private wharfingers took for the use of their
wharfs, only 4d. on a hogshead of sugar.

I have entered thus minutely into this matter, because I under­
stand it to be the intention of some of the Wharfingers to en­
deavour to get the Act disallowed.

For the circumstances under which the New Government
Wharf (called the Circular Quay) has been erected, I beg to
refer (if necessary) to a Report of a Committee of the late
Legislative Council, which will be found in the printed pro­
cedings of the Council for the year 1836, also to Sir Richard
Bourke's Despatch of the 2d November, 1832, No. 113.

The present Act would have been more intelligible, if a new
Schedule had been affixed to it instead of adopting Schedule C
of the Act of last year (7th Vict., No. 12) and declaring that
the wharfage should be reduced to two-thirds of what is set
forth in that Schedule.

The latter clauses of the Act, or those from 9 to 14, are purely
of a local nature, the general object of them being to reduce the
Port charges of Sydney, in order to attract shipping, and par­
ticularly Whalers, whether British or Foreign, to the Harbour.

Three Acts, passed during the last session, have been reserved
for Her Majesty's pleasure; but they have already been reported
on in my Despatches noted in the Margin.*

In a further despatch, I propose to notice three Bills, from
which I withheld the Royal Assent.

I have, &c.,

Geo. Gipps.

6 Jan.

Transmission
of list of
candidates for
office.

Sir George Gipps to Lord Stanley.

(Despatch marked "Confidential," per ship Hamlet.)

My Lord, Government House, 6th Jany., 1845.

I have the honor herewith to forward a List (for the
present year) of persons, who are Candidates for Office in this
Colony, as called for by the 8th Paragraph of the "Regulations

* Marginal note.—No. 138, 9th Jany. 1844; No. 266, 31st Decr., 1844; No. 1,
1st Jany., 1845.
GIPPS TO STANLEY.

relative to appointments to public Officers in the Colonies," enclosed in your Lordship's Circular Despatch of the 15th June, 1842.

The List is divided into four Classes:—

1 Is a List of persons already in Office, but considered worthy of advancement, either in their own or in any other Department.
2 Is a List of persons resident in the Colony, who have been specially recommended to me for employment by Your Lordship, or by previous Secretaries of State.
3 Is a List of persons resident in the Colony, who, either from my own knowledge of them, or from the way in which they have been recommended to me, I consider eligible for employment.
4 Is a List of persons, who, having been displaced from Office for no fault of their own, are Candidates for reappointment.

I have, &c.,
GEO. GIPPS.

[Enclosure.]
CONFIDENTIAL Report on the Claims of Candidates for advancement or employment in the Colony, agreeably to the instruction contained in the enclosure to Lord Stanley's Circular of the 15th June, 1842.

Class No. 1.

PERSONS already holding appointments in the Colony and deemed eligible for advancement to higher Offices.

<table>
<thead>
<tr>
<th>Names</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Therry, Roger</td>
<td>Acting Resident Judge at Port Phillip, see my Despatch No. 264, 28th Dec., 1844. Mr. Therry was previously Commissioner of the Court of Requests, and acted for two years as Attorney General in the absence of Mr. Plunkett.</td>
</tr>
<tr>
<td>Brown, H. H.</td>
<td>Registrar of the Court of Requests, see my Despatch No. 175 of the 10th August, 1844. Was displaced by reduction from the Office of Water Police Magistrate, see my Despatch No. 1 of the 1st Jan., 1844.</td>
</tr>
<tr>
<td>Elyard, William</td>
<td>Chief Clerk, Colonial Secretary's Office.</td>
</tr>
<tr>
<td>Fitzpatrick, Michael</td>
<td>Clerks of the 2d Class, Col. Secretary's Office.</td>
</tr>
<tr>
<td>Greville, Charles</td>
<td>Clerk to the Attorney General.</td>
</tr>
<tr>
<td>Townsend, John</td>
<td>Clerk of the Bench, Merton (see also Class No. 3).</td>
</tr>
<tr>
<td>Beverley, F.</td>
<td>Clerk of the 3d Class, Auditor General's Office.</td>
</tr>
<tr>
<td>Cole, Stephen</td>
<td>Clerk of the 3d Class, Post Office, now acting as Post Master at Melbourne, in the absence of Mr. Kemp, see my Despatch No. 235, 1st Novr., 1844.</td>
</tr>
<tr>
<td>Lane, Henry</td>
<td>Clerk of the 3d Class, Post Office, now acting as Post Master at Melbourne, in the absence of Mr. Kemp, see my Despatch No. 235, 1st Novr., 1844.</td>
</tr>
<tr>
<td>Tinglecombe, Henry</td>
<td>Clerk of the 3d Class, Auditor General's Office.</td>
</tr>
<tr>
<td>Usher, Samuel</td>
<td>Clerk of the 3d Class, Auditor General's Office.</td>
</tr>
<tr>
<td>Townsend, J. S.</td>
<td>Assistant Surveyors.</td>
</tr>
<tr>
<td>Galwayne, J. J.</td>
<td>Chief Clerk, Survey Department.</td>
</tr>
<tr>
<td>Halloran, Henry</td>
<td>Clerk of the Bench, Merton (see also Class No. 3).</td>
</tr>
<tr>
<td>Calender, Henry</td>
<td>Clerk of the Bench, Raymond Terrace.</td>
</tr>
<tr>
<td>Miller, T. Digby</td>
<td>Clerk of the Bench, Raymond Terrace.</td>
</tr>
<tr>
<td>Stirling, John</td>
<td>Serjeant at Arms to the Legislative Council, but eligible for better employment.</td>
</tr>
<tr>
<td>Smythe, George</td>
<td>Acting Storekeeper at the Female Factory, see Lord Stanley's Despatch, No. 117 of the 14th August, 1844.</td>
</tr>
</tbody>
</table>
### HISTORICAL RECORDS OF AUSTRALIA.

#### Class No. 2.

**RESIDENTS in the Colony not as yet employed in the public Service, but recommended to me for employment by the Secy. of State.**

<table>
<thead>
<tr>
<th>Names</th>
<th>Date of recommendation</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rolleston, Philip</td>
<td>4th Jan. 1842</td>
<td>He and his brother strongly recommended by Lord Stanley. His Brother Mr. Christopher Rolleston is a Commissioner of Crown Lands.</td>
</tr>
<tr>
<td>Massey, Hamon</td>
<td>31st May 1839</td>
<td>Recommended, as well as his brother, by Lord Stanley; his brother is a Commissioner of Crown Lands.</td>
</tr>
<tr>
<td>Gore, St. George</td>
<td>26th Aug. 1840</td>
<td>Secretary to the District Council of Parramatta, but desirous of obtaining and eligible for a better employment.</td>
</tr>
<tr>
<td>Gore, Ralph</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gore, Robert</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maxwell, Alexander</td>
<td>17th March 1840</td>
<td></td>
</tr>
<tr>
<td>Overbury, Edward</td>
<td>18th Feb. 1841</td>
<td>Late of the 28th Regiment.</td>
</tr>
<tr>
<td>Russell, Capt. Wm.</td>
<td>7th March 1840</td>
<td></td>
</tr>
<tr>
<td>Russell, Capt. Wm.</td>
<td>15th July 1839</td>
<td></td>
</tr>
<tr>
<td>Jesse, Charles</td>
<td>4th May 1841</td>
<td></td>
</tr>
<tr>
<td>Clarke, Dr.</td>
<td>17th Aug. 1841</td>
<td></td>
</tr>
<tr>
<td>Kearney, Edw. B.</td>
<td>2d Sept. 1841</td>
<td>(Mr. James Stephen.)</td>
</tr>
<tr>
<td>Thompson, James</td>
<td>10th June 1843</td>
<td>Has been recently tried in the Post Office, but was not considered qualified by the Head of that Department.</td>
</tr>
<tr>
<td>Sladen, Charles</td>
<td>8th Dec. 1843</td>
<td></td>
</tr>
<tr>
<td>Williams, Charles</td>
<td>22d Nov. 1843</td>
<td></td>
</tr>
<tr>
<td>Ferguson, Dundas</td>
<td>18th March 1844</td>
<td></td>
</tr>
<tr>
<td>Broughton, Peter</td>
<td>14th Jan. 1844</td>
<td></td>
</tr>
<tr>
<td>Delafosse, Geo. Fred.</td>
<td>2d March 1840</td>
<td>Introduced by H.R.H. the Duke of Cambridge.</td>
</tr>
<tr>
<td>Lee, George</td>
<td>26th Aug. 1840</td>
<td>A Medical Man.</td>
</tr>
</tbody>
</table>

#### Class No. 3.

**RESIDENTS in the Colony who are considered eligible for employment, though not specially introduced to my notice by the Secretary of State.**

<table>
<thead>
<tr>
<th>Names</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firebrace, Major</td>
<td>These gentlemen were the bearers of the usual lithographed letter from the Secretary of State, though not specially recommended for employment.</td>
</tr>
<tr>
<td>Wiseman, —</td>
<td>Eligible for a Crown Land Commissioner.</td>
</tr>
<tr>
<td>Way, Arthur</td>
<td>Now Clerk of the Bench at Merton (see Class No. 1), recommended to me by Sir James Graham. He is a steady, well behaved young man, and will after a further experience be eligible for advancement to a higher post.</td>
</tr>
<tr>
<td>Callender, Henry</td>
<td>Son of Lieutenant Colonel Shadforth, late of the 57th Regiment.</td>
</tr>
<tr>
<td>Shadforth, Robert</td>
<td>Extremely well qualified for any appointment, and a member of one of the English Universities.</td>
</tr>
<tr>
<td>Creichton, C. J.</td>
<td>A Barrister; was brought under my notice by Lord Normanby in a letter dated 1st June, 1839.</td>
</tr>
<tr>
<td>Callaghan, Thomas</td>
<td></td>
</tr>
</tbody>
</table>
CANDIDATES for employment or reappointment in consequence of having been displaced from situations, either by reductions or appointments from home.

<table>
<thead>
<tr>
<th>Names</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johnstone, Major</td>
<td>Police Magistrates reduced, see my Despatch No. 219 of</td>
</tr>
<tr>
<td>Sullivan, Major</td>
<td>the 31st Dec., 1843.</td>
</tr>
<tr>
<td>Faunce, Captain</td>
<td></td>
</tr>
<tr>
<td>Cook, Thomas</td>
<td></td>
</tr>
<tr>
<td>Stewart, George</td>
<td></td>
</tr>
<tr>
<td>Crummer, Major</td>
<td></td>
</tr>
<tr>
<td>Plunkett, Patrick</td>
<td></td>
</tr>
<tr>
<td>Hardy, John R.</td>
<td></td>
</tr>
<tr>
<td>Furlong, Captain</td>
<td></td>
</tr>
<tr>
<td>Holden, Alfred</td>
<td></td>
</tr>
<tr>
<td>Cheeke, Alfred</td>
<td>Crown Prosecutor. His Office may possibly be abolished by</td>
</tr>
<tr>
<td></td>
<td>the Legislative Council, and he is eligible for a higher</td>
</tr>
<tr>
<td></td>
<td>employment. He was strongly recommended to me by</td>
</tr>
<tr>
<td></td>
<td>Lord Glenelg, Lord Normanby, and Lord John Russell.</td>
</tr>
<tr>
<td>Fenwick, N. A.</td>
<td>Police Magistrate, Geelong, Reduced; see my Despatch</td>
</tr>
<tr>
<td>Frech, Acheson</td>
<td></td>
</tr>
<tr>
<td>Furlong, Captain</td>
<td>Police Magistrate, Grange, No. 219 of the 31st Dec...</td>
</tr>
<tr>
<td>Ginn, Henry</td>
<td>Clerk of Works, Do</td>
</tr>
</tbody>
</table>

There are still some reduced Officers of the Survey Department, and others who may be reduced, for all of whom I shall be anxious to find other employment. See my Despatches No. 172 of the 21st Octr., 1844, and No. 39 of the 13th Feb., 1844.

G.G.

LORD STANLEY TO SIR GEORGE GIPPS.

Sir, Downing Street, 7 January, 1845.

I have to acknowledge the receipt of your despatch, No. 159 of the 27th of July, reporting the appointment made by you of Mr. John Bayley Darvall to be a non-elective Member of the Legislative Council of the Colony under your Government, in the room of Mr. Hastings Elwin, who has vacated his Seat in the said Council; and I herewith transmit to you a Warrant under Her Majesty’s Sign Manual, countersigned by myself, ratifying and confirming the appointment of Mr. Darvall.

I have, &c.,

[Enclosure.]

WARRANT OF APPOINTMENT.

Victoria R.

Trusty and Wellbeloved We Greet you well. Whereas, by an Act of parliament made and passed in the Fifth and Sixth year of Our Reign, intituled “An Act for the Government of New South Wales and Van Diemen’s Land,” it is amongst other things enacted that it shall be lawful for Us, by any Warrant or Warrants to be from time to time issued under Our Sign Manual, and Countersigned by one of Our principal Secretaries of State, to nominate such part of the Legislative Council of the Colony of New South Wales, as according to the said Act is to be appointed by Us, and to designate such Non-Elective Members of the said Council, either by their proper names, or as holders for the time being of any public Offices within the said Colony, and that it shall also be lawful for Us, by any such Warrant or Warrants from time...
to time, to delegate to the Governor of the said Colony the power of nominating and designating such Non Elective Members of the said Council either by their proper names or as holders for the time being of any such public Offices as aforesaid, and that such delegated power shall nevertheless be exercised by any such Governor provisionally only, and until Our Pleasure shall be known.

And Whereas, on the Twenty ninth day of August, One thousand eight hundred and forty two. We did by Warrant under Our Sign Manual and in pursuance of the said Act of Parliament delegate to you, as Governor of the said Colony, the power of nominating and designating such Non Elective Members in manner aforesaid, until Our pleasure shall be known.

And Whereas You, as such Governor as aforesaid in pursuance of that delegation, did appoint provisionally, and until our pleasure should be known, Hastings Elwin, Esquire, to be one of the Non-Elective Members of the said Council, which appointment, on the Twentieth day of December, One thousand eight hundred and fortythree, We did by a certain additional Instruction of that date confirm. And whereas you, as the Governor of the said Colony have subsequently to the receipt by you of the said Additional Instruction in pursuance of such delegated authority as aforesaid, appointed John Bayley Darvell, Esquire, to be a Non Elective Member of the said Council in the room of the said Hastings Elwin, who has vacated his Seat in the said Council; Now, therefore, in pursuance of the said recited Act, and in exercise of the powers thereby vested in Us, We do, by this Our Warrant under Our Sign Manual, Countersigned by one of Our Principal Secretaries of State, ratify and confirm the said Appointment, and do declare Our pleasure to be that the said John Bayley Darvell shall be one of the Non Elective Members of Our said Legislative Council. Given at Our Court at Windsor, this Sixth day of January, 1845, in the Eighth year of Our Reign.

By Her Majesty's Command, STANLEY.

My Lord, Government House, 7th January, 1845.

Referring to my Despatch of the 24th October, 1844, I have the honor herewith to enclose a second letter, which has been addressed to your Lordship by Mr. Eyre respecting the projected Expedition to Port Essington.

Mr. Eyre is, I believe, now on his way to England; and I have nothing to add on the subject of the proposed expedition to what is contained in my former Despatches.

I have, &c,

GEO. GIPPS

My Lord,

Moorundi, 18th October, 1844.

I have the honor to acknowledge the receipt, thro' the Governor of South Australia, of your Lordship's reply to my letter of the 17th July, 1843, on the Subject of exploring the Continent of
Australia, in which your Lordship is pleased to nominate me to the command of the Expedition of Discovery recently equipped from Adelaide in the event of Captain Sturt, with whom the project originated, proving physically unequal to so arduous an undertaking. In returning your Lordship my most sincere and grateful thanks for the confidence reposed in me, I would respectfully remark that the Explorations, proposed by Captain Sturt and by myself, differed considerably both as to object and extent, as well as in the line of route proposed to be taken, and especially in the point from which the departure was intended to be taken; Captain Sturt offering to Survey the whole Continent generally from Adelaide as his base of operations, whilst my own views were directed to the North East and Northern portions of it, taking Sydney as the place of outfit and refitment.

Upon bringing under your Lordship’s notice the objects and importance of an Exploration, such as proposed in my letter of the 17th July, 1843, I was not at the time aware that Captain Sturt had previously made application upon a Similar Subject, or even that he felt the least inclination to prosecute his researches farther; in fact, I had always understood that His Excellency Sir George Gipps, Governor of N. S. Wales, had at one time wished Captain Sturt to attempt to cross from Sydney to Port Essington, and that gentleman had declined doing so; and it was only after the previous communication by the Sydney Government with Captain Sturt that my own communications with the same Government commenced, and eventually led to my letter of the 17th July to your Lordship; this may perhaps plead my apology for apparently obtruding myself upon ground already occupied by another.

My former letter not having been Sent to England in duplicate, I was not aware until very lately whether it had ever reached your Lordship; and I was induced to write again on the 22nd August, 1844, thro’ the Governor of N. S. Wales, to which the Sanction of your Lordship to the equipment of a party from Sydney to explore the North East and Northern parts of New Holland; and in that communication I stated Some of the reasons, founded upon my own personal examination and observation of nearly the whole of the Southern portions of Australia, which led me to believe that N. S. Wales is the most proper place to Start from, if indeed it be not the only part that affords the least prospect of an expedition being Successfully carried out, or of ascertaining the nature and character of the interior.

How far I may have erred in my opinion, a few short months will discover; but, should I have been correct and the Expedition now out under Captain Sturt be Compelled to run the Darling river or its Western tributaries up to the latitude of Moreton Bay, Your Lordship will at once observe that this party will have to traverse fully a thousand miles of almost desert country, and along a river where the number and character of the Natives add much to the difficulty and danger of the undertaking, to gain a point that could be reached from Sydney in a few Short days and without wasting the Strength or the Means of the Party in a District quite valueless, and already laid down with Sufficient accuracy by Sir Thomas Mitchell and Captain Sturt. Since the receipt of your Lordship’s reply to my letter of the 17th July, 1843, I am led to infer that your Lordship does not contemplate the equipment of any further expedition to explore Australia until after the result of the present
undertaking by Captain Sturt shall first be ascertained; in this impression, I have solicited and obtained from His Excellency the Governor of South Australia a temporary leave of absence from the duties as Resident Magistrate at the Murray River to enable me to undertake a voyage to England for the benefit of my health, and to revisit my friends from whom I have now been absent twelve years. I expect to Sail from Adelaide in the "Symmetry" in December next, and hope to reach England about the middle of May when I shall be most happy to afford personally to your Lordship every information in my power relative to Australia, and shall hold myself ready at a moment's notice to return there to endeavour to carry out any views your Lordship may entertain for continuing the Exploration of that Continent. Should your Lordship sanction its further examination and do me the honor to confide to my care the execution. In conclusion, my Lord permit me to remark that I shall be most happy to engage in any undertaking or employment, in which your Lordship might think my Service could be rendered useful to the public or creditable to myself.

I have, &c,

EDWARD JOHN EYRE.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 4, per ship Bussorah Merchant.)

Sir,

Downing Street, 8 January, 1845.

I have to acknowledge the receipt of your despatch, No. 139 of the 9th of July last, reporting the circumstances under which you have appointed the Attorney General for the time being of the Colony under your Government to be a non-elective member of the Legislative Council; and I herewith transmit to you a Warrant under Her Majesty's Sign Manual, countersigned by myself, ratifying and confirming the said appointment.

I have, &c,

STANLEY.

[Enclosure.]

WARRANT OF APPOINTMENT.

Victoria R.

[The first two paragraphs were similar to the corresponding paragraphs of the enclosure on page 183.]

And Whereas You, as such Governor as aforesaid in pursuance of that delegation, did appoint provisionally, and until Our pleasure should be known, the Non-elective Members of the said Council, Six of whom were so appointed by their proper names, and the remaining Six as holders for the time being of certain public Offices within the said Colony.

And Whereas, on the Twenty ninth day of December, One thousand eight hundred and forty three, We did by a certain additional Instruction of that date confirm the said Appointments, save only so far as respected the appointment of the Colonial Engineer for the time being of the said Colony to be a Member of the said Council, which appointment we did thereby disallow.
GIPPS TO STANLEY.

And Whereas You, as the Governor of the said Colony, have subsequently to the receipt by you of the said Additional Instruction, in pursuance of such delegated authority as aforesaid, appointed the Attorney General for the time being of the said Colony of New South Wales to be a Member of the said Legislative Council, provisionally only and until Our pleasure shall be known. Now, therefore, in pursuance of the said recited Act, and in exercise of the powers thereby vested in Us, We do, by this Our Warrant under Our Sign Manual, Countersigned by one of Our principal Secretaries of State, ratify and confirm the said Appointment, and do declare Our pleasure to be that the Attorney General for the time being of Our said Colony shall be one of the Non-elective Members of Our said Legislative Council. Given at Our Court at Windsor, this Sixth day of January, 1845, in the Eighth year of Our Reign.

By Her Majesty's Command,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 9, per ship Hamlet; acknowledged by lord Stanley, 29th November, 1845.)

My Lord,

Government House, 9th January, 1845.

Agreeably to the directions contained in your Lordship's Despatch, No. 108 of the 18th July, 1844, I have the honor to report on the case of Mr. Charles Whitney, who has petitioned your Lordship for a remission of his Quit Rents.

Mr. Charles Whitney's statement is substantially true; the Quit Rents on his land are unreasonably high; but there never has been any attempt on the part of the Government to enforce payment of them; and the coloring given to his case is not correct; moreover I am not aware that I ever recommended him to apply to Your Lordship. In reply to a Memorial which he addressed to me in August, 1840, I find that I simply expressed my regret that it was out of my power to remit Quit rents. The case is as follows:

About fifteen or sixteen years ago, under the Government of General Darling, an intention existed of forming a Town or Village at a place called Bulgowlah, situated at the head of one of the almost innumerable Inlets or Bays of the Harbour of Sydney. A Town was in fact marked out, and some allotments granted gratuitously to persons applying for them; and these allotments were under the general regulations then in force respecting Sea Port Towns, charged with the high Quit Rent of 4d. per perch, or £2 13s. 4d. per acre.

The project for a Town failed; I am not aware that any building has ever been erected on the proposed site of it, nor that any Quit Rents have ever been demanded; certainly none have been paid.
In the year 1839 or 1840, Mr. Whitney, a Publican of Sydney, without caution or enquiry, purchased from the representatives of the persons, to whom they had been promised by General Darling, two portions of Land at Bulgowlah, containing each about two and a half acres, and applied for a Grant of them. His claims were investigated by the Commissioners appointed under the Local Act, 5th Wm. IV, No. 21; and, being admitted by the Commissioners, subject to the usual condition of paying Quit Rents, Deeds of Grant for the two portions of land were executed by me on the 9th September, 1840; but, according to the invariable practice of this Government, the Deeds though executed were not issued, but retained in the Office of the Colonial Treasurer, until the Quit Rents should be paid on them which had become due, the Quit Rents commencing seven years after the time, when the Lands were taken possession of under the authority of General Darling, agreeably to the regulations respecting Quit Rents, which are to be found in the Parliamentary Paper No. 394, headed “New South Wales Land Regulations,” printed by order of the House of Commons, April 13, 1832, page 22, Sec. 1 and 2.

It is clear that the Quit Rents never will be paid; and the question seems to me to be, whether they shall be reduced to a reasonable rate or the Land be resumed by the Crown.

There are numerous questions of an analogous nature respecting Quit Rents in this Colony, which require settlement; and I think they ought to be enquired into as soon as the more important question now in agitation respecting Squatting shall be disposed of; but in the mean time it would scarcely be desirable to take up any single case.

I have, &c,
GEO. GIPPS.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 6, per ship Bussorah Merchant; acknowledged by Sir George Gipps, 16th August, 1845.)

Sir,
Downing Street, 10 January, 1845.

I transmit to you, herewith, an Extract of a letter from a person named John Keaney, who has applied for information relative to the fate of his two sisters, Mary and Ellen Keaney, who are stated to have emigrated in 1841 to the Colony under your Government; and I have to request that you will cause the necessary enquiries to be made on this subject and communicate to me the result.

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

[Enclosure.]

EXTRACT of a Letter from John Keaney, dated Jany. 1, 1845.
You will be graciously pleased to cause enquiry to be made after my Sisters, Mary and Ellen Keaney, formerly of the King's County, Ireland, who emigrated in the year 1841, in the Month of September, on board of the ship (Carthaginian?). The last account received from them was March 7, 1842; they were then at Parramatta, and desired their letters to be addressed to the care of Mrs. De Leary or Revd. Mr. Plat, of whom you are to enquire, if living, their present residence and occupation, etc.; if dead, when and where.
Address to John Keaney (Ship Carpenter), Tullamore, King's County.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 7, per ship Bussorah Merchant.)

Sir,
Downing Street, 10 January, 1845.

With reference to my Dispatch and its enclosures No. 182 of the 21st Ultimo, relating to the examination of the Accounts of expenses for treatment of Lunatic Convicts in the Colonial Lunatic Asylum in New South Wales, I have now to inform you that, in a communication recently received from the Board of Treasury, the Lords Commissioners have intimated to me of their opinion that, in order to any further examination of the accounts relating to that expenditure, the examining officer should be furnished with the nominal List specified in Commissary General Darling's letter to the Colonial Secretary, of the 14th of May last. You will, therefore, give the requisite directions to the officers in charge of the Asylum, and to the Principal Superintendent of Convicts, for the preparation of such Lists as necessary Documents in support of each Account of charges against the Convict Funds for treatment of Lunatics at the Asylum.

I have, &c.,
STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship Bussorah Merchant.)

Sir,
Downing Street, 10th January, 1845.

Her Majesty's Government having determined that all Governors of Colonies should be prohibited from receiving or giving Presents on their own account, I transmit for your information and guidance, Copies of the Rules to be observed in the case of any Present being delivered to you; and I have to desire that you will cause those Rules to be inserted at Page 8 of the Book of Colonial Regulations.

I have, &c.,
STANLEY.
HISTORICAL RECORDS OF AUSTRALIA.

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1845.
10 Jan.

Rules to preserve to or from governor.

18. He is prohibited from receiving or giving Presents on his own account.

19. Any Present, which may be delivered to him, must be disposed of on the public account; and, as the Present, which it may be necessary to give in return, will have to be provided at the public expense, the cost of it ought not to exceed the amount realized by the sale of the Present received, except when particular circumstances render it proper that some additional expense should be incurred.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 11, per ship Hamlet; acknowledged by lord Stanley, 12th June, 1845.)

My Lord,

Government House, 12th January, 1845.

I have the honor herewith to transmit a Petition to Her Most Gracious Majesty from the Members of the Legislative Council representing the District of Port Phillip, praying that Port Phillip may be disjoined from New South Wales, and erected into a separate Colony.

The Petition was presented to me on the 11th instant by four of the Representatives of the District, with a request that I would transmit it to your Lordship for presentation to Her Majesty.

I have, &c,

GEO. GIPPS.

[Enclosure.]

Petition re- ADDRESS To The Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's loyal and dutiful subjects, the undersigned Members of the Legislative Council of New South Wales, representing the entire District of Port Phillip, beg leave to approach your Majesty with the assurance of our cordial attachment to your Majesty's Royal Person and Government.

We humbly solicit permission to represent to your Majesty that, in our deliberate opinion, the District of Port Phillip, which at present constitutes the Southern portion of the Colony of New South Wales, is peculiarly fitted as well from its superficial extent, its geographical position and its other physical characteristics, as from the amount, respectability and intelligence of its population, from its entire isolation from all other Colonial communities, and from the comparatively high state of general advancement which it has so speedily attained, for being a separate and independent Colony.
We beg, therefore, to submit to your Majesty that the superficial extent of the District of Port Phillip is 139,500 square miles, while that of the undermentioned British Colonies is as follows:—

<table>
<thead>
<tr>
<th>Colony</th>
<th>Area (sq. miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Brunswick</td>
<td>27,704</td>
</tr>
<tr>
<td>Nova Scotia and Cape Breton</td>
<td>15,742 do</td>
</tr>
<tr>
<td>Prince Edwards Island</td>
<td>2,181</td>
</tr>
<tr>
<td>Newfoundland</td>
<td>36,000</td>
</tr>
<tr>
<td>United Colonies of B. Guiana</td>
<td>100,000 do</td>
</tr>
<tr>
<td>Jamaica, the largest of the Colonies of the West Indies</td>
<td>6,400 do</td>
</tr>
<tr>
<td>Trinidad</td>
<td>2,400</td>
</tr>
<tr>
<td>Van Dieman's Land</td>
<td>24,400</td>
</tr>
</tbody>
</table>

Occupying, as it does, the South Eastern angle of this vast Continental Island, the District of Port Phillip extends upwards of five hundred miles along the great Southern Ocean from Cape Howe to the Eastern boundary of Southern Australia, having the extensive harbour or inland Sea, from which it derives its name and its peculiar commercial capabilities, as its natural outlet, and the town of Melbourne its natural and proper Capital, both nearly Equidistant from its Eastern and Western extremities, while the Colony of New South Wales proper commands the whole line of the Eastern coast along the Pacific Ocean, having the Magnificent harbour of Port Jackson as its natural outlet and the City of Sydney its natural and proper capital, the entire trade and commerce of the Southern portion of the Colony necessarily concentrating itself in and around the inlets of Port Phillip, while that of the Northern portion or middle District is necessarily concentrated in and around Port Jackson; the commercial relations of Port Phillip are therefore with London, not with any other portion of the Colony of New South Wales; and these relations are managed through the town of Melbourne, not through the City and port of Sydney. In this peculiarity of its geographical position, Your Majesty will doubtless recognise the essential difference of the case of Port Phillip, as regards New South Wales, from that of Upper Canada, which had no port of its own for transatlantic commerce, as regards the Lower Province of that Colony.

From these physical characteristics of the District, your Majesty will perceive that the Colonists of Port Phillip are entirely isolated from those of the middle or Sydney District of New South Wales, as much so as they are from those of Van Diemen's Land or Southern Australia. The community of Port Phillip, we beg leave to add, already comprises upwards of twenty five thousand souls, and is possessed of two millions of Sheep, one hundred and forty thousand horned cattle, and five thousand horses, besides a very large amount of other valuable property in Vessels, Buildings and cultivated Land; The ordinary Revenue of the District for the year 1843 having amounted to £61,343 14s. and 8d. while the imports for that year amounted to £61,343 14s. and 8d., while the Exports to £277,472.

In such circumstances as this extraordinary development of the natural resources of the District implies, we humbly submit to your Majesty whether the District of Port Phillip is not fully and fairly entitled to the rank and position of a separate and independent Colony, and whether the compulsory union of that District with New South Wales proper, from the capital of which its own commercial capital and natural outlet is six hundred miles distant, is not as unreasonable in itself as it is unjust to the Inhabitants of
Justification of claims for separation of district.

Comparison of statistics of district and of Tasmania at date of separation.

Port Phillip, and opposed to the whole tenour and practice of British Colonization. For we beg to remind your Majesty that Port Phillip was originally settled not from New South Wales, but from Van Dieman's Land, the whole southern coast of this vast Island having lain waste and unoccupied for nearly half a century after the original Settlement of New South Wales; and we humbly submit that it is accordant with the uniform practice of your Majesty's predecessors, whenever separate and distinct Colonial communities capable of self Government have in any instance been formed within the nominal limits of any particular Colonial Territory, to erect such communities into Separate and Independent Colonies, although of much more limited extent, and far less favourably circumstanced for the purpose than that of Port Phillip. In accordance with this principle, the Ancient Colony of Virginia had two Separate portions of its original territory cut off from it at two different periods, to join the Colonies of Maryland to the Northward and of Carolina to the Southward; and, although the Colonists of Virginia petitioned the Government of King Charles the first against the Separation of Maryland from their Territory, it was nevertheless effected. In accordance with this principle also the Colony of Carolina was itself subsequently divided into the two Separate Colonies of North and South Carolina, of which the latter was at a still later period sub-divided by the establishment of the Colony of Georgia within its original limits.

But we would humbly beg to refer your Majesty to a much more recent and still more apposite precedent for the measure, we have taken the liberty to recommend for Port Phillip, in the Separation of Van Dieman's Land from the Colony of New South Wales in the year 1825, for, although the Island of Van Dieman's Land is separated from the Territory of New South Wales by Bass Straits, its two principal Ports of Hobart Town and Launceston are virtually nearer Sydney than Port Phillip; and, in the year 1825, when Van Dieman's Land was separated from New South Wales and erected into a distinct and independent Colony, the population and resources, the Revenue and Trade of that Island were all incon siderable and insignificant in comparison with those of Port Phillip at the present moment, as your Majesty will perceive from the following comparison of their respective Statistics:

<table>
<thead>
<tr>
<th>Port Phillip in 1843</th>
<th>Van Diemen's Land in 1824</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>25,000</td>
</tr>
<tr>
<td>Ordinary Revenue</td>
<td>£63,343 14 s</td>
</tr>
<tr>
<td>Expenditure</td>
<td>£54,552 0 0</td>
</tr>
<tr>
<td>Imports</td>
<td>£183,321 0 0</td>
</tr>
<tr>
<td>Exports</td>
<td>£277,672 0 0</td>
</tr>
<tr>
<td>Sheep</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Cattle</td>
<td>140,000</td>
</tr>
<tr>
<td>Horses</td>
<td>5,000</td>
</tr>
<tr>
<td>Van Diemen's Land in 1824</td>
<td>Population (including 5,938 convicts) 12,643</td>
</tr>
<tr>
<td>Ordinary Revenue</td>
<td>£6,866 1 9</td>
</tr>
<tr>
<td>Expenditure</td>
<td>£32,126 16 11</td>
</tr>
<tr>
<td>Imports</td>
<td>£62,000 0 0</td>
</tr>
<tr>
<td>Exports</td>
<td>£14,500 0 0</td>
</tr>
<tr>
<td>Sheep Numbers in 1828 3 years after the Separation.</td>
<td>583,691</td>
</tr>
<tr>
<td>Cattle (in 38283 years after the Separation.</td>
<td>84,476</td>
</tr>
<tr>
<td>Horses</td>
<td>2,035</td>
</tr>
</tbody>
</table>
If it should be urged, in reply to these Statements, that the comparatively recent union of the Colonies of upper and lower Canada, as well as those of Demarara and Berbice, respectively indicates a total different Policy on the part of the Imperial Government in the present day, we humbly beg to Submit to your Majesty that the union of the Colonies was a case entirely Sui Generis. The union of these Provinces having become indispensably necessary as a measure of State policy, wisely intended to neutralize the great political evils arising from the presence of a large Colonial population of foreign origin in Lower Canada; and, as to the union of the Colonies of Demerara and Berbice, as the coast line of these united Colonies does not exceed two hundred miles altogether, it would have been impolitic in the extreme to have continued to maintain two Separate Colonial establishments within the Comparatively narrow limits of British Guiana.

We humbly beg moreover to Submit to your Majesty that the need for the erection of Port Phillip into a Separate Colony, altogether independent of New South Wales, has already been virtually acknowledged by the Imperial Government, Port Phillip having all along had a Superintendent, a Resident Judge, and various other offices and Establishments to be found in no other Subordinate District of the Colony. And, while this subordinate inefficient and unsatisfactory Government costs the Inhabitants £44,748 Os. 3d. per Annum for a population of 25,000, the Government of the neighbouring Colony of South Australia, with a population precisely similar in its origin and pursuits, costs the Inhabitants only £25,000 per annum for a population of 18,000, thereby demonstrating that it is not true, as is commonly alleged by those who are opposed to the separating of Port Phillip from New South Wales, that the Government of that District as a Separate and independent Colony would necessarily be much more expensive than it is at present.

But the great practical grievance of which the Inhabitants of Port Phillip universally and in our opinion justly complain, as the result of the compulsory union of that District with the Colony of New South Wales, is the annual abstraction of a large portion of the proper Revenue of the District, and its appropriation under the authority of the Legislative Council for purposes and objects in which the Inhabitants of Port Phillip can have no interest nor concern, thereby retarding indefinitely the general advancement of the District, and the progressive development of its vast resources. For we beg to remind your Majesty that Port Phillip has not only never cost either the Mother Country or New South Wales one farthing for its establishment or support; but a Surplus of £176,000 of its land revenue, over and above the payment of the whole amount of immigration into Port Phillip, has gone into the general Revenue of the Colony, and been appropriated for the encouragement and support of immigration into New South Wales proper; while the estimated ordinary Revenue of the District for the year 1845 exceeds the estimated expenditure for that year by no smaller an amount than £19,000, or thereby. It will thus appear to your Majesty that, although a representative System of Government has in so far been conceded to the Colony of New South Wales, that concession, as far as the inhabitants of Port Phillip are concerned,
is a mere mockery and delusion, the only Service, which the Six Members for that District can under existing circumstances render to their constituents in a financial point of view, being to assist in legalizing the Annual and unwarrantable abstraction of £19,000 per annum of their proper Revenue, under the authority of the general Legislature. In such circumstances, your Majesty will not be surprised at the strenuous opposition, which all the other Members of the Legislative Council save one have hitherto exhibited towards the Separation of Port Phillip; for, so long as it is the interest of five-sixths of the Members of that Body to retain Port Phillip in a state of vassalage and dependence under New South Wales, it is hopeless to expect either financial justice for that District from the General Legislature, or a recommendation of its erection into a separate and independent Colony.

But your Majesty will, doubtless, perceive that the case of Port Phillip is one really deserving of your Majesty's interference in behalf of the inhabitants of that District on another and still higher ground, when we add that, although Port Phillip is allowed to return six representative members to the Colonial Legislature, not one of the six members actually returned is a resident in the District; for, although the twenty-five thousand inhabitants of Port Phillip, being almost exclusively recently arrived emigrants from the Mother Country or from Van Dieman's land and New South Wales, and many of them men of superior intelligence and education, undoubtedly comprise a much larger number of fit and proper persons to represent the District than any other District of an equal amount of population in the Colony, it has been found impracticable to obtain the services of a single resident proprietor or inhabitant of the District for the purpose. Men of the requisite intelligence and ability being either unable or unwilling to absolve themselves from their families and establishments for five months successively every year to attend the meetings of a Colonial Legislature at the distance of six or eight hundred miles from their usual places of residence. Highly therefore as we appreciate individually the honor of representing the Constituency of a district, whose rapid and general advancement in Colonization is unprecedented in the history of your Majesty's vast empire, we cannot consent to continue to hold this honorable position without protesting against the injustice that is thus done to our constituents, who, if they had a Domestic Legislature, would unquestionably be able to find among themselves many men of superior intelligence, equally able to manage their affairs with any of us, and far better acquainted with the circumstances and wants of the District than we, who are all resident in Sydney, can possibly be. Nor is this the only evil to which our constituents are subjected from the great distance of Port Phillip, and especially of the Western portion of that District, from the seat of Government, for as gentlemen of the requisite standing in society in that portion of the Territory cannot be expected to attend the meetings of the Select Committees of the Legislative Council to give evidence in regard to its actual circumstances and more pressing wants, the business of Legislation, as far as the interests of the District are concerned, is conducted in great measure in the dark.
On these grounds, we humbly pray that your Majesty will be graciously pleased to take the case of our Constituents into your Majesty's favorable consideration, and to order that the requisite Steps may be taken for effecting the entire Separation of the District of Port Phillip from New South Wales, and for its erection into a Separate and independent Colony.

B. BOYD.  
THOS. WALKER.  
CHARLES NICHOLSON.  

ADOLPHUS WM. YOUNG.  
JOHN DUNMORE LANG.  
JNO. PHELPS ROBINSON  
(M.C. for Melbourne).

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,  
Government House, 13th January, 1845.

With my Despatch of this day's date No. 12, I have forwarded three Copies of a reprint of the Acts of Council of New South Wales, lately executed under the direction of Mr. Thomas Callaghan, a Barrister practising in the Colony. I now, at the request of Mr. Callaghan, enclose an additional Copy of the same Work, with a letter to Your Lordship, and some testimonials in favor of his work, which Mr. Callaghan is anxious to present to your Lordship.

I have, &c.,  
Geo. GIPPS.

[Enclosures.]

[Copies of these papers are not available.]
1845.
15 Jan.
Arrival of commissioners to inquire re post-office.

1845.
17 Jan.
Transmission of pamphlets from Revd. J. D. Lang.

1845.
18 Jan.
Decision re amount required from colonial funds for new military barrack.

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Act of Parliament, 7th and 8th Vict., ch. 49, by which the Post Offices in the Australian Colonies are placed under the control of the Post Master General in England; and I further have to report that the two Commissioners, named in your Lordship's Despatch, Mr. James and Mr. Smith, arrived in Sydney on the 30th ultimo.

I have, &c.,
GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 15, per ship Hamlet.)
My Lord,
Government House, 17th January, 1845.

At the request of the Revd. Dr. Lang, I transmit to your Lordship the two printed Pamphlets* which accompany this Despatch.

I transmit at the same time a Copy of a letter, in which I am requested by Dr. Lang to forward these publications to your Lordship.

I have, &c.,
GEO. GIPPS.

[Enclosure No. 3.]

REVD. J. D. LANG TO SIR GEORGE GIPPS.
Sir, Sydney, 17th January, 1845.
I have the honor to request your Excellency's acceptance of the accompanying Copy of a printed letter, which I have taken the liberty to address to the Right Honorable Lord Stanley on the subject of your Excellency's speech at the prorogation of the Council on the 30th ultimo, and I have also the honor to request that your Excellency will do me the favor to transmit the other Copy along with the other pamphlets, to which there is reference made in the letter to His Lordship.

I have, &c.,
JOHN DUNMORE LANG.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch marked "Military No. 10," per ship Bussorah Merchant.)
Sir,
Downing Street, 18th January, 1845.

I have to acknowledge the receipt of your despatch. No. 153 of the 21st of July last, relating to the terms of the agreement entered into by the Legislature of New South Wales for building a new barrack at Sydney, and to acquaint you that, having communicated your explanation on this subject to the Master General and Board of Ordnance, they have informed me that they will not expect the local legislature to provide any sum exceeding £60,000 on account of the Service in question.

I have, &c.,
STANLEY

* Note 21.
SIR GEORGE GIPPS TO LORD STANLEY.

Government House, 18th January, 1845.

My Lord,

I have had the honor to receive your Lordship's Despatch No. 94 of the 24th June, 1844, pointing out that, in the Schedule of Appointments for the Quarter ended the 30th June, 1843, a charge was introduced for Lodging money to the Deputy Purveyor of the Forces, which was not contemplated when the transfer of the South Wing of the Hospital to the Sydney Dispensary was sanctioned, and which was overlooked by me when proposing that transfer.

In reporting on this subject, I have first to express my regret that, in my Despatch No. 107 of the 25th July, 1839, wherein I first brought forward the subject of the proposed transfer, I omitted to state the probability of lodging money being required for Mr. Croft; but I was then under the impression that the decrease in all our Convict Establishments would be such, as speedily to place at my disposal some building into which Mr. Croft could be removed. I regret to state that such has not yet been the case, and that there is not yet disposable any building in which Mr. Croft, who has a very large family, can be accommodated.

On the receipt of your Lordship's Despatch, I caused a letter to be addressed to the Respective Officers of Ordnance, in the hope that accommodation for Mr. Croft might be found either in the Military Barracks, or in some building under the charge; and I enclose a Copy of the answer which was returned to my communication; notwithstanding this answer, I cannot but hope that, whenever the reduction in the Military Establishments of the Colony shall be carried into effect, which are contemplated in your Lordship's Despatch, No. 5 (Military) of the 7th December, 1843, and my reply No. 117 of the 10th June, 1844, there will be no difficulty in finding accommodation for Mr. Croft, even should no Convict building be previously vacant; and until then, I trust the charge for Lodging money will be admitted.

I am sorry to have further to report that I have found myself under the necessity of sanctioning another small expense of £25 per annum, arising out of the conversion of the South Wing of the Hospital into a public Dispensary. This charge is for Office rent for the Principal Medical Officer, the Room, formerly his Office in the portion of the Hospital which is retained, having been given up by the late Principal Medical Officer to be used as an Office by the Purveyor (Mr. Croft), it being contiguous to the Rooms occupied by the Medical Stores in charge of that Officer.
The present Deputy Inspector, Dr. Dawson, represented to me, on his arrival in the Colony in February, 1844, that he found himself compelled to take a House larger than he should otherwise require, in consequence of being obliged to make use of a portion of it as an Office; and he has latterly renewed his application to be allowed either an Office, or Office rent. Considering his application to be one which cannot reasonably be refused, I have, rather than sanction the erection of a new building, granted him an allowance of £25 a year; and, as a matter of justice, I have made it to commence from the date of his entering upon the duties of his appointment.

GEO. GIPPS.

[Enclosure.]

ORDNANCE OFFICERS TO COLONIAL SECRETARY THOMSON.

Sir, Office of Ordnance, Sydney, 22nd Novr., 1844.

We have the honor to acknowledge the receipt of your letter, dated 19th inst. No. 44/125 (with its enclosure) relative to the allowance made to the Deputy Purveyor of the Forces for Lodging, and requesting to be informed whether quarters cannot be found for that Officer in some building under our charge, and referring us to Colonel Gordon’s letter of the 18th February, 1843, to you, and to your reply of the 28th of that Month.

In reply, we have to report for the information of His Excellency the Governor that there are no vacant quarters in the Buildings under our charge, in which the Deputy Purveyor of the Forces can be accommodated.

We beg to add that the probable expence (consequent on the Surrender of the South Wing of the Hospital) for Lodging allowances was adverted to in Lieutenant Colonel Barnet’s letter to the Inspector General of Fortifications, 1st Decr., 1840, a copy of which accompanied our letter to you of the 14th November, 1842.

We have, &c.

JAS. GORDON, Lt. Col. C. R. Engineers.

RICHARD ROGERS, Storekeeper.

PERCIVAL WILKINSON, Deputy Storekeeper.

SIR GEORGE GIPPS TO LORD STANLEY.

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

My Lord, Government House, 18th January, 1845.

In my public Despatch of this day’s date, No. 16, respecting Lodging money to Mr. Croft and Office rent to Dr. Dawson, I have not stated, nor did I think it expedient to state, that, when the transfer of the South Wing of the Hospital was under consideration, I relied on obtaining from the Legislative Council any grant of money, or annual allowance, which the application of the building to a Colonial purpose might render necessary; but I greatly doubt whether the present Council would vote money for any such purpose, and I should be sorry to be reduced to the necessity of asking them to do so.
I venture to express a hope that, under these circumstances, the allowances will be sanctioned, especially as they will in all probability not be required longer than two or three years from the present time.

I have, &c.,
Geo. Gipps.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 17. per ship Hamlet; acknowledged by Lord Stanley, 11th September, 1845.)

My Lord,
Government House, 20th January, 1845.

Your Lordship's Despatch No. 63 of the 3d May, 1844, containing Copies of a correspondence with the Treasury respecting the mode in which the Accounts of the Colony are in future to be Audited, was received by me on the 13th October last, and I took immediate measures for carrying into effect the directions contained in it.

There does not appear to me to be anything in the instructions, conveyed to me by Your Lordship's Despatch, absolutely requiring an answer; but I nevertheless consider it right to report the alterations which these instructions will effect.

1st. Instead of the entire Accounts of the Colony being transmitted for Audit to England, the Accounts so to be transmitted will in future be limited to those of the expenditure under the Schedules A, B and C of the Constitutional Act, 5th and 6th Vict., ch. 76, and to the Accounts of the Casual and Territorial Revenue.

2ndly. The Quarterly Schedules of Appointments to Public Offices and alterations in Salaries will be discontinued.

In the correspondence which accompanied your Lordship's Despatch, the Territorial and Casual Revenues are not mentioned; but I conclude it to be the intention of the Lords of the Treasury that the Accounts of the Expenditure of these Revenues should be transmitted for Audit in England.

Previously to the receipt of your Lordship's Despatch, the Accounts for the whole expenditure of the Colony, up to the 30th June, 1844, had been transmitted to England by the Auditor General; and, for reasons explained in a letter from that Officer, of which a copy is enclosed, the entire accounts will be transmitted for the remainder of the year 1844; but this it is hoped will not lead to any inconvenience.

In respect to the precise time at which the Audit of the General Accounts in England should be discontinued, I take the liberty of suggesting that it should be the 31st December, 1843, as up to that date the expenditure of the Colony was regulated.
by the Estimates voted in 1842 by the old Council; and the New
system, including the Schedules A, B and C, was not brought
into operation until the 1st January, 1844.
I am aware of no other point of importance in respect of our
new financial system, except it be the method in which advances
are in future to be made in England to the Colonial Agent, Mr.
Barnard; and on this I shall report separately, in reply to your
Lordship's Despatch No. 52 of the 10th April, 1844.
I have, &c,

[Enclosure.]

MR. W. LITHGOW TO COLONIAL SECRETARY THOMSON.

Sir,
Audit Office, Sydney, 16th November, 1844.
I have the honor to acknowledge the receipt of your letter,
No. 752 of the 12th Instant, with its Enclosures, directing certain
alterations as to the transmission and making up of the Accounts
of the Colony.
In regard to the Accounts for the Services and Purposes, Specified
in the Schedules A, B and C of 5 and 6 Victoria, Cap. 76, the In-
structions therein referred to have been duly acted upon, com-
mencing from the 1st of the present year.
No intimation, however, having, previously to the communica-
tion of these Despatches, been made of the wishes of the Home Author-
ties that the Accounts of the Expenditure of the Surplus Revenue,
beyond that granted to meet the Expenses of the Civil List, Should
be discontinued, the Accounts of the former as well as of the latter
description, up to the 30th June last, have, as already reported, been
transmitted to the Commissioners for Auditing the Public Accounts;
and those of both descriptions up to 30th September last have been
prepared with the view, and are now nearly ready for transmission
in the Same manner.
Having promised this Statement of particulars, I beg leave re-
spectfully to advert to the Instructions conveyed in the last Para-
graph of your Letter referred to, and to suggest that it would be
attended with much inconvenience and labor, both in the Treasury
and this Office, to prepare Separate and distinct Accounts of the
Expenditure of the Crown Revenues for transmission to Eng-
land from the 1st of July last; and, as the close of the year is so near at
hand, I would submit that the Accounts should be made up as
hitherto, at least until the 31st December ensuing.
I do not anticipate any inconvenience from such an arrange-
ment, as the Accounts have always been prepared so as to admit of dis-
tinct Statements being given of the Receipts and Expenditure under
each Head; and, Should it be desired hereafter by the Commis-
ioners of Audit, the Accounts for the Current half year could be
forwarded to them in the Same manner as those for the half year
ended 30th June last.
I would further take the opportunity of Suggesting that the In-
structions of the Right Honorable the Lords Commissioners of Her
Majesty's Treasury may be requested as to the Receipts, which
ought Strictly to be considered Crown Revenues, and also as to
any alteration that may be desired in preparing and transmitting
the Accounts of the Receipt and Expenditure of Such Revenue
for final Audit.
I have, &c,

WM. LITHGOW, Aud. Genl.
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 18, per ship Hamlet; acknowledged by lord Stanley, 11th September, 1845.)

My Lord,

Government House, 20th January, 1845.

In the concluding part of my Despatch No. 17 of this day’s date, I have stated that I should reply separately to Your Lordship’s Despatch of the 10th April, 1844, No. 52, wherein I was informed that, in conformity with what is practised in other Colonies, having representative Assemblies, Advances will no longer be made by the British Treasury for the service of the Colony, except to the extent of any funds which the Legislative Council may have previously placed at the disposal of the Executive Government in the Colony to replace any such advances.

Submitting, as I am bound to do, to this arrangement in respect to advances which are to be repaid out of funds over which the Local Legislature has a control, I beg to represent to Your Lordship that advances are frequently made to Mr. Barnard (especially for the purposes of Emigration), which are to be repaid out of the Crown Revenue, over which the Local Legislature has no control; and I beg to submit that advances of this nature may still be made as heretofore.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 19, per ship Hamlet; acknowledged by lord Stanley, 24th December, 1845.)

My Lord,

Government House, 20th January, 1845.

In connexion with my two Despatches Nos. 17 and 18 of this day’s date, I beg leave to report to Your Lordship that, when the usual vote of £250 per annum, as Salary for the Agent General of the Colony, came before the Legislative Council in the course of the late Session, the Council in lieu of £250 voted only £150, a sum which may probably be deemed a sufficient remuneration for the services of Mr. Barnard, which ought to be paid for out of the General Revenue of the Colony. But Your Lordship is aware that Mr. Barnard performs for the Colony other services, and particularly those connected with Emigration, which are paid for out of the Territorial Revenue of the Colony; and it will be of course for Her Majesty’s Government to determine whether any additional allowance should be made to him on this account.

I have, &c.,

GEO. GIPPS.
202 HISTORICAL RECORDS OF AUSTRALIA.

1845.
22 Jan.

Transmission of letter from M. Morris.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 9, per ship Bussorah Merchant; acknowledged by Sir George Gipps, 4th July, 1845.)

Sir,
Downing Street, 22 January, 1845.

I transmit to you the accompanying Copy of a letter which has been received through the Department of the Secretary at War, from a person named Mary Morris, who solicits information relative to the fate of her son "John Price," whose last communication stated that he was then in Sydney Police.

I have to request that you will cause the necessary enquiries to be made on this subject and report to me the result.

I have, &c.,
STANLEY.

[Enclosure.]

MRS. M. MORRIS TO SECRETARY AT WAR.

Sir, Chester, 13 January, 1845.

If you can give me any information of my son John Price, who used to be in the Guards, London, you would relieve an afflicted Mother. The last letter I had from him was dated Sydney, New South Wales, 29th July, 1843.

He said he was then in the Sydney Police. You would confer a great boon by answering this as early as possible, as I am very unhappy about him.

Your obedt. Servant,
MARY MORRIS.

Sir George Gipps to Lord Stanley.

(Despatch No. 20, per ship Hamlet; acknowledged by Lord Stanley, 12th June, 1845.)

My Lord,
Government House, 24th January, 1845.

I have the honor to acknowledge the receipt of your Lordship's Despatch No. 121 of the 16th August, 1844, wherein, in acknowledging my additional Report on the case of Mr. Ralfe, your Lordship is pleased to say that "assuming that the three months' notice, which was stipulated for, was given to Mr. Ralfe before the Termination of his engagement with my Government, Your Lordship sees no reason to object to the course adopted in Mr. Ralfe's case"; and I have to inform Your Lordship that it was not considered necessary in 1841 to give Mr. Ralfe a formal notice of three months that it was intended to terminate his contract, the term for which it was entered into, and during the course of which a three months' notice was necessary, having in 1841 long expired.

By a Minute written by myself on the 7th April, 1842, and which I have now before me, it is distinctly shewn that the Compensation of £150, given to Mr. Ralfe, had express reference not
indeed to the want of a three months' notice, but to the termina-
tion of his Contract sooner than he expected. The Minute is as
follows:—

"I still feel that it would be so objectionable to grant a
gratuity to Mr. Ralfe that I must, in respect to it, adhere to the
decision given on 42/1699. On the other hand, the unexpected
termination of Mr. Ralfe's Contract may have been in some
degree a hardship on him. It is true that it was quite competent
to the Government to terminate it at the expiration of the year,
for which it was made; but still Mr. Ralfe, not unreasonably,
might have expected that it would have been continued until
the work, which he had commenced, should have been completed;
and perhaps it would have been continued but for the arrival of
an additional number of Surveyors from England. In order,
therefore, that Mr. Ralfe may have no cause of complaint against
the Government, I will consent, on a full consideration of his
case, to grant him a compensation of £150 for the losses he has
been subject to by the termination of his Contract at a time
when prices are so much lower than they were when he purchased
his equipment. Let a Warrant for £150 be therefore prepared in
his favor.

"7th April, 1842."  
G.G.

I trust that under this explanation Your Lordship will con­
sider Mr. Ralfe's case to be finally disposed of.

I have, &c.,
Geo. Gipps.

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LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 10, per ship Bussorah Merchant.)

Sir,
Downing Street, 26th January, 1845.

26 Jan. 1845.

The operation of the Act passed by the Legislative Council
of Your Government on the 22d December, 1843, and trans­
mitted to me in your Dispatch No. 2 of the 1st of January, 1844,
entitled, "An Act to alter and amend the Duties of Customs
payable in the Colony of New South Wales, and on Spirits dis­
tilled therein," having been suspended for the signification of
Her Majesty's pleasure, I have to acquaint you that, for the fol­
lowing reasons, Her Majesty will not be advised to assent to that
Law:—

Her Majesty's Government entertain great objections to the
Establishment of a high duty upon the Import of Corn into New
South Wales; and they concur in the view which you have ex­
pressed as to the extreme importance of affording every encour­
agement to the regular supply of Corn to that Colony from all
places where it can be obtained, having regard to the remoteness of its position from many of the sources of supply, and the great uncertainty of its Climate.

They would therefore not be justified in sanctioning the duty, imposed by this Act, of Two Shillings and Six pence per Bushel, on grain imported into New South Wales. 

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 21, per ship Hamlet.)

My Lord,

Government House, 26th January, 1845.

I have had the honor to receive Your Lordship's Despatch No. 118 of the 14th August, 1844, with which was transmitted to me a Copy of a letter addressed to Your Lordship by Mrs. Gray, complaining that she had not received, since December, 1842, the allowance of £36 a year, which had for some years previously been remitted to her through the Colonial Agent from her husband, one of the Assistant Harbour Masters of Sydney; and adding that, though her husband had been suspended from his situation in consequence of his Insolvency, she understood he had since been restored. I have the honor, in reply, to report that, in consequence of his having taken the benefit of the Insolvent Act, Mr. Gray was removed from Office in November, 1842, under the general instructions contained in Lord Goderich's Despatch No. 1 of the 30th July, 1831, and that he has not subsequently been restored to Office, the office of a second Assistant Harbour Master having been abolished.

Mr. Gray is now in Sydney, but in circumstances which I greatly fear do not enable him to make any remittance to his Wife. He has moreover stated to me that he believes his Wife died several years ago, and that the person applying to Your Lordship must be an impostor. I enclose a Copy of his written statement to this effect.

I have, &c,

GEO. GIPPS.

MEmo.

JOHN FANNING (Carpenter) Stated to me that my wife had been deceased between three and four Years previous to Fanning leaving London; it is between Six and Seven years since I received a letter from my wife, and between five and Six years since I received a letter purporting to have been written by my wife; but neither the body of the letter or the signature were in my wife's hand writing; and, in consequence of the above information, I am of opinion my wife is deceased.

JNO. M. GRAY.
Lord Stanley to Sir George Gipps.

(Despatch No. 11, per ship Bussorah Merchant.)

Sir,

Downing Street, 29th January, 1845.

I think it right no longer to defer communicating to you my views on the subject of your Despatch No. 17 of the 17th of January last, on which I informed you, by my Despatch No. 163 of the 30th November last, that I was even then prepared to have announced my opinion to you, had I not thought it proper to allow further time for the arrival of petitions relating to it, which I had been led to expect would be transmitted from the Colony.

I have attentively considered both the resolutions of the Legislative Council on the Sale of Crown Lands, of the 20th of December, 1843, received in your Despatch above referred to, and the Report of the Committee on which they are founded, as well as the evidence taken by that Committee; and I have been assisted in judging on the questions raised in these documents by the Report from the Commissioners of Colonial Lands and Emigration, of which I enclose a copy.

My labour in discussing the subject is much lightened by my entire concurrence in the views so ably stated in your Despatch. In fact, I might almost have contented myself by referring to that Despatch, as containing an exposition of my opinions, since, even in the observations which I think it my duty to make, I do not feel that I shall be able to add anything material to what it contains.

I entirely agree in thinking that the resolutions of the Council are based upon an erroneous assumption, taking for granted, as they do, that in fact the Crown Lands of New South Wales are not and cannot be made productive except by means of Sales.

I admit at the same time that, in the circumstances of New South Wales, permission to occupy Waste Land on easy terms is a necessary accompaniment to the maintenance of a high selling price; and I address you separately on the subject of what those terms should be, and on the facilities to be afforded for occupiers obtaining, in connection with a licensed occupation, a fixed interest in portions of the Land occupied. The principle of permitting such an occupation is all with which I have now to deal; and, that being conceded, I consider as sufficient the answer given by yourself to the complaint that the resources of the Colony are prevented from being developed by the high price of Land, namely, That one of the remarkable features of New South Wales, and the great advantage possessed
by it over new Countries in general, is that its Waste Lands can be made at once productive without improvements or permanent expenditure upon them.

But, although I cannot admit the assumption upon which the resolutions of the Council are founded, I am sensible that the question, whether the present minimum price ought to be maintained or not, must be considered independently of those resolutions. And, with every respect for the opinions entertained in the Colony, I see no reason for a departure from the existing provisions of the Act of Parliament* on that head.

I concur in opinion with you that no advantage will be derived by the Public from vesting at once in Individuals large tracts of Land, which can be made productive without improvement, and which do not admit of being improved, or are not at this period of the Colony's existence worth improving. I agree with you in thinking that an attempt to measure the price of Waste Land, by a reference to the profits which can be made from it by sheep farming in its unimproved state, would lead unquestionably to confusion and uncertainty, and, if carried out to its full extent, to the imposition of a mere nominal sum as an equivalent for it.

On the other hand, I see no reason to doubt that, if Land be worth improving, it is worth the price now fixed upon it, of One Pound per Acre, and I consider this view to be fully borne out by the evidence taken before the Committee of Council.

I attach no importance to the argument deduced from the fact that of late the sales of Crown Lands have fallen off to so remarkable an extent. I consider it impossible to look to a large revenue derived from Sales as likely to be permanent, without a much more rapid influx of Settlers than can reasonably be anticipated. It is admitted on all hands that the immense purchases made a few years ago were caused by a spirit of speculation, and not by a real demand for the land. The expectations of reselling these purchases have not been realized, and it is therefore obvious that they must be themselves impediments to the renewal of any similar extensive purchases.

No other answer is required to those who are (as you say some are) disposed to attribute the falling off in the Sales of Crown Lands, and the general distress of the Colony, to the Imperial Land Sales Act, than the fact that both had commenced previously to that Act coming into operation. The commercial distress of the Colony, in truth, not only furnishes a fully sufficient reason for the cessation of Sales of Crown Land, but unfortunately has been the means of proving further that the price now imposed on those Lands is not the impediment, which deters persons from purchasing; for it is well known, and indeed is stated

* Note 22.
in your Despatch of Jany. 17, 1844, that, since the passing of the
Imperial Act, an immense quantity of Land belonging to private
Individuals might have been obtained at almost any price, but
found no purchasers.

Although, therefore, I readily admit that it cannot be expected
that very large Sums will, for the present, be annually realized
by the Sale of Crown Lands, I cannot on the other hand allow
that the result would have been different, had the minimum
price remained unaltered; I do not, however, on that account
consider as hopeless the prospect of raising a regular and per­
manent Revenue from Crown Lands, applicable to Immigration.
On the contrary, in common with my immediate Predecessor,
Lord John Russell, and yourself, I think the peculiar circum­
stances of the Colony facilitate and demand the making an at­
tempt to do this by means of that to which I adverted in the
commencement of this Despatch, and on which I address you
separately, the permission to occupy Crown Lands on fair terms
without the obligation of purchasing them.

It only remains for me, in my present communication, to
notice the resolution of the Council, which proposed a remission
of purchase money to Emigrants, according to a certain scale,
as a substitute for the plan adopted by the Imperial Act of re­
quiring payment of the price in money applicable to the intro­
duction into the Colony of Agricultural Labourers.

The objections to this proposal depend so completely upon the
difficulties in the detail of its probable working, and are so
fully pointed out by yourself and the Land and Emigration Com­
mis iners, that I do not think it necessary to enter upon them,
but feel convinced that the Council itself, when they are placed
before it, will concur with me in opinion that they are fatal to
its adoption.

The Resolutions of the Council having been confined to the
topics above adverted to, it is unnecessary that I should enter
upon those points in the Report of the Committee which have
not been adopted by them. I cannot, however, leave the subject,
without so far adverting to them, as to express my great regret
at finding Gentlemen, of such high standing as those of whom
the Committee is composed, expressing opinions so condemnatory
of the course which has hitherto been pursued as to the applica­
tion of the proceeds of the Land Sales, and so contrary to what
have been understood to be the wishes and recommendations of
Persons most conversant with the interests of the Colony, and
having the greatest stake in it.

New South Wales, as you justly observe, has by these means
been converted from a Convict into a free Colony, and has had
50,000 People added to its numbers. Nor is the demand for additional Laborers yet satisfied. Instead of condemning the Expenditure of the Sums which have been paid for their transport, I cannot even, in looking back, with the advantage of judging on such questions which a retrospect affords, see any mode in which it could have been expended more advantageously for the Colony. The progress of New South Wales has been rapid beyond example. The continuance of that progress I believe now to depend much upon continued additions to be made to its labouring population; and, as I consider that such additions can in no way be more properly made than by means of funds derived from the waste Lands of the Crown, I shall feel it my duty, notwithstanding the opinions of the Gentlemen above alluded to, to devote to that service as large a portion of those funds as the exigencies of the Public Revenue will allow.

I have, &c,

[Enclosure.]

STANLEY.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY
STEPHEN,
Colonial Land and Emigration office.

Sir,

30th September, 1844.

With reference to your Letter of the 30th July last, we have the honor to state that we have perused and considered the contents of the Despatch therein transmitted to us from Sir George Gipps, enclosing certain resolutions of the Council in New South Wales and the report of a Committee of Council on which they were founded, respecting the disposal of Land in that Colony. The resolutions of Council as well as the Committee's report represent that the price of 20s. an Acre is too high, and ought to be reduced. The report of Committee in another passage, which is not however repeated in the Council's Resolutions, condemned the application of the Land Fund to Immigration, and deprecated the continuance of that system. Both documents agree in recommending that, without any payment of money, Land should hereafter be awarded to individuals in consideration of their having provided themselves or others with passages to the Colony. Sir George Gipps explains the reasons for which he finds himself compelled reluctantly to dissent from these conclusions.

The importance of the subject, and the station of the authorities from whom the views in question have emanated, both demand that they should be carefully examined. And, so far as regards the important question of applying the Land Fund to furnishing the Colony with Labor, there is another reason why we should not shrink from an impartial analysis of the doctrines now broached upon that subject. It is not more than two or three years since the mind of those interested in the Colony was much agitated, and motions were made in both Houses of Parliament, not because the proceeds of Land Sales were appropriated to Immigration, but

* Marginal note.—Mr. Grote, H. of Commons, 25th March, 1841, 22nd April, 1841; Bishop of Exeter, H. of Lords, 22nd June, 1840.
because it was feared that some small proportion of those proceeds might have been otherwise expended. It was believed at that time that the prosperity of the Colony must depend on appropriating the whole Land Fund with fractional accuracy to a supply of Labor. We are far from mentioning this circumstance for so trifling and unworthy a purpose as to lay an undue stress on the inconsistency. The position of the Colonies, which have so rapidly flourished in Australia, is new; and we must expect that the prevalent views concerning them should require to be modified by experience. But, when, with equal urgency and apparently with an equally strong conviction of their correctness, diametrically opposite opinions have been advanced within the short space of three years, it seems to prove that we must not suffer ourselves to be influenced solely by the position and advantages of those whose views we are to consider, but that we are bound to judge of the arguments by their intrinsic weight.

We propose, therefore, to notice in succession the substance of every paragraph in the Committee’s report, and briefly to state, when we differ, the reason of our dissent. In pursuing this course, it will be necessary for us to make such frequent use of the powerful reasoning contained in Sir George Gipps’ Dispatch on the subject, that we think it better to make this statement once for all at the outset than to multiply references to a Document, which we are sure must command too much attention to require separate notice of every fact or view that may be derived from it.

The first paragraph of the Committee’s report merely refers to the evidence.

The Report then proceeds, in the second paragraph, to observe that New South Wales, extending over many degrees of Latitude, presents a great variety of Climate; and that, although the general character of the Country is poor especially within the old Colony, yet beyond those limits there are vast Districts remarkable for fertility; and the Committee regret that tracts as rich as any of the same extent in the world should be entirely confined to Pasture, by means of an undue price, to the exclusion of all lasting occupation. They consider, therefore, that such facilities should be given as would induce persons to make permanent improvements.

In favor of removing the existing prohibition against buying Land beyond the Boundaries,* we believe that all are agreed. It is proposed by Sir George Gipps, in like manner as it has been often urged on behalf of the Squatters themselves, that they should be enabled to buy lots of convenient size for Homesteads, and for any improvements they desire to make, while they could still have the remainder of their run for Sheep; and, if this be the kind of facility contemplated by the Committee, we believe we may say that it is one which the Government is already prepared to grant. On the particulars of the plan in question, we are about immediately to forward a Report for Lord Stanley’s consideration.

But, in the large effects ascribed to a high price of Lands beyond the limits, we cannot agree; and the question must be so important to a Colony of the nature of New South Wales that we may be excused for examining it somewhat further. Men, it appears to us, do not take to pastoral pursuits on account of the high price of good Land; but because on poor Land, or Land unsuited for Agriculture, they can occupy vast tracts at little cost in the most profitable of all pursuits. The range they require is too large
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29 Jan.
Occupation of land for pastoral and agricultural pursuits.

Alleged area of unproductive land.

Effect of occupancy under authorized squatting.

Prospects of development of land by private individuals.

Effect of policy of free land grants.

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to buy at any price; and if bought, it would be far too large to occupy in any way except that in which they do occupy it. If good land is thus occupied and not bought, it is not on account of the price, but because, for farming purposes other than sheep-farming, Men prefer being within the range of civilization, and their occupation does not require dispersion. As population advances, doubtless much Land will be tilled, which now is pastured; but no one would advise that such facilities should be afforded, as would give any one Settler the possession of 20 Square Miles of good tillage Land. The poor tracts, therefore, it appears to us will continue to be occupied as sheep farms whatever the price, and, if good Arable Land be so occupied, it is so on account of its locality and not of its price.

The third paragraph contains a passage, on the correctness of which must so much depend the correctness of the whole of the Committee's report, that we will quote the words. After remarking that the Colony contains many Millions of Acres calculated to reward the industry of Man, it is stated, "At present that Land is unproductive; it is so much of the National wealth lying dorment. It is to be rendered profitable, not by selling it at a high price, but by bringing it under occupancy and cultivation." The first remark we should make on this passage is that the Land is already brought under occupancy by the system of authorized squatting. Not only is it occupied under that system, but occupied for the very purpose, namely Wool-growing, which has in a period of unprecedented brevity raised New South Wales to the rank of one of the most important Colonies of the Empire. Instead therefore of its being so much of the National wealth lying dorment, it is gratifying to think that, although probably too little instead of too much strictness in dealing it out, still the Land in question has been a fruitful cause of prosperity and progress. In the next place, the passage we have cited seems tacitly to assume that it is enough to throw Land into the hands of Individuals, in order to secure their turning it to good account. But, though it is easy to make the Soil the property of private parties, it is not so easy to ensure their being able to cultivate it afterwards. It cannot be quite certain that they will have the disposition to make a prompt outlay of Capital, if they think that by waiting they may reap an easier profit; it must be still more doubtful whether they will have the means. Their paying a fair price seems to give the best chance of both these requisites. Men will not pay down a large sum for Land, who are not able and do not intend speedily to turn it to account in order to gain the value of their outlay. But, when this element of paying a price is withdrawn, what limit remains to the cupidty, by which each individual will wish to possess himself of the greatest number of Acres possible, regardless of his means to cultivate them, and indifferent how long they may lie in his hands without improvement.

The doctrine, however, which we are now examining, is not new. Once it was the general opinion that individuals, willing to encounter the waste, ought to have great facilities in the acquisition of Land, and that it would be better to leave their money in their own hands for more useful purposes than to exact it as a price. This is the principle on which Swan River was settled, and by which, according to the unanimous opinion of all familiar with such questions, that Colony was as nearly ruined as its natural
advantages would admit. It is the same principle on which New South Wales itself so long made a lingering and imperfect progress; and under which the British Provinces in North America have been repeatedly pronounced, by those who have inquired into the subject, to have been so seriously injured. The opposite system is the one under which New South Wales has in ten or twelve years realized for Land one Million Sterling; has thereby increased its population by 50,000 Souls; and changed its character, as the Governor remarks, from a Convict to a free Colony.

But the Committee add that, if the Land be sold, the price should be proportionate to the profit which it will yield; and, because it is calculated that the profits of Sheep farming will not admit of paying 20s. an Acre for Land, they conclude that the present price in New South Wales must be too high. The question is, however, whether the value of the Land ought to be determined by what can be made of it for grazing. We agree with Sir George Gipps that there is no reason to conclude that the proprietor of Sheep, which are fed on any Land, must necessarily be the proprietor also of the Land itself. If indeed occupation were forbidden without purchase, there might be ground to call for a lower price; but we need scarcely say that in New South Wales enormous flocks and herds are depastured on easy terms, under licence, on lands belonging to the Crown. It is in reference to this point that Sir George Gipps observes that in his opinion a high price of land and the system of authorized Squatting go naturally together, and that each supports the other. If the profits of grazing were to determine the value of the Fee simple of the Land, he remarks that the price must rapidly decline until it become less per Acre than the smallest Coin in the Colony.

In the next paragraph, after quoting the opinion of some former purchasers at low prices that they had paid too much for their lands, the Committee remark that price should depend on quality; and that the better plan would be to have a Classification of Lands, worth 6d., 2s. 6d., 5s., and 20s. an Acre. They point out that otherwise the minimum must be a restrictive price, and they express their persuasion that no large Revenue will be received while the minimum continues at £1 per Acre. On this we would first remark that the object at stake is more important than mere revenue; it is the gradual appropriation of the Land in the Colony to private Settlers in the manner most conducive to the sound progress and welfare of the Community. But moreover it would probably be delusive to expect that, at any price, a constant and large annual Revenue could be obtained from Sales of Land; for sooner or later the Marketable Lands must, for a time at least, be exhausted, or the competition of private owners preclude the Government Sales. Nor would this last effect by any means appear necessarily an evil; on the contrary, it may be a great benefit to Society that, where large tracts have fallen, as usually happens in the infancy of Colonies, into the hands of single proprietors, so that they possess more than they can turn to account, they should be induced gradually to dispose of parts of their property to others.

In the present instance, there seem the best reasons to doubt whether a reduction of price would have revived the Revenue. The truth appears to be that large quantities of private Lands, on very low terms, have been open to Sale in the Colony throughout
1845.
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Cause of decline in land sales.

Analysis of returns of land sales.

Sales due to over-speculation.

Alleged effect of government deposits in banks.

Opinion of committee against expenditure of land fund on immigration.

the period of depression, and that yet they have not found purchasers. They have remained almost unsaleable. On what ground, therefore, could it be expected that the reduction of the Government Minimum price would have led to an increase of Revenue? From Sir George Gipps's Speech in Council of September, 1842, it may be gathered that Land was probably cheaper at that time than it had been for several years; that the deposits of individuals at the Banks had become larger instead of smaller; but that still no Sales took place. Since there was neither a dearness of Land nor a scarcity of money to account for this effect, it must have been owing to some other cause, nor is that cause difficult to find. It obviously consisted of the vast purchases, which had been made before, of the extent therefore to which all bona fide demand for Land must have been satisfied, and of the indisposition to deal in it further as a subject of speculation. From all this we would draw the conclusion that the Government Minimum price of Land may or may not be too high, but that the late stoppage of Sales has been owing to more general and powerful causes, and that there is no reason to suppose that a reduction of the price, since the period when the Imperial Act has been in force, would have made any material difference in the amount of Land Revenue.

On the Returns of Sales cited in the next paragraph, we shall not dwell. These figures shew that, very large Sales indeed having been made in 1839 at 5s. per Acre, comparatively little Land was sold in the same year, at the increased rate of 12s. They also shew that, after the vast alienations which had taken place in 1839 and the preceding years, there was a progressive decline in the extent of Land sold in 1840, 1841 and 1842. But it is impossible to conclude how far the result may not have been owing to very different causes, as above suggested, than the mere amount of the minimum price of the Land. We will only remark that, according to the facts supplied by the Committee, the Sales of Land had already fallen off to 5,862 Acres in 1842, or in other words had almost ceased before the Imperial Land Sales Act had so much as come into force in the Colony.

We quite agree in the opinion expressed by the Committee in the next paragraph that the large quantity of Land formerly sold at high prices was owing to undue speculation. With reference however to a passing remark that the Government Money having been lodged in the Banks at interest, those Institutions in order to pay the interest were obliged to lend it again to the public, we ought perhaps to mention that the Governor's Despatch supplies a return, by which it appears that, at the time when such immense speculations were in progress, the average annual interest paid by the Banks to the public did not exceed £3,300, nor was larger in the greatest year than £9,300.

We now come to the place in which the Committee express their regret that the Land Revenue had been appropriated to Immigration. Capital and Labor, they observe, should be in proportion; "and it was a fatal mistake to send the one out of the Country in order to bring the other in." They lament the consequent contraction of the circulating medium, and their conclusion is that no part of the Land Fund should be applied to Immigration, but that "the Crown Lands should be made the medium of introducing Immigrants without reference to Sale."
We regret to see the condemnation by such high authority of a practice hitherto deemed so essential to the welfare of the Colony. It is not long, as we have seen, since the application of every fraction of the Land Revenue to introducing Labor was supposed an object of peculiar importance. The appropriation of any part of it to the same purpose is now described as the "greatest and most fatal error" connected with the Sales of Land. At the same time, this part of the Report has not been embodied in the Resolutions adopted by the whole Council; and we hope that a view may not gain ground, so much calculated to illustrate the difficulty that has often been lamented, of reckoning on any stability of principle in the administration of Lands in the Colonies.

What have been the benefits derived from the large Emigration of late years, we have already mentioned. The population of New South Wales has received an accession from this Country of more than one half its whole previous numbers; the character of the laboring Classes cannot but have been much improved by the nature of the Immigration; and the reputation of the Colony in England has been greatly raised.

As to the supposed evil of this application of the Public Revenue, it is not stated to what other purpose the money should have been devoted. No one, we presume, would recommend that it should have been hoarded. Indeed the mere temporary deposit of those large Funds with the Banks has been, as we have already noticed, one of the evils complained of. What then was to be done with the Money? It is remarkable that, throughout all the papers, the necessity for a supply of Labor continues to be assumed.

Some think, the Governor informs us, that the Funds in the Colony should have been expended on local improvements, and that the means for the requisite Immigration should have been borrowed in England; a proposal on which he merely remarks that, if any one had made it at the time when their Coffers were overflowing with public money, he would have been laughed at.

Without dwelling longer on this branch of the subject, we proceed to the next Paragraph detailing the manner in which it is recommended that the Land should be made the direct medium of introducing Immigrants. It is proposed that a remission of £80 for every Cabin passage, £40 for every Intermediate, and £25 for every steerage passage should be allowed in the purchase of Land. There would be some difficulty arising from the anomaly of a nominal remission of purchase money, where no Sale took place and where the fact of any public Sales at all for Money must soon become rare; but we presume it is expected that in practice either Grants of Land would be made, equivalent to the proposed sums at the minimum price of the Colony, or else that the parties would be furnished with Certificates shewing by what kind of passage they had reached the Colony, and that these Certificates would be payable in lieu of money at the public Land Sales. A further question, however, would then immediately arise, whether such Certificates should be transferable. If not, they would require Land to be subdivided into very minute Lots, of which the inconvenience must be apparent; and, if transferable, they would soon be current from hand to hand as a species of Assignats upon the Land, of which we need not mention the effect they would be likely to produce both upon the Currency of the Colony, and upon the value of the public Lands.
Objections to proposed remissions in purchase of land.

But besides this, the plan is open to other objections of the most serious character. Since the abolition of free Grants of Land, it is the first proposal to use the public resources in making gifts to Capitalists, who may think it for their advantage to settle in New South Wales; and we see no reason to doubt that it would be found attended with the same abuses and evil consequences, which have caused the former system to be repudiated throughout the British Colonies. Cabin passengers must be expected to consist, besides persons who intend settling on Land, of Merchants, of Lawyers and Surgeons, Officers of the Army and Navy on duty, or on their way to other Stations, Tourists, and numerous other Classes. Should everyone without exception, who reached New South Wales in the Cabin of a Ship, be entitled to so much of the public Land? If not, what is to be the distinction, and how is it to be enforced? If conditions of residence on the Land or improvement are looked to, we would appeal at once to the large experience under the old practice of free Grants to shew how nugatory they are, and yet how productive of dissatisfaction to individuals, and difficulty to the Government. We do not enter into the precautions that would be necessary in order to prevent persons from being taken out of the Steerage just before arrival to fill up any vacant Cabins, or persons from being shipped for this particular object at some other Colonial port before reaching Sydney, or persons from repeatedly going in and out of the Colony in order to obtain fresh Lands on successive arrival? The precautions we do not enter upon, because we do not see how any could be devised, without attempting a surveillance, so disproportioned to the object, and so incompatible with the usages of any British Government that it would be manifestly out of the question.

With regard to intermediate passengers, the principal obstacle with that class, as much as with Steerage passengers, is the want of means to pay their conveyance; and the expectation of getting land after arrival would not make any difference to them in this respect. At least it would not make any difference, unless there were transferable rights of the kind we above supposed; and in that case it is indeed possible, tho' not likely, that persons might sometimes take them out on speculation in order to obtain Land by their introduction, and perhaps trust to the chance of eventually recovering the passage money from them as a debt. This would not be a very desirable traffic. But we may add that, to the extent to which by this, or by any other means, an increased number of Intermediate passengers was brought into the Colony, the addition must be expected to consist chiefly of those very Mechanics, Foremen and others, comprising the Class whose importation is most deprecated in the Colony.

With regard to Steerage passengers, we would merely observe that, since they cannot pay for their own conveyance, it is plain they would only be introduced under the new plan, as at present, by persons who had resolved to spend a certain sum in the acquisition of lands in the Colony. But such persons have already open to them a very simple process, by which, through depositing their money in this Country, they can obtain a free passage for a proportionate number of Laborers; and we apprehend that, if the plan be abandoned for other kinds of passengers, no advantage would be gained by introducing as to this Class a new course open to much evasion and abuse.
We have entered into these details on the proposal to allow an equivalent in land for passages to the Colony, because it seemed suitable to the nature of our opportunities for observation here to consider more especially what would be the practical working of such a scheme. But many of our objections might be summed up by saying, in the words of the Governor, that we see no sufficient reason for returning in this matter to a system of barter, the direct exchange that is to say of land for immigrants to the exclusion of the universal medium of civilized life, money.

As we have now been led into almost all the main questions to be attended to, it may not be improper to notice more summarily the few remaining paragraphs of the report. The one, immediately following that which we last examined, repeats the doctrine that waste lands can be no source of profit to the community, until they fall into the occupation of private individuals. Neither, however, will they be a source of profit afterwards, unless those individuals bring them into cultivation; and it seems the best test of their being able to do so that they are ready to pay a fair price. If the land is not to be improved, we do not see what benefit it could be to the public, though it might be a great injury, that large tracts in a wild state should be in the hands of private individuals instead of the Government.

We have pleasure in noticing the next paragraph, because, in adverting to the greater distance of New South Wales as compared with North America, it gives us an opportunity of mentioning some comparison of particulars in which the former seems to enjoy peculiar advantages.

"Instead of complaining," observes Sir George Gipps, "that three acres of unimproved land are required to feed a sheep, we ought to be thankful that from nearly every acre of land a pound of wool can be annually produced without the necessity of improving it." He then proceeds (speaking with a personal knowledge of both countries) to express a doubt whether any article equal in value to a pound of wool can be derived with equal facility from the thickly wooded countries of North America; and he remarks that this superior productiveness of its unimproved land will probably continue to form the great and peculiar attraction which Australia must offer to settlers of capital.

The committee next observe that what is known as Mr. Wakefield's system cannot answer "unless sufficient capital remain to work the labor introduced." And they insert a calculation to show that a tract of 30,000 acres sold at 2s. 6d. an acre, would bring in upwards of four times the number of persons required to turn the land itself to account, and consequently that this price of 2s. 6d. would be more than sufficient to import labor adequate for all the present purposes of the colony, whether of agriculture, manufacture, handicraft or any other kind. The details of the calculation seem to us open to some comment. We will rather, however, draw attention to the fact that the whole proceeds of land sales during a series of years, affected not at 2s. 6d., but at various prices from 5s. and 12s. up to £1 per acre, having been devoted to immigration, the result is that the demand for labor is understood to be nearly as great, and for some of the most important pursuits of the colony to be as far from effectually satisfied as before. All the public documents received from the colony continue as much as ever to dwell on the importance of a continued supply of labor, notwithstanding the objections they make to
Inadequacy of supply of labour.

Disapproval of findings and proposals of select committee and council.

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Inadequacy of supply of labour.

Disapproval of findings and proposals of select committee and council.

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defraying it out of the only public fund, which has yet been found for the purpose. While the present Committee of Council on Crown Lands was reporting so strongly against an excessive expenditure on Immigration, another Committee of Council, which was sitting on Immigration, evidently not intending to act in opposition to this one and impressed with the same general views, yet reported on the very same day that the present supply of Agricultural and pastoral Labor was far from adequate to the wants of the Colony; and that the Wages were beyond what the Masters could afford to give.*

Here we close our examination of this Report. We have considered successively and in detail the leading argument of each paragraph, because we believed that Lord Stanley would consider this course called for, both by the importance of the subject, and by the respect due to a Committee of Council. In conclusion, we would merely state that, after giving our best attention both to the report and Evidence, we are unable to think that they supply sufficient reasons for reducing the minimum price of 20s. established by the Imperial Land Sales Act, or for departing from the principle which it lays down of appropriating a large portion of the Land Revenue to Immigration. Nor do we think it would be prudent or desirable to grant the public Lands to individuals in consideration of the expense of passages to the Colony, without that previous payment in money which appears to us the only true security that professed Settlers are in earnest in their undertaking.

We have, &c.,

T. Fredk. Elliot.
C. Alexander Wood.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 22, per ship Hamlet; acknowledged by lord Stanley, 3rd July, 1845.)

My Lord,

Government House, 29th January, 1845.

I have had the honor to receive Your Lordship’s Despatch No. 122 of the 16th August, 1844, transmitting to me Copies of a letter and its enclosures, which your Lordship had received through Lord Sandon from the Messrs. W. Smith and Sons of Liverpool, representing that the highest fines, authorized by Law, were levied in this Colony on four persons in the employment of their Partners, the Messrs. A. B. Smith and Co., in consequence of their having neglected to take out Depasturing Licenses within the time specified by Law; and, in reporting on this case, I have first to explain to Your Lordship that these fines were levied neither on the Messrs. A. B. Smith, nor on any persons in their employment, but on four separate parties (Squatters) for whom the Messrs. Smith happened to be Agents; and, if the fine in any of the cases fell upon the Messrs. A. B. Smith, it must have been only because the parties for whom they were Agents called upon them to bear the losses occasioned by their own negligence.

* Marginal note.—Report of Committee on Immigration, 1843, Page 1.
I have next to explain to Your Lordship that it is a matter of the highest importance to this Government that the fees due upon depasturing Licenses be punctually paid; and that in no instance, during the seven years that I have administered this Government, have I remitted or reduced the amount of a fine imposed upon a Squatter for neglecting to pay for his License (£10) in proper time.

It is true, as stated by the Messrs. Smith and Sons, that the amount of the fine is fixed, not by the Government, but by the Commissioners of Crown Lands, who, under the authority given to them by the 1st and 2d clauses of the Local Act, 2d Vict., No. 27, can fix it at any sum *not exceeding* £10; and it is, I believe, also true that Mr. Lambie of the Maneroo District is the only Commissioner, who invariably inflicts the Maximum penalty for a first offence; but your Lordship will also perceive by the same clauses that the Commissioner can, after a lapse of fourteen days, repeat the fine, and that, in such a case, the fine is absolutely fixed at £20. Mr. Lambie might have proceeded a second time against each of the four parties, but he did not do so; and consequently he did not visit them (as stated by the Messrs. Smith of Liverpool) "with the severest penalty authorized by Law."

It may perhaps be said that the discretion is a wide one, which is, by the 1st Clause of the 2d Vict., No. 27, allowed to the Commissioners of Crown Lands in respect to the amount of fine to be levied for a first offence; but I must observe that it is not larger than what is allowed to ordinary Magistrates in a vast variety of cases; the Commissioners are all Magistrates; and, in the imposition of fines, they act strictly in their Magisterial capacities.

I am aware of no circumstance which should call for a remission of the fine in any one of the four cases brought before Your Lordship by the Messrs. Smith, more than in any other of the numerous cases in which fines have been imposed by Mr. Lambie during the eight years that he has been a Commissioner of Crown Lands; and, without extending my enquiries throughout the whole of those eight years, I find that the number of persons, on whom he inflicted penalties precisely similar to those complained of by the Messrs. Smith, was in 1843 sixteen, and in 1844 thirtyseven, all of whom he fined in the same amount £10.

I have, &c.,

Geo. Gipps.
LORD STANLEY to SIR GEORGE GIPPS.

(Despatch No. 12, per ship Bussorah Merchant; acknowledged by Sir George Gipps, 2nd August, 1845.)

Sir,

Downing Street, 30th January, 1845.

As the period at which you propose that some of the Regulations relative to the occupation of unsold Crown Lands in New South Wales, reported by you in the Dispatches* acknowledged by mine of the 30th November last, will arrive almost as soon as I can expect that this Dispatch will reach you, I no longer defer putting you in possession of my views on the questions raised in those Dispatches.

I have not only myself considered them most anxiously, but I have also required from the Commissioners of Colonial Land and Emigration their opinion upon the subjects to which they relate, and enclose you their Reports.

I am fully sensible of the magnitude and importance, both to the welfare of the Colony and to the interests of Individuals, of the questions involved in these discussions.

I know that the great source of the Wealth of New South Wales, the production of Wool, has been mainly the work of those who are termed Squatters.

I am also well aware that, although described familiarly by this term of American origin, they differ greatly and in most important particulars from the class whose name has been transferred to them; that, instead of consisting mainly of the least educated of the Population as is often the case with the Pioneers of civilization in America, they include many of the most educated, the most intelligent, and the wealthiest of the Inhabitants of the Colony. I believe moreover that they constitute a body whose influence in the Colony out of the Legislature is very great, and in it at this moment is paramount to every other.

In considering the questions brought before me by the Dispatches referred to, I have felt strongly the great convenience which it would have been to yourself personally, and which indeed it would have been to me now to conciliate so powerful a class by the concession of what they demand.

I approve, therefore, highly of that sense of public duty which has led you to incur the odium you have brought on yourself by issuing the regulations in question (a step which you could easily have avoided taking); and, in coming to the conclusions I have arrived at upon their justice and propriety, I am fortified in my opinion by the consciousness that my own prepossessions would be in favor of those against whose claims I feel bound to decide; and that I do so only under a strong sense of the

* Note 24.
obligation, which rests upon me, not to sacrifice the interests of the Colony and the Empire at large, as well as the universally admitted rights of the Crown, for the purpose of disarming opposition even in quarters from which a most effective opposition is to be apprehended.

In considering the points at issue between yourself and the occupiers of unsold Crown Land, there are obviously two distinct questions, the one as to the right of the Crown to sanction any Regulations at all of the character which you have promulgated; the other the reasonableness and propriety of the regulations themselves, supposing the right to make them be conceded.

I begin with the question of right, and feel myself bound to protest in the most decided manner against the principles asserted and implied in the claims and remonstrances of those who represent the occupiers of Crown Lands. Indeed when I find Mr. Boyd, the chairman of the pastoral Association, and the medium of communication with myself, holding language (which I understand you he did hold at a Public meeting on the 9th of April, 1844) to the effect that he considered himself and others mere occupiers of Crown Lands under yearly license (himself alone holding 21 Stations extending over upwards of Three hundred and eighty Thousand Acres at a total yearly payment of only Eighty Pounds) as having a Fee simple in the Lands so held, it is obvious to me that a decided stand must be made, and that in limine against pretensions so unwarrantable, pretensions which would at once transfer to the first occupier hundreds of Thousands of acres of the Districts most accessible and most valuable for Settlement, without even the expenditure of Labour and Capital, which are required in America to make occupation profitable, but still are not allowed to give a title to the Squatter.

I am well aware that the language used by Mr. Boyd cannot justly be assumed as that of all those whom he represents; but it is not only by the expressions used by him that I have been startled.

I am equally so by the general arguments which have been adopted, and the grounds upon which the opposition to your measures is based.

You are charged not only in speeches but in deliberate resolutions, passed at Meetings of most respectable and influential Colonists, with imposing Taxes by your own authority as the effect of the additional demand made by you for the Squatting Licenses, or more correctly of the limitations you have imposed on the use of them.

I cannot suppose that such a charge would be made by Gentlemen of the talent and station of those who have advanced it
Effect of denial of right to charge rent.

Consideration of proposed regulations.

Approval of regulation re terms for annual occupation of lands.

without grounding it on some foundation; but, unless it is intende
ted to be denied by them that the right of property in the
Land occupied by them is vested in the Crown, I am at a loss
to conceive by what reasoning it can be established that an in­
crease on the license for occupying it constitutes the imposition
of a Tax. I know in fact but of one explanation of the charge,
namely, that the absolute right of property is vested in the
occupier of the Land, and that every payment demanded of him
in respect of it is in the nature of a Land Tax. I need scarcely
say it is my duty to resist most peremptorily the establishment of
such a doctrine, whether put forward directly, as done by the
chairman of the Pastoral Association, or impliedly as done by
the Resolutions of the meeting of the 9th of April, 1844, and by
the Protest of the Pastoral Association of the 16th of May.

If the objection be good against a right to charge a rent for
unsold Land of the Crown, it must equally prevail against the
sale of it, wherever a License to occupy has been granted; and
the immediate result must be the passing the right of property
in enormous tracts of Country, for a return almost nominal,
without the public to private Individuals.

I will therefore no longer dwell upon the question of right,
which I consider too clear to admit of debate, and which I think
on further examination will scarcely be denied by the parties
themselves, and I pass to the second question, Viz., whether
the issue of the regulations, enclosed by you in your Dispatch
No. 75 of the 3d of April, 1844, is a reasonable and proper exer­
cise of that right. And first, I take those fixing the mere terms
for the annual occupation of the Lands. That these regulations
are just in one respect, namely, in apportioning the payments to
be made by occupiers of Crown Lands according to the amount
of benefit to be derived by them appears to me scarcely to admit
of denial. It is true that Mr. Wentworth, who moved the first
resolution* at the meeting of April 9th, 1844, complained that
the effect of the regulations would be that, as he held Fifteen
stations, he would be required to pay £150 a year instead of only
£20, which payment now covers the whole Fifteen Runs. And
I perceive further that Mr. Boyd, the Chairman of the Pastoral
Association, as he is the holder of Twenty one Stations but pays
only for eight Licenses, will have an increased charge thrown
upon him of £130 per annum; but, as you justly observe, the real
question is, whether the sum charged for one License is exor­
bitant or not, for, if not, the existence of the anomalies, which
you point out in your Dispatches No. 84 of the 16th of April,
and No. 107 of the 17th of May, 1844, far from furnishing any
argument against a change, calls loudly for a remedy. It is

* Note 25.
manifestly unjust that, as in the instance which you cite, one party should pay £10 per annum for the exclusive possession of a tract of Country on which he maintains Three Thousand Cattle and Thirteen Thousand Sheep, and another the same sum for Twelve Thousand Eight Hundred Acres on which he keeps one hundred head of Cattle.

I proceed, therefore, to that which I consider to be the only question really open to discussion on this branch of your measures, namely, whether the terms, which you propose to demand in future as the condition of granting Licenses to occupy unsold Crown Lands, are reasonable or not. And, advertling to the information before me, I find it impossible to come to any other conclusion than that they are reasonable. I might in fact almost assume such to be the case from the remarkable circumstance, to which you advert in your Dispatch No. 84, that, even at the meeting of the 9th of April, at which such strong language was held on the subject of these Regulations, no one was bold enough to assert that £10 per annum for the use of Twelve Thousand Eight hundred Acres of Land or for the depasturing of Four Thousand Sheep is an excessive charge; but when I perceive, from the calculations with which I have been furnished, that the rate of charge is actually 1/10th of the quit rent, which even under the old system of Free grants would have been payable annually for the enjoyment of the same extent of Land under a free grant, and little more than 1/10th of the Interest on the lowest price ever contemplated for Crown Lands, it is impossible not to feel that, if any interests are unfavorably dealt with by you, they are the interests of the public, and not those of the Squatters.

It still remains for me however to advert to the very important arrangements which you propose as an accompaniment of this regulation of the charges for Licenses for the purpose of enabling occupiers under such Licenses to obtain fixed Interests in portions of the Land occupied.

My attention has been repeatedly drawn to this question, and neither its importance nor its difficulties are new to me. You enter so fully into the history and description of the existing system of occupation beyond the Boundaries in your Dispatch No. 75* that I need not here recapitulate its features, and content myself with expressing my full concurrence in the view you take of the importance of remedying the evils it gives rise to.

The difficulties in dealing with the question are, as stated by you in your Dispatch No. 54* of the 18th of April, 1843, to

* Note 24.
combine the double object of acknowledging any right in the occupier to the benefit of his improvements with that of maintaining the absolute right in the Crown to deal with the Land, as it thinks fit.

I perceive, by the protest of the pastoral association of May 3d, 1844, that an absolute right of pre-emption is demanded by them. The effect of such an absolute right would be, as you justly observe in your Dispatch before alluded to, to give to the occupier an absolute right of occupation up to the time when such right of preemption would commence; and it would give him also the power in fact of effectually defeating all competition in the purchase of Land by the means it would afford him of selecting and appropriating whatever spots he might think most for his interest to possess.

I think, however, you have judged rightly, at the same time that you are seeking to give facilities to the occupier to obtain the localities he has improved, in confirming the provision in his favor to a reimbursement of the fair value of those improvements; and I concur therefore in the principle of these regulations. I assent also to the major part of the details, by which you propose to work it out, although I have to draw your attention to the observations of the Land and Emigration Commissioners respecting some of them in their report of the 30th September; and I agree with them in thinking it might be advisable to adopt the amendment they have proposed in the 7th of your regulations, subject to the contingent additional payment specified by them. Still it is not my wish to fetter your discretion by any positive instruction as to the adoption of it. Even had I not had previous proof of your judgment and firmness, those qualities, as displayed by you in conducting the difficult questions now under discussion, would indispose me from interfering with your freedom of action on such a point. The object, which I know you to have at heart, is to combine a due regard and allowance for the interest of the Licensed Occupier of Crown Lands, with that consideration which your duty demands from you for the interests of the Colony and of the Empire at large; that object is the one at which I aim as well as yourself; and believing, as I do, that the regulations you propose afford as equitable a solution as can be devised of the difficulties which these conflicting claims give rise to, I have felt no hesitation in submitting to Her Majesty for Her approbation the course you have pursued, and have now the honor to be the medium of signifying that approbation to you.

I have, &c.,

STANLEY.
LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY

Stephen.

Colonial Land and Emigration Office,

Sir, 30th September, 1844.

We have the honor to acknowledge your letter of the 23d Ultimo, accompanied by Sir George Gipps' Despatch No. 75 of the 3d of April last, respecting the regulation of lands depastured under license in New South Wales. We beg likewise to acknowledge your Letter of the 25th Instant, enclosing a further Despatch from Sir George Gipps, in which he transmits a Memorandum from himself explanatory of the Regulations he had recently issued on this subject, and forwards two Minutes in Council by the Bishop of Australia and by the Commander of the Forces.

From these Minutes, it appears that the Bishop of Australia concurs in the main in the Governor's measures; and that the Commander of the Forces also thinks that the Occupants of land beyond the Boundaries should contribute, in proportion to what they hold, towards the exigencies of the State, but that he doubts whether the change should not be suspended beyond the proposed date of June, 1845, if the times should not in the meanwhile become more prosperous.

Sir George Gipps's Despatch, No. 75, affords a general outline of all his views respecting the Territory beyond the Boundaries. He begins by describing its extent and present condition. Next he proposes a scheme for enabling Squatters in this Territory to acquire a right to the soil, an object which, we may observe, has often been sought on their behalf as a boon. Next he alludes to the Regulations he had recently issued with the advice of Council, respecting the lands which are still held under License; and he states in conclusion the further Rules which he thinks would be necessary to render the system complete. Considering the importance of the subject, we propose to present a brief Abstract of the information supplied by the Despatch under each of the foregoing heads, introducing, as we proceed, such remarks as we have to offer on the several questions for consideration.

Within the Boundaries,* land has hitherto been either sold or let on lease; beyond the Boundaries, it is neither sold nor leased, but occupied on license. The Lease within the Boundaries is for a definite quantity of Land, generally a square Mile; the License beyond the Boundaries has hitherto been for no definite quantity of land whatever, and the only limit has been the moderation of the parties, or the mutual pressure of neighbouring Squatters. From Harvey's Bay on the North to Wilson's Promontory, the Country occupied on such singular terms extends through 14 degrees of latitude along the East Coast; or, from the same Bay to the Mouth of the Glenelg, on the Confines of South Australia, the diagonal line is 1,100 English Miles. This Territory comprises:

- Population (nearly) 10,000;
- Horses, 15,000;
- Cattle, 570,000;
- Sheep, 3,000,000.

The practice of Depasturing to this extent at remote Stations appears to have grown up so rapidly, as to have outrun all provision for the general welfare of the people. No places of Worship, no Schools, scarcely a Minister of Religion, can be found within the Boundaries.

* Note 23. -- Four in all are mentioned as itinerating among the Stations beyond the Boundaries.
Social conditions in squatting districts.

Opportunity for granting permanent interests to squatters.

Difficulty in securing right of improvements to squatters.

this vast region. Women are beginning to follow into the Bush, and before long a race of Englishmen will be springing up in a state approaching to barbarism. Yet it is well worthy of remark, and is one satisfactory feature in the case, that amongst those who have gone forth into this wilderness are young men, not only of good family but of high education received in Europe, and also that the recent misfortunes of the Colony have at least had this good effect that they have led into the Bush many estimable persons with their wives and families. Every motive therefore seems to concur in fixing this as a proper time to attempt to give the Squatters, as they are called, some permanent interest in the lands they occupy, not merely for the sake of the development of wealth, but also for the higher object of preserving habits of civilization, and securing the interests of Morality and Religion.

Such is the picture presented by Sir George Gipps of the present state of the Territory beyond the Boundaries, and of the reasons for endeavouring to place it on a more satisfactory footing. The Chief difficulty, we may observe, hitherto felt both by those who advocated the interests of the licensed occupiers of land and by the Government, has been somewhat as follows:—If no permanent or prospective rights were conferred on the Squatters, they could not be expected to make substantial buildings or improvements, but would continue to live in a wild and unsettled manner. If on the other hand a right of preemption were conceded, it must involve a right of undisturbed possession in the meanwhile, and thereby both divest the Crown of all further control over the land, and also remove from the Squatter all motive to buy. To meet this objection to a future right of pre-emption, it was proposed to Lord Stanley by some Gentlemen, who addressed him on behalf of the Squatters, that they should be enabled to make an immediate purchase of such land as they required for permanent improvements, and should continue to occupy the rest subject to an Annual payment as at present. This always seemed to us a fair proposal, and the same principal, we find, forms the basis of what the Governor recommends.

In the remainder of our report, we shall have to consider first the rules under which the Governor thinks that hereafter Squatters should be enabled to buy lands beyond the Boundaries; secondly, the rules which he has already published, with the advice of Council, for the better regulation of Lands depastured under License beyond the Boundaries; and thirdly, the additional Rules, not yet promulgated, which he thinks will be necessary to complete the latter system.

I. Rules for Sale of Lands beyond the Boundaries.

Sir George Gipps's suggestions are as follows:—persons, who have occupied a station not less than 5 years and have conformed to all rules and are not in arrear, may demand to purchase as a homestead any part of their run not less than 320 Acres; and the Government will comply, unless some very strong objections exist, subject to the following conditions:—

1st. Water frontage not to exceed the proportion of a Mile in length for every square Mile; nor ever to include both sides of a Water course, unless the purchase amount to at least two Square Miles.
STANLEY TO GIPPS. 225

2ndly. The improvements are to be valued by three persons, vizt., the Land Commissioner of the District, a person named by the Occupier and an Umpire named by the Governor.

3rdly. Their value, together with the minimum price of the land (£1 per Acre), to be the upset price.

4thly. The value of the improvements to be retained by the Occupier, if he become the purchaser, and, if not, to be paid over to him and only the balance to be retained by the Government.

5thly. The right of requiring a Station to be put up to Auction is not to be absolute on the part of the occupier.

6thly. When Stations are required for public purposes, they may be resumed without compensation of any sort to the Occupier, unless as a gratuity which the Government will be entirely free to grant or withhold at its discretion.

7thly. By the purchase of his homestead, the Occupier will acquire no new rights as to the remainder of his run; but this is to remain in all respects exactly on the same footing as before.

Some explanations of detail on these rules are supplied by the Governor's separate paper to which we have already alluded, contained in his Despatch of the 1st of May, 1844. On the first four of them, as they make entirely in favor of the Squatter and are designed to confer a privilege which has for some time been sought, we make no comment, because we presume they are not likely to be questioned. It may indeed be worth while to mention, with regard to the arbitration provided for in Regulation No. 3, that Sir George Gipps explains in his Memorandum that the Government would have no interest in a low valuation of the Squatter's improvements; and we think that, considering the difficulty of meeting with any persons beyond the boundaries, who are not themselves Squatters, as well as the extent of the advantages now conceded, the proposed Appointment of the Umpire by the Governor should not be deemed unreasonable.

With regard to Rule 5. considering the announcement in the Preamble to the set of Rules that, unless some decided objections exist, the Government will always comply with applications to put up Lands to Sale, it may be a necessary precaution against abuse that it should not bind itself to put up Lands absolutely and without any exception. To shew the inconvenience of unqualified pledges, Sir George Gipps mentions in his Memorandum that, on the change of price from 5s. to 12s., the Government found itself under engagement to put up 300,000 Acres of Land to Sale.

The regulation No. 6 appears to us to require some explanation, probably on account of an ambiguity in the word "resumed." The real meaning of the rule we understand to be that, Licenses being granted from year to year and not for any longer period, the Government may at any time decline to renew a License without compensation for improvements. This appears to us correct. If indeed a Squatter had no power of purchasing any land, such a rule might be hard in practice, though quite consistent with the strict nature of his tenure. But now that Squatters are to have the power at any time of bringing any part of their run which they may require for permanent purposes, it is quite fair that, if they do not buy, they should not at the end of their term have a claim for the value of improvements. If, however, an occupier has actually applied to purchase and for any reason been refused, this
ought to be deemed a strong ground of claim to compensation for any improvements he might have made. We do not suppose it to be meant that any Station should be resumed during the year for which the Licence is current unless for breach of regulations; and perhaps it might be well to alter the wording so as to prevent any uncertainty on this point.

But, while agreeing substantially in all the first six regulations, the one which seems to us most open to doubt is the 7th. According to the practice contemplated in Sir George Gipps' Memorandum, the purchaser of a Homestead would be secured even for eight consecutive years in the enjoyment of the adjacent run. But, if this is to be the practice, there seem many reasons why it would be better to quiet the minds of the parties, and give them the desirable feeling of security by a positive assurance to that effect. It is not without much hesitation that we differ from any of the proposals which have evidently been so well weighed by Sir George Gipps, and which must be the result of many conflicting considerations; nor, as will presently appear, shall we have occasion to dissent from any of his other suggestions. But, in the present instance, we feel bound to raise the question for Lord Stanley's consideration, whether the purchaser of any lot beyond the boundaries should not thereupon become entitled to a License for 8 years, which would enable him to depasture the adjacent run. Except as to its duration, this License should be subject to all the same conditions as the existing annual one, and should equally be paid for at the rate of £10 per Annum; to which we think it would be necessary to add a condition that, while the Assessment by the Legislature on depasturing Stock continues at its present amount, no other payment is to be made to the Crown on that account: but that, if at any time that assessment should cease or be diminished, the holder of the run is to make a corresponding increase in his payment to the Crown, as a rent for the use of the pastures.

We do not propose a longer term than 8 years, because it would hardly seem fit to alienate an enormous extent of Territory for any length of time, which could interfere with any future advance of population and Civilization beyond the Borders, and the Government should for the public interest secure sufficiently frequent opportunities of revision.

Having now completed our examination of the proposals for enabling the Squatters to purchase Land for their improvements, we turn next to the Regulations for defining the extent of Runs.

The following is an Abstract of these Regulations:—

1st. Stations in separate Districts, although they may be contiguous, must each be paid for separately.

2nd. From the 1st July, 1845, separate Stations, even in the same District, must each be paid for separately.

3d. No one Station is after that date to consist of more than 20 Square Miles of Area.

4th. But, if the party desire more, and a Commissioner certify it to be required in reference to his quantity of Stock, and otherwise unobjectionable, an additional License may be taken out, which must be paid for separately.
5th. Every Station further than 7 Miles from any other occupied by the same party will be deemed a separate Station, even though the joint area may not exceed 20 Square Miles. And no one License will cover a Station capable of depasturing more than 500 Cattle or 4,000 Sheep.

6th. No Station or part of a Station, previously occupied under a separate License, will be added to the Station of any Licensed person, unless he pay for it the price of another fresh License.

All these Regulations, except the first, are made not to take effect until after the 1st of July, 1845, in order to give time for receiving the Instructions of the Secretary of State. In considering them, we have not failed to refer to the public Meetings which they have produced in the Colony. But we find on examination that the proceedings at those meetings do not anywhere touch on the merit of the Regulations. They complain that any limit at all should be put to the runs enjoyed by Occupants, and give such a measure the name of a tax. In fact, they virtually deny the right of the Crown to exercise any rights of Ownership over the Land; but, against the details of the Rules, they enter into no argument. We examine more fully in a separate paper the proceedings of these Meetings. In the meanwhile, we would merely say that, if there are to be any Regulations at all beyond the Boundaries, we do not see how they could be better shaped, or be more just and fair, than those which have been issued by the Governor and Council. And we feel no doubt that, if they meet with Lord Stanley's approval, they will receive that cordial support which appears necessary in order to vindicate not only the rights of the Crown in the Colony, but a just sense of the general rights of property, and of the evils of that Anarchy and Confusion which must ensue, if the limits of Occupants beyond the Borders were left to be determined by chance or by physical force.

III. Proposed additional Rules on Pasture—Licenses beyond the Boundaries.

The addition now proposed by Sir George Gipps are as follows:

1st. No run is to extend more in any direction than 7 Miles, nor to have more than 7 miles of Water frontage, unless a Commissioner certify that the run is not greater than required for the maximum quantity of stock (above) allowed under a single License.

2nd. If that quantity ever be exceeded under the same License, an additional fee will be charged at the rate of £1 for every 1,000 Sheep or 125 Cattle; this fee, however, not to be payable in advance, but added to the price of the next year’s License.

3rd. A fee or fine of £5 chargeable on a transfer of Licenses.

4th. No transfers allowed until all Arrears are paid up.

5th. No new Station to be occupied or old one transferred without written leave from a Commissioner.

6th. The License will not be renewed of any person, who shall bring an action against the Commissioner for any Official Act, without giving two Months’ notice to the Government, or seeking from it redress for his alleged injury.

Sir George Gipps concludes by remarking that the whole of these proposals can be carried into effect by the Governor alone, and that it is only on account of the importance of the subject that he considers he should not act on it without the previous authority of Her Majesty’s Government. He states that the suggestions do
not proceed from himself and the Council unanimously, but that separate papers will shortly follow from the Members of that Board, shewing the extent to which each may differ from the foregoing recommendations. Those papers from the Bishop and the Commander of the Forces have since arrived, and have shewn, as we remarked, no difference of substance from the Governor. Unwilling therefore to delay our report longer, we have the honor to state that we see no objection to the proposed additional Regulations and would recommend that they be approved.

We trust that, when accompanied by the proposed concession as to purchasing Homesteads and to even granting an eight years' License for the adjacent run, which proposals had not come before the public when the late agitation occurred, these several Regulations may be viewed with more calmness, and may be perceived to be no more than is necessary for the protection of the weak against the Strong, and for the security of those wide possessions, in which the whole community is interested, against usurpation and monopoly by unauthorized persons. We have, &c.

T. FREDK. ELLIOT.
C. ALEXANDER WOOD.

[Enclosure No. 2.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.


We have the honor to acknowledge Your letter of the 17th Instant, accompanied by three Despatches* from Sir George Gipps on the subject of the excitement, which had been produced by the publication of the new rules on the occupation under licence of the waste lands of the Crown beyond the boundaries of location.

Comments on Those Rules themselves have been stated and examined by us in another Report of this day's date. We merely propose to notice here the principal Topics which have been used at the public Meetings in the Colony.

With regard to the complaints which have been made against the new Rules as creating a Tax, and being unconstitutional, it is obvious that the annual payment, which the Crown may think fit to demand for the use of any of its Lands, is not to be confounded with a tax. There can be no possible reason why the Public should be debarred from exercising these inalienable rights of ownership, which belong to every private proprietor. Such rights should, it is admitted, be exercised by the Crown with a view to the general welfare. And whether any particular payment demanded for Crown Land be excessive or impolitic, is a fair subject of argument, to which we shall advert again. But to call a Rent a Tax is a mere abuse of language; nor, we apprehend, can it be necessary for us to examine further any reasoning which rests exclusively on that misnomer.

The sum of £10, however, has always been paid for a Licence; the only novelty in Sir Geo. Gipps' plan is that, whereas hitherto this Licence has been practically made use of for entirely indefinite quantities of Land, he now provides a limit. By his despatch No. 84, it appears that, of the Gentlemen who called the public meeting at Sydney, the three largest occupiers of Crown Lands held collectively 305,920 Acres and the three smallest occupiers

* Marginal note.—Nos. 84, 85, 86, 16, 17 and 23 Apl., '44.
13,440 Acres. The complaint therefore is this, that parties, who hold an average extent of 100,000 Acres each, should be required to pay any more than those who hold an average of less than 4,500 acres each. This Comparison is drawn only from the Requisitionists. The Governor states that, were it taken from the whole body of Squatters, much greater inequalities would be exposed. He mentions one Squatter, who holds 1,000 Square Miles as a single run.

The want of fairness however in such inequalities is far from being the greatest evil involved in such a system. This particular injustice is confined to the squatters amongst themselves. But a further effect is that, although the holders of such large tracts may require only a small portion for their own purposes, they prevent occupation of any of the remainder by others; and that thus an immense territory has gradually fallen into the hands of the first chance occupants, to the unjust exclusion of the whole of the rest of the Community.

Neither, we apprehend, can the consequences have been perceived of some other Doctrines, which were broached at the Public Meeting. The Speakers virtually condemned the exercise of any rights of property at all by the Crown upon the Land beyond the Boundaries. Supposing for a moment that such a view could be adopted, it does not appear what rule was looked to for determining between the wishes of different Individuals to use the same tracts or the appropriation of all the Lands beyond the Boundaries was to be left to chance or physical force.

But it must be unnecessary to multiply arguments in order to shew the justice of parties paying for Land in proportion to the Quantity they enjoy; and the only serious question, we apprehend, must be the one to which we adverted at the outset, namely, whether the amount of payment, which the new rules will involve, is excessive. On this point, we beg leave to present one or two very simple calculations. Even at the time when Lands in New South Wales were disposed of by what was termed free Grant, an Annual Quit rent of Two pence per Acre was reserved upon them. The extent of the proposed Runs being 12,800 Acres, the Quit rent upon them, had they been free Grants, would have been more than £100 per Annum. By Sir George Gipps’s plan, the payment will be £10 per Annum. Again the very lowest of the prices of Land contemplated by the late Committee of Council was 2s. 6d. per Acre. Supposing that one of the Runs were sold at this price, and that the purchaser had the further indulgence of being allowed, instead of ready money, to pay interest on his purchase money at 6 per Cent., the sum would be £96 per Annum. Sir George Gipps, as we have already said, requires £10. In fact, the runs will under his Rules be enjoyed for less than one tenth of what would have been payable on them, if obtained under the system of free grants, and also for little more than one tenth of the interest payable on them, if sold on Credit at the very lowest price contemplated by the recent Committee of Council, which has been the Chief Advocate of small prices of Land in New South Wales.

We think that it must be superfluous to add to this statement any reasoning in support of the extreme moderation and liberality of the measure recently adopted by Sir George Gipps and his Council. And we cannot help hoping, as observed in another of our Reports, that, when the new advantages which it is proposed
to confer upon Squatters shall be known, more dispassionate views will be taken of the whole of this question, and that the public will not suffer itself to be led by the struggle, which is made in behalf of very partial and temporary interests, not resting on any established right, to overlook the general claims of the Community, or the lasting prospects of the Colony itself.

We have, &c.

T. FREDK. ELLIOT.
C. ALEX. WOOD.

LORD STANLEY TO SIR GEORGE GIPPS.

(Sendspatch marked "Confidential," per ship Bussorah Merchant.)

Sir,
Downing Street, 30th January, 1845.

I have addressed you, in my Dispatch No. 12 of this day's date on the subject of the Regulations which you propose to bring into operation relative to the occupation under Licence of Crown Lands. I have also considered most carefully your Dispatch, marked "Separate" of the 3d of April, 1844, in which you point out the difficulties which you would experience if the local Act, 2 Vict., No. 27, continued by the 5th Vict., No. 1, were to expire without being renewed.

I have found the question how to provide against the inconvenience, of which you are apprehensive, one of considerable difficulty, more particularly as regards the details of any Legislative measure on the subject. I trust, however, that I may be able to approve of some such measure which may be submitted to Parliament in the course of the ensuing Session.

In the meantime, it is not my wish that you should introduce any measure on the subject into the Legislature of New South Wales.

I have, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 23, per ship Hamlet; acknowledged by Lord Stanley, 25th June, 1845.)

My Lord,

I have had the honor to receive your Lordship's Despatch No. 107 of the 17th July, 1844, wherewith was transmitted to me a copy of a letter from Mr. James Smith, Secretary to the Roman Catholic Institute, on the subject of the religious instruction of some Aboriginal Natives, who were in the year 1843 confined on Cockatoo Island in the Harbour of Sydney; and, in obedience to Your Lordship's directions, I have to submit the following explanation of the circumstances under which I directed these men to be placed under the spiritual care of the Clergyman of the Church of England who visits the Island.

On the 1st November, 1843, four Aboriginal Natives, who had been condemned to suffer death, were removed from the Gaol of
Sydney, and placed on Cockatoo Island, their respective sentences having been commuted, by the advice of the Executive Council, to transportation for Life. It was intended that, during their confinement on the Island, they should be instructed and accustomed to labour, with a view to their improvement and ultimate restoration to liberty. They were then untutored Savages, unable to speak or understand English, and consequently no particular directions were given in respect to their religious instruction, a circumstance which I afterwards regretted.

On the 12th of the same month of November, two letters came before me, of which Copies are enclosed, One from the visiting Magistrate, the other from the Superintendent of Cockatoo Island, in which it was stated that a difference existed between the Protestant and Roman Catholic Clergymen, who visit the Island, in respect to these Aboriginals, and requesting my instructions as to who should have the spiritual care of them; and I then gave the decision which has led to the appeal to your Lordship from the Catholic Institute.

These four men were tried at Maitland, above 100 miles from Sydney, and were received into the Sydney Gaol on the 18th October, 1843. They were removed to Cockatoo Island on the 1st of the following November, and, on the 10th of the same month, the Superintendent of the Island applied for instructions; it is, therefore, evident that none of these men could have been under the instruction of the Catholic Clergyman more than a very few days. An Aboriginal, known by the name of "Frying Pan," had been longer on the Island, and might have been for some weeks under the instruction of Mr. Young, as stated in the letter of Dr. Polding to the Colonial Secretary of the 28th December, 1843. I was not aware of this circumstance until after I had given my decision on the case; but I do not think that, even had I been aware of it, my decision would have been in any way affected by it.

GEO. GIPPS.

[Enclosure No. 1.]

CAPTAIN INNES TO COLONIAL SECRETARY THOMSON.

Sir,

Hyde Park Barrack Court, 11th November, 1843.

I have the honor to transmit herewith for the consideration of His Excellency the Governor a letter to my address from the Superintendent of Cockatoo Island reporting a difference, which exists between the Protestant and Roman Catholic Clergymen relative to the Aborigines now confined there; and I beg leave to request you will have the kindness to obtain for me His Excellency's instructions on the Subject, as it is a matter which has already caused some trouble on the Island.

I have, &c.,

1845.
31 Jan.

Request for instructions re aboriginal convicts.

Request for instructions re aboriginal convicts.  

[Enclosure No. 2.]

MR. C. ORMSBY TO CAPTAIN INNES.

Cockatoo Island, 10th Novr., 1843.

Sir,

On the 1st instant, I received from Darlinghurst Jail (4) four Aboriginal Natives as Capital respite; none of whom can speak or understand English; the Revd. Doctor Steele wants to have them attached to his church, and the Revd. Mr. Young, R. Catholic clergyman, also wants them; and both Reverend Gentlemen appear dissatisfied with me for not compelling the Aborigines to attend their respective places of worship. Under those circumstances, I have the honor to request that you will ascertain for me His Excellency the Governor's wishes on the Subject, and let me know how I am to act.

I have, &c,

CHARLES ORMSBY, Superintendent.

1 Feb.

Transmission of report of select committee on education.

Transmission of report of select committee on education.

SIR GEORGE GIPPS TO LORD STANLEY.

Government House, 1st February, 1845.

My Lord,

During the course of the late Session of the Legislative Council, a Committee was appointed to "take into consideration, and report on the state of Education in the Colony, and to devise the means of placing the Education of Youth upon a basis suited to the wants and wishes of the Community." A Copy of the Report of the Committee is enclosed, wherein the Establishment is recommended of a General System of Education,* similar to that which was some years ago introduced into Ireland under Your Lordship's auspices.

On the bringing up of the Report of the Committee, certain Resolutions were moved, as well as an Address to myself praying that I would take measures for carrying into effect the recommendations of the Committee; but these Resolutions were carried (on the 10th October, 1844) by a majority of One only, the Speaker being in the Chair. Had the Council been in Committee, into which it must have gone before any Money vote could have been passed, the majority would have been in all probability the other way, as the Speaker would then have been able to vote (and he undoubtedly would have voted) against a grant of money for such a purpose.

I have further to report that, as far as the sense of the People out of doors could be collected, it was decidedly against the adoption of the proposed general system. Fifty Petitions were presented against it, having 15,118 signatures, and only 24 in favor of it with 2,120 signatures. The whole Body of the Clergy of the Church of England was decidedly opposed to it, as also was the whole of the Roman Catholic Clergy, a remarkable

* Note 26.
change having taken place in the sentiments of that Body, which in the year 1836, when the introduction of the same system was attempted by Sir Richard Bourke, was in favor of it.

Under these circumstances, I felt that, even though I had acceded to the Address of the Council, the measure must ultimately have failed; and therefore, though favorable to the introduction of a general system, I returned the Answer to the Address of the Council, of which a Copy is enclosed. On the subject of Education in New South Wales, I may refer to the following Despatches, and documents:—

Sir Richard Bourke's Despatch, No. 86 of the 8th August, 1836; My own Despatch, No. 186 of the 9th Decr., 1839; And the Minutes attached to my Financial Statements for the years 1839 and 1841, printed with the Proceedings of the Legislative Council.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[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. 13, per ship Peruvian; acknowledged by Sir George Gipps, 27th July, 1845.)

Sir,

Downing Street, 2 February, 1845.

With reference to Your Dispatch No. 159 of the 7th of September, 1842, I herewith transmit to you the Copy of a further application from Mrs. Hornby, who states that, in May, 1843, a Power of Attorney was sent by her through the General Post office, addressed to Mr. Edye Manning, a Bank Director at Sydney, in order for him to receive from the Supreme Court the produce of the effects of her deceased husband, but that she has neither received any portion of the money, nor had any answer on the subject.

I have therefore to request that you will cause enquiry to be made as to what has been done by Mr. Manning in respect of the authority thus conveyed to him, and report to me the result.

I have, &c.,

STANLEY.

[Enclosure.]

MRS. HORNBY TO LORD STANLEY.

My Lord,

Bolton-le-Moors, 26th January, 1845.

I humbly beg leave, in addressing these lines relative to £132 12s. 9d. which you informed me was lodged in the Savings Bank, Sydney, New South Wales, due to me, Ann Hornby, by the death of my late Husband David Hornby who died there. A power of assistance was conveyed to Mr. Manning in the recovery of money.
of Attorney was sent through the General post office, for which they charged me £5. 4d., on the 4th May, 1843, since which I have not heard anything of or from Edge Manning, Merchant and Bank Director, Sydney, New South Wales, to whom the said Documents were directed.

I return you my most sincere thanks for what you have done for me in this case before, and most humbly pray that you will be pleased, in writing again for me to the Governor of Sydney, to know whether the money has been drawn by Edge Manning, Esquire, or what is the cause of its delay. It seems very strange that private Letters can come and go safe, and such Documents, as those I now mention, no tidings can be heard of them.

I am a poor Woman and the expense has been very great; had it not been for friends, I never could have raised the money to pay expenses. I am truly sorry I should be thus troublesome; but I have no one to look to but your Lordship to see justice done to me. Your answer, addressing to me, Sweet Green, Bolton le Moors, Lancashire, will entitle you to my everlasting gratitude.

I am, &c.,

ANN HORNBY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 25, per ship Chance; acknowledged by lord Stanley, 26th July, 1845.)

My Lord,

Government House, 2d February, 1845.

I propose in the present Despatch to report to Your Lordship the circumstances under which the Legislative Council, in its late sitting, refused to make any provision for the Office of Registrar of the Colony.

Your Lordship is aware that the Registrar of the Supreme Court formerly acted as Registrar of the Colony, whilst all the duties, which he ought to have performed in his proper Office of Registrar of the Supreme Court, were performed by the Chief Clerk of that Court; but this inconvenient and unsatisfactory arrangement was (with Your Lordship's approval) changed after the defalcation of Mr. Manning, and the Office created of Registrar General of the Colony.

The Act (7th Vict., No. 16), which created this Office and declared it to be separated from the Supreme Court, was passed by the present Council; and the Act was reported on in my Despatch No. 1 of the 1st January, 1844.

By a Schedule attached to the Act, marked B, fees are authorized to be taken by the Registrar, fully equal to the support of his Office; but, by the 19th Clause of the Act, these fees are to be paid into the public Treasury, and consequently the Registrar and his Office are dependent for their support on annual grants out of the Public Revenue. The Council in the Session of 1843 voted the sum of £932 for the support of the Office during the year 1844, and a similar sum for its support in 1845 was
asked for during the late Session; but the Legislative Council then refused to grant anything, alleging that the Office ought to be a charge upon the Civil List, or Schedule A; and the concluding part of your Lordship's Despatch, No. 223 of the 15th December, 1842, was quoted to prove that it was your Lordship's intention that it should be charged on that Schedule.

It was urged on the part of the Government that, had such even been your Lordship's intention which was extremely doubtful, the passing of the Act above referred to (7th Vict., No. 16) made it impossible that it should be so charged, since it would be absolutely illegal to charge, as a contingency of the Supreme Court, the expense of an Office, which, in the preamble of the Act creating it, is declared to be "independent of, and unconnected with the Supreme Court," and which is moreover in no way connected with the Administration of Justice.

In the subsequent part of the Session, it was distinctly explained to the Council that, if no provision were made for the Registry Office by a vote of that Body, no expense would, after the 1st January, 1845, be incurred by the Government on account of it; the Council, however, made no provision for it, and accordingly no money has been issued for its support since the commencement of the present year, nor is it my intention to issue any.

The Registrar (Mr. Carter), however, still continues to keep the Office open, trusting to be eventually reimbursed by the Council; and, as the closing of the Office would be attended with great inconvenience to the Public, I have not objected to his so doing, though I have distinctly explained to him that he must look for reimbursement to the Council, and not to me.

I have, &c.,

Geo. Gipps.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 26, per ship Chance; acknowledged by lord Stanley, 5th August, 1845.)

My Lord, Government House, 3rd February, 1845.

In my present Despatch, I propose to report to Your Lordship the manner in which the questions respecting Schedule A of the 5th and 6th Vict., ch. 76, have for the present, and I hope indeed permanently, been disposed of.

Your Lordship is already aware that the Legislative Council in its late sitting declined to make any provision for the Administration of Justice, in addition to the sum which is set apart (£20,000) for that purpose by the Schedule referred to.
1815.
3 Feb.

Arrangements
for maintenance
of administration
of justice.

Preliminary
negotiations.

As a necessary consequence of this determination on the part of the Council, it became my duty to consider the means by which the ordinary Tribunals of the Colony could be kept open; and, in going into this question, I found that by the Acts of the Local Legislature establishing Insolvent Courts, 5th and 6th Vict., No. 17, Sec. 2, and 7th Vict., No. 19, Secs. 4, 5 and 6, the fees taken in those Courts were applicable to the expenses of them; also, that the same was the case in respect to the Courts of Request, 6th Vict., No. 15, S. 39 and 40. I further found that no Law existed in the Colony under which witnesses in Criminal Courts could claim payment of their expenses, or compensation for their loss of time; and it appeared that, by striking off these three items of expenditure, the charges for the Administration of Justice might be reduced within the amount of the Schedule.

But, before I proceed further in respect to any of these matters, I judged it right to fortify myself by obtaining on them the opinion of the Judges, and by making a last application to the Council. A correspondence consequently ensued with the Judges, of which printed Copies are enclosed; and, on the reassembling of the Council after its adjournment, I presented to that Body on the 27th November last two Bills, or Projects of Laws, of which Copies are also enclosed. The first of these Bills had for its object to legalize the payment of Witnesses, and to provide for the same out of the ordinary Revenue of the Colony; the other was to remove doubts (if any could exist) as to the right of the Officers of the Courts of Request to the fees taken in those Courts; but it had the additional object of indicating to the Council and the Public the course of proceeding which I should adopt, if the Council persisted in leaving me to my own resources. The Council would not even allow these Bills to proceed to a second reading. I consequently, in the Speech with which I prorogued the Council, declared that I should avail myself of all the resources which the Law had placed at my disposal, in order to keep open the ordinary Tribunals of the Colony; and I have subsequently adopted the following measures:

1st. I have given notice (of which a Copy is enclosed) to the Commissioners of the Insolvent Courts that the expenses of those Courts must not exceed the amount of fees taken in them; and that, if the fees be not sufficient to pay the Salaries hitherto received by the Officers of the Courts, those Salaries must be reduced;

2ndly. In respect to the Courts of Request, I have issued some additional Rules of Court (Copy enclosed), framed under the
39th and 40th clauses of the Act of Council, 6th Vict., No. 15; and in these Rules I have defined the manner in which the fees shall be henceforth applied to defray the expenses of the Courts. I also caused the Circular, of which the enclosed is a Copy, to be written to the Commissioners; 3rdly, I have caused a Notice (Copy enclosed) to be issued, respecting the payment of Witnesses.

I have only to add that, in the whole of these proceedings, I have acted with the knowledge and under the advice of the Law Officers of my Government.

Geo. Gipps.

[Enclosure No. 1.]

[This was the papers relating to the administration of justice, Enclosures, which will be found in the "Votes and Proceedings" for 1844 of the legislative council.]

[Enclosure No. 2.]

[This was "a Bill To authorize the payment of certain allowances to witnesses attending Courts of Justice in the Colony of New South Wales," which will be found in a volume in series IV.]

[Enclosure No. 3.]

[This was "a Bill To remove doubts in respect of the application of Fees taken in the several Courts of Requests in the Colony of New South Wales, towards the support of the Courts wherein they are respectively taken," which will be found in a volume in series IV.]

[Enclosure No. 4.]

MR. W. ELYARD, JR., TO CHIEF COMMISSIONER OF INSOLVENT ESTATES.

Colonial Secretary'S Office, Sydney, 13th December, 1844.

Drawing your attention to the 3rd and 4th Clauses of the Act of Council, 7 Victoria, No. 19, I am directed by His Excellency the Governor to inform you that it will be absolutely necessary during the ensuing year to keep the Expenses of your Court within the produce of the Fees taken under the Act; That the Contingent Expenses of the Court (including Stationery) will be first defrayed out of the produce of the Fees; and that, if after payment of these expenses there be Sufficient funds, the Salaries of the Officers will be paid as at present; but that, if the residue of the Fee fund be insufficient, the Salaries must be proportionally reduced.

It will follow as a natural consequence that no Salaries can be paid until the Fees Shall be brought to account.

I have, &c.,

W. Elyard, Junr.

[Enclosure No. 5.]

[This was the rule of practice No. 41, which was published in the "Government Gazette," dated 21st January, 1845.]
1845.
3 Feb.

Instructions to commissioner of courts of requests.

MR. W. ELYARD, JR., TO COMMISSIONER OF COURTS OF REQUESTS.

Colonial Secretary's Office,
Sydney, 24th January, 1845.

I am directed by His Excellency the Governor to transmit to you fifty copies of Additional Rules for the conduct of business in the Courts of Requests throughout the Colony, which appeared in the Government Gazette of the 21st instant; and I am instructed to state to you that, in Sanctioning the application of the Fees taken in each Court to the payment of the Expenses of it, His Excellency is under the necessity of making, with the several Commissioners and other Officers, the following Stipulations or Conditions:

1st. Before the division of the Fees into three parts, all Contingent Expenses of the Court are to be defrayed out of them, The Contingent Expenses to be regulated by the Commissioner, Subject to the control of the Government.

2nd. The Emoluments of the Commissioner and other Officers of the Court are in no case to exceed what the Commissioner or other Officer respectively received, when paid by Salary. In every case, in which the Fees may yield more than sufficient, to pay the Contingent Expenses of the Court, and to remunerate the Commissioner and Officers to the Amount of their former Salaries, the Surplus must be paid into the Colonial Treasury.

3rd. All Fees taken in the Courts are to be accounted for as heretofore, and any additional Returns required by the Auditor General must be furnished.

It is to be distinctly understood that all Commissioners and other Officers of the Courts of Requests will henceforth hold their Offices only so long as they comply with these Conditions.

I have, &c,

W. ELYARD, JR.

[Enclosure No. 7.]

[This was a notice, dated 9th December, 1844, re allowances to witnesses, which will be found in the "Government Gazette."]

4 Feb.

Transmission of financial papers.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 27, per ship Chance; acknowledged by Lord Stanley, 30th September, 1845.)

My Lord,
Government House, 4th February, 1845.

I have the honor herewith to forward the Financial Papers for the year 1844-5, in the form in which it is usual to transmit them from this Colony.

Among them will be found (pages 264 to 272) printed Copies of two Acts of Appropriation, one (8th Vict., No. 7) being for the supplementary service of 1844, the other (8th Vict., No. 13) for the service of 1845; the originals of which acts (on Parchment) were transmitted to your Lordship with my Despatch No. 7 of the 5th Jany. last.
Copies of many of the other Papers have already been forwarded to Your Lordship with the Despatches noted in the Margin;* but they are now repeated in order to make the present collection complete.

The Papers, from pages 81 to 107, relate to the expenditure of 1843, and are fully explained in the Financial Minute presented to the Legislative Council on the 18th July, 1844, which is to be found at Page 1.

The Papers, from pages 9 to 81, relate to the Estimates for 1845; and they include all the communications made by me to the Legislative Council on the subject of Finance, subsequent to the date of my Minute (just mentioned) of the 18th July.

The Estimates, as presented, amounted to £185,275 2s., exclusive of the permanent Appropriations made by Schedules A, B and C, appended to the Constitutional Act of the Colony, 5th and 6th Vict., ch. 76.

The reductions made in the Estimates by the Council are marked in the several pages from 41 to 81, the principal of them being the following:—

Page 41. The proposed provision for the Registrar General of the Colony and his Office £984 9s. 7d. is struck out, as reported in my Despatch No. 25 of the 2d instant.

Pages 42 to 44. In the Department of Customs, various small deductions are made, amounting in the whole to £520.

Page 45. In the Department of the Colonial Storekeeper, a reduction of £350.

Page 47. In that of the Harbour Master at Port Phillip, £260.

Page 47. In the Salary of the Agent General of the Colony a reduction of £100, as reported in my Despatch No. 19 of the 20th Jany. last.

Pages 49 to 52. In the Estimates for the Administration of Justice a reduction of £7,650 16s. 3d., the Council having declined to vote anything in addition to Schedule A, see my Despatch of the 21st December, 1844, No. 259.

Page 67. In the Gaol Establishments of the Colony, a reduction of £1,383 6s. 8d.

Pages 73, 74. In the Department of Public Works, a reduction of £7,650; but this was more than balanced by votes amounting to £14,455 19s. 6d. for public buildings on the Supplementary Estimate for 1844 (see pages 77 and 79).

* Marginal note.—Nos. 140, 166, 193, 212, 213 and 250, 9th, 27th July, 6th, 23d, 28th Sept., and 20th Nov., 1844; No. 26, 3d Feb., 1845.
The principal additions made to the Estimates during the time they were before the Council are the following:

For the Police Establishments, an increase of £7,546 17s. 8d., and for Schools £7,400, under the circumstances which are explained in my Despatch No. 177 of the 21st August, 1844.

In the Miscellaneous Services, additions were made (page 76) to the amount of £2,350; and, though they are apparently covered by the striking out of one item of £4,000 for "unforeseen expenses in case of Emergency," such will not in reality be the case; for, if emergencies arise, expense must be incurred, or damage ensue of some sort to the Colony. Under the Head of Miscellaneous, the sum also of £1,000 was voted as half Salary to the late Chief Justice, which, in consequence of the death of Sir James Dowling, will not be required.

The total sum voted by the Council, and included in the Appropriation Act, 8th Vict., No. 13, is £180,923 3s. 8d., or deducting the half Salary of the late Chief Justice £179,923 3s. 8d., being less than the Estimates laid before the Council by £5,351 18s. 4d.; but it is to be remembered that the following deductions made by the Council will not cause any saving to the public, namely,

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<th>Description</th>
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<tr>
<td>Administration of Justice (page 52)</td>
<td>£7,650 16 3</td>
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<tr>
<td>Unforeseen Emergencies (page 75)</td>
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so that in reality, instead of any reduction in the estimates having been effected, there has been an increase equal to the difference between £11,650 16 3 and 5,351 18 4

£6,298 17 11

The Supplementary Appropriation Act for 1844 (8th Vict., No. 7) scarcely seems to me to require any explanation.

The state of the public Treasury is such as I think may fully justify the proposed expenditure under these Appropriation Acts; and I consequently have only to add my respectful request that these Acts may, under the 32d Sec. of the 5th and 6th Vict., ch. 76, be left to their operation.

I have, &c.,

Geo. Gipps.

[Enclosures.]

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

5th February, 1845.

In the concluding part of my Despatch No. 7 of the 5th Ultimo, I said that I should bring separately under your Lordship's notice three Bills, passed by the Legislative Council in their late session, from which I felt it my duty to withhold Her Majesty's Assent.

"A Bill to alter and amend the Laws relating to Hawkers and Pedlars in New South Wales."

The objects of this Act were to raise the fee on a Hawker's or Pedlar's License from £2 (at which it was fixed by the Local Act, 5th Wm. IV, No. 7) to £4 per annum; and to make that sum payable, not as at present to the public Revenue, but to the Local funds of Incorporated Towns or Districts. I considered it my duty to oppose this latter provision of the Bill, and the more so as it was accompanied with another Bill (copy enclosed), the object of which was to transfer to the Corporation of Sydney the Queen's share of all fines and penalties (with certain exceptions), as well as all fees and licenses recoverable or payable within the City.

This latter Bill was abandoned on the disallowance of the former one.

I enclose a Copy of a Message which I sent to the Council, proposing an amendment in the Bill before I disallowed it; also a Copy of an Address from the Council in reply to my Message.

"A Bill to authorize and regulate the exportation, free of duty, of Spirits distilled within the Colony of New South Wales."

This Bill, had it been allowed to pass into a Law, would greatly have facilitated smuggling; and the only person to derive any immediate benefit from it was a Distiller, who is known to have already practiced extensive frauds on the Revenue, though he has as yet escaped conviction.

"A Bill to explain and amend 'An Act to give a preferable lien on Wool from season to season, and to make Mortgages of Sheep, Cattle, and Horses valid, without delivery to the Mortgagee.'"

The Legislative Council having refused to make any provision for the Office of the Registrar General (as reported in my Despatch No. 25 of the 2d instant), and an impression consequently existing that the Registry Office would be shut up, a clause, the 6th, was introduced into this Bill, declaring that in such case all transactions relating to Mortgages or preferable liens under
the Act of 1843 (7th Vict., No. 3) might be registered in the
Supreme Court, instead of in the Office of the Registrar General.
The Council refused to strike out this Clause; and I conse­
quently withheld Her Majesty’s Assent from the Bill,

I have, &c.,

[Enclosures.]

GEORGE GIPPS.

[These were copies of the “Hawkers and Pedlars,” “Fees,
Fines and Penalties,” “Colonial Spirits Exportation,” and “Pre­
ferrable Lien Act Amendment” bills, which will be found in a
volume in series IV; and of the message and address, which will
be found in the “Votes and Proceedings” of the legislative
council.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 29, per ship Chance.)

My Lord, Government House, 6th February, 1845.

With reference to my Despatch No. 264, of the 28th
December, 1844, wherein I reported the appointment of Mr.
Therry to the Office of Resident Judge at Port Phillip (on the
resignation of Mr. Jeffcott), I have now the honor further to
report that I have appointed Mr. Alfred Cheeke (late Crown
Prosecutor) to the Office of Commissioner of the Court of Re­
quests for the County of Cumberland, vacated by Mr. Therry,
and have also appointed Mr. Thomas Callaghan to succeed Mr.
Cheeke as Crown Prosecutor.

These gentlemen have each accepted Office, subject to all the
contingencies and alterations which may arise out of the un­
settled state of schedule A, and the provision for the Adminis­
tration of Justice in the Colony, on which I have so frequently
had occasion to address Your Lordship.

Mr. Cheeke for a time acted as Chairman of Quarter Sessions
in the Colony, as well as Crown Prosecutor; and mention has
been made of him in my Despatches noted in the Margin.*

Mr. Callaghan acted recently as Crown Prosecutor, whilst Mr.
Cheeke was employed as Chairman of Quarter Sessions; and he
is mentioned in my Despatches “Confidential,” 6th January,
and No. 13 of the 13th January last.

The Commissioner of the Court of Requests (Mr. Cheeke)
will, under the arrangement reported in my Despatch No. 26 of
the 3d instant, be paid by fees.

The Salary of the Crown Prosecutor is £600 per annum; but,
as he receives no travelling allowances, and has to attend Quarter
Sessions throughout the Colony, he is not in my opinion over-paid.

* Marginal note.—No. 139, 18th July, 1841; Confidential, 15th Jan., 1844;
6th Jan., 1845.
GIPPS TO STANLEY.

I beg leave to recommend these gentlemen for confirmation in their respective Offices, should Mr. Therry be confirmed in that of Resident Judge at Port Phillip; but should Mr. Therry not be confirmed, he will of course fall back into his Office of Commissioner of the Court of Requests, and the other two gentlemen will revert also to their former places.

I have, &c.,

GEORGE GIPPS.

P.S.—In respect to the Office of Crown Prosecutor, I may remind Your Lordship that the Legislative Council, in their Session of 1843, refused to provide for it, as was reported in my Despatch No. 6 of the 1st January, 1844. Mr. Cheeke nevertheless continued to perform the duties of it; and, in the Supplementary estimates for 1844, the Council voted him his full salary of £600, a fact which may perhaps be taken as a sufficient acknowledgment that the Office is not an unnecessary one.

G.G.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 30, per ship Chance.)

My Lord,

Government House, 7th Feb., 1845.

I had the honor to receive on the 30th December last, and a few hours after I had prorogued the Legislative Council, Your Lordship's Despatch No. 130 of the 30th August, 1844, enclosing two Acts passed in the last Session of Parliament (7th and 8th Vict., c. 72 and 74) to amend and explain the Constitutional Act of this Colony; and conveying to me Your Lordship's instructions on various points, in respect to which difficulties had arisen in carrying that Act into effect.

These amending Acts, and the Post Office Act which I have since received, will relieve me* from many of my difficulties; and, in my Despatch No. 26 of the 3d inst., I have explained how I have disposed of the questions relating to the Administration of Justice and Schedule A of the 5th and 6th Vict., ch. 76.

In the approaching Session of 1845, the points of difference between the Council and myself will be considerably reduced in number; and it will, I apprehend, be chiefly in respect to the extent to which operation shall be given to the District Councils that room for difference of opinion will exist.

On the more important questions, however, affecting the occupation of the Lands of the Crown, I have as yet received no instructions from Your Lordship, and I wait for them with much anxiety.

I have, &c.,

GEORGE GIPPS.

* Note 27.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 31, per ship Chance.)

My Lord,

Government House, 8th February, 1845.

Having, in my Despatch No. 264 of the 28th December, 1844, reported the resignation by Mr. Jeffcott of the Office of Resident Judge at Port Phillip, and the appointment (subject to Her Majesty’s pleasure) of Mr. Therry to the vacant Office, I think it right to forward to Your Lordship the enclosed Copies of letters and other documents, which relate to these changes.

I beg to explain, however, that I forward them chiefly for the purpose of meeting any questions which may be raised on Mr. Jeffcott’s return to England. No. 8 in the collection is Mr. Jeffcott’s letter of resignation, dated the 26th Novr., 1844; and I would beg attention to the unconditional terms in which it is couched.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

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

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 32, per ship Chance.)

My Lord,

Government House, 9th February, 1845.

I have had the honor to receive Your Lordship’s Despatch on the subject of Norfolk Island, No. 133 of the 4th Sept., 1844, wherein, after expressing in general terms approbation of the instructions which I issued to Major Childs on his proceeding in January, 1844, to take charge of that Island, Your Lordship desires that I will explain the grounds on which I formed the opinion, expressed in my Despatch No. 48 of the 23rd February, 1844, that it would be expedient to send to Norfolk Island Prisoners of two Classes, namely, the worst of the singly Convicted, and the best of the doubly Convicted; also desiring me to explain why I thought that it would be expedient to remove from Norfolk Island the refuse of the old Penal Establishment.

I have accordingly to explain to Your Lordship that my opinions were founded almost exclusively on the consideration that, as there is at Tasman’s Peninsula in Van Diemen’s Land a Penal Establishment* of a character very analogous to that of Norfolk Island, it might be desirable to establish some distinction between the two. I have never been at Tasman’s Peninsula, but I have always understood the Establishment to be well managed, and the discipline of it to be severe. It has also the

*Note 28.
advantage (a very great one in my estimation) of being under the eye of the highest Authorities of Van Diemen's Land, whilst Norfolk Island is so remote that it has never, I believe, been visited by any Governor but myself. Tasman's Peninsula appeared to me to be the fittest place for Criminals of whose reformation little hope could be entertained; and I considered it desirable to separate persons of this description from the Convicts who, under the new arrangements, are to be sent direct from the United Kingdom to Norfolk Island. These latter are to consist of offenders respited from Death, and those sentenced to transportation for Life or for a term of years not less than fifteen. But it is an old remark, and I believe a very true one, in New South Wales that Convicts of this description are more easily managed than those who are transported for shorter periods; and they not unfrequently arrive in the Colony in a state of mind such as to afford a better hope of their reformation. This especially appeared to me to be the case in respect to the Convicts who arrived at Sydney in the ship "Maitland" with Major Childs, the first Ship destined for Norfolk Island. When I went on board that Vessel, and received the reports of the several Officers who came out in her, it seemed to me that I had never seen Convicts of whom better hopes might be entertained; and I could not but regret that I was under the necessity of sending them to Norfolk Island whilst it was still occupied by doubly and trebly convicted villains, distinguished by the very significant name of the "Old Hands."

Before this Despatch can reach England, Your Lordship will, however, I imagine, be aware that the arrangement, which I proposed respecting the classes of persons to be sent to Norfolk Island, has not been carried into effect.

Since Norfolk Island has been transferred to the Government of Van Diemen's Land, it no longer rests with me to determine whether a person, sentenced in New South Wales to transportation, shall be sent to Norfolk Island or Van Diemen's Land. I have no longer the means of communicating with Norfolk Island; consequently, all Prisoners sentenced to transportation in New South Wales, whether under first or second convictions, are now sent to Van Diemen's Land, there to be disposed of at the discretion of the Lieut. Governor of that Colony.

I think it right to enclose Copies of the communications between myself and Sir Eardley Wilmot, which have settled this point.

I have, &c.,

Geo. GIPPS.
COLONIAL SECRETARY THOMSON TO COLONIAL SECRETARY OF VAN DIEMEN'S LAND.

Colonial Secretary's Office,
Sydney, 30th October, 1844.

Sir,

The transfer of Norfolk Island to the Government of Van Diemen's Land being now completed, I am directed by the Governor to request that you will have the goodness to submit the following points to Sir Eardley Wilmot, as it seems to Sir George Gipps desirable that He should be acquainted with His Excellency's intentions or wishes respecting them:

1st. Whether any direct communication is still to be kept up between Sydney and Norfolk Island. It seems to His Excellency probable that some Supplies and especially those of Salt Meat and Maize will be obtained for the Island cheaper at Sydney than elsewhere, and the Commissariat now have a salting Establishment at Moreton Bay.

2nd. If a direct communication be still kept up, Persons sentenced in New South Wales to Transportation can as at present be sent from Sydney to the Island; and, in fixing the destination of Men Sentenced to Transportation, His Excellency can continue to act on the plan which has been followed since Major Child's arrival; viz., to send the best of the doubly convicted and the worst of the singly convicted to Norfolk Island, the remainder, or the best of the singly convicted and the worst of the doubly convicted to Van Diemen's Land.

But, if there be no direct communication between Sydney and the Island, it seems to His Excellency that the best plan will be to send all to Van Diemen's Land, taking care that the character of each man, and an account of his previous career, as far as it can be ascertained, shall be sent with him.

In distinguishing whether to send a Man to Norfolk Island or Van Diemen's Land, Sir George Gipps has hitherto acted on the idea that it can be scarcely desirable to send the very worst of the doubly convicted from New South Wales to Norfolk Island, there to be mixed with the Prisoners from England; but His Excellency is scarcely aware of what Sir Eardley Wilmot's intentions are in this respect, and He is anxious to meet His Excellency's wishes.

I have, &c,

E. Deas Thomson.

[Enclosure No. 2.]

MR. M. FORSTER TO COLONIAL SECRETARY THOMSON.

Sir,
Comptroller General's Office, 30th November, 1844.

I have the honor to acknowledge the receipt of your letter of the 30th Ult. in reference to the transfer of Norfolk Island to the Government of Van Diemen's Land, and submitting certain points by desire of Sir George Gipps for Sir Eardley Wilmot's consideration.

In regard to the first of these, Sir Eardley Wilmot has directed me to inform you for Sir George Gipps' information that, the question of Supplies being furnished from New South Wales having
been referred to Deputy Commissary General Maclean, that officer has stated that He sees no necessity for making purchases of Salt Meat out of this Colony at present.

As, however, Mr. Maclean is on the point of proceeding to Sydney, His Excellency will await his return for the consideration of the question of supplies generally, although, should it even prove desirable to take the supplies of Salt Beef which can be supplied from Moreton Bay, His Excellency thinks it better that our Vessels should call for it on their Voyage to Norfolk Island.

In respect to the second point of your Letter, it is Sir Eardley Wilmot’s wish that there should not be any direct communication with Norfolk Island excepting with this Island, and therefore that all Convicts should come here in the first instance to be finally disposed of.

I am further to say that, desirous as Sir Eardley Wilmot is of concurring with Sir George Gipps in his view of the best distribution for the doubly convicted Transports, yet that He cannot agree to the worst of that Class being sent to Port Arthur; but His Excellency has submitted the whole question to Lord Stanley; and, should His Lordship determine on adhering to the plan in reference to Norfolk Island now in force. Sir Eardley Wilmot will take steps to carry out as complete a separation of the New and Old Class of Convicts as may be practicable.

I have, &c.,

M. FORSTER, Comptroller General.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 12th February, 1845.

With reference to my Despatch marked Private of the Transmission of letters to the Governor of New Zealand and South Australia, I have now the honor to forward to Your Lordship a Copy of a letter from the Governor of New Zealand which I received on the 11th instant, also a Copy of a second letter from the Governor of South Australia.

I am still without any answer from the Governor of Western Australia.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

GOVERNOR FITZ ROY TO SIR GEORGE GIPPS.

Sir,

Government House, Auckland, 10 Dec., 1844.

At my return here, I had the honor of receiving a private Despatch from Your Excellency (dated Sydney, August 24) and one from Lord Stanley (dated March 15, 1844) respecting the establishment of an Order, similar to that of St. Michael and St. George, for the whole of the Australian Colonies.

I have given my best attention to the subject, and have endeavoured to weigh well the general principle, without for the present going into details.
Your Excellency considers "that the institution of an Order of this nature would have a tendency to strengthen the Bonds, which unite the Colonies to the Mother Country, and that the dispensation of such marks of favor from the Crown would materially add to the influence of the several Local Governments." With which opinion I entirely concur.

I am also happy to be able to follow and agree with Your Excellency in the opinion that the Order should be "a general one, extending to the whole of the Colonies, though divided into branches or divisions, one for each of the principal groups of Colonies."

I will venture to add that, to the absence of artificial links such as these, to the want of such bonds of connection between the Fountain of Honor (the Sovereign) and men distinguished in the Colonies where they reside permanently, may perhaps be ascribed much of that restless discontent observable in so many Colonial minds of a superior class.

If your Excellency, in so extensive and important a Colony as New South Wales, could not find many persons whom you could recommend for either the first or the second class of such an Order, how very limited must the number be in New Zealand?

I much doubt whether any person could be recommended for the Second Class, certainly not one for the first, in these early days of the Colony.

When Your Excellency desires a consideration of details, I will reply promptly.

This letter has been detained for want of a safe conveyance.

I have, &c.,

ROBT. FITZ ROY,
Governor, New Zealand.

[Enclosure No. 2.]

GOVERNOR GREY TO SIR GEORGE GIPPS.

(Private.)


and by G. Grey.

Since I had the honor of addressing Your Excellency upon the 20th ulto., I have received Lord Stanley's private Despatch of the 15th March last; and, upon perusing your letter (marked private) of the 24th August last in connexion with Lord Stanley's Despatch, I see no reason to depart from the views which I expressed in my letter to Your Excellency of the 20th ultimo.

Adverting, however, to the very limited extent of the population of this Colony, when compared with that of New South Wales, it would appear to me to be desirable that, in the discussion of the details of the contemplated measure, Your Excellency should first state your views upon the subject, with reference to your own more extensive Government, regarding which I have no local knowledge whatever; and the only point that would then remain for my consideration, would be whether the regulations you propose for adoption may or may not be applicable to my own Government; should I consider them from any cause inapplicable to this Colony, I will then state to Your Excellency what modifications are in my opinion necessary to render them suitable to the circumstances of South Australia.

I have, &c.,

G. GREY.
My Lord,

Government House, 13th February, 1845.

During the late Session of the Legislative Council, my reports were so frequent that your Lordship must, I think, be sufficiently apprised of the proceedings of that Body; but, some weeks having now elapsed since the Council was prorogued, it seems to me convenient that I should, after mature consideration, offer to Your Lordship a few observations on the general character of the Session, as well as on the present state of the Colony and my own position in it.

It must, I think, be evident to Your Lordship that, in all its general proceedings, the Council has had in view the sole object of extending its own power, claiming for itself an absolute control over every species of revenue or public property, and aiming at the subjugation to itself in all things of the entire power of the Executive, regardless alike of the rights of the Crown or of the position in which the Colony is placed as a Member of the Empire.

In the Speech with which I closed the Session, I thought it my duty very distinctly to state to the Council and the public that in my opinion many of the demands of the Council never would be granted, indeed that they never could be granted, unless it were the pleasure of Her Majesty and Parliament fundamentally and entirely to alter the relations in which the Country has hitherto stood to the British Empire.

Subsequent reflection has only confirmed me in this opinion, and satisfied me that the points, on which cessions are demanded, are essentially those which distinguish Imperial or independent Government from Government which is secondary and dependent. It does not seem to me possible that persons claiming to be Her Majesty's subjects can at the same time be Members of an independent Republic.

My own position in the Colony is now so peculiar, that I think it a duty both to Her Majesty's Government and myself to state that the continuance of my influence in it will depend altogether on the nature of the answers, which I am now in daily expectation of receiving from Your Lordship to my Despatches on the subject of Crown Lands. If supported by Your Lordship and Her Majesty's Government, or if necessary by Parliament, to the extent which I hope and confidently believe I shall be supported, I foresee no difficulty in maintaining the rights of the Crown and the supremacy of the Law; but, if the contrary be the case, or if I be not cordially supported, or if the measures of Her Majesty's Government in respect to New South Wales be marked
by any portion of that indecision, which, I trust I may be permitted to say, marked the policy which was pursued towards Canada between the years 1828 and 1837, I cannot too distinctly state to Your Lordship my persuasion that my presence in the Colony cannot be conducive to the success of any measures which may be proposed.

The Country is now perfectly quiet, and my authority as complete as it has been at any period of my Government; the proceedings of the Council are, I believe I may with truth and justice say, almost universally disapproved; it is fully expected, and I believe hoped, that Her Majesty's Government will not yield to that Body; but, nevertheless, persons of station or influence will not openly declare in favor of the Local Government, until the decision of the superior authority in England shall be made known, nor especially until the questions shall be settled which are now at issue respecting the occupation of Crown Lands. Your Lordship is aware that the largest Proprietors of Land in the Colony are, with few exceptions, the largest occupiers of Crown Lands or Squatters, and that they are, for the most part, more interested as Squatters than as Proprietors. Their Estates during the last few years have been so deeply mortgaged, as to be in reality of little present value to them; in many cases, indeed, the lands, of which they are now legally the proprietors, are quite insignificant either in extent or value, in comparison with the immense tracts of Country, which they hold as Squatters and of which they hope to become Proprietors.

The demand* of the Council for repayment from the British Treasury of the sum of £793,034 10s. 8d. may, I imagine, safely be left to the Veto of Her Majesty's Government, as may the further claim of £74,195 6s. 8d. per annum towards the future support of the Police; such extreme demands cannot but be prejudicial to the cause in support of which they are brought forward. The very facts (assuming them to be facts), adduced by the Council to prove a debt against the Home Government of £793,034 10s. 8d., might be employed to prove a debt the other way, or from the Colony to the Home Government, for the like sum, or indeed for any other amount either larger or smaller.

Since the foundation of the Colony in 1788, about 102,000 Convicts have been transported to New South Wales at the expense of the Home Government. Of these Convicts, one half at least have been placed in what is called "Assignment" (a species of domestic Slavery) as Servants to the Settlers; the average duration of each man's servitude may be taken at four years, and the value of his services at £10 per annum; hence the calculation is easy; 51,000 Convicts at £10 each will give £2,040,000.

* Note 29.
which the Colony is on this account only indebted to the Home
Government; and thereto is to be added the value of all public
Works executed by Convicts, fed and clothed at the expense of
the Home Government, which cannot be taken at less than an­
other Million.

I do not indeed myself, nor do I think Her Majesty’s Govern­
ment will, attach any great value to calculations of this nature;
but it seems to me at any rate far more capable of proof that
the Colony owes the principal part of its wealth to transporta-
tion, than that Great Britain has from transportation derived
any benefit whatever.

It may readily be admitted that the expenses, incurred for the
repression or punishment of Crime in New South Wales, are far
greater than they in all probability would have been, had trans­
portation never existed; but it does not thence follow that the
Mother Country has not borne its proper share of the expenses
attendant on the coercion as well as on the maintenance of the
Convicts. Even during the period referred to by the Council,
that is to say, since the year 1834, when the expenses of the
Police were first charged on the Colony, upwards of two Millions
of British Money have been spent in it; and it is not the pres­
ence of the Convicts alone which makes Government in general,
as well as the maintenance of a Police, more costly in New South
Wales than in perhaps any other portion of the British Empire;
the extreme dispersions of the population over an immense terri­
tory and the presence of the Aborigines are circumstances which
greatly contribute to make Government expensive; added to
which is the evil and un-English system of making the Govern­
ment a General Agent for all the wants of the Colonists. In the
Police expenditure of 1843 was included the sum of £16,004
18s. 8d. for the protection and regulation of the “Squatters,” a
class of persons to be found in no other British Colony; also the
sum of £2,569 15s. 5d. for the Water Police of the Harbour of
Sydney and Melbourne, notwithstanding that a contribution of
£433 8s. 8d. was made from the funds of the Home Government
towards the Water Police of Sydney.

But, notwithstanding that considerations such as these will, I
have no doubt, cause Her Majesty's Government to look on the
demands of the Council as unreasonable, I must beg leave to call
to the recollection of Your Lordship the Despatches both of my
Predecessor and myself on the subject of the Police expenses
of the Colony, written several years ago. The three Despatches
noted in the Margin* are of this nature; in the former of which

* Marginal note.—No. 79, 12th Augt., 1835: No. 6, 20th Jany., 1836: No. 85,
8th Sept., 1837.
Sir Richard Bourke proposed that a permanent aid of £20,000 a year should be given by Her Majesty's Government towards the maintenance of the Police and Gaols of the Colony; such also are my own Despatches noted in the margin* as well as nearly all my Annual Minutes on Finance, wherein I have shewn how heavily the charges for Police and Gaols press upon the resources of the Colony.

On the subject of District Councils, I have little to add to the observations which I have already made to Your Lordship. The apprehension of increased taxation renders these institutions unpopular; but in other respects there is a conviction gaining ground that, if it be determined still to leave the affairs of every District or Parish in this widely extended and thinly populated country to the management of a central authority, that authority, be it what it may, must continue to be a strong one, stronger I will say than any Authority can be, which is held under the check of a Colonial Assembly, or which can be exercised directly by such an Assembly itself. I have indeed on this head no hesitation in repeating what I long ago declared, namely, that the only security, which can in my opinion be taken in New South Wales for what Britons are accustomed to regard as Constitutional Government, is to be looked for in the timely raising up of Local Institutions. I can scarcely imagine any thing more likely to lead to unsatisfactory results than the existence in Sydney of a Legislative Body disposing of the whole revenues of the state, regulating the affairs of every District in it, and composed of Representatives from those same Districts, each grasping at, or rather I should say each higgling and bargaining for the greatest share which he can get for his own Constituents out of the general spoil.

On the minor complaints or Grievances of the Council, I shall offer only two remarks:

1st. That it is unfair to represent the Civil List of the Colony as amounting to £81,600, it being in reality only £51,600, since £30,000 for Public Worship has nothing whatever to do with Civil Services.

2ndly. That nothing can better prove the extent to which the Council is under the influence of one or two unscrupulous Leaders, than the pertinacity with which it is still asserted that the right to appropriate the Crown Revenue of the Colony was ceded to the Local Legislature by a "Compact"† made in the time of Sir Richard Bourke.

On the subject of the administration of Justice or Schedule A, I have nothing to add to that which is contained in my Despatch No. 26 of the 3d instant.

* Marginal note.—No. 161, 12th Oct., 1838; No. 162, 2d Decr., 1839.
† Note 30.
I enclose a Return of the expenditure in New South Wales of Money voted by the British Parliament in the ten years from 1835 to 1844, both inclusive. The expense of transporting Convicts from England to New South Wales is not included in it.

It is not my desire to press upon Your Lordship the adoption of any stronger measures than such as may be absolutely necessary to insure good Government in a Colony, which is a portion of the British Empire, and of which the Administration is conducted in the name of Her Majesty and under the authority of British Law. But I cannot conclude without stating that, if after a dissolution of the present and the election of a New Council, feelings should still prevail amongst the representatives of the People such as those which have unhappily predominated in the present Council, the only efficient remedy for the evil will be the suspension of the present Constitution for a period of not less than ten years, and the reestablishment of the old Legislative Council. During these ten years, however, the District Councils should be left in existence, and further extension given, wherever practicable, to the principle of Local self-Government, especially in the District of Port Phillip; and it may indeed be a further matter for consideration, whether Port Phillip should not be entirely separated from the Colony of New South Wales.

I have, &c,
GEO. GIPPS.

[Enclosure.]
[A copy of this return is not available.]

1845.
13 Feb.
Expenditure of money voted by British parliament.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch marked "Separate," per ship Chance.)
My Lord, Government House, 13th February, 1845.

With reference to the paragraphs in my Despatch No. 34 of this day's date, which relate to the Police and Gaols of the Colony, I beg separately to offer to Your Lordship the following remarks:

I am not warranted in assuming that Her Majesty's Government will in any way depart from the resolution, very repeatedly expressed, of not allowing any part of the charges for supporting the Police and Gaol Establishments of New South Wales to fall upon the British Treasury; but, should recent circumstances induce Her Majesty's Government in any way to modify their former resolution, I would suggest that the best mode of carrying such modification into effect would be by relieving the Colonial
Government from the expense of the Mounted Police. I would further beg leave to point out that the Local Government, thus having at command a very efficient force, would be in a condition to carry out any regulations which may, either under the sanction of Her Majesty's Government or of an Act of Parliament, be established in respect to the occupation of Crown Lands by the Squatters. On this head, I would beg to refer to what I have said respecting the Assessment on Stock for the support of the Border Police, in my Separate Despatch of the 3d April, 1844.

The expense of the Mounted Police has been as high as about £20,000 per annum, but, owing to the reduced price of forage and provisions, is now under £15,000. I have, &c.,

Geo. Gipps.

Lord Stanley to Sir George Gipps.
(Despatch marked “Military No. 11,” per ship Peruvian.)
Sir, Downing Street, 17th February, 1845.
I have received your despatch, No. 166 of the 5th of August last, with its enclosures, explanatory of the circumstances under which you have deemed it advisable, in compliance with an application from Governor Fitz Roy, to send a detachment of troops to his assistance; and I have to acquaint you that I approve of your having taken that measure. I have, &c.,

Stanley.

Sir George Gipps to Lord Stanley.
(Despatch No. 36, per ship Chance; acknowledged by Lord Stanley, 7th August, 1845.)
My Lord, Government House, 17th February, 1845.
I am sorry to have to report to Your Lordship that on the 11th instant I again received an urgent application from Governor Fitz Roy for Military assistance, and that, with the advice of my Executive Council and the concurrence of the Lieut. General Commanding Her Majesty's Troops, two Companies of the 58th Regiment will be embarked on board Vessels hired for their conveyance, and that they will sail for Auckland in the course of a day or two. The party to be embarked will consist of—

2 Captains; 4 Subalterns; 1 Medical Officer; 200 Rank and file.

The documents, of which I enclose Copies, will fully explain the circumstances* under which I have thought it right to comply with the requisition of Governor Fitz Roy, and I trust also justify me in the eyes of Your Lordship.

* Note 31.
I further enclose a Copy of an Address which I received on the 10th instant from Port Nicholson (one day before Governor Fitz Roy’s requisition reached me); and a Copy also of the reply which I caused to be returned to it. 

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[These were a despatch from Governor Fitz Roy, dated 21st January, 1845; minutes of the executive council, dated 12th February, 1845; a letter from — Petre, dated 25th January, 1845, with memorial enclosed; and a letter in reply, dated 13th February, 1845. Copies of these papers will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 37, per ship Chance.)

My Lord, Government House, 19th February, 1845.

I had the honor, on the 23d Novr., 1844, to receive Your Lordship’s Despatch, marked Separate, of the 27th July, 1844, communicating to me the views of Her Majesty’s Government in respect to the disposal in the Australian Colonies of a class of persons who, after having undergone probationary punishment in the Prisons either of Pentonville or Parkhurst, are to be sent hither under the name of “Exiles.”

Immediately on the receipt of Your Lordship’s Despatch, I put myself in communication with Sir Eardley Wilmot and Mr. La Trobe; and I have to report, as the result of our correspondence, that the first ship, which may arrive at Launceston with Exiles, will proceed at once to Geelong in the Harbour of Port Phillip, which is in some respects more conveniently situated for the disposal of the Exiles than Melbourne.

It seems to me scarcely necessary to burthen the present Despatch with Copies of the correspondence, which has passed between myself, Sir Eardley Wilmot and Mr. La Trobe, on the subject of the disposal of the Exiles, nor to trouble Your Lordship with the numerous arguments for and against the reception of them, which have appeared in the Newspapers; it will, I trust, be sufficient for me to report to Your Lordship that, since the intentions of Her Majesty’s Government in respect to the Exiles have been known in the Colony, a desire has been expressed to receive and give employment to them at the following places, namely, Melbourne, Geelong, Portland Bay and Port Fairy, in the Port Phillip District, at Yass, a place about 200 miles from Sydney in the direction of Port Phillip, and at Moreton Bay...
in the Northern part of the Colony; whilst it is only at Melbourne, and there principally among the inhabitants of the Town, that a counter demonstration has been made, or one hostile to the reception of the Exiles.

I have ascertained that up to the 13th instant no vessel with Exiles had arrived at Launceston, but the Ship "Sir George Seymour" was then daily expected, and she would of course proceed without delay to Geelong. I also hold myself in readiness to follow immediately to the same place, should it be notified to me by Mr. La Trobe that my presence is in any way required there; but, should nothing occur to render my presence necessary, I shall leave the disposal of the Exiles entirely to Mr. La Trobe.

I have directed that, in the disposal of them, the course shall as far as possible be followed which is adopted in the disposing of Emigrants, with the sole difference that whatever expense may be unavoidably incurred, will be charged to the Commissariat instead of the Local Government.

Your Lordship will from this statement understand that the meeting, suggested by Your Lordship between myself, Sir Eardley Wilmot and Mr. La Trobe, will only take place in the event of the occurrence of some difficulty in the disposal of the Exiles, which I am happy to say I do not at present foresee.

I shall not fail to report the arrival of the Exiles to Your Lordship, and everything that may occur of interest in respect to them; and in the meantime I trust I may express my earnest hope that the intention, intimated by Your Lordship of having their Wives and Families forwarded to the Colony, will not be lost sight of.

I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 16, per ship Peruvian.)

Sir,

Downing Street, 22 February, 1845.

I have received your dispatch, No. 163 of the 1st August, 1844, enclosing a Petition addressed to the Queen by various persons professing the Roman Catholic Religion in the Colony under your Government, the object of which is to complain of the exclusion of Roman Catholics from the Jury on the occasion of the late State Trials at Dublin.

You will acquaint the Memorialists that I will lay their Petition before Her Majesty.

I have, &c.,

STANLEY.
GIPPS TO STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 16, per ship Peruvian.)

Sir,
Downing Street, 23 February, 1845.

I have received your dispatch, No. 174 of the 18th Augt. last, enclosing Copies of a Correspondence which had passed between Sir Thomas Mitchell and Your private Secretary, relative to the degree of support to which you had a right to look from the Surveyor General, as a Member of the Legislative Council.

I approve the course which you adopted on this occasion, and which was in accordance with the sentiments expressed in my dispatch to you No. 1 of the 1st Ulto. I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 41, per ship Persian; acknowledged by lord Stanley, 31st August, 1845.)

My Lord,
Government House, 23d February, 1845.

In obedience to the instruction contained in Lord John Russell’s Despatch No. 132 of the 25th August, 1840, I have the honor to forward herewith the Reports for 1844 from the Officers of this Government employed in the protection or civilization of the Aborigines.

There are at present no Missions to the Aborigines receiving aid from the Government; but there is still an Establishment, of a Missionary character, maintained in the neighbourhood of Wellington Valley by the Revd. Mr. Watson, who quitted the Mission of the Church Missionary Society formerly in existence at Wellington Valley, under the circumstances explained in my Despatch No. 87 of the 5th April, 1841.

The following is a List of the Reports forwarded herewith:—

List of reports.

1, Moreton Bay; 2, Darling Downs; 3, Clarence River; 4, Macleay River; 5, New England; 6, Liverpool Plains; 7, Bligh; 8, Wellington; 9, Lachlan; 10, Murrumbidgee; 11, Maneroo.

Reports from the Port Phillip District.
12, Letter from Mr. La Trobe enclosing Reports from: 13, The Chief Protector; Crown Commissioners for the Districts of: 14, Western Port; 15, Portland Bay; 16, Murray; 17, Grant.

The only Report, now remaining to be furnished, is that of the Commissioner of Crown Lands for the District of Gipps’ Land.
1845.
23 Feb.
Absence of improvement in condition of Aborigines.

It is matter to me of great regret that I have it not in my power to notice any very favorable alteration in the circumstances of the Aborigines. In the Districts, however, of Wellington and Maneroo, the Crown Commissioners report that they have rendered themselves useful at the time of Sheep washing and shearing; and, in the Port Phillip District, it is gratifying to observe that the relations existing between the Aborigines and the White Inhabitants are stated by Mr. La Trobe to manifest a gradual improvement.

I also forward the Report of the Revd. Mr. Watson, above mentioned, though he is not an Officer of the Government.

I have, &c,

GEO. GIPPS.

[Enclosure No. 1.]

REPORT of the State of the Aborigines for the District of Moreton Bay for the year 1844.

The Report may be divided into two heads, first a brief survey of the general conduct of the Aborigines during the past year, and secondly a few general remarks.

The Aborigines of Brisbane, Amity Point and Ipswich, from 500 to 600 in number, have now for years been within the reach of civilised man, but without, I fear, any real improvement in their moral or social condition; they are still as lazy and indolent as ever, preferring with few exceptions, and those old men and children, the joyous life of the bush to earning a scanty livelihood by daily labour from the inhabitants. They have acquired, however, a knowledge of the uses of money, and, as their wants are gradually increasing, it is to be hoped that the rising generation at least will ultimately learn the advantages of labour. They are, however, in general peaceable and quiet in their behaviour, though a few of the more desperate characters occasionally join the marauding Tribes from the Dividing Range.

Of the Coast Blacks further to the Northward, we know but little; being well supplied with the necessaries of life, they rarely visit the interior and have hitherto been very peaceably disposed; they are, however, very numerous. The German Mission have commenced their operation at Noonga Creek in the immediate vicinity of their principal resort, but as yet little can be reported favorable to it; indeed I have lately learnt with regret that there are great dissentions among the members of the Mission, which must materially impede its progress. Having been sent out from Berlin without any Rules for their guidance, they refuse to acknowledge any superiority amongst them.

Leaving the Coast and proceeding to the North of the District, I am sorry to state the Wide Bay Blacks have recently made an irruption among Mr. Archer’s cattle. It speaks, however, well for the system of kindness, which Mr. Archer has uniformly adopted towards his own tribe at Durandur, that they were the first to give information of the occurrence and to assist in repressing it.

Further to the West, Messrs. Mackenzie’s Station, as well as all those towards the head of the main branch of the Brisbane, namely, Graham’s and Ivory’s, Balfour’s, McConnel’s and Scott’s, have had
to sustain repeated attacks of the Aborigines of the main Range, with a view to the obtaining of bulllocks for the market, but without any material loss of stock; it is not, however, the mere loss of stock, the proprietor so much complains of, as the injury done to the breeding cattle and the impossibility of fattening their bullocks for the market. I regret to say that one shepherd was killed at Messrs. Graham and Ivory’s, and another seriously wounded at Messrs. Mackenzie’s.

On Lockyer’s Creek, in the vicinity of the great Rosewood Scrub to the North of the great Road to Darling Downs, they have been particularly troublesome, having repeatedly attacked and dispersed the Cattle of Mr. Wingate and Mr. Bell during the Winter; they now proceed in a most systematic manner, rushing the Cattle into swampy ground during the wet weather and then hamstringing them. The conduct of the Aborigines was most daring, having literally repulsed the Squatters on one or two occasions. I sent one of my Native Police amongst them to warn them that I should be compelled to take active measures against them if they did not desist. They promised they would, and have since moved off; but I fear little dependence is to be placed in them, as they are the same Tribes that have been continually harassing the Squatters to the North West of the District, since the first Settlement. I fear, indeed, they are retaliating for injuries they then received; for three sons of an Old Chief named Moppy, who was unfortunately killed at the outset, boldly assert their intention of having a certain number of lives of white men by way of compensation. At the head Lockyer’s Creek under the Dividing Range, no material aggressions have taken place since the formation of the Military Post under the Range for the protection of the High Road.

Finally in the whole of the Southern division of the District, the conduct of the Aborigines has been most peaceable, whether the result or not of a different mode of treatment, I will not undertake to determine; certain it is, however, the plan, which Messrs. Archer and Co. first fairly carried out in the North of the District, has been generally adopted by the Squatters to the South, namely, to allow the Aborigines free intercourse with the head Station and treat their peccadillos with forbearance, by which means they seem to take an interest in preventing strange Blacks from committing aggressions; as at Mr. Archer’s Station, so also in the South of the District, information of the approach of strange Blacks has been frequently communicated to the holders of the Stations; the only loss, therefore, the Squatters have sustained in these parts, is by the occasional spearing of a bullock by strange Blacks crossing the Runs.

As regards the numbers of the Aboriginal Population of this District, I estimated them in my former Report at about 5,000, and I feel satisfied that they cannot fall far short of it; having, however, no permanent residence, for the very tribes are divided into family parties, it is impossible to arrive at any very accurate estimate; even at the Stations they make no permanent sojourn, and with few exceptions are constantly coming and going. Even on my own Station, where I give them regular meals, if they will do the slightest work for me, the same individuals rarely make a long sojourn. Many of them are, however, fully aware of the duties of the Police and frequently bring me intelligence, for which I never
fall to reward them, often in money; my observation induces me to believe that, if they are ever to be made permanently available for the Police service, it must be by giving them some small daily or weekly pay, which they will lose if they absent themselves from the Station without leave.

Notwithstanding the almost universal clamour about the atrocities of the Aborigines, I have no hesitation in declaring my conviction that the Aborigines of this District are naturally a humane, good-natured Race, rarely taking life from bloodthirsty motives; indeed in their conflicts amongst themselves they do all they can to avoid it, never cutting, if they can help it, any vital part; their conduct to Runaways or persons lost in the bush has been almost uniformly kind; and, considering the exposed nature of a Shepherd's occupation and the occasional pressing wants of the Aborigines, it is really surprising that so few fall a sacrifice. In fact, I feel satisfied that by cultivating a good understanding at the head Station with the Aborigines belonging to the Run and strictly forbidding any intercourse between them and the Out-Stations, where they are often ill-treated, both life and property would be better secured.

On the subject of Schools for the Aborigines, there is little to say. The German Mission have repeatedly attempted to establish one, but without success, as the children rarely stay sufficient time to effect any good. Whether the Catholic Mission has been more successful at Dunwich in Stradbroke Island, I cannot say, having no means of communicating with them. I am satisfied, however, that no Mission, without ample means of supplying the wants of the Aborigines, has any chance of success: it is not surprising, therefore, that the German Mission should have failed in their object, as their wives and children (being all married men) have required all their exertions to gain an existence. The chances of civilization are, therefore, very remote, depending entirely upon the intercourse of the whites with the rising generation for I feel satisfied that all attempts to settle down those, who have already arrived at Man's estate, into anything like a civilized community will totally fail.

Woogaroo, 10 Jany., 1845.

S. SIMPSON, Com. Cr. Lds.

[Enclosure No. 2.]

MR. C. ROLLESTON TO COLONIAL SECRETARY THOMSON.

Crown Commissioners Office,
Darling Downs, 1st January, 1845.

Sir,

In forwarding you, for the information of His Excellency the Governor, this my second report on the condition and prospects of the Native Tribes frequenting this District, it affords me great satisfaction to be enabled to State that they have refrained from committing any of those daring aggressions upon the property and Stock of the Squatters, which I had occasion to mention in my last annual report, and that only one attempt upon the life of a White man has been made during the past year, which, I am happy to say, proved unsuccessful.

Some few attacks have been made upon Cattle depasturing within reach of the Scrubs, and are likely to be continued so long as the parties whose Runs are so situated, allow their Stock to feed in the neighbourhood of their secure shelter.
GIPPS TO STANLEY.

The Natives still confine themselves to the Scrubs and Range, seldom appearing in the open Country; but, on every occasion that has offered, I have endeavoured to establish a confidence in the friendly disposition of the Whites towards them, provided they would give up their aggressive habits. These occasions however have been few, and all my attempts to coax them from the shelter of their Scrubs and induce them to visit my Head Quarters have been fruitless.

I am sorry to observe a natural disinclination on the part of the Squatters generally to admit the Blacks upon their Stations, even were they so disposed. I say "natural" inasmuch as it has arisen from the apparently treacherous conduct of the Aborigines on former occasions, in having committed the most frequent aggressions upon those Stations, where they were originally kindly received and well treated.

That this disposition is inherent in the Tribes frequenting this part of the Country, I should be very loath to believe, and would rather account for such an anomaly by the interference of the Shepherds and Stockmen with the Gins, in consequence of which quarrels are likely to have ensued; and, where the death of the Offender could not safely be accomplished, the Stock of the Master has been attacked by way of revenge.

It has been my object to re-establish on the part of the Squatters a confidence in the peaceable intentions of the Natives, which the less hostile disposition manifested during the course of the past year naturally leads me to hope for and expect.

At a Station I visited lately, I found a Camp of some two or three hundred Blacks collected from the Downs, Moreton Bay and Clarence Tribes; the Superintendent informed me that they had been on the Station a week and had shewn themselves very friendly.

I have every hope that the present year will witness a mutual and permanent establishment of friendship between the two colors; to further this desirable object, I beg to assure His Excellency my most strenuous exertions shall be directed.

With regard to the numbers of the Natives frequenting this District, it is impossible to arrive at any accurate conclusion. It is visited by Tribes from the Severn, Richmond and Clarence Rivers, from Moreton Bay District, and the River "Boyne"; and, if there are any Tribes peculiarly belonging to the Darling Downs, they are so united and mixed up with the others, as to admit of no certain distinction.

In conclusion I beg to state that I shall (as far as lies in my power) endeavour to ameliorate the condition of this unfortunate Race, and create in them a taste for the pursuits of civilized life.

I have, &c,

CHRIS. ROLLESTON, Comr.

[Enclosure No. 3.]

MR. O. FRY TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office,
Clarence River, 13th January, 1845.

Sir,

In forwarding the Annual Report upon the state of the Aborigines in the District of Clarence River during the Year 1844, there is little to which I can allude beyond a detail of such outrages, as have been committed during that period.
**HISTORICAL RECORDS OF AUSTRALIA.**

In the month of February, 1844, an attack was made on a Sheep Station, belonging to Mr. Evans, by one of the Tribes which inhabit the mountainous Country between the Clarence and New England Districts, who drove away a flock of Sheep, and, I lament to add, murdered the Shepherd and Watchman, who was in charge of the Station; the Sheep were recovered with but trifling loss, and, in about a fortnight after, two of the Blacks who were concerned in the Outrage were apprehended by me; but, being unable to procure legal evidence sufficient to convict them, I was obliged, after detaining them in Custody for some time, to liberate them.

In the month of May, also, a man named Coleman was killed on the Richmond River by a party of Blacks, but he met his death in consequence of going armed to their Camp with a view of having improper intercourse with the Females.

In October last, some Cattle were speared in the vicinity of Mr. Archibald Boyd's Station on one of the southern branches of the Clarence, but one of the ringleaders in that transaction was apprehended by me on the 4th ultimo, and is now in Sydney awaiting trial.

It will appear that all the above Outrages have been committed by Tribes on the outskirts of the District, who have but recently come in contact with the Whites; in the more settled parts of the District, the Tribes have become quite domesticated, and I believe them now to be as quiet and well disposed as any part of the Aboriginal population of New South Wales.

I have, &c.,

OLIVER FBY.

[Enclosure No. 4.]

MR. R. G. MASSIE TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office.

Sir,

McLeay River, 17th December, 1844.

In compliance with the usual regulations, I have the honor of forwarding my Annual Report on the state of the Aborigines in this District.

1. I am happy to report that I have succeeded beyond my most sanguine expectations in gaining the confidence of most of the Tribes in this neighbourhood, and that they are now, as far as I can ascertain, fully impressed with the idea that, as the retribution will be certain and heavy if they commit the slightest aggressions on the Whites, so punishment will be equally inflicted on any White party wantonly injuring or oppressing them; and I am aware of one or two instances in which the Chiefs of one of the most uncivilized Tribes have appealed to me for redress for some fancied injury, and I trust not in vain; the consequences of my steadily pursuing this system and invariably impressing it on the minds of the different Tribes with whom I come in contact are that during the past year life and property have been secure, and that there has not been a single instance of any personal collision between the Black and white population.

2. With regard to the advancement the Aborigines of this District have made in civilization, I have nothing favorable to State, although I am aware it is not on being first brought into contact with civilization that a savage people present the most favorable exhibition of the effects of the new influence, and that it too often happens that they only value their increase of knowledge, as
affording them the means of indulging in vicious and demoralizing propensities with greater facility. Perhaps it is not surprising that, when their past knowledge of civilized life is gained from their intercourse with such lawless and unprincipled men as are generally, from the nature of the service, the forerunners of civilization in this Colony, that so much corruption should necessarily be introduced; and that in exchange for their simplicity they merely get acquainted with every kind of profligacy and vice that can disgrace the human species.

3. Another most insuperable bar to any real and satisfactory advance in civilization is the influence the older natives have over the younger members of their community, and those who from their long intercourse with the whites have a taste created for all the enjoyments of civilized life, and who would adapt themselves to the European mode of living, were it not that they are absolutely prevented by the old members of their tribe; how to counteract this influence I know not; the only effectual method would be perhaps by forcibly preventing any interference, altho' every other means should be resorted to first.

I have had two or three Boys attached at different times to the police, whom I flattered myself I had completely estranged from their barbarous and uncivilized propensities; one of them particularly was so trustworthy and careful that I was in the habit of sending him from this Station to Port Macquarie and back, a distance of Eighty miles, for the Post bag; and who used regularly to attend Divine Service when he had an opportunity; in fact he was more trustworthy and useful than a White boy of the same age; yet still, after a time, he left me, forced, as he stated, by the elder natives of his Tribe and the dread of the consequences of their displeasure in case of his refusal.

4. Another question, which well deserves the consideration of Government, is the disposal of the half-caste children, a number of whom are to be found in every District I am acquainted with; to reclaim such from the wild and barbarous mode of life, which in the natural course of events would be their fate, seems to me a most humane and desirable end, to effect which no pains or trouble should be spared; a school might either be formed exclusively for their benefit at the Head Quarters of the different Commissioners, or they might be sent to the Orphan School; there would be no difficulty in getting their Mothers to give them up, as from some unexplained cause they appear to have a repugnance towards them, so much so that I have known of several instances in which the Mothers have destroyed them immediately after birth.

These children would hereafter form a valuable medium of communication between the White and Black population, and well qualified to act as Interpreters in Courts of Law. I may perhaps be excused for mentioning that with this object in view I have had in charge for the last Eighteen Months a young half-caste Boy; I have invariably made him adapt himself to European customs and English mode of dress, and that I have him now placed at School in Port Macquarie, thro' the kind assistance of Mr. Gray, Police Magistrate, where, I am informed, he is rapidly advancing, and that he shews a greater aptitude for learning than is generally met with in White Boys of his age.

I have, &c.,

ROBERT GEO. MASSIE, C. C. Lands.
MR. G. J. MACDONALD TO COLONIAL SECRETARY THOMSON.


Sir,

I do myself the honor of forwarding you, for the information of His Excellency the Governor, my annual Report of the Condition and Conduct of the Aboriginal Tribes frequenting this District.

During the past Year only one Outrage of a serious nature has been committed by the Natives, which occurred in October on the Station of the Messrs. Irby on the Northern limit of the District, where a Shepherd was barbarously Murdered and mangled by them; some Cattle and Sheep have also occasionally been stolen and slaughtered on the Eastern Falls of the Table Land, the precipitous and profound Ravines of which afford them safe harbour and secure retreat, where neither Man nor horse can follow.

That the Natives are themselves fully sensible of the Crime of Sheep and Cattle Stealing appears Evident from a circumstance that occurred lately in the Station of the Messrs. Everett; their Neighbour Mr. Wauchope having complained to those Gentlemen that some Sheep had been stolen out of his Folds by their Blacks, the Messrs. Everett immediately sent a Black named Williams to discover the Culprits, and in two days Williams returned and informed them that the Criminals were at a Camp close by, and that one of them was his own Brother; the Messrs. Everett accordingly proceeded to the Camp, where they were asked by the Blacks assembled, whether they wished the Criminals to be brought before the Commissioner, or whether they should punish them for the Offence after their own fashion, and the latter proposal was acceded to; the 3 Culprits were then brought forward, and made to kneel down within sight of the Camp, the Fathers and Mothers of two of the prisoners being present, and Williams and another Black then struck each of the Culprits two or three times on the head with a Wooden Battle Axe so severely that the blood streamed down their shoulders; they then brought the prisoners before the Messrs. Everett and enquired whether they were satisfied with the punishment that had been inflicted and promised that the offence should never be committed again.

The Tribes in general, however, have been perfectly peaceful and well conducted; many of the Men and Boys continue to be employed in various capacities on the several Stations; but, in other respects, their condition does not appear to be much modified or affected by a more general intercourse with the European population.

I beg to state in conclusion that it will be my earnest endeavour to preserve and improve the present peaceable disposition of the Aboriginal Tribes, and in other respects to carry out the benevolent views of Her Majesty's Government.

I have, &c.,

G. J. MACDONALD, C.C.L.
GIPPS TO STANLEY.

the Rivers Peel, Nandoi and Gwyder, I have not observed since my last report any change in their general Customs or habits; they in many instances have shown their capability of rendering themselves useful to the Settlers; and, could they be induced to abandon their wandering mode of life, I make no doubt that their Services would render the Settler comparatively independent of the extortionate demands made by the present class of Servants in these remote Districts. From my experience as regards the Natives however, I must state my conviction that so desirable an object will never be attained; their migratory habits are in my opinion so deeply rooted that their tenure of Service cannot be depended upon; in this idea, I am borne out not only by personal observation but by opinion of many of the oldest Colonists, who have given the matter their utmost observation and consideration.

The McIntyre and Barwin Blacks within the last year have, I regret to say, shown themselves hostile to the Settlers; two men have been murdered by them, and great numbers of Stock wantonly destroyed.

They seldom make their appearance at any of the Stations on the low regions of these Rivers but with some mischievous intention.

They inhabit thick scrubs totally unexplored by the Whites, and so dense that Cavalry cannot act against them, should occasion require hostile measures. Speaking generally, I consider the Aborigines of this Colony a race of people by no means deficient in understanding but of so unstable a character that I entertain but slight hopes of their general progression in the scale of Civilization. I beg to repeat the observations contained in the latter part of my report on this subject for the year 1843, namely, that 15 per Cent. out of the land fund for promoting the Civilization of the Aborigines would be a useless expenditure.

I have, &c.,

[Enclosure No. 7.]

REPORT on the Aboriginal Natives by Graham D. Hunter, Commissioner of Crown Lands, District of Bligh, 1844.

1st. Since making my last report on this head, it is with some difficulty that such can be made in each year without some little repetition; however, as far as regards the transactions and condition of the Natives, there is but little or no change in one respect; there has at no period during the last twelve months been any Collision between the Natives and the Squatters, altho' Such might have been looked for, as I have granted authority to new licensed parties some considerable distance in the interior to what the farthest Station outwards last year was. I have now every reason to believe that a reconciliation has taken place or is about to do so, and that there will be few if any attacks made upon the Stock of the Settlers in future. It may happen that, when new tracts of Country are first occupied, that the Natives may be hostile; but I must come to the conclusion that it is principally for want of caution on the part of the Squatters (or rather they not giving proper instructions to their Servants and Seeing that they are obeyed) that the Natives will interfere with any person or their Stock.
2nd. To State their numbers with any accuracy would be unsatisfactory to myself and to those to whom I am making the report, as it will be understood that there are many of the Aboriginal Natives far distant in the interior, who are seldom or ever seen by white people; To estimate their numbers in those parts would, I am afraid, be very incorrect; those that have been seen at or about the different Stations licensed in this District, an estimate can be made with a greater degree of exactness by information from those Stations; I am enabled to form my estimate of their numbers to be from 1,000 to 1,200.

3rd. With reference to the residence and place of abode of the Aborigines of this District, there is little or no alteration to former years, being still that of wandering habits; they have no hut or dwelling to shelter them from the inclemency of the weather, and, from the indolent habits of the Natives generally, it is much to be doubted if ever they will take advantage of any example shown by erecting any hut or habitation.

4th. In reporting their Social Condition, there seems to be no change, appearing perfectly contented in their present state. There are many different Tribes in this District, most of whom are in constant dread of each other. Smaller tribes acting for a time in concert against the larger ones, their acts of hostility, however, seldom end in anything very serious, as I have often known them travel a distance of 100 miles to meet a hostile tribe, and return without coming to collision.

5th. In reporting on the future prospects of the Aborigines of this District, however well inclined we may be to forward any degree of civilisation, it will be some considerable time before we can obtain that object which we may be endeavouring to produce in the Natives of Australia. There are many instances where the Natives have had every opportunity of becoming a civilised race of people, but I cannot see where it has been appreciated by them.

GRAHAM D. HUNTER, C.C.L.

[Enclosure No. 8.]

MR. W. H. WRIGHT TO COLONIAL SECRETARY THOMSON.

Border Police Office,
Wellington, 15th January, 1845.

Sir,

In compliance with my Instructions, I have the honor to forward for the information of His Excellency the Governor my annual report on the state of the Aborigines in my District.

I estimate the number of Aborigines of all ages in this District at one thousand, of whom five hundred are in constant communication with the Whites, and the remaining five hundred I consider to form the tribes of "Mudall" on the Bogan river and "Gerawhey" near the Marshes of the Macquarie river.

Of the former, I am happy to be able to report favorably as to their friendly disposition evinced towards the Whites generally, and their willingness with few exceptions to render themselves useful to the Settlers by engaging in many occupations for hire, more especially as Sheepwashers and assistants during Sheepshearing and other busy periods. I was informed by more than one person that, during the last Sheepshearing, they could not have done without the assistance they obtained from the Aborigines. I
believe these Natives are treated with the greatest kindness and considerate by the White inhabitants, and there appears to be a perfectly good feeling existing between the races. I must not omit mentioning that, during the late floods in the Macquarie and Lachlan rivers, many cases occurred in which the Blacks showed the greatest desire to render assistance to persons in danger, and prevented many losses which must otherwise have taken place; in one particular instance Mr. Noble, overseer to Messers. Caley, Templer and Rickards of Nanima, was taken out of the river in a state of exhaustion by a Native named "Bungaree," and saved from drowning, after being upset in a boat when attempting to cross the River, by which accident his companion (a person named Smith) was drowned.

This Native (Bungaree) was brought up at the Mission. He can both read and write, and, although naturally of a more than usually savage disposition, is one of the most civilised and educated of the Aborigines reared at that Establishment. The moral condition of these people, I am sorry to say, is not improved by their intercourse with the Whites.

Of the "Mudall" and "Gerawhey" tribes, but few individuals hold direct intercourse with the Whites, and their appearance in any numbers near the Out-Stations is generally followed by depredations on the property of the Settlers, sometimes accompanied by Attacks on their persons and Stations. Their depredations on the Cattle are seen only in their effects on the herds, which are scattered by being chased, and, when much harassed by the Blacks, forsake the run altogether. When doing mischief to the Cattle, these Natives avoid the Station and Stockmen, and generally the first sign of their appearance is the discovery of some of the Cattle wounded or with Spears in them. On the approach of the Police, they have always retreated or concealed themselves; and, in their attacks on a Station, have chosen an opportunity when accident favored their design. As an example of this, I beg to refer His Excellency to my report, dated 15th November last, of an Attack made by the Blacks of "Gerawhey" on Mr. Kinghorne's Station. The Bogan tribe have always been remarkable for their Savage and unfriendly disposition towards the Whites, but the "Gerawhey" tribe had been generally peaceably conducted until the attack above alluded to, which as far as appears was without the slightest provocation.

I have, &c.,

W. H. Wright, Commr. of C. Lands.

[Enclosure No. 9.]

Report upon the condition, etc., of the Aborigines inhabiting the Lachlan District during the year 1844.

There is little or no change in the condition of the Aborigines; and in district of Lachlan.

neither is any improvement likely to take place in their habits, so long as they retain the present love they have for wandering about the Bush; and it is nearly impossible to induce them to remain in one place a sufficient time to give them an idea of a civilized life. I have known several instances of children having been left by their parents with Settlers, who have taken much pains to civilize them and treated them with great kindness and attention; and these children have for years appeared quite happy and
contented with their condition, and in return have been very useful as Stockmen; but, as soon as they have arrived at the age of manhood, "which is about twenty," they evince a disposition to join their wild brethren in the bush, and cannot be induced to remain; and I believe the nature of the Blacks to be such that, were they made to lead a Sedentary life, it would soon cause their death.

There are about five or six hundred Blacks inhabiting the Lachlan District. The Natives have no fixed places of residence, although each tribe have their own particular country and water; but they Seidom leave except for the purpose of waging war or to celebrate some jubilee with a neighbouring tribe. I have generally found the Blacks wandering within what they term their own ground, and most frequently forming their camps in the vicinity of the Settlers' Huts.

The Natives are formed into different Tribes varying in numbers and each Tribe appoint their chief or King, who exercises great power and influence over the party. The males and females live indiscriminately in the same camp when married, but the Single or young men are invariably made to Camp by themselves. The men have from one to four or five wives called "Gins." Many lives are lost in the fights which take place between the Tribes for the purpose of carrying off each other's "Gins."

I do not consider the State of the natives to be much changed; and, if it were possible to civilize them, their present condition would be greatly improved. The Settlers are very good and kind in giving them provisions, which tends much towards keeping the natives from Spearing and driving off the Cattle from their runs, and consequently prevents any disputes or collisions between the Settlers and Aborigines; and during the past year I have not received a single complaint either on the part of the Settlers or Aborigines; but on the contrary most satisfactory reports of the general good Conduct of the Blacks have been made; but I do not consider that there is any very great hope that the future prospects of the Aborigines will improve, and, as the Country becomes more thickly inhabited by Europeans, they gradually disappear.

EDGAR BECKHAM, C.C. Lands, Lachlan District.

[Enclosure No. 10.]


1st. Supposed number of Blacks in the Murrumbidgee District, Two Thousand.

2nd. Temporary Residence: at Tumut (100) One hundred; at Howlong (100) One hundred; at Mungaborena (100) One hundred; at Gerapthana river (300) Three hundred; at Nerang, Port Phillip (600) Six hundred; at Murrumbidgee river (300) Three hundred; at Urranna (200) Two hundred.

3rd. Changes in their Social Condition: They do not evince much regard to Social comforts. Three Aboriginal Natives shot dead in an encounter with Mr. Howe's Stock-keepers at Merora Station, Murray River, last September, and about the same period three or four Blacks wounded in an affray with the Mounted Border Police attached to my Division on the Gerapthana river, when one of the
Troop horses was severely wounded by a blow of a Tomahawk. One Aboriginal Native of very good character and kind habits named Gotherig drowned during the Season of the calamitous floods in the District. The Natives are down the Murray and Gerapthana rivers very numerous, and display a very daring and hostile Spirit: And I find it necessary to Strengthen my party of Police in that part of my District in order to prevent hostilities; however, by firmness and every exertion to treat them friendly on the part of the Police, I hope by degrees they will become more peaceable.

I, however, attribute much of their daring to the numerous deadly encounters that have taken place between parties travelling with Stock overland to South Australia and the Natives, and in which the latter have had some advantages lately over the Stock parties. I have one Aboriginal Native Police named Logan, who is of great Service to my Men on the Murray river.

4th. Schools: No establishment of this nature in the District, but I would not be doing justice to the Aboriginal Natives of the Tumut and Murrumbidgee rivers, if I did not mention their noble, kind and praiseworthy Conduct during our past Severe winter; when the floods were so great in this District and when many families were surrounded by water by the Sudden overflowing of the rivers and in eminent peril of their lives, the Aboriginal Natives Seeing their alarming position cut bark Canoes, and rescued the men, women, and children from watery graves with a zeal and promptitude that Speaks well of the untutored Native, when treated by those around them with even ordinary kindness.

5th. State and Prospects: Living by hunting and fishing.

HENRY BINGHAM, J.P., C.C.L.

[Enclosure No. 11.]

MR. J. LAMBIE TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office.

Sir,

Agreeably to your letter of the 2nd July, 1841, Accompanying papers respecting the Aborigines, and particularly drawing my attention to the 6th paragraph of Lord John Russell's Despatch of the 25th August, 1840, I have the honor to report, for the information of His Excellency the Governor, the Substance of what I have on former occasions Stated, namely,that no material change has taken place in the condition of the natives during the past year; they continue to assist the Stockowners, particularly those whose Stations are situated near the Coast, in Sheep washing, hoeing, and reaping; but, Since labor has become more plentiful and consequently a reduction in the rate of Wages, their Services are less in demand than formerly.

The man, whom I alluded to in my report of last year, as having separated himself from his Tribe and enclosed a small portion of ground which he cultivated, Still occupies the Same place; but he is the only Native who seems to make any progress towards a state of civilization. From the best information I have been able to obtain, I believe the deaths and births for the last year to be about equal.

I have, &c.,

JOHN LAMBIE, C.C.L.
CENSUS of the Aborigines of the District of Manero for the year ended 31st December, 1844, accompanying letter to the Colonial Secretary, dated 3rd January, 1845.

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<th>Names of places usually frequented</th>
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<td>Above 12 Years</td>
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<td>Gundary, Birgalea and Boatally</td>
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<td>Wagonga, Tilla Tilla and Myrha</td>
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<td>Windella, Marabime and Bowerga</td>
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<td>Biggal</td>
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<td>Tweedle Bay</td>
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Remarks.

JOHN LAMBIE, C.C.L.

MR. C. J. LA TROBE TO COLONIAL SECRETARY THOMSON.

Sir, Melbourne, 7th February, 1845.

I take the advantage of the first mail, after my receipt of the Chief Protector's annual Report upon the Department of Aborigines, to forward that document and other papers, enumerated in the margin,* by which it has been accompanied; I also transmit the annual Reports on Aborigines from the undermentioned Crown Commissioners:

The Crown Commissioner of the Western Port District.

The only report now due is that from Gipps Land, which I am daily in expectation of receiving.

I feel assured that His Excellency the Governor and the Right Honorable the Secretary of State for the Colonies will be gratified with the general evidence which these reports convey of a gradual improvement in the character of the relations existing between the Aboriginal Natives of my District and the white inhabitants.

It will be my duty to take advantage of some future opportunity to advert to various important points and suggestions brought forward in these reports of the Chief Protector and the Crown Commissioners.

I have, &c,

C. J. LA TROBE.

[Enclosures Nos. 13 to 17.]

[These were the reports from the chief protector Robinson and the other papers transmitted by C. J. La Trobe, with his letter dated 7th February, 1845, which will be found in a volume in series III.]

*Marginal note.—1st. An abridged copy of Journal of visit to Gipps Land in 1844. 2nd. Specimen of different dialects. 3d. Names of Aborigines of the Several Tribes.
GIPPS TO STANLEY.

[Enclosure No. 18.]

The Fourth Annual Report of the Apsley Aboriginal Mission, conducted and supported by the Revd. Wm. Watson.

In presenting this, our Fourth Annual Report, we are thankful to believe that success is attending our labors. The number of Aborigines, connected with this Mission, is upwards of Forty, besides occasional visitors of whom we have had many during the year. Twelve have been added to our Aboriginal family during the year, three have been baptized, and one has died. One of the baptized is Jane Marshall, the wife of Jemmy Marshall. She was taken from a European by Jemmy in 1836, and committed to our care; in September, 1840, I married them at their own request in the presence of witnesses, and to the marriage contract they signed their names. Since their marriage, Jane has had three pure Aboriginal Children, which speaks in favor of her faithfulness. I believe few married persons have more affection for each other than is constantly manifested by this couple. I did not think it my duty to receive her into the Christian Church without speaking to her husband on the subject; he made no objections, and would gladly have been baptized at the same time; but I did not consider him as having attained that degree of the spirit's influence, which was necessary to constitute him a proper candidate. It required no small degree of resolution and fortitude in this young woman to enable her to come forward in the midst of a large assembly of Europeans and heathen Natives, and make confession of her faith in Christ Jesus, and of her resolution at once to give up and abandon all the customs and practices of the heathens of the Land; yet this she did with much courage and meekness, and was received by water baptism into the visible Church of Christ, and I trust also that by the divine Spirit she was made a member of the Spiritual Church of the Redeemer. The language and manner of this Aboriginal female, in meetings for Social prayer, shew that she is well acquainted with the truths of Holy Scripture, and with her own state, as a Sinner and a dependent creature on the providence and grace of God. Unrequested, she comes almost every morning to repeat a hymn and six or eight verses of Holy Scripture; and, on Sundays, she is invariably the first to say the Collect and the Text. It is truly pleasing to hear Jemmy (heathen as he is) in an evening, teaching his children to say their prayers, and afterwards reading with his wife the New Testament. It is worthy of being recorded of this female that, when at Montefiores, she supported herself and children by sewing for several families, while many of the other Aboriginal women procured a livelihood in a far less creditable manner. Jane does not seem disposed to hide her light under a bushel; but is frequently in conversation with the other females of our family; and we trust that a brighter day is dawning on the Aborigines of this land than they have hitherto enjoyed. We have other candidates for baptism, and we have hope that we shall have an Aboriginal family of Christian believers.

The faith of the Aborigines in the conjurations of their Doctors seems to be very rapidly on the decline. During the past year, many sick have come or sent for me to visit them and to administer
1845. Medicine; to every such call I have promptly attended, and I am thankful to say that but one Aborigine (and that an infant) has died under my care.

Candour in drawing up our Report requires that we should not conceal the truth that the enemy of souls has been permitted to exercise our faith and patience. In 1843, We took out of Charity a Married immigrant and his family, who had no place to which they could go. I allowed him wages and rations for himself and family so long as they remained on our establishment; but he proved himself to be a very bad character and brought much trouble on our minds; painful, however, as this circumstance was, we believe that it has been overruled for good.

By the Flood, we sustained considerable damage in the loss of Paddock fences and Garden paling, damage which we have no prospect of being able to repair, for we have not the means. We are thankful, however, to state that we have reaped an excellent crop of wheat; by kiln drying most of the seed, the smut has been prevented, and of consequence the produce is clean.

It is matter of satisfaction that the Magistrates of this District seem to begin to feel a livelier interest in the Aborigines than they formerly appeared to manifest. This is evident not only in their becoming Subscribers towards the support of the Mission, but also by shewing that they will not allow Europeans to take advantage of Aboriginal females with impunity. Two cases have been brought before the Wellington Bench, and in both instances punishment was awarded. The first charge was preferred by myself. A short time ago, Cochrane and his wife Maria, Aboriginal natives, who had been residing with the Reverend James Gunther, left that Gentleman, and came into this neighbourhood. They repeatedly sent messages requesting that they might come and reside with us. As Cochrane decoyed Maria from this establishment in 1841 that Mr. Gunther might give her in marriage to him, we were not anxious to have them here; but afterwards consented, and they came. Previously Cochrane had consented to Maria’s living in the hut with a European, and after they came to us, for a week the man was constantly annoying us by coming and sending messages to Maria, and, on one occasion, came at Eleven o’clock at night, walked into Cochrane’s (slabbed) hut, and succeeded in persuading her to go outside. I came up at the time, and the man ran away; he stated that he had not come without assistance. I laid my complaint before the Bench: the man acknowledged the truth of my statements, and he was sentenced to a fortnight’s confinement. I have seen and conversed with him since he was discharged, and the punishment seems to have produced a salutary effect on him, and I trust that it will act as a warning to others. Several Aboriginal youths, who were formerly under our care, but who are now regularly hired Servants in the neighbourhood, attend divine service both at Apsley Mission and at Montiflore’s. When I see these young men dressed in a clean and respectable manner, and with their Bibles and Prayer Books coming to Church, and especially when I behold those, who in their native fights have been as ferocious as beasts of prey, sitting meekly under the word of God, and tears rolling down their manly cheeks, I cannot bring myself to believe that no good has been effected by our labours.
Since the publication in the Sydney Morning Herald of the Third Annual Report of this Mission, the following persons have kindly become Subscribers to its Support.

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William Watson.

Apsley Aboriginal Mission, 11th January, 1845.

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**LORD STANLEY TO SIR GEORGE GIPPS.**

(Despatch No. 17, per ship Peruvian.)

Sir,

Downing Street, 24 February, 1845.

I have received your dispatch No. 191 of the 4th Sept. last, containing a Report on the application of Mr. Arkins for employment in the Convict Department, either in Van Diemen's Land or at Norfolk Island;

I am not disposed to interfere with the discretion of the local Authorities in this case.

I have, &c.

STANLEY.

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**SIR GEORGE GIPPS TO LORD STANLEY.**

(Despatch No. 42, per ship Persian; acknowledged by lord Stanley, 5th October, 1845.)

My Lord,

Government House, 24th February, 1845.

At the request of the Messrs. Campbell and Co. (Father and Sons), Merchants of this City, I transmit to Your Lordship a Memorial which has been addressed by them to the Lords of the Treasury, praying the restitution of a Schooner of 84 tons burthen, called the "Shamrock," which has been condemned in the Vice Admiralty Court of Sydney, under circumstances which I shall briefly detail, premising only that the Memorial is transmitted through me, in order that I may have the opportunity of commenting on the facts of the case.

On the 19th November, 1844, eight Cases of Tobacco containing 1,012 lbs., the duty on which in New South Wales would amount to £101 4s., were shipped on board the Schooner "Shamrock" by the Master of her, Mr. John Brown; the usual Bond for the delivery of the Tobacco in New Zealand being given by parties in Sydney, of whom a member of the Firm of Campbell...
and Co. was one. The same evening, an attempt was made to land the Tobacco in Sydney, but it was seized in a boat in which it was being conveyed from the Vessel to the Town, and was of course condemned. The Bond has also been put in suit, and the penalty of it (£101 4s.) been recovered, with costs amounting to £100 more, both having been (I believe) paid by Mr. John Campbell, one of the parties signing the Bond, and, as already stated, part owner of the Vessel.

In respect therefore to the Tobacco, no question remains; but, in addition to it, the Schooner itself was seized; and it is with reference to the seizure and subsequent condemnation of this vessel that the appeal is made to the Lords of the Treasury.

The seizure of the Vessel appeared to me at first to be of doubtful legality; and, on the application of the Messrs. Campbell, backed by the recommendation of the Collector of the Customs, I, on the 13th January last, offered to restore the Vessel to the Messrs. Campbell, provided they would give security to the amount of the value of her to abide the decision of the Commissioners of Customs; but this they refused to do, preferring to abide the issue of the proceedings which had already been commenced against them in the Court of Vice Admiralty; and, in that Court, contrary to their expectations, the Vessel has been condemned under the provisions of the Local Act, 3rd Vict., No. 3, S. 55, founded on the Act of the Imperial Parliament, 3d and 4th Wm. IV, ch. 53, s. 6.

It is not pretended, or in any way supposed, that the owners of the Vessel, the Messrs. Campbell, were concerned in or cognizant of the attempt to smuggle the Tobacco; but it seems to be the policy of the Law to hold the owners responsible for the acts of their servants, and it was their chief servant, the Master of the Vessel, who was the offender in this case.

By the 134th Section of the 3d and 4th Wm. IV, ch. 52 (the Act for the regulation of the Customs), a power is given to the Commissioners of Customs to remit the forfeiture, in case a Vessel shall have been seized in consequence of Acts done contrary to the intentions of the Owners; and the Governors of Colonies exercise within their respective Governments the powers of the Commissioners of Customs. I have consequently been applied to by the Messrs. Campbell to remit the forfeiture in this case; but, as they did not avail themselves of the offer, already alluded to as having been made to them on the 13th January last, and as moreover it seems to me doubtful whether the clause referred to extends to cases in which the Master of the Vessel has been the actual smuggler, I have declined to interfere at this advanced stage of the proceedings, and after the Vessel has
actually been condemned. I understand, therefore, that the Vessel will be sold; but the proceeds of the sale will not be disposed of, except under the decision of the Commissioners of Customs or the Lords of the Treasury; and, as I entirely believe the Messrs. Campbell to be innocent sufferers in the matter, I shall be glad if they can be relieved from the effects of the forfeiture, as far as may be consistent with the usual practice of the Customs in like cases.

I understand that a full report of the case will be made by the Collector at Sydney to the Commissioners of Customs in London, and to his report therefore I beg to refer for further particulars.

I further enclose a Copy of a Paper signed by thirty five Mercantile Firms of Sydney, recommending the Petition of the Messrs. Campbell to favorable consideration. I have, &c.

GEO. GIPPS.

[Enclosures.]

[Copies of these papers are not available.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 43, per ship Persian; acknowledged by lord Stanley, 25th August, 1845.)

My Lord,

Government House, 25th February, 1845.

In obedience to the directions contained in Lord John Russell’s Circular Despatch of the 11th March, 1841, I have the honor to forward herewith a Quarterly abstract Return of the Immigrants landed in this Colony during the last quarter of the year 1844, of the prices of food and clothing, the wages of labour, and other particulars, as prepared by the Agent of Immigration in the Colony.

Appended to the Return is a letter from the Board of Immigration at Melbourne, dated the 31st December, 1844, reporting the ready engagement of twenty one Exiles, who arrived at Port Phillip by the ship “Royal George” on the 16th Novr., 1844, under the circumstances stated in your Lordship’s Despatch marked “Separate,” and dated the 27th of the preceding month of July.

I have, &c.

GEO. GIPPS.

[Enclosure No. 1.]

[These returns have been omitted.]

[Enclosure No. 2.]

[A copy of C. J. La Trobe’s letter, dated 17th January, 1845, with enclosures, will be found in a volume in series III.]
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 44, per ship Persian; acknowledged by Lord Stanley, 29th August, 1845.)

My Lord,

Government House, 26th February, 1845.

I forward herewith a letter, which has been addressed to Your Lordship by Mr. John Goodwin, who appears to have been known to Your Lordship some years ago at Glasgow.

The only situation ever held by Mr. Goodwin under this Government was that of Medical Attendant at £50 a year on Convicts in the District of Scone, an employment which, like all others of a similar nature, has been discontinued for some years.

I have but little personal knowledge of Mr. Goodwin, having seen him only once, which was on the occasion of my visit in October last to Newcastle Gaol, where Mr. Goodwin was imprisoned from the 18th Sept., to the 22d December, 1844, for a Libel on the Revd. John Morse, the Minister of the Church of England at the Village of Scone on the River Hunter, the place from which, it may be observed, Mr. Goodwin's letter to Your Lordship is dated.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

MR. JOHN GOODWIN TO LORD STANLEY.

Saint Aubin's, Scone,

My Lord, New South Wales, 12th February, 1845.

Having had the distinguished honor of being personally introduced to your Lordship through my intimacy with the late Sir Daniel Sandford, I feel myself called upon by circumstances to ask your Lordship to redeem the promise which you then kindly gave to me in notification of a polite sense of obligation to one represented by my introducer "as the efficient means of carrying your Lordship's election" to the Lord Rectorship of the University of Glasgow in 1834.

On the occasion referred to, your Lordship was pleased to observe "that, if at any time you could advance my interests, I was to intimate my views to you." This then is the sole aim of my present communication from your Antipodes; a part of the Globe over which your Lordship's Sway is extensive and immediate, and your opportunities of serving me consequently great and numerous.

I am aware that, in the elevated position of a leading Stateman's life, engagements of this nature frequently pass as mere expressions of courtesy, but, from the earnestness and warmth of expression on this occasion, and from the tried Sincerity and integrity of your Lordship's character, taken in connexion with what I deferentially submit as political Services rendered in the good cause of education in troublesome times, when the politics to which we were mutually attached were not in the ascendant, I fain hope that all my dependence on your Lordship will not prove to be vague and chimerical.

Having been recommended by the commission of the General Assembly of the Church of Scotland to Lord Glenelg, as a fit and proper person to be Sent to these Colonies as a teacher of youth,
I embarked in the project of the Rev. Dr. Lang for Supplying Sacred and Secular education to them, along with twelve clergymen and Sixteen Schoolmasters, in the Ship "Portland," of which I was Surgeon. The Scheme, however, partially failed, and I was obliged to avail myself of my qualifications as a Surgeon, and retire into the practice of my profession.

At this time, I had the fortune to be unanimously elected to be Surgeon to the District and Hospital of Scone, and afterwards I had the happiness to obtain the appointment of His Excellency the Governor to the same with the usual Salary. This Situation I held for three years. When I resigned it and went overland to Settle in the Moreton Bay Country, I was the first to do so with a family. By doing so, I have experienced all the vicissitudes of the bush life, and, in consequence of the late depreciation in the value of Stock, etc., I lost all the property that I had with so much care and industry acquired. So that at the invitation of many of my old friends I have been obliged to return to the practice of my profession at the place from whence I set out. But it is with the desire to forego the uncertainty of such a means of support, for the moderate yet safe recompence of the Colonial Government in some branch of its employ, that I hope to gain your Lordship's encouragement and co-operation.

My extensive Colonial experience, the Stability and I trust the uprightness of my character would, I humbly conceive, well qualify me for the office of Colonial Surgeon, or for being a Commissioner of Crown Lands in the Interior. And to either of these or to Some other post tantamount in emolument, through your Lordship's goodness, I aspire. But I would prefer an appointment to the new penal Settlement for Exiles, about to be established to the Northward of Moreton Bay.

I have also to request as a Special favor that your Lordship would allow me to dedicate a work of fiction on this Colony to your Lordship, to be called the Antipodes. For seven years I have been a very attentive observer of men and things in this anomalous community. I have participated in its prosperity and I have shared in its adversity. I have also suffered by my own inexperience and by the inexperience of others; and I believe that I shall be able to tell a plain, unvarnished tale, that will contribute to the advancement of public morals and to the good of the community at large. By encountering general vices, I will not degenerate into libel. By attacking the highest in crime, I will not fear the Strongest; but, by awakening the operation of example in the more elevated Stations of life, and by Stimulating the more humble with a noble Ambition, I may confer a rich benefit on the community; by delineating manners and characters I shall endeavour to promote the best interests of virtue; by awakening the conscience of crime and by exhibiting vice to the gaze of contempt, I shall endeavour to make it as "ashamed to hide its head."

Though the proposed work will not be of a party or of a political nature, yet I shall assume that Civil Government is a compact between man and man for the mutual preservation of person, property, liberty and life, and I shall advocate such a general System of education for this Colony as has thrown a halo of Glory around the name of your Lordship in the education of the Irish people; Unlimited freedom of opinion, Native rights, perfect justice, and the voluntary principle in religion, in so far as Sydney
1845.  
26 Feb.

Testimonials submitted.

and the town are concerned. Shall be advocated and Supported; and I shall urge the necessity of the Legislative Council sending into the interior Schoolmasters and Ministers of “the everlasting Gospel” with the money that is now paid to the Clergy in these Towns.

I will not weary your Lordship with a protracted detail of the occurrences which lead me to this Step, but close the application by attaching the names of three individuals of eminence in Scotland, to either of whom I beg to refer you for any further particulars of myself that may be deemed necessary. I take the liberty to enclose my testimonials for your Lordship’s perusal; and would also beg to refer your Lordship to either of the Gentlemen referred to in them, all of whom, with the exception of the lamented Sir D. R. Sandford, I believe to be still Surviving.

My Lord may it please your Lordship, I am, &c.,

JOHN GOODWIN.

[Note on duplicate original:—The papers above referred to are printed documents, and therefore are not furnished in duplicate.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 46, per ship Persian; acknowledged by lord Stanley, 30th August, 1845.)

27 Feb.

My Lord, Government House, 27th February, 1845.

On the 27th January, 1844, I transmitted to Your Lordship with my Despatch No. 26 a Memorial from Dr. D. J. Tierney, late Surgeon of the Emigrant Ship “Sir Charles Napier,” praying that your Lordship would cause him to be appointed to some situation under Government, to which an answer was returned (by a Despatch No. 104 of the 10th July, 1844) stating your Lordship’s regret that you had it not in your power to comply with his wishes.

Dr. Tierney has now addressed a second Memorial to Your Lordship (herewith enclosed), praying that Your Lordship will cause a gratuity to be paid to him of £20.

The conduct of Dr. Tierney, whilst in charge of the Ship “Sir Charles Napier,” as well as after his arrival in Sydney, was highly meritorious, as stated in my Despatch already mentioned, and in that of the 26th June, 1842, No. 111; and I believe he would have recovered £20 from the Owners or affreighters of the “Sir Charles Napier,” had he been less conscientious in the performance of his public duty. I have, therefore, pleasure in requesting Your Lordship’s sanction to pay Dr. Tierney the gratuity of £20, which he solicits; indeed had not Dr. Tierney specifically addressed his application to Your Lordship, I should, under the circumstances of the case, have felt myself justified in issuing to him this gratuity out of the funds applicable to Immigration of my own authority.

I am, &c., GEO. GIPPS.
To the Right Honorable the Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies, the Humble Memorial of Daniel Joseph Tierney, Doctor of Medicine, of the City of Sydney in the Colony of New South Wales, most respectfully Sheweth,

That Memorialist, on the Seventeenth day of January, 1844, addressed to your Lordship a Humble Memorial, Setting forth, Among other things, that Memorialist had Come out to this Colony as Surgeon Superintendent of the Ship Sir Charles Napier, with 240 emigrants under his Charge; that, the grossest frauds having been practised against this Colony by the Importers or their Agents in Liverpool, the port of embarkation, Memorialist conceived it to be his duty, as the virtual servant of the Colonial Government, though formally engaged by the Importers, to make the Colonial Government the most ample disclosures in his power of the said frauds in the Selection of the Emigrants, the manufacturing certificates and the forcing unsuitable Characters on board, as well as of the gross immorality which prevailed on board on the part of the officers of the Vessel, as well as of the Immigrants; that Memorialist, on account of the information which he afforded to the Government, received a letter of thanks from the Colonial Secretary by order of His Excellency the Governor; a true copy whereof is appended to this Memorial and marked (A). And that Memorialist, having been induced to pay the Sum of Twenty Pounds for his passage in the said Ship, conceived him entitled to have that amount refunded by the Agent; that the Agent refused to do this in consequence of Memorialist having exposed the said frauds, though the said Agent had offered to pay the amount if he the Memorialist would give a favorable Report to the Emigration Board; and that, in consequence of the Bounties having been withheld from the owners, His Excellency the Governor stated to Memorialist His inability to order the deduction of the said amount from the Sums which might have been payable as Bounties; And that, in consequence of the acknowledged service rendered by Memorialist to the Government, he conceived himself entitled to Some consideration from the Government either in the form of an official appointment or of remission in the purchase of Land. That Memorialist has learned that by your Lordship's permission a portion of the Bounties has been paid to the owners of the Sir Charles Napier, thereby removing the objection taken by His Excellency the Governor to the ordering the payment of the said sum of Twenty Pounds. Memorialist therefore again most respectfully prefers his claim, and trusts that your Lordship will feel at liberty to authorize the payment of the said Amount by His Excellency. In Support of his Statement, Memorialist has appended hereunto Excerpts from the evidence taken before the Board of Immigration marked (B), also a true copy of a letter addressed to him by The Agent for Immigration in Sydney (Marked C), also a true copy of a letter addressed to him by the Colonial Secretary (marked D), in which letter the right of the Memorialist to receive back the amount wrongfully paid by him is recognized; and also a true copy
of certain passages from the Report of the Immigration Board (Marked E) Concerning the Ship Sir Charles Napier, wherein the nature and extent of the public service performed by Memorialist is set forth at large, which Service Memorialist humbly believes sufficient to entitle him to the favorable consideration of the Colonial Government, to which he has been the means of saving about £2,000.

While however the circumstances of Memorialist are such that he cannot regard the loss even of so small a sum as Twenty Pounds with indifference, he begs most humbly to state that his chief object in addressing your Lordship was to make known to your Lordship those shameful frauds which he was enabled to disclose to the Local authorities; frauds of so infamous a character as would scarcely be believed except by those whom painful experience had convinced of their reality; frauds, which have not only caused a most wasteful expenditure of the Colonial Land Fund, but have filled the Streets of Sydney with drunkenness and poverty and prostitution and squalid misery, and have caused the cry of want to be heard in a land teeming with abundance. In his professional walk, Memorialist has had occasion to witness the most touching cases of distress among persons of good birth and education, who had emigrated from England and Ireland under false representations of unprincipled Shipping Agents, who are not suited to the Colony and can obtain no employment, who cannot dig, and are ashamed to beg. The State of these unfortunate persons Memorialist would most earnestly press on your Lordship's attention; and Memorialist in his own name, and in the name of Justice and humanity, humbly implores your Lordship to take steps for the avoidance of similar evils in any future immigration, which may be conducted under your Lordship's sanction.

And Memorialist, with the greatest deference, would submit to your Lordship, whether it would not be a wise and just regulation to compel Shipowners, who imported immigrants, to find a free passage back to the United Kingdom for all immigrants on whom Bounties were not paid.

Memorialist entreats your Lordship's indulgent consideration of his case, and of the poor, starving deluded immigrants to whom he has referred. And Memorialist as in duty bound will ever pray.

Sydney, N.S.W., 14 February, 1845. D. J. Tierney, M.D.

[Appendix A.]

Colonial Secretary Thomson to Dr. Tierney.

Sir,

Colonial Secretary's Office, Sydney, 20th June, 1842.

The Governor having had under consideration a report from the Immigration Board of the proceedings had before them, in the case of the Emigrant Ship "Sir Charles Napier," I am directed to inform you that, whilst He has observed, with much regret, that the discreditatle practices which prevailed on board that vessel during the voyage were not only permitted but encouraged by the example of the Master and of all but one of his Officers, His Excellency has found reason to approve of your conduct, which seems to have been irreproachable, and, amidst so much depravity, most commendable; and Sir George Gipps, therefore, requests you to accept his thanks for the honest and upright manner in which you discharged your duties.

I am directed to add that Gratuities will be allowed to you on the whole number of Emigrants.

I have, &c.,

E. Deas Thomson.
Proceedings of the Board of Immigration in the Case of Sir Charles Napier.  


Extracts.

"Thomas Flyn and family in whose Certificate were introduced the name of Ann Flyn and four others represented to be the Wife and step children of Thomas Flyn."

"The Doctor informs the Board that he believes Flyn to be an assumed name, that he is not married, and that the woman, who came out as his Wife, was not his Wife, but was the Wife of a Shoemaker residing in Pitt Street, who had been transported to this Colony, and that the children were his.

(If Lord Stanley would be kind enough to refer to the printed Report from the Committee on Immigration in the year 1842, His Lordship will observe in Mr. Merewether’s evidence, page No. 3, Case (4) Thomas Flyn’s own testimony. In the same page, cases No. 5, 6, 7, 8, 9 and in page 6, the reply to question 41, all refer to the Immigrants of the Sir Charles Napier before the Board of Immigration.

May 13th.

(After Thos. Flyn gave his evidence the following Minute appears in the proceedings):—

"At this stage of the proceedings, the Agent of the Vessel Mr. Alexander got up for the purpose of leaving the Room as he stated, adding ‘that he could not sit in the room with Dr. Tierney whom he considered to be an informer and acting a base part towards his Employers.’

"Dr. Tierney having requested permission to make one remark before Mr. Alexander left the room, which was to this effect that he Dr. Tierney called some days ago at the Office of Mr. Alexander, when Mr. Alexander offered to refund Dr. Tierney twenty pounds which he had paid in England, if he would make a favourable report on the Vessel. Mr. Alexander acknowledged to have made an offer to Dr. Tierney similar in effect, but not in the precise terms used by Dr. Tierney.”

Appendix C.

Certificate.

I HEREBY Certify Dr. Daniel Joseph Tierney came to this Colony as Surgeon Superintendent of the Emigrant Ship Sir Charles Napier in the Year 1842, and that the duties of that Office were discharged by him to the satisfaction of the Board. I may add that Dr. Tierney rendered an important Public service to the Colony in disclosing the abuses, which had taken place in the selection of the Emigrants placed under his charge.

Immigration Office, Sydney, 14th Sep., 1844. FRANCIS L. S. MEREWETHER.

Appendix D.

Colonial Secretary Thomson to Dr. Tierney.

Sir, Colonial Secretary’s Office, Sydney, 9th July, 1842.

I do myself the honor to acknowledge the receipt of your letter of the 27th Inability to June, and to inform you in reply that, as no Bounties have been paid to the enforce refund Importers of the Immigrants by the "Sir Charles Napier," His Excellency the Governor regrets that he has it not in his power to use any influence with them money, in order to procure the restoration to you of the money which you paid for your passage by that Vessel.

E. DEAS THOMSON.

Appendix E.

The following are extracts from the Report of the Immigration Board on the Ship Sir Charles Napier.

Sir, Immigration Office, Sydney, 6 June, 1842. Extracts from report re ship Sir Charles Napier.

We do ourselves the honor to acquaint You for the information of His Excellency the Governor that, at the request of Messrs. Gilchrist and Alexander of this town, we have examined the Immigrants enumerated in the Margin, whose names, Ages and Callings are inserted in the accompanying List.

The Unsatisfactory nature of the Certificates, a general complaint of the disorderly character of the Immigrants preferred by the Surgeon, and other information of a disgraceful nature to the conduct of the Ship rendered a formal inquiry into these general points necessary, before we could report on the claim to Bounties. We accordingly obtained the attendance upon our Board of the Surgeon Superintendent, and, in the presence of the Importers’ agents, questioned him as to..."
what he knew of the correctness of these Certificates, and of the character and
calling of the parties to whom they applied. The Surgeon readily afforded every
information required; but at the same time, whilst he made known to us the
existence of gross irregularities, he gave us to understand that he should prefer the
evidence of other parties being taken with regard to their nature, when he being
present would answer any questions arising out of the statements made by these
witnesses or would substantiate them by his own testimony if requisite. We accord­
ingly examined, out of the Immigrants whose attendance was procured, a sufficient
number of the most respectable and the best informed to prove to us beyond all
doubt that, in the Shipment of the Emigrants, the grossest frauds had been prac­
tised, that most improper people had been wilfully put on board, and that immorality
had prevailed to a disgraceful extent during the passage. The evidence we transmit
herewith for his Excellency’s perusal.

The Surgeon we consider to be entitled to the usual gratuities and also to
special commendation for the manner in which he has come forward to expose the
abuses brought within his knowledge. His Excellency will perceive, on reading
the minutes of our proceedings, that Mr. Alexander left the room in the course of
the examination, stating that he “could not sit in the room with Dr. Tierney,
whom he considered to be an informer and acting a base part by his employers”; we
regret much on his own account that Mr. Alexander should have taken this step, as
he has laid himself open to the imputation of being a party to the gross frauds
attempted to be practised upon the Public.

Dr. Tierney has produced before our board testimonials of a much higher order
than are usually submitted to our inspection, which confirm the favorable opinion
which his conduct, though disapproved of by Mr. Alexander, had created in our
minds; and, although under any circumstances and in opposition to all considerations
of private obligations, we think it would be the duty of the Surgeon-Superintendent
to have disclosed such glaring abuses as were in this instance brought within the
knowledge of Dr. Tierney; yet as Mr. Alexander has charged this gentleman with
acting a base part by his employers, it may be well to state here who his employers
were. His employers we conceive to be those who pay for his services, and the
greater quarter, from which alone as will appear from the evidence and from a
letter enclosed herewith (the receipt for his passage-money) Dr. Tierney was to
receive payment, was the Government of this Colony. The Government and Public
of this Colony, therefore, were the parties whose interest it was beyond a doubt the
duty of Dr. Tierney exclusively to serve, and he has done so; and we should be glad,
could the sum shown by the letter above referred to have been paid by Dr. Tierney
for his passage to his so-called employers, be reserved for his benefit from the amount
allowed as bounties.

We have, &c.,

FRANCIS L. S. MEREWETHER.
ARTHUR SAVAGE, R.N.
H. H. BROWNE, J.P.
W. H. CHRISTIE, J.P.
J. LONG INNES, J.P.

To The Honble. The Colonial Secretary.

28 Feb.

Transmission
of letter from
C. J. La Trobe
re “exiles.”

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 46, per ship Persian.)

My Lord,

Government House, 28th February, 1845.

With reference to my Despatch No. 37 of the 19th instant,
on the subject of the Exiles now daily expected from England,
and more particularly to the concluding paragraph of that Des­
patch, I have now the honor to enclose a copy of a letter re­
ceived this day from Mr. La Trobe on the same subject.

I feel that I cannot too strongly join Mr. La Trobe in urging
on Her Majesty’s Government the necessity of keeping up the
Emigration of Females to this Colony.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter will be found in a volume in series III.]
My Lord,

Government House, 2d March, 1845.

In continuation of my Despatch No. 4 of the 4th January last, I have the honor herewith to forward a Copy of a Report from Captain McArthur at Port Essington which reached me yesterday.

As this Report is dated the 12th Septr., 1844, it is evident that the party of Marines, destined to relieve the Garrison, could not have reached Port Essington at the time when it was written, it having been stated in my last Despatch that the Ship "Cadet," with these Marines on board, sailed from Van Diemen's Land only on the 23rd September. It is possible that they have arrived by the end of October, though more probably in the course of the month of Novr., 1844.

I have, &c.,

[Enclosure.]

GEO. GIPPS.

[A copy of this report, dated 12th September, 1844, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 47, per ship Persian.)

My Lord,

Government House, 2d March, 1845.

I have the honor herewith to enclose a petition to Her Most Gracious Majesty from the Town Council of Melbourne, for Command pay granted to R. Q. Hamilton.

I have, &c.,

[Petition re Port Phillip.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 48, per ship Persian; acknowledged by Lord Stanley, 1st December, 1845.)

My Lord,

Government House, 4th March, 1845.

I have the honor herewith to forward a Copy of a Report from Captain McArthur at Port Essington which reached me yesterday.

As this Report is dated the 12th Septr., 1844, it is evident that the party of Marines, destined to relieve the Garrison, could not have reached Port Essington at the time when it was written, it having been stated in my last Despatch that the Ship "Cadet," with these Marines on board, sailed from Van Diemen's Land only on the 23rd September. It is possible that they have arrived by the end of October, though more probably in the course of the month of Novr., 1844.

I have, &c.,

GEO. GIPPS.
1845.
4 March.

praying "Her Majesty to take such steps as will cause the Mails from London to Port Phillip to be landed direct, instead of being conveyed to Sydney or elsewhere." I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this petition will be found in a volume in series III.]

5 March.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 19, per ship Graham; acknowledged by Sir George Gipps, 18th September, 1845.)

Sir, Downing Street, 5 March, 1845.

I have to acknowledge the receipt of your despatch, No. 175 of the 19th of August last, reporting the provisional appointment of Mr. Hutchinson Hothersall Browne to be Registrar of the Court of Requests at New South Wales.

Having submitted Mr. Browne's name to The Queen, Her Majesty has been pleased to approve of his appointment to the office in question; and I transmit to you herewith a Warrant under the Royal Sign Manual, authorising you to cause Letters Patent to be passed under the Public Seal of the territory of New South Wales, appointing Mr. Browne to be Registrar of the Court of Requests for that territory; and I have to desire that you will obtain from that gentleman, and remit to Mr. Smith, the Chief Clerk of my Office, the sum of Eleven Pounds, five shillings, and sixpence, being the amount of Fees and Stamp duty payable on Instruments of this nature.

I have, &c.,

STANLEY.

[Enclosure.]

[A note on the original states that the warrant was returned to the colonial office.]

6 March.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 49, per ship Persian; acknowledged by Lord Stanley, 22nd August, 1845.)

My Lord, Government House, 6th March, 1845.

I have the honor herewith to enclose a Petition from the Town Council of Melbourne to Her Most Gracious Majesty, praying that the District of Port Phillip may be erected into a "Separate and independent Colony."

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this petition will be found in a volume in series III.]

* Note 32.
Sir George Gipps to Lord Stanley.

(My Lord, Government House, 10th March, 1845.)

Sir, Government House, 10th March, 1845.

Adverting to Your Lordship's Despatch to myself, No. 91 of the 16th June, 1844, in which was enclosed a letter from the Treasury dated the 11th June, 1844, on the subject of a debt due to this Government by Mr. George Cooper, late Collector of the Customs in New Zealand, and now Insolvent, I beg leave to state to your Lordship that I have ascertained that Mr. Cooper gave security in England for the due performance of his duties in this Colony; and I would suggest that his sureties should be called on to make good his deficiency.

By the enclosed Copy of a letter from the Collector of Customs at this Port, it appears that Mr. Cooper's Sureties were, J. S. Cooper, Esquire, Comptroller General of Stamps, Dublin, and David Simmons, Esquire, Collinston, Dublin.

The amount of the Bond, which was taken at Custom House, London, was £500.

I have, &c.,

Geo. Gipps.

[Enclosure.]

Mr. J. Gibbes to Colonial Secretary Thomson.

Sir, Custom House, Sydney, 27th February, 1845.

I have the honor to acknowledge the receipt of your letter of this date, and in reply to inform you that the sureties of Mr. George Cooper, Comptroller of Customs at this Port, were J. S. Cooper, Esquire, Comptroller General of Stamps, Dublin, and Daniel Simmons, Esquire, Collinston, Dublin.

and the amount of the Bond was five hundred pounds.

I have, &c.,

J. Gibbes,
Colli.

P.S.—This bond was executed in England, and lodged in the Custom House there.

J.G., Colli.

Sir George Gipps to Lord Stanley.

(My Lord, Government House, 11th March, 1845.)

With reference to my Despatch No. 41 of the 23d ultimo, I have herewith the honor to forward to Your Lordship a
Copy of the Report on the condition of the Aborigines, from the Commissioner of Crown Lands for the District of Gipps' Land in this Colony, being in completion of the Annual Reports for the year 1844.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this report will be found in a volume in series III.]

Lord Stanley to Sir George Gipps.

(Despatch No. 20, per ship Graham; acknowledged by Sir George Gipps, 21st September, 1845.)

Sir,

Downing Street, 13 March, 1845.

I have received your dispatch, No. 179 of the 23d of August last, in which you request permission to issue Letters of Denization, under the local Act of the Colony, 9th Geo. 4, No. 6, to Mr. Aaron Gainsborg, a native of Russia, now carrying on business as a licensed Victualler in Sydney.

It appears from your Dispatch and the accompanying Memorial that the Applicant was transported from Lancaster for purchasing stolen Silver, and that he had, at the date of his application, been for a period of five years carrying on an extensive business as a Jeweller and Goldsmith.

I have been unable to obtain from the Home Department any information as to the circumstances attending his conviction, or as to his previous character.

There appears to me to be considerable objection, in principle, to the grant of a special indulgence in such a case; but at the same time you are authorised to issue the Letters of Denization to Mr. Gainsborg, if you should still think it advisable to do so.

I have, &c.,

Stanley.

Lord Stanley to Sir George Gipps.

(Despatch No. 21, per ship Graham.)

Sir,

Downing Street, 13 March, 1845.

I have to acknowledge the receipt of your Dispatch No. 173 of the 27th October, 1843, accompanied by various Requisitions for Medicines, Stationery, printed Forms, etc., for the use of the Convict Medical Department in New South Wales for the year ending the 31st of March, 1845.
The delay, which has hitherto attended the execution of this service, renders it necessary that I should inform you that these requisitions were sent by my desire to the Army Medical Department in March, 1844, in order that the Director General might apprise me of his opinion as to the propriety of complying with them.

It was not until the 12th ultimo that the answer, of which the enclosed is a copy, was received from Sir James McGrigor. He there as you will observe suggests certain alterations in the Requisitions transmitted by you.

The Lords Commissioners of the Treasury have given the necessary directions for the transmission to New South Wales of the Articles alluded to in your Dispatch, subject to the modifications proposed by the Director General of the Army Medical Department.

I have, &c.,

STANLEY.

[Enclosure.]

SIR JAMES MCGRIGOR TO UNDER SECRETARY STEPHEN.

Sir,

Army Medical Department, 8 February, 1845.

Referring to your letter of the 26th of March last, enclosing Requisitions for Medicines, etc., and for Stationery and Books and Forms for the use of the Convict Medical Department in New South Wales for the year 1845, together with copy of a letter from the Principal Medical Officer and Returns of the Expenditure of Medicines, etc., and of Stationery and Books and Forms for the year ended 31st March, 1843, also of the Diseases treated in the Convict Hospitals for the Year ended 31st Decr., 1842; I have the honor to submit, for the information of the Right Honble. the Secretary of State for the Colonies, that I have examined these Requisitions both in regard to the quantities of Medical Stores, Stationery, and Books and Forms, which remained on hand at Sydney at the date of the latest Returns received by me (viz. 31st March, 1843) and the previous Expenditure of those Stores, taking into consideration also the Supply of Medicines, etc., which was delivered for Shipment in June, 1843, amounting in value to £976 12s. 2d.

In returning these Requisitions, I beg to recommend that they may be compiled with, subject to the alterations stated in the enclosed Lists.

I should have been better able to judge as to the propriety of these Requisitions, had the Returns of the Receipts and Expenditure of Medicines, etc., for the periods ended 30th September, 1843, and 31st March, 1844, been received by me, and I would suggest that the Principal Medical Officer may be called upon to furnish those Returns, and to transmit the similar subsequent Returns as soon as possible after they become due.

I have, &c.,

J. McGrigor, Director General.
1845.  
13 March.  
Alterations in requisition.

List of alterations in a Requisition, dated Sydney, 31 March, 1843, for Books and Printed Forms for the use of the Convict Medical Department at Sydney, New South Wales, for the year 1845. Army Medical Department, 8 February, 1845.

<table>
<thead>
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<th>Articles</th>
<th>Requested</th>
<th>Recommended</th>
<th>Remarks</th>
<th>Remarks</th>
</tr>
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<tbody>
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<td>Return and Letter Books</td>
<td>20</td>
<td>None</td>
<td></td>
<td>The use of these Books being abolished in Army Hospitals and replaced by letter Books and Guard Books.</td>
</tr>
<tr>
<td>Letter Books</td>
<td>None</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guard Books</td>
<td>None</td>
<td>10*</td>
<td></td>
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</tbody>
</table>

* To be adopted instead of the Return and letter Books.

SIR GEORGE GIPPS TO LORD STANLEY.  
(Despatch No. 54, per ship Persian.)

My Lord,  
Government House, 14th March, 1845.

With reference to my Despatch No. 36 of the 17th ultimo, reporting that 200 men of the 58th Regiment were on the point of being embarked for New Zealand in Vessels hired for their conveyance, I am happy to have now to report that, before any agreement was completed for the hire of Vessels, Her Majesty's Ship "North Star" arrived at Sydney; and that consequently the greater part of the Troops were embarked in her, and one Brigantine only, the "Velocity," hired at £300 for the voyage to Auckland, and at the rate of £150 per month, in the event of her being afterwards retained by the Government of New Zealand.

The "North Star" arrived in Sydney on the 3d March, and sailed again with the Troops on the 11th.

The first tenders received for the hire of Vessels were rejected as being exorbitant, and, before any tender considered eligible was received, the North Star arrived.

I am, &c.,
GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.  
(Despatch No. 24. per ship Graham; acknowledged by Sir George Gipps, 19th November, 1845.)

Sir,  
Downing Street, 15 March, 1845.

I transmit to you herewith a Gold Medal offered by His Majesty the King of Denmark for the discovery of Comets, and which, under the circumstances stated in the accompanying letter from Mr. Airy, Royal Astronomer, appears to have
been awarded by the late Mr. Baily to Mr. Dunlop, astronomer at the observatory at Parramatta.

I have therefore to request that you will forward the Medal together with a Copy of Mr. Airy's letter to Mr. Dunlop.

I have, &c.,

[Enclosure.]

STANLEY.

MR. G. B. AIRY TO UNDER SECRETARY STEPHEN.

Royal Observatory, Greenwich,

Sir, 21 Feb., 1845.

I have the honor to state to you that, on the decease of the late Francis Baily, Esq., who had been appointed by the King of Denmark one of the Judges for the award of a large Gold Medal offered by His Majesty the King of Denmark for the discovery of Comets, a Medal was found among his effects, which evidently was intended to be transmitted to Mr. Dunlop, Astronomer at the Observatory of Parramatta in New South Wales, and which apparently had remained in Mr. Baily's hands because he had found some difficulty in transmitting it to that distant Colony.

I have the honor further to state that I have fully ascertained that the Medal in question was formally awarded* to Mr. Dunlop, and is strictly his property.

Under these circumstances, I have the honor respectfully to inquire whether facilities can be given by the Colonial Office for the transmission of the Medal to Mr. Dunlop. I have, &c.,

G. B. AIRY.

LORD STANLEY TO SIR GEORGE GIPPS.

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

Downing St., 16th March, 1845.

[A copy of this despatch, which is supposed† to have notified the appointment of a successor to Sir George Gipps, is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 55, per ship Persian.)

My Lord, Government House, 16th March, 1845.

I have had the honor to receive Your Lordship's Despatch No. 142 of the 3d October, 1844, wherein it is remarked that no report had been received from me of the circumstances, which led to the appointment of Mr. W. H. Kerr to the Office of Chief Commissioner of the Insolvent Court in Sydney, though the appointment itself was reported in the Quarterly Schedule which accompanied my Despatch of the 6th April, 1844, No. 77; and, in reply, I beg to refer to my Despatches Nos. 129 and 130 of the 29th June, 1844, which must have reached England shortly after Your Lordship's Despatch of the 3d October was written.

I have, &c.,

Geo. Gipps.

* Note 33. † Note 34.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 57, per ship Persian.)

My Lord,

Government House, 18th March, 1845.

1845.
18 March.

In my Despatch of the 5th January last, No. 7, when commenting on the Acts passed in the last Session of the Legislative Council, I stated that I expected an attempt would be made to procure the disallowance of the Act to make further provision for the regulation of Wharfage, which is the 8th Vict., No. 16; and I have now the honor to forward a Petition addressed to Her Majesty by several proprietors of private Wharves in Sydney, praying that this Act may be disallowed.

I forward an additional Copy of the Petition, to which I have annexed various Marginal notes; and I trust that these notes in addition to what is contained in my Despatch of the 5th January last, will suffice to put Your Lordship in possession of the merits of the case.

The Wharfage Act was passed in a very different shape from that in which it was proposed by the Government; but I do not on that account think the Act to be a bad one. The Bill laid before the Council, of which a copy is annexed, did not propose to reduce the Wharfage either at the Queen's Wharf or the New Circular Wharf; but it was argued in Council, and I think justly, that, if the Wharfage rates were fixed at the New Wharf higher than they have by usage become established at the Suffrance Wharves, no persons would use the Government Wharf; and, notwithstanding the money which it has cost, and the moment which it undoubtedly is to the Town, it would remain an ornament only, and be of little use to the Public.

Should your Lordship deem it necessary or proper to advise the disallowance of the Act, the only course of proceeding for the Local Government to adopt will, I apprehend, be to let the Circular Quay on Lease, either by Public competition or private Contract; the Quay will then become virtually a private one; and the dues paid to the Government will (in addition to such rent as may be agreed on) be the same as are paid at the private Wharves. It is not indeed desirable that the Wharf should be disposed of by the sole authority of the Executive; yet I apprehend it must be, if the Act be disallowed, as I greatly doubt whether the Legislative Council will concur in passing any other Act.

As a Petition was presented to me on the 23d December last, similar to that which is now addressed to Her Majesty, I think it right to enclose a Copy of this former Petition, and also of the Answer which I caused to be returned to it.
GIPPS TO STANLEY.

I enclose also a Copy of the Harbour Regulations of Sydney, shewing what the Wharfage dues actually are under the New Act, the confusion being therein got rid of, which otherwise arises in consequence of the present rate of Wharfage at any public Wharf being declared, by the first Clause of the Act, to be two-thirds of what it was under the former Act.

I have, &c.,

[Enclosure No. 1.] GEO. GIPPS.

The humble Petition of the Undersigned persons interested in private suffrance Wharves in the City of Sydney.

To the Queen's Most Excellent Majesty.

Sheweth:

(1) That your Petitioners have vested nearly a quarter of a Million in Suffrance wharves in the City of Sydney under the sanction and with the concurrence of the Government. That, from the foundation of the Colony to the present time, the Government has had in its own hands only a Single wharf, originally called the King's wharf, which from the shallowness of the water in front of it was quite unfit for the use of vessels of even moderate draught, and that consequently all such vessels were loaded and unloaded at the private suffrance wharves of your petitioners.

(2) That, many years ago, the Governor of the Colony introduced the practice of levying a tax upon every package landed upon the private wharves, the proceeds whereof were originally perquisites of two of the Port officers, then called wharfinders, but subsequently two thirds of the Said tax were allowed to the proprietors of the wharves, the other third being reserved by the Government.

(3) That neither in its original nor in its modified form was the said tax authorised by any law or Ordinance until the Act of the said Governor and Legislative Council passed in the VIIth Year of your Majesty's Reign, further to amend the Act for the preservation of harbours in New South Wales and the Regulation of Shipping.

(4) That the Government has Selected (as by its power of disposing of land or withholding it from sale it is well enabled to do) the most advantageous position which the City of Sydney affords for the Construction of a Wharf, and in that position has constructed, by the outlay of a large Sum of public money, a spacious and commodious wharf known as the "Circular Quay."

(5) That, not content with these advantages but fearing the competition of your petitioners and with a view to protect the Circular Quay from such competition, the said Governor and Legislative Council have in the eighth year of your Majesty's Reign passed an Act intituled "An Act to make further provision for payment of Wharfage rates," by which it is among other things enacted that the wharfage rates payable to Government at the Circular Quay and King's Wharf shall be reduced to two thirds of the amount previously levied, while the payment of one third of the former and one half of the present amount upon each package demanded from your petitioners is left unaltered.
1845.
18 March.

Petition requesting disallowance of wharfage rates act.

(6) That the effect of this Act is extremely injurious to your Petitioners, inasmuch as they will be compelled by the competition of the Government to reduce their wharfage charge to two-thirds of its former amount, and to pay one half of that reduced charge to the Government by way of a protective duty to enable the Government in its capacity of wharfinger successfully to compete with your petitioners.

(7) That the duty on each package landed at Suffrancel Wharves, which your Petitioners are compelled to pay, is unknown in England, and is a circuitous, unequal and oppressive mode of collecting a Customs revenue.

(8) That, in the humble opinion of Your Petitioners it is beneath the dignity and beside the purpose of a State to embark in the business of wharfage or any other private pursuit, inasmuch as competition on the part of any Government must discourage not only that branch of industry to which it is avowedly applied, but all others to which its influence may be indirectly extended.

(9) That Your petitioners would most humbly submit that the imposition of a tax for any purpose except that of Revenue, leads to endless disputes and discontents, and that protective duties can never appear in a more objectionable form than when it is sought to protect a Government against its Subjects, or in other words to tax a trader to increase by Competition with him the proceeds of that Capital to which he as a tax payer has already been forced to contribute.

(10) That it appears to your Petitioners that the wharfage received at the Queen's wharf and Circular Quay, is taken by Government as a proprietor, while the sums drawn from the private wharfinger are a tax upon his income; and therefore that to assimilate these two payments is virtually to Confiscate the income of your Petitioners, and to place the Government in the position of proprietor of private wharves.

(11) That this Act will be very injurious to the Colony by discouraging persons from the construction of wharves, and thus rendering the landing of goods more expensive to the consumer, by the diminution in the value of the Government Land near the Circular Quay, which must ensue if persons are deterred from building bonded Warehouses by the fear of Government competition and protective taxation, and by the general distrust in the Security of investment, which must ensue if Capital to the value of about a quarter of a Million invested in a manner beneficial to the Colony under the express Suffrance and sanction of the Government shall be destroyed or greatly injured, not from any misconduct in its owners, not for the sake of any public advantage, but because the Government has a rival Establishment whose profits must not be interfered with.

(12) That Your Petitioners are well aware of the precarious tenure on which they hold their Suffrances; but they cannot conceive that Government will take advantage of this position to deprive them of the proceeds of capital, which Government by granting them a Suffrance induced them to invest; and they humbly Submit that, though all legal interests are vested, the
GIPPS TO STANLEY.

proposition is not convertible; but that, if the public for its own advantage and not on account of any misconduct deprive any one of the profits of his capital, he is to be considered as having a vested right in those profits, which cannot be justly disturbed without adequate compensation.

Your Petitioners, therefore, most humbly pray that Your Majesty will be graciously pleased by virtue of the power vested in Your Majesty by an Act passed in the fifth and Sixth year of Your Majesty's Reign to declare by order in Council Your Majesty's Royal Disapprobation of the Said Act.

And Your Petitioners as in duty bound shall ever pray,

ROBERT CAMPBELL. ADAM WILSON.
J. W. PALMER, for Alex. Fotheringham.
H. JEMMELL BROWNE.
WILLIAM C. BOTTIS (for the Australian Gaslight Company; R. Mansfield, Secretary).
J. Dalgarno.
THACKER, MASON and Co. (for the proprietors of Millers Point Wharf.)
CAMPBELL AND CO.

[Enclosure No. 2.]

Copy of Private Wharfingers' Petition, with Marginal Notes annexed to it by the Governor.

[This was a repetition of the petition in enclosure No. 1, with the following marginal notes:—]

(On paragraph No. 1.)

In this Sum of one quarter of a Million must, it is presumed, be included the cost of all the appurtenances to the wharves, Bonding Stores, etc., from which a revenue is derived independently of the wharves themselves.

(On paragraph No. 2.)

These perquisites, if they ever existed, have long been discontinued; whatever may now be taken from the owners of the wharves is carried to the public account.

(On paragraph No. 3.)

The charge was originally a voluntary one paid by the owners of the wharves in consideration of being allowed to land goods on their own premises instead of at the Government Wharf; in consideration also of the additional expense incurred by the Government in providing Custom House Officers to watch those private establishments. It is on this ground that the charge or tax is even now mainly to be justified, for, if there were no private or Suffrance wharves, an establishment of Custom House Officers would be required considerably less than what is actually employed.

The new Quay is, it is to be hoped, a good one and, having been constructed at considerable expense to the Colony, the public ought to derive some advantage from it.
This Statement is correct, and what is represented to have been
done is considered to be proper, though there is some confusion
in the Statement arising out of the manner in which the
Wharfage is said to be either two thirds, or one third of the
former wharfage, or one half of the present wharfage.

The Government has always taken a wharfage or tax on goods
landed at Suffrance wharves; and it will continue under the
recent Act to take the same wharfage, neither more nor less,
which wharfage is for instance 4d. on a Hogshead of Sugar. The
Government also many years ago took a wharfage three times as
great or 12d. on a Hogshead of Sugar, if landed at the Govern­
ment wharf. All these proportions of 4d. and 12d. were reason­
able when they were fixed, say 20 years ago, though the Course
of events has caused them no longer to be so. For many years
past little or no business has been done at the Government Wharf,
except for the Government itself, the old wharf being quite in­
sufficient for general purposes. On the opening of the new
Government Wharf, these proportions being found no longer
suitable to the times, it became necessary either to reduce the
wharfage at the Government wharf from 12d. to 8d. or to in­
crease the wharfage at the private wharves from 4d. to 6d., and
the former course was preferred.

What may have been heretofore the charges made by the pro­
prietors of private wharves to their own customers, the Govern­
ment has no positive means of ascertaining, nor what may be
their charges hereafter; but it is generally supposed that com­
petition amongst themselves has already reduced their charges
to the rates now fixed for the Government wharves. So that it
will henceforth, as far as wharfage is concerned, be a matter of
indifference to Masters of vessels whether they go to a public or
to a private wharf; the master of the vessel will in either case
pay 8d. wharfage on a Hogshead of Sugar, and in like proportion
on other articles, whether landed at one or the other wharf,
though there is this difference that in one case the private
wharfinger will out of the 8d. pay one half or 4d. to the Govern­
ment for the tax, and keep 4d. for himself, whilst in the other
case the Government will receive in a double capacity, namely as the
owner of the wharf and the receiver of the tax.

It is a payment for a privilege, and a compensation to the
public for the increased expenditure rendered necessary for the
protection of the Revenue; whether or not paid in England I
do not know.

The work was undertaken many years ago under the recom­
mandation of the Committee of the Legislative Council and with
the knowledge of the parties interested; no objection was ever
made by any of them during its progress.
GIPPS TO STANLEY.

1845.

(On paragraph No. 9.)

The Tax is one for revenue, one which has long existed in the Colony and cannot in the present State of the public revenue be without inconvenience dispensed with.

(On paragraph No. 10.)

It has been already explained that the Government takes wharfage in a double capacity at its own wharf, that is to say, both as the receiver of a rent and receiver of a tax. The private wharfinger is indeed also in the first instance the receiver of a public tax; he receives it, however, not for his own use, but in order to hand it over to the public Treasury. Whatever he may receive in the way of rent, he keeps for his own use.

(On paragraph No. 11.)

Injury to the Colony and diminution in the value of Government land are Matters which will perhaps be as well looked after by the Governor and Legislative Council as by the private wharfingers.

(On paragraph No. 11.)

There is no intention to deprive the owners of private wharves of their Sufferances so long as they conform to the Laws and regulations established for the protection of the Revenue: but they will it is apprehended have difficulties in shewing that they have any vested rights.

[Enclosure No. 3.]

[This was a copy of "A Bill to make further provision for payment of Wharfage Rates," which will be found in a volume in series IV.]

[Enclosure No. 4.]

THE Humble Petition of the undersigned Persons interested in Private Sufferance Wharves.

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.

Humbly Sheweth,

That the provisions of the 1st Section of the Bill to regulate Wharfage and Shipping, which has passed the Council and is now awaiting your Excellency's decision, are avowedly framed with the view of enabling the Government in the character of a proprietor of Wharves to compete successfully with your Petitioners, and that this object is sought to be effected by a protective duty imposed upon your Petitioners to the amount of one half of their gross receipts.

That it is beneath the dignity and beside the purpose of Government to embark in the business of Wharfage or any other private pursuit, because its competition will discourage not only that branch of industry which it affects directly but all others in which it may possibly be exerted; because taxes are paid for the protection of private persons and property, not for the discouragement of private industry; because a Government, which has the power of taxing profits, need not seek to
1845.
18 March.

Petition to
Sir G. Gipps
in protest
against
provisions
of wharfage
rates act.

make profits of its own; Because such Speculations in the
hands of Government are Seldom or never Successful; Because,
if Government possess valuable property, it is easy to obtain its
value by lease or Sale; and because, if a Government act as a
private trader, it cannot escape the Suspicion if it should resist
the temptation of imposing taxes with the view to give to its
own business a monopoly, or at any rate a decided advantage.

That the imposition of a tax for any purpose except that of
revenue leads to endless difficulties and discontents, and that the
exploded theory of protective duties can never appear in a more
objectionable form than when it is sought to protect a Govern­
ment against its Subjects; in other words, when it is sought to
tax a trader to increase by competition with him the proceeds
of that capital to which he as a taxpayer has already been forced
to contribute.

That the Wharfage received at the Queen's Wharf and Cir­
cular Quay is taken by Government as a Proprietor, while the
Sums drawn from the private Wharfinger are a tax upon his
income; and therefore that the proposal to assimilate these two
payments is a proposal to confiscate the income of your Peti­
tioners and to place the Government in the position of proprietor
of the private wharves.

That this proposition, if carried out, will be very injurious to
the Colony by discouraging persons from the construction of
wharves, and thus rendering the landing of goods more expensive
to the consumer by the diminution in the value of the Govern­
ment land near the Circular Quay, which must ensue if persons
are deterred from building Bonded Warehouses by the fear of
Government competition and protective taxation, and by the
general distrust in the Security of investments, which must ensue
if capital to the value of a quarter of a million, invested in a
manner most beneficial to the Colony under the express Suffer­
ance and Sanction of the Government, Shall be destroyed or
greatly injured, not from any misconduct in its owners, not for
the sake of any public advantage, but because the Government
has a rival Establishment whose profits must not be interfered
with.

That your Petitioners, although accused of Monopoly, are at
the same time reproached with having been driven by competi­
tion to take rates of Wharfage lower than those fixed at the
public Wharves; both of which Statements cannot be correct;
and that it Seems hard irrevocably to fix the rate of profit at
that minimum to which it has been reduced by the miseries of
the time.

That your Petitioners are well aware of the precarious tenure
on which they hold their Sufferances, but they cannot conceiv­
that Government will take advantage of this to deprive them of
the proceeds of capital which Government, by granting them a
Sufferance, induced them to invest; and they humbly Submit
that, though all legal interests are vested, the proposition is not
convertible, but that, if the public for its own advantage and not
on account of any misconduct deprive any one of the profits of
his capital, he is to be considered as having a vested right in
those profits.

That your Petitioners cordially concur in the provisions of the
original Bill submitted by your Excellency to the Legislative
GIPPS TO STANLEY.

Council, and that the above objections are directed only against the clauses introduced into the Bill by a Select Committee of the said Council.

Your Petitioners, therefore, humbly pray that your Excellency would be pleased by exercising the power of Amendment vested in your Excellency, or by such other means as to your Excellency shall seem meet, to deliver your Petitioners from the tax of wharfage of one half the gross proceeds of their wharves imposed upon them by the said Bill.

And your Petitioners, etc.

J. W. Palmer, for A. Fotheringham.
Buchanan and Co.
Campbell and Co.
Adam Wilson.
J. T. Armitage and Co.
per pro Wm. Brasnell.
William C. Betts.
Brodie and Craig.
R. T. Campbell.
W. Walker.
Lamb and Parbury.
R. Towns.
W. S. Deloitte.

For the Australian Gaslight Comp'y.
R. Mansfield, Secretary.
For the Sydney Flour Company.
Thos. C. Breillat.
Francis Clarke.
Manager H.R.S.N. Co.
For Edye Manning—
J. Taylor.
Thos. Barker and Co.
J. Dalgarno.
A. B. Smith and Co.
W. Jemmel Browne.
Thacker, Mason and Co.

[Enclosure No. 5.]

Mr. W. Elyard, Jr., to Mr. W. Campbell.

Colonial Secretary's Office.

Sir,

Sydney, 24th December, 1844.

I am directed by the Governor to acknowledge the receipt of the Petition which was yesterday presented to Him by yourself and the Gentlemen named in the Margin,* drawing His Excellency's attention to the manner in which the interests of the Proprietors of Private or Sufferance wharves in Sydney will probably be affected by a Bill recently passed by the Legislative Council for the regulation of wharfage, and praying that His Excellency will propose to the Legislative Council amendments in the said Bill, or otherwise interfere for the protection of their interests; and, referring to the conversation which then ensued, His Excellency directs me to repeat the substance of what He stated to the Deputation, and which was to the following effect, namely:—

That the Wharfage Bill had been passed by the Council after long and mature deliberation, in the course of which the Proprietors of Private wharves were heard by their Counsel; that it did not, therefore, appear to His Excellency to be probable that, were He even to propose alterations in the Bill, such as would satisfy the Proprietors of private wharves, the Council would be disposed to adopt them; that nevertheless He should consider it his duty to propose such alterations, did it appear to him that the interests of the Wharfingers were likely to be affected by the Bill in any greater degree than it was right and proper they should be affected for the public good; but that this did not seem to him to be the case; that, on the contrary, a

* Marginal note.—Mr. R. Campbell, Junr.; Mr. Betts; Mr. A. C. Browne; Mr. Thacker.
Public Wharf having been built at the Public expense, it seemed to him right and proper that the public should derive some benefit from the Work; and, lastly, that, were His Excellency to withhold Her Majesty’s assent from the Bill, He would thereby give up a considerable revenue, without in any way conferring a benefit on the Petitioners, or that, His Excellency would thereby give up a considerable revenue, without in any way conferring a benefit on the Petitioners, but rather expose them to a further reduction of their profits. Since the New Public Wharf, or Circular Quay, would then remain open to the Public without the payment of wharfage of any kind.

W. ELYARD, Junr.

[Enclosure No. 6.]

[This was the regulations for the wharves and jetties and for quarantine, which will be found in the "Votes and Proceedings" of the legislative council.]

SIR GEORGE GIPPS TO LORD STANLEY.

(My Lord, Government House, 19th March, 1845.)

In my present Despatch, I propose to explain to Your Lordship the circumstances under which I recommended that a Special License be issued to the Australian Agricultural Company to alienate 300,000 acres of the lands held by them in this Colony.

My Despatches of the 5th February, 1844, No. 34, and 22d May, 1844, No. 110, conveyed to Your Lordship all the information necessary to the completion of the Deeds, which are to give to the Australian Agricultural Company legal possession of the lands in this Colony, of which they have long been in actual possession. I have not yet received answers to these Despatches; and I refer to them principally to point out that the subject, on which I am now about to address your Lordship, is of a distinct and separate nature.

The Charter, executed on the 1st day of November in the fifth year of the Reign of King George the Fourth (1824), specifies the conditions on which the lands granted or to be granted to the Australian Agricultural Company in New South Wales are to be held; and the eighth of these Conditions is as follows;

[Here followed a copy of this "condition"; see pages 566 and 567, volume XI.]

The Resident Commissioner of the Company, Captain King, has now furnished me with a detailed Statement (Copy enclosed) of the whole Expenditure made by the Company in improvements on their lands, amounting to £75,098 15s. Id.;
and has claimed either that these improvements shall be surveyed and valued by the Surveyor General under the 8th Condition just quoted, or that a special License to alienate a portion of their lands shall be granted to them by one of Her Majesty's Principal Secretaries of State according to the second proviso annexed to the same eighth condition.

In my Despatch of the 5th February, 1844, No. 34, I draw your Lordship's attention to an alteration suggested by myself in the Deeds, which are to issue from the Crown, the alteration being to substitute the words "Executive Council" for "Legislative Council"; but, even if such a substitution be permissible, it is evident that it can be made only in the Deeds, not in the Charter; and more mature consideration has led me to doubt whether such an alteration could be in any manner justified, however clear it may be, that the words in the Charter ought to have been Executive Council and not Legislative Council.

I need scarcely point out to Your Lordship the inconvenience likely to arise, were any question relating to the Australian Agricultural Company to be brought before the present Legislative Council; and I even doubt whether, consistently with the proviso added to the 29th Clause of the 5th and 6th Vict., ch. 76, any such matter can be legally entertained by the Council; consequently I beg to submit to Your Lordship that it will be expedient to issue to the Company a special License, without requiring any valuation by the Surveyor General.

The character of Captain King, and indeed of all the Officers of the Company, forbids me to entertain a doubt of the accuracy of the Accounts furnished by them, or to suppose that any expenditure, not contemplated by the Charter, has been intentionally included in the present statement; but I nevertheless consider that the improvements on the Coal Lands at Newcastle ought not to have been included, the bargain respecting the Coal Mines being quite a distinct one from that which related to the Agricultural Lands.

The value of the improvements on these Coal Lands amounts to £14,115 1s. 4d.; and, if this be deducted from £75,098 15s. 1d., the remainder will be £60,983 13s. 0d., which amount will, at the rate of 50,000 acres for £10,000, entitle the Company to a Special License from Your Lordship to alienate 300,000 acres; and, under all the circumstances of the case, I beg leave to recommend that a special License of this nature be issued.

The two following observations are the only ones which further occur to me as necessary;
1st. It may possibly be objected that many of the improvements charged in the Statement were not permanent ones; but it does not appear by the Charter that they must of necessity be permanent improvements; according to the Charter, the expense of cultivating any portion of the land may, it seems to me, be charged, even though the Crop be taken by the Company.

2ndly. It is urged by Captain King, and I think correctly, that, as the greater part of the improvements were performed by Convict labour, the present value of them (and especially of the Dwellinghouses) is more than what they actually cost; and that, if valued by the Surveyor General, they would be set down at more than what is charged for them in the Statement.

I have, &c.,
Geo. Gipps.

[Enclosure.]

[This statement will be found in a volume in series II.]

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 25, per ship Graham.)

Sir, Downing Street, 20 March, 1845.

I have received your dispatch No. 183 of the 27th August last, in which you submit a question raised by the late alteration respecting Norfolk Island, respecting the expense of transporting from the Colony of New South Wales offenders of a class known by the name of Expirees or Convicts, who, after having become free in the Colony, have been sentenced to a fresh period of transportation.

You observe that the local Act passed in 1832, 3d Wm. 4th, No. 3, Sec. 3 and 4, directs that all persons of that description shall be transported to a Penal Settlement, and that they have accordingly been hitherto sent to Norfolk Island. You further state that, as no communication is held with Norfolk Island except by Vessels belonging to or chartered by Government, it necessarily followed that the expense of transporting Offenders to it fell on the Home Government; but that, since Norfolk Island is no longer a Penal Settlement belonging to the Government of New South Wales, doubly convicted Convicts, or at least a portion of them, will be sent to a Penal Settlement in Van Diemen's Land; and you state your opinion that such an alteration should scarcely have the effect of throwing a charge upon the Government of New South Wales, which would be altogether a new one.
This question has also been brought under my consideration by the Lords Commissioners of the Treasury, in a letter which enclosed a copy of a communication from Assistant Commissary Genl. Walker, dated New S. Wales, 24th August, 1844, with copies of a correspondence which he had had on the subject with the local Authorities.

It does not appear to me that the fact of such Convicts having been conveyed to Norfolk Island in Government Vessels created any necessity, at the time, for charging the cost of their conveyance on the Funds applicable to Convict charges, because the expense might easily have been adjusted between the Commissariat Chest and the Colonial Treasury; and, as it is a charge of a nature which clearly ought to be borne by the Colony, it will be necessary that provision should be made for that purpose from Colonial funds.

I have, &c.,
STANLEY.

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

Sir, Downing Street, 20 March, 1845.

I have received your dispatch No. 162 of the 28 July last, enclosing a Petition addressed to the Queen by certain Parties resident in New South Wales with reference to the late occurrences at Tahiti.

You will acquaint the Petitioners that I have laid their Petition before Her Majesty, who was pleased to receive it very graciously.

Her Majesty's Government have regarded with deep regret the painful and unlooked for events which have burst upon a Country, in the fate of which Great Britain has, since its first discovery* by a British Officer, taken the liveliest interest, and which interest is in no way diminished.

Her Majesty's Government will omit no favourable opportunity of extending their protecting care to those Islands and their Sovereign, and of urging on the Government of France to treat the Sovereign and Natives with justice and forbearance, and to lighten as far as possible the pressure of the Protectorate, which the Queen of Tahiti was unfortunately led, by her own apprehensions and the treachery of some of her Chiefs, to impose upon herself and her Country.

I have, &c.,
STANLEY.

* Note 35.
SIR GEORGE GIPPS TO LORD STANLEY.

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

My Lord,

Government House, 20th March, 1845.

With reference to my Despatches dated and marked as in the Margin,* I have the honour now to forward a Copy of a letter, which I have received from the Governor of Western Australia on the proposed Institution of an Order of Merit for the Australian Colonies, similar to that of St. Michael and St. George.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

GOVERNOR HUTT TO SIR GEORGE GIPPS.

Government House, Perth, Western Australia,

13th January, 1845.

Sir,

Through the kindness of Governor Grey. I have been favoured with a Copy of Your Excellency's letter to him, relative to the private Despatch from Lord Stanley, calling upon the several Governors of the Australian Colonies, after communicating with each other, to report to his Lordship their opinion of the effect likely to be produced by the establishment for the whole of the Colonies of an Order similar to that of St. Michael and St. George, instituted for the Ionian Islands and Malta with a view of enabling Her Majesty to signify by some mark of Her Royal favor Her approval of Services rendered by Civilians, either in England or in the Colonies.

I have been in possession for some time of this Despatch from His Lordship: but, owing to the extreme rarity of intercourse between this and any of the other Settlements in Australia, I have hitherto had no opportunity of addressing either Your Excellency or Governor Grey on this subject. Another reason for my delaying to notice Lord Stanley's Despatch has been that, in this Colony, there are no data to go upon to enable a person to form an accurate judgment of the probable working of the proposed measure. Not only is Society here as democratical in its structure and tendencies as that of the United States of America, but each individual even of the higher classes of the Community, with the exception of the Government Officers, is still labouring, either as a farmer or a Storekeeper, for his subsistence, and none consequently, I should conceive, are so independent in their means or so disentangled from the general mass as to desire to be thus especially distinguished from their every day associates and neighbours.

In theory, and as a matter of political expediency, I fully concur with Your Excellency in thinking it highly desirable that some such plan as the one now proposed should be adopted, whereby the wealth and respectability of the Colonies may be more closely connected with the Mother Country, and the influence of the several Local Governments increased. I also agree in the suggestions Your Excellency has offered that the Order should be a general one, extending to the whole of the Colonies, though divided into branches or divisions, one for each of the principal

* Marginal note.—Private, 4th Deer., 1844; Private, 12th Feby., 1845.
groups of Colonies, such as the North American, West Indian, Australian, etc.; and further, that the Members of the third class, or Companies of the Order, should be at least double the number of the second Class, instead of being in the proportion of three to two as in the Order of St. Michael and St. George.

I have, &c.,
JOHN HUTT.

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

Sir,
Downing Street, 22nd March, 1845.

The Forms of Return relating to Lands and Emigration, which accompanied my predecessor's Circular Despatch of the 29th May, 1841, for the purpose of being filled up and forwarded to this Country, as soon as possible after the expiration of each year, not having been received from some of the Colonies, while from others they have arrived in an incomplete state, I beg to point out the necessity of guarding against a recurrence of similar acts of omission for the future. It is important not only that these Returns should be regularly forwarded to this Department, but that they should on every occasion fully embrace all the points upon which they call for information. I avail myself of the opportunity now afforded me to transmit to you some revised Forms containing a few alterations, which circumstances have rendered necessary; and I have to desire that you will cause similar returns (made up to the 31st December in each year) to be sent home for every year subsequent to 1840, in respect of which complete Returns have not already been sent. They should be transmitted for every year as soon as practicable after its termination. In cases, however, where these Returns may not be applicable, you will not consider it necessary to send back annually the Forms in blank, as has sometimes been the case; but, after making one Return, a short statement may afterwards be forwarded in each year, shewing that such is the reason for the Returns not being made.

I have, &c.,
STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 59, per ship Herald; acknowledged by lord Stanley, 25th October, 1845.)

My Lord,
Government House, 22d March, 1845.

I have the honor to enclose herewith Copies of various papers relating to the Department of Customs in this Colony, and among them a Minute of my Executive Council, the object

1845.
20 March.
of the whole being to relieve the Collector of Customs at this Port from the effect of an order, by which he has been directed to pay out of his own funds a sum amounting to £189 9s. to Mr. Peter Stewart, formerly first Clerk, and now second Clerk in the Customs House at Sydney; and I beg leave to join in the unanimous recommendation of my Executive Council that the Collector (Lieut. Colonel Gibbes) may be relieved from the effect of this order, and that whatever sum may be considered justly due to Mr. Peter Stewart, may be paid out of the Revenue of Customs under the 36th Clause of the 5th and 6th Vict., ch. 76, as explained by the 7th and 8th Vict., ch. 72.

I will endeavour to explain, as briefly as possible, the circumstances of this case.

In my Despatch No. 301 of the 5th October, 1841, I reported that a new first Clerk of the Customs had arrived from England, though the former first Clerk had not been removed or otherwise disposed of. It has since appeared that it was the intention of the Board of Customs that the former first Clerk (Mr. Stewart) should, after the arrival of the new first Clerk (Mr. Ring), fall into the place of second Clerk; but this, in the absence of any instruction from the Board, he refused to do; and the Collector consequently allowed him to be absent from the Office, and perform no duty whatever (receiving at the same time no salary) for ten months; and it is the amount of his salary for these ten months, at the rate of £250 per annum, that the Collector of Customs has been ordered to pay out of his private funds.

The whole merits of the case seem to me to be involved in the question, whether or not the Collector was culpable in not understanding the intentions of the Board in respect to the disposal of Mr. Stewart; and I feel bound, in justice to an Officer serving under my Government, to state that in my opinion he was not culpable in failing to understand, from the information before him, that Mr. Stewart was to fall into the Office of second Clerk. The Collector brought the case before me at the time when it occurred; and, after a full consideration of it, I told the Collector that I could not understand any more than he could, what was to become of Mr. Stewart, though it seemed probably to be the intention of the Board to superannuate him or remove him; and that, as Mr. Stewart had voluntarily withdrawn from the Office, I thought it unnecessary for the Collector to do more than report the whole circumstances of the case to the Board of Customs.
There are, however, further circumstances in the case which, at the risk even of being tedious, I must explain, since I think they will clear up a point which may not at present be understood by the Commissioners of Customs.

The insufficiency of the Salaries of the Clerks in the Customs was represented by Sir Richard Bourke in a Despatch to Lord Glenelg, dated the 28th Sept., 1837; but his representation produced no effect. The same subject was again brought forward and in stronger manner by myself in a Despatch of the 20th October, 1840, No. 162, which must have been received in England in February, or at latest in March, 1841; and, on the 17th April following, an Order was issued by the Commissioners of Customs, increasing the Salaries of the Clerks, not exactly in the manner or to the extent which I had recommended, but so as to give, on the average, an addition of about £50 per annum to each clerk. The conclusion drawn both by the Collector at Sydney and by myself was that these increased salaries were sanctioned in consequence of my Despatch, and that the increase was intended for the benefit of the Clerks actually serving at the time when my Despatch was written; but, from an attentive re-perusal of the papers which were transmitted to me with Your Lordship's Despatch No. 108 of the 19th May, 1842, I now perceive that the increased Salaries must have been determined on before my Despatch had been communicated to the Commissioners of Customs, that the so called "revised Establishment" was intended not for the benefit of the Clerks actually serving at Sydney, but chiefly, if not solely, for the benefit of Mr. Ring, who was at that time transferred from Galway to Sydney; and that, in reality, my Despatch of the 20th October, 1840, produced as little effect in England as my Predecessor's Despatch of the 28th Sept., 1837.

I trust that these few facts alone will be sufficient to satisfy your Lordship that the Collector of Customs, in failing to understand the intentions of the Commissioners of Customs, did not commit an offence which should subject him to the heavy fine of £189 9s. I have, &c.,

Geo. Gipps.

[Enclosures.]

[Copies of these papers are not available.]

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Lord Stanley to Sir George Gipps.

(A circular despatch, per ship Graham.)

Sir, Downing Street, 25th March, 1845.

I transmit to you herewith for your own information, and that of the Judges and others whom it may concern in the
Transmission of order of judicial committee of privy council

Colony under your Government, the Copy of an Order made by the Judicial Committee of the Privy Council, in pursuance of the provisions of an Act passed in the last Session of the Imperial Parliament, directing that, in all future Appeals from the judgment of any Colonial Court to the Privy Council, the reasons, given by the Judges of such Court or by any of them, for or against such judgment, shall be by them communicated in writing to the Registrar of the Court, and transmitted by him in original to the Clerk of the Council (7 and 8 Vict., ch. 69).

Order for submission of reasons for judgment by judges in cases of appeal to privy council.

Order by Judicial Committee of Privy Council.

At the Council Chambers, Whitehall, the 12th of February, 1845.

By the Judicial Committee of The Privy Council.

Whereas by an Act, passed in the 8th year of Her Majesty's reign, intituled, "An Act for amending an Act, passed in the fourth year of the Reign of His late Majesty, entitled, "An Act for the better administration of Justice in His Majesty's Privy Council," and to extend its jurisdiction and powers," it was enacted that it should be lawful for the Judicial Committee of the Privy Council to make any general rule or Regulation to be binding upon all Courts in the Colonies and other foreign Settlements of the Crown, requiring the Judges' notes of the evidence taken before such Court on any cause appealed, and of the reasons given by the Judges of such Court, or by any of them for or against the Judgment pronounced by such Court, which Notes of Evidence and Reasons should by such Court be transmitted to the Clerk of the Privy Council within one Calendar month next after the leave given by such Court to prosecute any Appeal to Her Majesty in Council, and such order of the said Committee should be binding upon all Judges of such Courts in the Colonies or Foreign Settlements of the Crown. Now, therefore, the Lords of the said Judicial Committee of the Privy Council are pleased to order, as it is hereby ordered, that, when any Appeal shall be prosecuted from any Judgment of any Court in the Colonies or Foreign Settlements of the Crown, the reasons given by the Judges of such Court or by any of such Judges for or against such Judgment, shall be by the Judge or Judges of such Court communicated in writing to the Registrar of such Court, or other Officer whose duty it is to prepare and certify the transcript Record of the proceedings in the Cause, and that the same be by him transmitted in original to the Clerk of Her Majesty's Privy Council at the same time when the documents and proceedings proper, to be laid before Her Majesty in Council upon the hearing of the Appeal, are transmitted.

Whereof the Judges of all such Courts in the Colonies or Foreign Settlements of the Crown are to take notice and govern themselves accordingly.

C. GUNN.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 62, per ship Herald; acknowledged by lord Stanley, 26th September, 1845.)

My Lord,

Government House, 26th March, 1845.

With your Lordship's Despatch No. 62 of the 24th September, 1845, I had the honor to receive Instructions from the Lords of Expenditure, addressed to myself and to the Treasurer of this Colony, for the expenditure of the sums granted to Her Majesty by the Schedules A, B and C, appended to the Act for the Government of the Colony of New South Wales, 5th and 6th Vict., ch. 76.

In the second paragraph of the Instructions addressed to the Treasurer, the following passage occurs:

"You are to make out in triplicate an Annual Account to include your four Quarterly Accounts to 31st December in each year; one Copy of this Account is to be retained by you, one Copy is to be forwarded to Her Majesty's Secretary of State for the Colonies, and the original account is to be delivered to the Auditor General for the purpose of being examined and certified by him to the Commissioners for Auditing the Public Accounts in England, so soon as an Account in detail of every part of expenditure, comprised in the Schedules A, B and C, shall have been laid before the Legislative Council, as required by the 38th Section of the Act."

In pursuance of these Instructions, I have the honor to forward the Annual Account for the year 1844, made up by the Treasurer; but I have to remark that, as this Account is made up only to the 31st Decr., it does not include the whole expenditure for the year, but only so much of it as was actually expended on the 31st Decr., 1844, and that consequently many payments on account of the year 1844 will be included in the Annual Statement of 1845. I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this account is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 63, per ship Herald; acknowledged by lord Stanley, 23rd September, 1845.)

My Lord,

Government House, 27th March, 1845.

I have had the honor to receive Your Lordship's Despatch No. 148 of the 11th October, 1844, informing me that an advance of £3,000 has been made to Mr. Barnard on account...
of this Colony by order of the Lords of the Treasury, and directing me to repay this sum into the Military Chest; and I have the honor to report that the sum of £3,000 was accordingly paid to Mr. Deputy Commissary General Ramsay on the 25th instant.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 27th March, 1845.

With reference to my Despatch of this day's date, No. 63, reporting the repayment into the Commissariat Chest of £3,000, I beg leave to state that I have no knowledge of the services for which the advance of £3,000 was required by Mr. Barnard in August, 1844, and that consequently some difficulty is felt in making up the Accounts of the expenditure of the Colony to be laid before the Legislative Council; and I further beg to request that Mr. Barnard may be instructed, on every occasion when he may obtain an advance from the Lords of the Treasury, to report to the Colonial Secretary of New South Wales, not only the fact of his having obtained the advance, but also to state the services for which he has obtained it, whether Emigration, or ordinary Colonial Services; and in the event of its being for the latter, that a few of the principal payments which he has to meet may be specified.

I am sorry to have to add that, in making up the Accounts of 1844 for the Legislative Council, further inconvenience is felt at the present moment in consequence of no accounts of expenditure having been received from Mr. Barnard later than the 31st March, 1844.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 29th March, 1845.

By Your Lordship's Despatch, No. 140 of the 24th September, 1844, I was authorized to issue 267 Conditional Pardons, which had previously been sent home for approval with my Despatch No. 16 of the 16th January, 1844.

Among these conditional Pardons was one for a Prisoner named in the Margin,* but, as he was subsequently to my recommendation convicted of harbouring a Bushranger (or

* Marginal note.—John Dixon, or Nixon. Convicted in the City of Dublin, 7th Oct., 1826. Sentence "Life."
Prisoner illegally at large), and his Ticket of Leave cancelled for the offence, I should have thought it right to suspend the issue of his Pardon, had there been in Your Lordship's Despatch any passage authorizing me to do so, such as is contained in the Despatch of the 8th Novr., 1843, No. 168.

By the 2d Clause of the 6th Vict., ch. 7, a Governor is authorized to issue Pardons "pursuant to such instructions as may be sent to him by the Secretary of State"; consequently, if, by the instructions of the Secretary of State, the issue of a Pardon be made conditional on the continued good conduct of the person to be pardoned, the pardon may, I apprehend, be withheld, if his conduct has been bad; but I find nothing in the Act to authorize the withholding of a Pardon, if there be no such instruction from the Secretary of State.

In my Despatch of the 13th April, 1841, No. 93, I ventured to point out how desirable it was that a Governor should have the power of withholding a Pardon from a person, who might have misbehaved between the date of the transmission to England of a recommendation in his favour and the receipt in the Colony of an authority for his Pardon; and I now beg leave to bring this matter again under consideration, and to suggest that, in all ordinary cases, the same discretion may be given to the Governor, as that which is contained in your Lordship's Despatches Nos. 85 and 168 of the 7th June and 8th November, 1843.

GEO. GIPPS.

Sir GEORGE GIPPS TO LORD STANLEY.

Government House, 31st March, 1845.

I forward herewith a Copy of a letter addressed to me by Mr. Duguid, a Settler in this Colony, on the subject of the Tussac Grass of the Falkland Islands; and I beg to suggest to Your Lordship that, if the seed of the Tussac Grass can now be obtained in England, Mr. Barnard may be instructed to forward a few pounds of it to this Colony.

I have, &c,

GEO. GIPPS.

MR. L. DUGUID TO COLONIAL SECRETARY THOMSON.

Cook's River, 24th March, 1845.

I do myself the honor to bring under the notice of His Excellency the Governor the annexed paragraph respecting the Tussac grass of the Falkland Islands, *believing that His Excellency would be conferring a boon on the Colony by making* application to the Right Honorable the Secretary of State, that some of the seed of that grass should be sent to this Government.
1845.
31 March.
Proposal to introduce tussac grass.

In addition to the qualities this grass is stated to possess, I have every reason to believe that it thrives luxuriantly on salt water swamps, and that it is highly nutritious to Stock. I, therefore, consider it likely to enhance the value of many parts of this Colony, and do not hesitate to draw His Excellency's attention to the subject.

I have, &c.,
LESSIE DUGUID.

[Sub-enclosure.]

EXTRACT.

"Tussac grass. We understand the Secretary of the Highland and Agricultural Society of Scotland has received a Despatch from Lord Stanley, presenting to the Society a parcel of Seed for the Tussac grass of the Falkland Islands. This grass has lately induced considerable interest; and, as it grows luxuriantly on light sandy soils and stands the winter well, it has been thought it may be introduced with great advantage in the Western Highlands and Islands of Scotland. A parcel has been sent to this country through the Governor of the Falkland Islands, a portion of which the Society has purchased. It will immediately be in the hands of Mr. Lawson, the Society's Seedsman, for members connected with those districts, for which it is more particularly suited."—"Courant."

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 67. per ship Herald.)

My Lord,

Government House, 1st April, 1845.

On the 30th December last, I had the honor to receive Your Lordship's Despatch of the 23d August, 1844 (not numbered), enclosing a Copy of a letter, which had been addressed to Your Lordship by Mr. Benjamin Holdgate, of Motham in Longdendale, Cheshire, seeking information respecting a person named John Winterbottom, and I have in reply to inform Your Lordship that, in consequence of Advertisements which I caused to be issued, a person calling himself John Winterbottom appeared yesterday at the Office of the Secretary to this Government, and gave the following account of himself.

That he arrived in Sydney by the Ship "Waterloo" in the year 1832, with his Wife who is since dead; that his Wife's maiden name was Rosannah Spencer; and that he married her at Manchester in the year 1821; that he has two Children now alive, born in the years 1829 and 1831, and respectively named John and Margaret; that before leaving England he lived at Motham in Longdendale, Cheshire, and was there known to Mr. Joe Sidebottom and Mr. John Lee.

For the last three years he has been employed as a Shepherd at Bathurst, and was previously in Sydney and at the Hunter; he has not received any letter from home during the last five years, though he has written three letters to Henry Worrist, to the care of John Lee, making enquiry respecting the property
which he is aware was left to him by his Mother, who died about five years ago; his Mother's name before she married, was Ann Nicholas, and she was living, when he left England, at Motham.

He further states that Mr. Holdgate married his Sister; also, that he has never gone by any other name than that of John Winterbottom, and has been known under that name to the following persons in this Colony, by all of whom he has been employed:—

Captain Biddulph and Mr. E. C. Close, of Maitland, and Mr. Tindall, of Bathurst.

These particulars will I hope enable the parties in England interested in the matter to determine, whether he be or be not an impostor.

I have, &c.,

GEO. GIPPS.

——

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 29, per ship George; acknowledged by Sir George Gipps, 21st September, 1845.)

Sir,

Downing Street, 7 April, 1845.

In compliance with the request contained in Your Despatch No. 207 of the 17th September last, I have to convey to you my authority for issuing letters of Denization, under the local Act of the Colony, 9 Geo. 4, No. 6, to Mr. Henry Winiberg, a native of Poland and now residing as a landed proprietor in New South Wales.

I have, &c.,

STANLEY.

——

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 30, per ship George.)

Sir,

Downing Street, 7 April, 1845.

With reference to my Dispatch No. 167 of the 30th of November last, wherein I forwarded to you Copies of the correspondence which had taken place between this Department and the Board of Treasury, relative to the enquiry you had been directed to institute into the state of the Customs Department at Port Phillip, I now transmit, for your information and guidance, the Copy of a further letter, which, by the desire of the Lords Commissioners of the Treasury, has been addressed to my Under Secretary, stating the arrangements which their Lordships have decided to adopt in order to place the Establishment above referred to on an efficient footing,
and containing a scale of Salaries, which it has been deter-
mined to assign to the various officers, on the separation of
Port Phillip, in respect of its Customs Establishment, from
Sydney, and its constitution henceforth as a Separate Port
and District.

I have, &c.,

STANLEY.

[Enclosure.]

MR. E. CARDWELL TO UNDER SECRETARY STEPHEN.

Sir,
Treasury Chambers, 24th March, 1845.

With further reference to the letter from this Board of the
22nd October last, on the subject of the Customs Department at
Port Phillip in New South Wales, I am commanded by the Lords
Commissioners of Her Majesty’s Treasury to acquaint you, for
the information of Lord Stanley, that my Lords have had under
consideration the arrangements that should be made for placing
the Establishment at that Port on an efficient footing with
reference to the Trade carried on and the Revenue accruing
there.

Adverting to the great distance of Melbourne from Sydney
and to its increasing trade, it has appeared to be advisable that,
as regards the Customs Establishment, Port Phillip should no
longer remain a Branch Port to Sydney, but should be constituted
a separate Port and District, and that the Collector at Melbourne
should communicate direct with the Colonial Government and
Authorities, and with the Commissioners of Customs in this
Country, without the intervention of the Collector at Sydney,
and that the following scale of Establishment for this Collector-
ship should be authorised, viz.:—

<table>
<thead>
<tr>
<th>Office</th>
<th>Annual Salary</th>
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<tbody>
<tr>
<td>Collector and Jerquer</td>
<td>£500</td>
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<tr>
<td>1st Clerk</td>
<td>250</td>
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<td>2nd do</td>
<td>200</td>
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<tr>
<td>3rd do</td>
<td>150</td>
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<tr>
<td>Landing Surveyor</td>
<td>350</td>
</tr>
<tr>
<td>1st Landing Waifer</td>
<td>250</td>
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<tr>
<td>2nd do</td>
<td>200</td>
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<tr>
<td>Warehouse Keeper</td>
<td>200</td>
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<td>1st Weigher</td>
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<td>2nd do</td>
<td>60</td>
</tr>
<tr>
<td>1st Landing Waifer and Tide Surveyor at Williams-town</td>
<td>200</td>
</tr>
<tr>
<td>2nd Do. at Do.</td>
<td>200</td>
</tr>
<tr>
<td>Coast Waifer and Tide Surveyor at Geelong</td>
<td>150</td>
</tr>
<tr>
<td>Sub Collector at Portland Bay</td>
<td>250</td>
</tr>
<tr>
<td>Coast Waifer at Port Fairy</td>
<td>125</td>
</tr>
<tr>
<td>Sub Collector at Port Albert</td>
<td>200</td>
</tr>
</tbody>
</table>

With respect to the office of Collector, I am directed to request
that you will observe to Lord Stanley that provision has been
made for the temporary performance of the duties of it, until the
investigation of the proceedings and conduct of Mr. Webb can be
completed; but my Lords have directed the requisite Warrants
to be issued for filling the other offices by confirmation of the
present holders of them or other appointments.
GIPPS TO STANLEY.

My Lords regret that, in so doing, the regulations in regard to age of admission to the Customs Service have prevented them marking their sense of Mr. Butterworth's good conduct, while acting as Coast Waiter at Geelong, by appointing him permanently to that Office.

My Lords have thought it necessary, with a view to uphold the character of the Department, to discontinue the employment of Messrs. J. Power, F. Perry, and W. H. Bohn, who are represented to have taken the benefit of the local Insolvent Act, the latter being also over age, and they have likewise seen reason to discontinue the employment of Messrs. H. G. Bennett, J. Macnamara, and F. C. Strachan.

I am further directed to request that you will state to Lord Stanley that, although the new arrangements, it has become necessary to make the proper transaction of the business of the Customs Department at Port Phillip, will unavoidably increase the charge for the regular Establishment, this increase will be countermandled to some extent by the discontinuance in a great degree, if not entirely, of the expense, it has hitherto been necessary to incur for Tide waiters, and that you will also inform His Lordship that my Lords have not placed the Boat men on the Establishment, as it is their intention that Boats Crews should only be employed with the express sanction of the Superintendent of the District, and that their wages and allowances, as well as the other incidental charges of the Department, should be regulated and defrayed under the Superintendent's authority and by his warrant.

I am, &c.,
EDW. CARDWELL.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch* per ship George.)

Sir, Downing Street, 7 April, 1845.

I have received from Mr. Willmington of Broolee Co., St. Vincent, New S. Wales, a letter dated the 31st of October, 1844, relative to a Petition, signed by various persons resident in the Colony, and addressed to The Queen and the two Houses of Parliament, on the subject of the disposal of the Waste Lands of the Crown in New South Wales. 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 am, &c.,
STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 69, per ship Herald.)

My Lord, Government House, 7th April, 1845.

It is with great regret that I transmit to Your Lordship Copies of a Despatch and other documents, which I received

* Note 36.
early on the morning of the 4th instant from the Governor of New Zealand, conveying to me the details of an attack by the Natives on the Settlement of Kororarika, otherwise called Russell, in the Bay of Islands, which ended in the defeat of the Settlers, and the evacuation and subsequent destruction of the Settlement.

Immediately on the receipt of this disastrous intelligence, I determined, with the advice of my Executive Council and the concurrence of the Lieut. General Commanding Her Majesty's Troops in the Australian Colonies, to despatch to New Zealand the remainder of the 58th Regiment, of which 200 men had already been sent thither in Her Majesty's ship "North Star" and the Schooner Velocity, as reported in my Despatch No. 54 of the 14th ultimo; and the remainder of the Regiment, with the exception of some small detachments which cannot immediately be called in, and one at Norfolk Island, will accordingly embark and sail for New Zealand with the least possible delay; the strength of the party to be immediately embarked is stated in the Margin.*

Governor Fitzroy's Despatch is dated the 20th March, on which day the "North Star" had not arrived at Auckland; but I am in possession of a letter from Captain Sir Everard Home, dated the 24th March, by which I learn that the "North Star" arrived at Auckland early on the morning of the 23rd after a very favourable passage of 12 days, she having sailed from Sydney on the 11th of the same month, the very day on which the unfortunate occurrence took place at the Bay of Islands.

From this statement of dates, it will be seen that, had the Troops which were sent by the "North Star" been despatched from Sydney 14 or 15 days earlier, they might by possibility have arrived at Auckland by the 6th or 7th of March, and have been forwarded from Auckland to the Bay of Islands, so as to have arrived at the latter place in time to have prevented the unfortunate issue of the contest which took place on the 11th.

For these reasons I think it necessary to request your Lordship's attention to the first paragraph of Governor Fitzroy's application of the 21st January, received by me on the 11th February, and which was in the following words:

"It has again become my very painful duty to request that Your Excellency will afford this struggling Colony such Military and Naval assistance, as it may be in your power to send or obtain.

* Marginal note.—1 Field Officer; 3 Captains; 4 Subalterns; 248 Rank and File; 256.
STANLEY TO GIPPS.

"I do not now write in great haste, nor am I constrained to urge such immediate measures as were thought absolutely necessary last July; but I rely confidently on such speedy arrangements being made by Your Excellency, as may be consistent with due deliberation and necessary preparations."

These words will suffice, I think, to shew that, though the Governor of New Zealand was urgent in his application for Troops, there was nothing in it leading me to suppose that they were very immediately required.

Tenders for the conveyance of the Troops were consequently called for in the usual manner; the Advertisements appeared in the "Sydney Morning Herald" of the 14th February; and on the 18th (being 7 days after the receipt of Governor Fitzroy's Despatch) the Tenders were received and opened, of which a Schedule is enclosed.

These Tenders were considered to be and undoubtedly were exorbitant; and I concurred with the Commander of the Forces in thinking that the exigency of the case was not such as to justify the acceptance of any of them, especially as the "North Star" was daily expected to arrive from Van Diemen's Land. Other tenders were called for, to be opened on the 24th February, but none were received. Directions were then given to the Deputy Commissary General to make if possible a private agreement for the conveyance of the Troops to New Zealand; but, before any was effected, the "North Star" arrived namely on the 3d March, and she sailed again with the Troops on the 11th.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[A copy of governor Fitz Roy's despatch, dated 20th March, 1845, and further papers, will be found in a volume in series III.]

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 31, per ship George.)

Sir,

Downing Street, 9 April, 1845.

In reply to your Dispatch of the 14th of October last, No. 226, enclosing a further letter addressed to me by Mr. Arkins, Clerk of the Bench at Hartley, in which he prays that the appointment of Superintendent of Agriculture, now vacant at Norfolk Island, may be conferred upon him, I have to request that you would inform that gentleman that I am unable to accede to his application.

I have, &c.,

STANLEY.
1845, 9 April.

Arrival of ship Sir George Seymour with "exiles" at Geelong.

Expectations re future behaviour of "exiles."

Farm labourers and shepherds most required.

Necessity for sending females to Port Phillip.

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SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 70, per ship Herald.)

My Lord,

Government House, 9th April, 1845.

With reference to my Despatch No. 37 of the 19th ultimo on the subject of the Exiles then expected to arrive by the ship "Sir George Seymour," I have the honor to report that the "Sir George Seymour," having on board 174 Exiles, arrived at Geelong in the Harbour of Port Phillip on the 17th ultimo, and that, according to the latest accounts received from Mr. La Trobe, there remained of them only 19 disengaged on the 30th ultimo (March).*

No report of misconduct on the part of any of the Exiles has reached me but I cannot be quite free from apprehending that, when they become better acquainted, than they can be supposed at present to be, with the nature of the Colony, their own position in it, and the extent to which they are free agents, many of them may be dissatisfied with the engagements which they have entered into, and that they may flock into the Towns, there to add to the number of persons above the condition of common labourers, who are still out of employment and I would venture on this head to remind Your Lordship that Shepherds and farm labourers are the persons most wanted in New South Wales.

On the subject of the present demand for labour in the Port Phillip District, I transmit a Copy of a letter from Mr. La Trobe, received on the 4th instant; and, in so doing, I beg to refer to my Despatch of the 28th February last, No. 46, and its enclosures, wherein was urged in the strongest manner the propriety of sending Females to Port Phillip.

I shall transmit to your Lordship further reports respecting the distribution and employment of the Exiles, as soon as I receive them from Mr. La Trobe. I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter, dated 27th March, 1845, will be found in a volume in series III.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 71, per ship Herald.)

My Lord,

Government House, 9th April, 1845.

The unexpected detention of the ship "Herald" enables me to report to Your Lordship that the Brigantine "Bee" sailed this morning for Port Nicholson (or Wellington) in

* Marginal note.—One man was left behind in England, and another (sick) at Hobart Town; and of the 174 who arrived at Geelong, one is reported to have since committed suicide.
New Zealand, having on board One Captain, One Subaltern, and 53 Rank and file of the 58th Regiment; also that the “Slaus Castle” of 400 Tons (old measurement) will sail tomorrow for Auckland with 1 Field Officer, 2 Captains, 3 Subalterns, 204 Rank and file (including Sergeants and Staff) of the same Regiment.

The Military Force in New Zealand will then exceed 650 men, as detailed in the margin.*

The only two Ships of War on this station, the “North Star” and the “Hazard,” are at New Zealand. I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 72, per ship Ann Carr: acknowledged by Lord Stanley, 5th December, 1845.)

My Lord, Government House, 10th April, 1844.

I am sorry to have to apply to Your Lordship on a matter, not of much importance in itself, but of some vexation to this Government.

In December, 1842, Her Majesty's Surveying Vessel “Beagle” was in Port Phillip, and there incurred a charge for Pilotage of £9 15s.

Captain Stokes, instead of drawing a Bill on the Admiralty, simply gave to the Pilot a Certificate that he had safely piloted the Vessel into Port Phillip, and of this Certificate he gave neither Duplicate nor Triplicate.

The Pilot, being unable to obtain any value for the Certificate, applied to the Local Government; and, after some delay, I caused, in June, 1843, the amount above mentioned (£9 15s.) to be paid out of the Revenue of the Colony, and through Mr. Barnard asked for repayment from the Admiralty.

This simple transaction has led to a voluminous correspondence between this Government, the Local Administration of Port Phillip, the Deputy Commissary General, the Agent of the Colony (Mr. Barnard), and Mr. Briggs of the Admiralty; and, by a letter from the latter gentleman, dated the 26th November, 1844, I now learn that the money cannot be paid without the production of the Original Certificate from Captain Stokes, of which, as already stated, neither duplicate nor triplicate was given.

* Marginal note.—2 Field Officers, 6 Captains, 11 Subalterns, 635 Rank and File (including Staff and Sergeants); 654.
I enclose herewith the Certificate in question; and, as whatever irregularity may have occurred in the matter is chargeable solely on the Commander of the Vessel, and not on any person belonging to or connected with this Government, I venture to express a hope that, through Your Lordship’s interference, the money may be paid without further delay to Mr. Barnard.

I have, &c.,
GEO. GIPPS.

12 April.
Despatch acknowledged re failure to establish monthly mail packet to England.

Monthly mail from Sydney to connect with Indian mail.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 32, per ship George.)

Sir, Downing Street, 12 April, 1845.

I have received your Dispatch No. 185 of the 29th of August last, in which you report that you had been unable to effect the establishment of a Monthly Return Packet from New South Wales to this Country.

I communicated that Despatch to the Lords Commissioners of the Treasury, and I now transmit to you, for your information and guidance, a Copy of a letter from the Assistant Secretary to the Board, with Copies of communications from the Secretary to the Admiralty and the Post Master General, shewing the arrangement which had been entered into with the Contractors for establishing a monthly communication from Sydney in connection with the Indian Mail.

I have, &c.,
STANLEY.

[Enclosure.]

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

Sir, Treasury Chambers, 17th March, 1845.

Having laid before the Lords Commissioners of Her Majesty’s Treasury your letter dated 4th Instant respecting the inability of the Governor of New South Wales to effect the establishment of a Monthly return packet.

I am commanded by their Lordships to transmit herewith, for the information of Lord Stanley, copies of the following papers, viz.: Letters from the Admiralty with enclosures, dated 18th November, 1844, respecting the proposed modifications in Messrs. Toulin’s contract for carrying the Australian Mails, and letters from the Postmaster General, dated 16th December, 1844, on the same subject, which will place his Lordship in possession of the arrangements which their Lordships have sanctioned for the purpose of conveying Her Majesty’s Mails to and from Sydney.

I am, &c.,
C. E. TREVELYAN.
SIR JOHN BAAiow TO SIB GEORGE CLEARK. 12 ApriL

Admiralty, 18th November, 1844.

I am commanded by my Lords Commissioners of the Admiralty to transmit a copy of a letter from Messrs. Toulmin, the Contractors for the conveyance of the Australian Mails, requesting certain modifications in the mode of carrying on their contract.

I am, &c.,

JOHN BAAiow.

MESSRS. H. AND C. Toulmin TO SECRETARY OF THE ADMIRALTY.

31 Great St. Helens, 15 Nov, 1844.

With reference to the Contract, dated 10th Oct., 1843, entered into between the Admiralty and ourselves for the monthly conveyance of H.M. Mails from hence to Sydney, wherein we engage to give three months notice to expire in February, 1845, whether we intend to continue in the same, we have respectfully to request that you will represent to their Lordships that, in communicating with Sydney to arrange for the conveyance of the Mails from thence to this Country, many difficulties have arisen, which we did not anticipate, and which with the depressed and almost Bankrupt state of the Colony will, if we undertake the homeward Contract in its present form, make us incur a responsibility, from which we should not shrink had we the affair under our own Contract; but, as it necessarily must be left to others there to conduct in the way we should require it to be done, viz., to the spirit and letter, we beg to express the hope that the following alterations and additions, or as near to them as their Lordships may think proper, will be granted.

That we may be allowed to transmit the Mails and Despatches to either Ceylon, Madras or Calcutta (or Singapore after the 1st January, 1846) to meet the Overland Mail, provided we are unable to arrange for sending them direct from Sydney, and that our delivering to the Post Master at either of those Ports respectively may be deemed a performance of our Contract.

That we may have the power (in case of need) of forwarding the Mails by a Vessel of 200 tons measurement instead of 250 as applying to the homeward Mails, the trade of the Port of Sydney being very limited as compared with this, and Vessels of the larger size might not always be obtainable.

Also that we may have the option of terminating so much of the Contract as relates to the Homeward Mail Service at the expiration of eighteen months from its commencement at Sydney, or at any subsequent period during its continuance, on giving six months previous notice of such intention. Having been permitted a similar indulgence on this side where the difficulties to be contended with are of considerably less importance, We trust this proposition may not be deemed unreasonable or objectionable.

Having reference to the foregoing, we are prepared to carry on the contract to the extent originally contemplated, that is to say, out and home, the homeward service commencing on the 1st day of April next ensuing, or at such date as may be agreed upon between our Agents and the Postmaster at Sydney.

We have, &c.,

HENRY AND CAaEERT TOOlMIN.

LORD LONSDALE TO LORDS COMMISSIONERS OF TREASURY.

My Lords,

I have the honor to return the accompanying communications from the Approval of Admiralty, which have been referred to me by Your Lordships, and I beg to observe proposed alterations. United Kingdom and Sydney, New South Wales, are entitled to some indulgence on account of the very low terms on which they have undertaken the service. I am moreover of opinion that, if the new line of Mail communication between Suez and Calcutta should come into operation at the commencement of next year (as I have understood was intended), so far from being an objection to landing the Mails from Sydney at Ceylon, Madras or Calcutta, very considerable benefit will be derived by the acceleration which will be given to the Correspondence.

The same will apply to Singapore, should the contemplated Mail Line be established from Calcutta to China; and, under these circumstances, so far as I am enabled to form an opinion, I would beg to recommend that the offer of Messrs. Toulmin should be accepted by the Admiralty.

With respect to the notice proposed to be given by the Contractors in the event of their desiring to discontinue the Service, the period named in their Letter appears to me reasonable.

I have, &c.,

LONSDALE.
SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 74, per ship Ann Carr.)

My Lord,

Government House, 12th April, 1845.

With reference to my Despatch No. 47 of the 2d ultimo, and previous correspondence on the subject of Port Essington, I beg to report that I caused the following supplies to be sent to that Settlement by the Schooner "Heroine," which sailed from Sydney on the 30th ultimo for Singapore, with the intention of touching at Port Essington:—Biscuit, 30,183 lb.; Sugar, 3,136 lb.; Tea, 457 lb.; Chocolate, 994 lb.; Lime Juice, 396 lb.; Vinegar, 109 Gallons; Porter, 144 Bottles; and a Medicine Chest.

In my Despatch No. 88 of the 25th April, 1844, I stated that Porter for use I had sent some hogsheads of Porter for the use of the persons at Port Essington, who had been attacked by intermittent fever; and it was in consequence of the good effects produced by it having been reported to me by Captain McArthur, that I caused a small additional quantity to be sent by the "Heroine."

The Medicine Chest was sent in consequence of my never having received the one mentioned in a letter from Vice Admiral Sir William Parker, of which I enclose a Copy.

I have, &c.,

[Enclosure.]

Geo. Gipps.

[A copy of this letter is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 75, per ship Ann Carr; acknowledged by lord Stanley, 15th November, 1845.)

My Lord,

Government House, 14th April, 1845.

According to the directions contained in Your Lordship's Dispatch, not numbered, of the 23d October, 1844, I have called on Captain Sheaffe, late of the 50th Regiment, for a copy...
of the communication which he addressed to Your Lordship on the 13th May in the same year; and I have accordingly received a Copy of his letter which I enclose herewith.

My Despatches to Lord Glenelg and Lord Normanby of the 1st April and 1st November, 1839, Nos. 62 and 142, will fully explain the nature of Capt. Sheaffe’s case. He did not send in his application to retire from the Army until the month of December, 1840, nearly two years after the issue of the Notice by which the upset price of Land was raised (in January, 1839) from 5s. to 12s.; and he consequently was not entitled to select Land at 5s. per acre. He purchased, on the 14th April, 1841, 200 acres of Land at 20s. per acre; but, as this was at least a year and a half before the passing of the Lands Act, 5th and 6th Vict., ch. 36, the price of 20s. was of course an accidental one, and was entirely unconnected with that Act. There were indeed quantities of land put up at 12s. per acre, at the very sale at which he purchased at 20s.

Of the two Officers who are stated by Captain Sheaffe to have retired from the 50th Regiment about the same time that he did, one, namely Major Montgomery, like Capt. Sheaffe, purchased at Auction though he paid only 12s. an acre instead of 20s. The other, Capt. Briggs, having sent in his first application to retire on half pay in July, 1838, was entitled (see my Despatch No. 62 of the 1st April, 1839) to select Land at 5s. per acre; whereas, Capt. Sheaffe was not entitled to do so, not having, as above stated, sent in his papers until December, 1840.

The case of Capt. Briggs was brought specially before the Executive Council on the 9th July, 1839, and his claim to Land under the Regulations of 1834 was admitted.

Major Montgomery’s Papers were forwarded from Sydney to the Horse Guards on the 13th November, 1840; and he purchased at Auction on the 9th December following 640 acres of land at 12s. per acre, receiving a remission in the purchase money of £300.

I have, &c.

[Enclosure.] GEO. GIPPS.

[A copy of this letter is not available.]

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 36, per ship George; acknowledged by Sir George Gipps, 17th October, 1845.)

15 April, 1845.

Sir,

With reference to my dispatch No. 68 of the 8th of April, 1842, I transmit to you herewith a copy of a letter from...
the Assistant Secretary to the Board of Admiralty; and I have to request that you will make any practicable arrangement, which may be most convenient to the Naval Service, for continuing the "Prince George" Cutter in that service, for the purpose of completing the Survey of Torres Straits, on the understanding that the charge of maintaining that Vessel shall be borne exclusively by the Board of Admiralty.

I have, &c.,

STANLEY.

[Enclosure.]

STANLEY.

MR. W. B. HAMILTON TO UNDER SECRETARY HOPE.

Sir, Admiralty, 1 April, 1845.

Captain Blackwood, of Her Majesty's Sloop "Fly," now employed in company with the "Bramble" in a survey of Torres Strait, having reported to My Lords Commissioners of the Admiralty that the Government of New South Wales had lent to him the services of the "Prince George" Cutter, without which, he states, the Service could hardly have been executed, and it having been necessary to allow the "Fly" to return to England and to continue the "Bramble" on the above service; I am commanded by their Lordships to request that Lord Stanley will direct the Colonial Government of New South Wales to lend the "Prince George" Cutter to Lieutenant Yule of the "Bramble" for this Service.

I am, &c.

W. B. HAMILTON.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 34, per ship George.)

Sir, Downing Street, 16 April, 1845.

I have to acknowledge the receipt of your Dispatch and its enclosures No. 188 of the 1st of September last, reporting on the question how far the Government of New South Wales would be responsible for the recovery of sums payable for the treatment of free persons or assigned Convicts, as well as free paupers admitted into Convict Hospitals in the Colony.

I approve of the measures, you have adopted in reference to the admission of Colonial Paupers into these Hospitals, so far as regards the reduction of the daily rate of charge for them, and the periodical revision of that rate.

With regard to the admission of other patients at a higher rate of contribution, the arrangement would, I think, be in many respects objectionable; and provided means can be devised of preventing the introduction of any undue number of patients by the authority and upon the responsibility of the Local Government, at the lowest rate fixed for Paupers, you are authorized to carry into effect the measures contemplated by you for the abolition of the 3s. rate, and for discontinuing the admission to the hospitals of free persons except by order and at the charge of the Colonial Government.

I have, &c.,

STANLEY.
GIPPS TO STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 35, per ship George.)

17 April, 1845.

I have to acknowledge the receipt of your despatch, No. 203 of the 13th September, reporting the appointment made by you of Mr. John Lamb to be a non-elective Member of the Legislative Council of the Colony under your Government in the room of Mr. Robert Lowe, who has vacated his seat in the said Council; and I herewith transmit to you a Warrant under Her Majesty's Sign Manual, counter signed by myself, ratifying and confirming the appointment of Mr. Lamb.

I have, &c.,

[Enclosure.]

WARRANT OF APPOINTMENT.

[The first two paragraphs were in the usual form; see page 183.]

And whereas you, as such Governor as aforesaid, in pursuance of that delegation, did appoint provisionally, and until our pleasure should be known, Robert Lowe, Esquire, to be one of the Non-elective Members of the said Council, which appointment on the Eleventh day of May, One thousand eight hundred and forty-four, We did by a certain Additional Instruction of that date confirm. And whereas you, as the Governor of the said Colony have, subsequently to the receipt by you of the said additional Instruction, in pursuance of such delegated authority as aforesaid, appointed John Lamb, Esquire, to be a Non-elective Member of the said Council in the room of the said Robert Lowe, who has vacated his seat in the said Council. Now Therefore, in pursuance of the said recited Act and in exercise of the powers thereby vested in Us, We do by this Our Warrant under Our Sign Manual, countersigned by one of Our Principal Secretaries of State, ratify and confirm the said appointment, and do declare Our pleasure to be that the said John Lamb shall be one of the Non-elective Members of Our said Legislative Council. Given at our Court at Buckingham Palace, this Fourteenth day of April, 1845, in the eighth year of Our Reign.

By Her Majesty's Command,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch marked "Private," per ship Ann Carr.)

Government House, 17th April, 1845.

I have had the honor to receive Your Lordship's letter marked "Private," of the 25th November, 1844, recommending to my notice Mr. Thomas Digby Miller, and stating that his friends in England are apprehensive that, in consequence of the reductions which have taken place in this Colony, he may
1845.
17 April.
Appointment of T. D. Miller to be continued.

18 April.

Leave of absence granted to R. Williams.

18 April.

Sir George Gipps to Lord Stanley.
(Despatch No. 77, per ship Ann Carr.)

My Lord,

Government House, 18th April, 1845.

I have the honor to report to Your Lordship that, with the advice of my Executive Council, I have granted Leave of Absence for eighteen months to Mr. Richard Williams, Senior Tide Waiter in the Department of the Customs at Sydney, to enable him to return to England, Mr. Williams having lost the use of one eye, and being apprehensive of the loss of the other. I enclose a Copy of the minute of the Executive Council made in the case of Mr. Williams, by which Your Lordship will perceive that he is to receive during his absence such Salary only (or other allowance) as may be consistent with the usage of the Customs Department.

Mr. Williams’ Salary is £150 per annum; and his case will be reported by the Collector at Sydney to the Commissioners of Customs in London.

I have, &c,

Geo. Gipps.

[Enclosure.]

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

Lord Stanley to Sir George Gipps.
(Despatch per ship George; acknowledged by Sir George Gipps.
2nd October, 1845.)

Sir,

Downing Street, 21 April, 1845.

I transmit to you herewith a Copy of a Letter from the person described in the margin,* containing an application for information relative to James McKnight, who is stated to have been transported from the Colony under your Government; and I have to request that you will transmit to me such information as you may be able to obtain on the subject of the inquiry.

I have, &c,

Stanley.

* Marginal note.—Mrs. McKnight, 5th April, 1845.
GIPPS TO STANLEY.

[Enclosure.]

To the Right Honorable the Secretary of State for the Colonies.

Humble Petition of Elizabeth McKnight of Collon,
Co. Louth, Ireland.

To the humble Petition of Elizabeth McKnight of Collon,
Co. Louth, Ireland.

That Petitioner had a son named James McKnight, who enlisted about 12 years ago in the 80th Regt., and went with that Corps to Australia; whence he wrote to her that he had been exchanged from the above Corps to the Mounted Police. But, not having heard from him for several years, she was advised to apply to the War Office for information respecting him. The reply from that Office informed her that her son had been transported about six years ago for what they called a Civil Offence, and, should any further communication be necessary on that subject, she must apply to the Secretary of State's Office for the Colonial Department.

Petitioner most humbly begs that your Excellency will please to direct that she may be informed if her son is still living and of his situation. And, as in duty bound, the Poor widow will ever pray.

ELIZABETH MCKNIGHT.

Please direct to the care of:—Mr. Moses Campbell, Rathbran, Collon, Co. Louth.

5th April, 1845.

LORD STANLEY TO SIR GEORGE GIPPS.

(A circular despatch, per ship George.)

Sir, Downing Street, 22d April, 1845.

I transmit to you herewith amended Regulations on the subject of Passages to be granted at the Public Expense to Governors and Clergymen proceeding to the Colonies, and I have to desire that you will cause the enclosed printed Leaves to be inserted in the Book of Rules and Regulations* for the Colonial Service, and to be substituted for those which now bear the corresponding numbers.

I am, &c.,

STANLEY.

[Enclosure.]

[These rules will be found in the book of colonial regulations.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 79, per ship Ann Caff.)

My Lord, Government House, 23d April, 1845.

Agreeably to the directions contained in Your Lordship's Despatch of the 5th August, 1844 (not numbered), I have endeavoured to obtain the information desired by Mr. Woodward respecting a Mr. Blaxton or Blackston, who is supposed to

* Note 37.
1845.
23 April.
to have emigrated to New South Wales about the year 1814, and to have held some official situation in the Colony; and I regret to say that I can trace nothing whatever of any such person. I have, &c.

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 37, per ship George.)

24 April.
Stores for convict department.

SIR,
Downing Street, 24 April, 1845.

With reference to the Demand of Stores for the service of the several Convict Departments in New South Wales for the year ending the 31st March, 1846, which accompanied your Despatch No. 209 of the 19th of September last, I have now to inform you that the Lords of the Treasury have apprized me that the Board of Ordnance have been requested to cause the articles therein specified to be procured and forwarded to the Colony. I have, &c,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 38, per ship George; acknowledged by Sir George Gipps, 11th September, 1845.)

25 April.
Approval of appointment of A. Gamack.

SIR,
Downing Street, 25 April, 1845.

I have to acknowledge the receipt of your Dispatch No. 208 of the 18th of September last, reporting that, on the recommendation of the chief of the Medical Department, you had promoted the Senior Assistant Surgeon, Mr. Gamack, to the office of Colonial Surgeon in charge of the Convict Hospital in Sydney, which had become vacant in consequence of the death of Mr. Patrick Harnett; and I have to signify to you my approval of this Appointment. I have, &c.

STANLEY.
LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 40, per ship George.)

Sir,
Downing Street, 25 April, 1845.

I have received your dispatch No. 201 of the 11th of Sept. last, in which you advert to an instruction of Lord Ripon, No. 8 of the 30th July, 1831, respecting the insolvency of Public Officers, and you point out that the directions in that dispatch are not that Officers, who became Insolvent, but that those who take the benefit of the Insolvent Act, are to be removed from Office. You represent that the effect of that distinction has been, in numerous instances, to protect Officers from appearing in the Insolvent Court, long after they have become Insolvent, and that several Officers may be supposed to have escaped Insolvency in consequence of the knowledge, which their Creditors possess, that, if they pass through the Insolvent Court, they would lose their situations, and thus be prevented from assigning any portion of their property in liquidation of their debts.

On referring to Lord Ripon's Instruction, I understand it to have been there contemplated to make Bankruptcy or Insolvency, when actually adjudicated, a disqualification for Office, because Insolvency, when not so ascertained, is a most vague and indefinite criterion; and I do not perceive how any other rule could now be substituted. The fact that a man is insolvent, that is, that he owes more than he has the means of paying, is a fact which nothing but a Judicial enquiry can clear up; for the mere circumstance that a person does not pay what he owes, or rather what he is said to owe, does not of necessity establish his inability to make that payment, nor even does it prove his want of integrity.

It appears to me, therefore, that the rule already prescribed is the only one which can be safely adhered to.

I have, &c,

STANLEY.
I received with regret your report of the death of Sir James Dowling, caused, as it appears to have been in a great degree, by an assiduous attention to the duties of his Office. I have also considered the conflicting claims to that appointment of various parties both in the Colony and in this Country.

Adhering, as I do, to the principle laid down by Lord Glenelg's dispatch of the 29th March, 1836, with reference to the appointment of Sir James Dowling, that the succession to the Office of Chief Justice, in the event of a vacancy, is not to be considered, as a matter of course, as attached to Seniority on the Bench, and that Her M.'s Government are not only free, but are bound to pass over either or both of the Judges, if the interest of the public Service should appear to demand such a measure; still, in the present instance I can perceive no reason for setting aside the provisional appointment which you had made in favour of Mr. Alfred Stephen, the Senior Puisne Judge. Mr. Willis must still be considered as holding his position on the Bench at New South Wales, pending the decision of his appeal to the Privy Council, and Mr. Dickinson will stand as Second Puisne Judge.

With every respect for Mr. Plunkett's services and abilities, I cannot admit, in reference to Colonial Service, the principle on which, in this Country, any vacant Judicial situation is usually tendered for the acceptance of the Attorney General; and, in the present instance, I am inclined to adopt the opinion expressed by the Executive Council as to the relative claims for promotion of Mr. Stephen and Mr. Plunkett. You will however offer to the latter gentleman the appointment of third Puisne Judge, although I had been led to suppose from him, while in this Country, that such an Appointment would not have been accepted by him, on which account I thought that time would have been unnecessarily lost, had I referred to him on the occasion of the vacancy caused by the removal of Mr. Justice Burton.

In the event of Mr. Plunkett declining that Office, you are authorised to offer it to Mr. Therry. If Mr. Plunkett should accept the Judgeship, Mr. Therry will succeed him as Attorney-General. Mr. A'Beckett will then have his option of succeeding to the permanent Office of Commissioner of the Court of Government, and reporting the Appointments, which you had provisionally made in consequence of the leave of absence and the subsequent death of the Chief Justice of New South Wales.

1845. 30 April.

Regret at death of Sir J. Dowling.

Principle for succession to office of chief justice.

Approval of appointment of A. Stephen.

Denial of principle for succession of attorney-general as chief justice.

Offer of puisne judgeship to J. H. Plunkett.

Appointments offered to R. Therry and W. a'Beckett.
Requests, or to the Provisional Judgeship, the final confirmation in which would of course depend on the issue of Mr. Willis' appeal. I have felt bound to regard the long services of Mr. Therry, and the high testimony borne in his favour on repeated occasions, as giving him a preferable claim to Mr. A'Beckett to advancement in the Judicial Establishment of Your Government.

Mr. Manning will be confirmed in the Office of Solicitor-General.

The necessary Instructions will be sent out to the Colony, confirming Mr. Stephen and Mr. Manning in their Appointments.

The result of these arrangements will be to leave vacant either the Acting Puisne Judgeship, or the Commissionership of the Court of Requests.

I shall select some Gentleman in this Country to proceed to the Colony, to fill whichever of these appointments may not be accepted by Mr. A'Beckett; and I shall give you the earliest intimation of the name of the Gentleman whom I may select for that purpose.

I have, &c.

[Enclosure.]

[\textit{A copy of this document is not available.}]
HISTORICAL RECORDS OF AUSTRALIA.

1845.
2 May.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 83, per ship Ann Carr.)

My Lord,
Government House, 2d May, 1845.

Having made the enquiries directed in Your Lordship's Despatch No. 137 of the 14th Septr., 1844, respecting a Mr. Richard Humphrey, I have the honor to enclose herewith a Copy of a letter from the Commissioner of Crown Lands in the Lachlan District of this Colony, by which it appears that any letter, addressed to Mr. Richard Humphrey, Post Office, Goulburn, New South Wales, will reach him.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this letter is not available.]

3 May.

APPROVAL OF LEAVE OF ABSENCE GRANTED TO H. D. KEMP.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 42, per ship William Mitcalfe.)

Sir,
Downing Street, 3 May, 1845.

I have received your dispatch No. 288 of the 1st of Novr. last, reporting that you had granted leave of absence for a period of 18 months to Mr. Kemp, Deputy Postmaster at Melbourne.

I approve of the leave of absence granted in this case; and I do not perceive any valid reason for the doubt entertained by the Executive Council with respect to the Grant of half Salary to Mr. Kemp, during his absence, provided that no additional expense is involved thereby.

I have, &c.,

STANLEY.

4 May.

TRANSMISSION OF PETITION FOR FREE WAREHOUSING PORT AT GEELONG.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 84, per ship Ann Carr; acknowledged by right hon. W. E. Gladstone, 24 December, 1845.)

My Lord,
Government House, 4th May, 1845.

I have the honor to forward herewith a Petition, which has been addressed to Her Most Gracious Majesty by certain Inhabitants of the Town of Geelong and District of Grant, in the Port Phillip Division of this Colony, praying that the Port of Geelong may "be erected into a Warehousing Port."

Respecting the claim of Geelong to be made a free Warehousing Port, I beg to refer to my Despatch No. 247 of the 27th November, 1844.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this petition will be found in a volume in series III.]
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 85, per ship Ann Carr.)

My Lord, Government House, 6th May, 1845.

On the receipt of your Lordship’s Despatch of the 30th September, 1844, No. 141, I caused enquiry to be made respecting the person of the name of John Gilders, to which it referred; and, failing to obtain any information respecting him, I caused a Copy of Your Lordship’s Despatch to be forwarded to the Government of Van Diemen’s Land; and I herewith enclose a Copy of the Answer which has been returned to my communication, and by which I learn that information respecting John Gilders will be forwarded to Your Lordship by Sir Eardley Wilmot.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

COLONIAL SECRETARY BICHENO TO COLONIAL SECRETARY THOMSON.
Van Diemen’s Land, Colonial Secretary’s Office, 16th April, 1845.

I have the honor to acknowledge the receipt of your letter of the 2d instant requesting information respecting John Gilders, a Settler in this Colony, who died some years ago from a Spear wound inflicted by the Aborigines; and, in reply I am to inform you that every information that could be obtained respecting him will be transmitted to the Right Honorable the Secretary of State by the first opportunity, Sir Eardley Wilmot having been honored by the receipt of a Despatch from His Lordship of a similar nature to the one, copy of which was enclosed in your letter.

I have, &c.,
J. E. BICHENO.

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

My Lord, Government House, 8th May, 1845.

Herewith I have the honor to forward the Blue Book for the year ended the 31st December, 1844, with the Report which, according to Your Lordship’s Despatch No. 101 of the 5th May, 1842, should accompany it.

I regret extremely that I have not been able to forward this Book and the Report on it earlier; but I assure your Lordship that the delay has been inevitable.

I have, &c.,
GEO. GIPPS.

[Enclosure No. 1.]

[This was the “blue book.”]
REPORT to accompany the Blue Book of the Colony for the year ended the 31st December, 1844.

1. Taxes, Duties, etc., Pages 1 to 16.

The only alterations, which have been made in the Duties of Customs since the passing of the Act of Parliament, 9th Geo. IV., C. 83 (in the year 1827), were effected by a local Ordinance passed in 1840 (4th Vict., No. 11), by which the Duties on Imported Spirits and the ad valorem duties on goods of foreign growth or manufacture were raised to their present amount.

By successive Acts of Council, passed in the years 1839, 1840 and 1841, the Duty on Spirits distilled in the Colony was gradually raised to the same amount as that which is payable on Rum from the West Indies, namely, 9s. per gallon.

The Amount of ad valorem duties in the year ending the 30th September, 1841, was £48,365 7 8
In that ending the 30th September, 1842 ... 35,330 11 11
In that ending the 30th September, 1843 ... 26,919 17 10
In that ending the 30th September, 1844 ... 12,654 9 7

The reduction being wholly occasioned by the diminution of our Imports, unless indeed some portion of it may be owing to the increase of smuggling.

The amount of Duty on Spirits Imported, was in 1842 £149,510 17 9
in 1843 114,533 1 3
and in 1844 95,923 16 8

The amount of Duty on Spirits Distilled in the Colony
was in 1842 £5,155 6 0
1843 13,947 5 0
1844 13,121 11 0

The Duty on Tobacco
was in 1842 £51,617 0 11
1843 44,125 0 3
1844 43,300 6 3

There has been, therefore, a decrease in the produce of all the duties, as indeed there has been in the whole Revenue of the Colony, in the year 1844, as compared with 1843, though, by improperly including as Revenue money which has been raised by Loan, a different result is apparently arrived at in page 72 of the Blue Book.

The Wharfage and Harbour Duties have continued to fall off; collectively, they were

In 1842 ... £31,438 5 9
1843 7,679 5 1
1844 4,260 8 7

but the decrease in 1844 has been in great part occasioned by the passing of the Act of Council 7th Vict., No. 12 (8. 14), which reduced the Harbour dues.

2. Fees of Office. Pages 17 to 40.

The fees of Office form a considerable source of Revenue in New South Wales, though their amount is greatly fallen off since 1842.

In 1842 it was £34,040 4 10
1843 31,987 17 0
1844 19,069 10 5

In the year 1839, however, the Amount was less than in 1844.

*Marginal note.—3d Vict., No. 9; 4th Vict., No. 16; 5th Vict., No. 16.
GIPPS TO STANLEY.

Of these Fees, a large proportion is raised in the Courts of Justice; and they have been affected not only by the decrease of business in the Courts, but also by reductions made in the fees by the Judges, a matter which was noticed in my Despatch No. 143 of the 12th July, 1844.

The fees taken in the different branches of the Supreme Court in Sydney amounted in 1842 to £14,460 15 7
1843 .............................. 11,825 9 9
1844 only to ........................... 7,652 12 8

3 and 4. Revenue and Expenditure, and comparative yearly Statement of the same, Pages 41 to 100.

The following Table shews the Ordinary Revenue and Expenditure of the Colony, from the year 1838 to the year 1843, both inclusive, but without reckoning the Land Fund or the charges on it.

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
<th>Excess in Expenditure over Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
<td>£211,988 19 5</td>
<td>£323,766 12 0</td>
<td>£111,778 12 7</td>
</tr>
<tr>
<td>1839</td>
<td>250,740 5 5</td>
<td>346,241 17 9</td>
<td>95,491 12 4</td>
</tr>
<tr>
<td>1840</td>
<td>335,084 9 0</td>
<td>331,775 18 10</td>
<td>3,309 10 0</td>
</tr>
<tr>
<td>1841</td>
<td>405,592 8 2</td>
<td>350,507 8 6</td>
<td>55,085 19 8</td>
</tr>
<tr>
<td>1842</td>
<td>414,136 8 2</td>
<td>339,062 12 5</td>
<td>75,074 16 9</td>
</tr>
<tr>
<td>1843</td>
<td>340,134 12 9</td>
<td>317,067 15 5</td>
<td>22,466 17 4</td>
</tr>
</tbody>
</table>

In the above Table, the entire Revenue of the Colony is included, except what is derived from the Sale of Land, which Revenue is separately accounted for under the name of the Land Fund; and in the Expenditure are included the whole expenses of the Colony, except those which are expressly chargeable on the Land Fund—namely:
1. The expense of the Survey and Sale of Land;
2. Expense incurred in protecting and civilising the Aborigines;
3. Immigration.

In these years, there being then no debt on the Crown Revenue, it was usual to consider all the branches of it, except the Land Fund, applicable to the ordinary expenses of Government; but, a debt having since been incurred, to the payment of which the whole of the Crown Revenue is pledged, I have no longer felt myself at liberty to follow the plan which I adopted when there was no debt, and previously to the passing of the Constitutional Act of the Colony, which has established a new System of Finance.

In all future Accounts, I shall, therefore, unless otherwise directed to the contrary by the Lords of the Treasury, follow in the strictest manner the injunctions contained in the Constitutional Act itself.
In my report on the Blue Book for 1842, a Table was given, shewing that, between the 1st January, 1832, and the 30th June, 1842, the sum of £251,241 was expended on Immigration, being upwards of 87½ per cent. on the total amount realised within the same time by the Sale of Land. I regret to say that, since the 30th June, 1842, very small sums, comparatively speaking, have been realised from the Sale of Land—in the year ending the 30th September, 1843, only £12,141 7 9 and in 1844 £7,402 18 6.

These sums have been quite insufficient to meet the expense of the management of the Crown Lands, including those of Survey and Sale; and for this reason alone, if for no other, it would be no longer possible to allow the produce of the Quit Rents and minor branches of the Crown Revenue to be considered, as formerly, applicable to the ordinary expenses of the Government.

The utmost exertions have been used of late years to keep the ordinary expenses of the Government within the ordinary Revenue, exclusive altogether of any portion of the Crown Revenue; and with what degree of success will be seen by the following Statement.

The Ordinary Revenue and Ordinary Expenditure, in each of the years that I have administered this Government, if made out strictly according to the financial system established by the 5th and 6th Vict., ch. 76, would stand thus: the ordinary Revenue being exclusive altogether of the Crown Revenue, the ordinary Expenditure altogether exclusive of those items of expenditure, namely, Management of Crown Lands, including Survey and Sale, Aborigines, and Immigration.

<table>
<thead>
<tr>
<th>Years</th>
<th>Ordinary Revenue exclusive altogether of Crown Revenue</th>
<th>Ordinary Expenditure exclusive altogether of Charges on the Crown Revenue namely, management including Survey &amp; Sale of Land, Aborigines, and Immigration</th>
<th>Excess in Expenditure over Revenue</th>
<th>Excess in Revenue over Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
<td>£202,579 18 7</td>
<td>£323,786 12 0</td>
<td>£121,156 13 5</td>
<td></td>
</tr>
<tr>
<td>1839</td>
<td>£244,777 13 5</td>
<td>£346,241 17 9</td>
<td>£101,464 5 4</td>
<td></td>
</tr>
<tr>
<td>1840</td>
<td>£314,800 7 2</td>
<td>£331,775 18 10</td>
<td>£16,975 11 8</td>
<td></td>
</tr>
<tr>
<td>1841</td>
<td>£375,577 10 1</td>
<td>£350,507 8 6</td>
<td></td>
<td>£25,070 1 7</td>
</tr>
<tr>
<td>1842</td>
<td>£372,185 0 6</td>
<td>£339,022 12</td>
<td></td>
<td>£33,162 7 7</td>
</tr>
<tr>
<td>1843</td>
<td>£296,884 15 10</td>
<td>£317,667 15 5</td>
<td></td>
<td>£18,833 8 11</td>
</tr>
<tr>
<td>1844</td>
<td>£206,724 19 5</td>
<td>£237,891 10 6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N.B.—The only difference between this Table and the Table last given is that in this Table no portion whatever of Crown Revenue is included; whereas in the former Table the Crown Revenue is included, with the exception of the produce of Land Sales.

This statement sufficiently shews that it is quite possible to conduct the Finances of the Colony on the principle laid down in the Constitutional Act. 1843 and 1844 were years of unusual depression; and, in the expenditure of them, moreover, were included sums amounting to £25,250, which are advances on account of the New Barracks, hereafter to be repaid.
The minor branches* of the Crown Revenue have produced as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840</td>
<td>£20,284</td>
<td>10</td>
</tr>
<tr>
<td>1841</td>
<td>28,014</td>
<td>18 1</td>
</tr>
<tr>
<td>1842</td>
<td>41,971</td>
<td>8 5</td>
</tr>
<tr>
<td>1843</td>
<td>43,249</td>
<td>16 11</td>
</tr>
<tr>
<td>1844</td>
<td>36,825</td>
<td>7 2</td>
</tr>
</tbody>
</table>

including in the last two years the Casual Revenue of the Crown, which was in former years credited to the General Revenue.

The total amount of Revenue is made by the Blue Book to have been for the year ending the 31st December, 1844, £477,162 13s. 4d.; but this is evidently fallacious, as monies are credited in page 54, which do not form Revenue, to the amount of £21,317 16s. The real Revenue of the year, as stated by the Auditor General in the Accounts to be laid before the Legislative Council, was £290,585 13s. 11d., exclusive of money raised by the issue of Debentures.

The Expenditure of the year would appear by the Blue Book to have been £406,656 15s. 3d.; but there is also the sum of £60,354 18s. 6d. charged as “Advances” in page 57, and other sums elsewhere, which are not, properly speaking, Expenditure.

The total Expenditure, according to the same Returns by the Auditor General, was £335,429 12s. 4d.; including £73,164 6s. 7d. for Emigration.

To judge of the comparative expenditure of 1843 and 1844, it will be better to take a few examples of different Departments or Services.

The chief decrease is to be found in the following Departments or Services, including Port Phillip. Decrease, or less in 1844 than in 1843.

- Surveyor General's Department £7,478 13 1
- Police 17,191 9 11
- Gaols 2,798 6 8
- Post Office 3,428 9 2
- Public Worship 2,370 16 6

The Services on which an increased expenditure has in­curred are very few, being only,

- The Legislative Council £1,503 10 9
- Schools 1,678 19 11

5. Commissariat, or expenses defrayed out of the Military Chest. Commissariat expenditure.

The expenses on account of Convict Services have further de­creased; they were in the year ended the 30th Sept.,

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>£87,992</td>
<td>10 3</td>
</tr>
<tr>
<td>1843</td>
<td>68,403</td>
<td>4 9</td>
</tr>
<tr>
<td>and in 1844</td>
<td>54,437</td>
<td>1 0</td>
</tr>
</tbody>
</table>

The number of Convicts in the Colony is returned as 19,175; but of them upwards of 13,000 hold Tickets of Leave.


*Marginal note—Quit rents, Depasturing Licenses, etc.; they are in fact no longer the minor, but rather the chief branches at present of the Crown Revenue.
from the Government, amounting to £11,604 9s. 2d. The amount raised by assessment, and included in the above, was £6,785 11s. 10d.

In Melbourne also rates were levied to the amount of £1,486 6s. 11d., the total revenue, exclusive of aid from the Government, having been £2,323 0s. 8d.


The amount of Expenditure on account of Military protection was in the year 1841 £99,762 5s. 3d.
1842 £102,987 6s. 4d.
1843 £92,333 18s. 1d.
1844 £90,350 18s. 6d.

The latter Expenditure is, however, exclusive of New Zealand.

8. Public Works. Pages 133 to 142.

The sum expended on Public Works was
in 1843 £52,130 15s. 1d.
in 1844, only £36,719 7s. 2d.

The decrease is principally in the Port Phillip District.

9. Legislation. Pages 143 to 150.

For the Acts of Council passed in the Sessions of 1843 and 1844, I must refer to my Despatches, dated and numbered as follows: 24th February, 1843, No. 34; 17th April, 1843, No. 53; 14th December, 1843, No. 205; 1st January, 1844, No. 1; 1st January, 1844, No. 2; 1st January, 1844, No. 3; 1st March, 1844, No. 5; 9th July, No. 138; 31st December, No. 266; 1st January, 1845, No. 1; 5th January, 1845, No. 7; 5th February, 1845, No. 28; 18th March, No. 57.

10. Legislative Council. Pages 151 to 155.

The names of the Members composing the New Legislative Council will be found at pages 153 to 155. My Despatches of the following numbers and dates explain many circumstances connected with the Election of the Elective Members, and the nomination of those who are non-elective: Nos. 112, 18th July, 1843; 113, 18th July, 1843; 153, 10th November, 1843; 159, 27th July, 1844; 205, 13th September, 1844; 210, 20th September, 1844.

11. Civil Establishment. Pages 157 to 342.

The List of Civil Officers contains 671 names, being 46 less than 1843.

Extensive reductions in numerous Departments of Government have been made in the course of 1844, the extent of which may be judged of by the fact that, setting aside altogether the Service of Immigration, the gross expenditure of 1844 was less than that of 1843 by the sum of £67,770 16s. 5d.


A question has been before the Executive Council respecting the security which two Officers appointed to the Supreme Court ought to give, namely, the Master in Equity and the Prothonotary; and the Council recommended that each should give security to the amount of £2,000. They have, however, each demurred to this, alleging that, when appointed in England,
they were not informed that Security would be required from them, and that in this Country it is quite impossible for them to find Securities. This matter was brought under the notice of the Secretary of State by my Despatch No. 67 of the 20th March, 1844.


No new Pension has been granted in 1844; and the Pension List has been reduced £200 by the death of Mrs. King. Its present amount is only £1,050, exclusive of some small Pensions payable out of the Military Chest, amounting to £70 19s. In my Despatches of the 1st July and 9th November, 1844. Nos. 132 and 241, I, however, recommended the granting of Pensions to the Widows of the two Chief Justices, Sir Francis Forbes and Sir James Dowling.


No observation seems necessary under this head.


No observation seems necessary under this head.


The Table at page 373 shews an estimated increase in the Population during the year of 9,572 souls, bringing the Population up to 173,377, exclusive of Norfolk Island, which no longer belongs to this Colony.

It is remarkable, however, that, whilst there has been this increase by Births and Immigration, there has been, as there also was in 1843, a decrease in the Adult population, both Male and Female, which can only, I imagine, be explained by the dying off of Convicts. The Adult Males in the Colony are still in number more than double the Females.

17. Ecclesiastical Return. Pages 375 to 394.

The number of Clergymen, of all denominations, receiving Salaries from the Government, was by the Blue Book of 1842, 94; 1843, 103; and that of 1844, 104. No alterations of importance have occurred in respect to the Religious Establishments of the Colony during the year; but an important question remains to be decided, respecting the division of the sum of £30,000, secured by Schedule C of the 5th and 6th Vict., ch. 76, for the support of Public Worship.

This subject is now under the consideration of the Executive Council, agreeably to instructions contained in Lord Stanley’s Dispatch, No. 124 of the 24th August, 1844.

18. Education. Pages 395 to 407.

No system of General Education for the lower Classes has yet been established; the attempt made in 1837 to introduce the Irish, and subsequently in 1839 the British and Foreign system, not having proved successful.

At present the public Schools for Children of the lower Classes are for the most part under the management of the Clergy of the different denominations, assistance being rendered to all equally by the Government, under Regulations dated the 24th September, 1841, of which a Printed Copy is annexed.
These Regulations were issued in order to stop a practice, which greatly prevailed in the years 1840 and 1841 (especially in the Presbyterian Schools), of charging the Public with half the expense of educating the Children of persons in a condition of life, not such as to require eleemosynary assistance.

On the subject of Education. I would refer to the statements attached to my Financial Minutes of the years 1839, 1840 and 1841, respectively laid before the Legislative Council on the 23rd July, 1839, the 29th July, 1840, and the 6th July, 1841, particularly the latter which fully exposes the abuses to which I have alluded.

I also beg to refer to my Despatch No. 24 of the 1st February, 1845, in which I reported the proceedings in respect to public Education which took place in the Session of 1844 in the Legislative Council.

There are three Establishments for Orphans, or Destitute Children, maintained entirely at the expense of the Government, one for Male, and one for Female Protestant Children, and a third for Roman Catholics of both sexes.

There is also a School for the Children of Convicts in the Female Factory at Parramatta.

For Children of the higher Classes, there is no deficiency of places of Education.

Of the Schools which may be called public ones, the Sydney College (erroneously called a College) is the best. The King's School at Parramatta, founded on the principle of a Grammar School in England, has, I regret to say, fallen into disrepute, the Master (a Clergyman of the Church of England) having become Insolvent. The Australian College, founded by Dr. Lang on the model of the Scotch Schools of the higher class, continues also in disrepute, and has almost ceased to exist, notwithstanding some efforts recently made to restore it.

Of the Private Schools, many deserve to be mentioned with commendation, particularly that of Mr. Cape in Sydney, and of Mr. Woolls at Parramatta.

Of the Ladies' School there are also some which maintain a high character.

The Recapitulation of private schools at page 406, if compared with that of the Blue Book for 1843, shews an increase in the year of 17 Schools, and of 114 Male, 205 Female Scholars.

The number of public Schools is increased by 21, and the number of Scholars by 862 Male, 1,784 Female.

The total number of Schools in the Colony was, in 1842, 257; 1843, 306; 1844, 355.

The number of Scholars was in

<table>
<thead>
<tr>
<th>Year</th>
<th>Males</th>
<th>Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>6,196</td>
<td>4,978</td>
<td>11,174</td>
</tr>
<tr>
<td>1843</td>
<td>6,700</td>
<td>5,359</td>
<td>12,059</td>
</tr>
<tr>
<td>1844</td>
<td>7,857</td>
<td>6,615</td>
<td>14,472</td>
</tr>
</tbody>
</table>

which, out of a population of 173,377 in the present year, gives rather less than one in every twelve.
19. Exchanges, Monies, etc. Pages 409 to 421.

The Monies and Weights in New South Wales are the same as in England.

Exchange on England does not usually vary more than it is presumed to do in other Colonies. Good Bills, however, were during the latter part of 1844 at the unusual discount of six per cent.; they generally bear a premium of from one to four per cent.

Since 1842, a sad revulsion has taken place in the Banking Banks. affairs of New South Wales and all the evils been fearfully realized, which I foresaw as likely to arise out of the extent to which the business of Banking had been carried on in the Colony. Two Banks at Sydney ceased to do business in 1843, and one at Port Phillip; see my Despatches of the 31st March and 6th May, 1843, Nos. 40 and 64.

The affairs of the Bank of Australia are still unsettled (see my Despatches Nos. 1 and 2 of the 1st January, 1845).

The Coin in the Colony decreased from £476,867 in 1842, to £439,772 in 1843; but, according to the present return (page 412), it has again increased, and now amounts to £579,923.

The Paper money in circulation was in September, 1842, £192,577; 1843, £155,521; and on the 31st December, 1844, £164,882.

At pages 417 to 421 are given the quarterly Returns which under an Act of Council (4th Vict., No. 13) are made by the Banks and published in the Colony. These returns, however, do not show (as remarked in my previous Reports on the Blue Books) what proportion of the Discounted Bills by the Banks may be bad. It is acknowledged that a large portion of them are renewals.

The quantity of discounted Paper held by the Banks collectively was, on the 30th September, 1842, £2,562,467; 1843, £2,000,809; and on the 31st December, 1844, £1,583,157.

The Deposits were in 1842, £988,555; 1843, £812,600; 1844, £1,028,877.

20. Imports and Exports. Pages 423 to 463.

The Imports (Port Phillip included) were, in 1842, £1,579,795; 1843, £1,380,481; 1844, £931,260.

The Exports (Port Phillip included) were, in 1842, £1,095,935; 1843, £1,116,525; 1844, £1,128,115; the value of the Exports having for the first time in the history of the Colony exceeded the Imports.

The Export of Wool from the whole Colony was

<table>
<thead>
<tr>
<th>Year</th>
<th>Lbs.</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>9,557,905</td>
<td>£991,055</td>
</tr>
<tr>
<td>1843</td>
<td>11,896,706</td>
<td>£1,002,300</td>
</tr>
<tr>
<td>1844</td>
<td>13,542,173</td>
<td>£1,645,344</td>
</tr>
</tbody>
</table>

The Valuation of the Wool is made at the Custom House.

At page 474 is a new Return, being that of the Boiling down Establishments of New South Wales, or the Establishments for boiling down Cattle and Sheep for their Tallow or Fat.

The number of Establishments of this nature is 47.
1845. 8 May.

Agriculture.

The Agricultural Returns are not, I fear, much to be relied on; they give the produce of the Colony as follows:

<table>
<thead>
<tr>
<th></th>
<th>1842</th>
<th>1843</th>
<th>1844</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat</td>
<td>832,766</td>
<td>852,532</td>
<td>1,000,225</td>
</tr>
<tr>
<td>Maize</td>
<td>583,808</td>
<td>590,134</td>
<td>719,258</td>
</tr>
<tr>
<td>Barley</td>
<td>90,172</td>
<td>86,767</td>
<td>95,288</td>
</tr>
<tr>
<td>Oats</td>
<td>62,274</td>
<td>84,327</td>
<td>92,208</td>
</tr>
<tr>
<td>Potatoes</td>
<td>1,144</td>
<td>12,561</td>
<td>16,392</td>
</tr>
<tr>
<td>Tobacco</td>
<td>132</td>
<td>100</td>
<td>366</td>
</tr>
<tr>
<td>Hay</td>
<td>17,175</td>
<td>15,015</td>
<td>24,158</td>
</tr>
</tbody>
</table>

Prices of all Colonial produce have remained nearly stationary during the year 1844, but with a tendency to advance.

<table>
<thead>
<tr>
<th></th>
<th>1842</th>
<th>1843</th>
<th>1844</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat</td>
<td>174,706</td>
<td>273,441</td>
<td>265,704</td>
</tr>
<tr>
<td>Maize</td>
<td>3,170</td>
<td>1,063</td>
<td>17</td>
</tr>
<tr>
<td>Barley Oats or Pease</td>
<td>93,510</td>
<td>59,542</td>
<td>35,504</td>
</tr>
<tr>
<td>Flour or Biscuit</td>
<td>9,589,944</td>
<td>4,999,680</td>
<td>4,370,260</td>
</tr>
<tr>
<td>Rice</td>
<td>1,184,237</td>
<td>2,268,432</td>
<td>260,228</td>
</tr>
<tr>
<td>Potatoes</td>
<td>1,284</td>
<td>1,077</td>
<td>1,066</td>
</tr>
</tbody>
</table>

Manufactures, Mines, and Fisheries.

The Manufactures of the Colony are few and unimportant. Cloth of the kind called Tweed is the one of most importance.

The only Mines are those of Coal at Newcastle; the quantity raised has decreased considerably within the year.

The value of Whale oil brought into the Harbours of the Colony was, in 1842, £117,500; 1843, £55,611; 1844, £52,531.

The Fishery is still rapidly declining.

Grants of Land and Sales of Land.

No free Grants of Land have been made during the year, except a few acres for public purposes.

The quantity sold has still further decreased since the year 1843; but this is not so much owing to the distressed state of the Colony, as to the increased practice of what is called "Squatting," or the feeding of Sheep and Cattle on the Lands of the Crown. The amount received for Land was only £7,402 18s. 0d., exclusive of remission to Naval and Military Settlers.

The total number of Acres sold (including those on which remission was made to Naval and Military Settlers) was 4,200.

Gaols and Prisoners.

In respect to Gaols, I beg to refer to my Despatch of the 17th November, 1842, No. 219.
25. Miscellaneous Returns.

From Pages 507 to 520 are given some Miscellaneous Returns lately prepared for the Legislative Council. The following is a List of them.

Pages

509 Return of Coin in the Colony in each year from 1836 to 1843.
510 Return of the Increase and Decrease of the Population in 1843.
511 Return of the Value of Imports from 1834 to 1843.
512 Return of the Value of Exports for the same period.
513 Return of the number and Tonnage of Vessels Inwards from 1834 to 1843.
514 Return of the number and Tonnage of Vessels Outwards from 1834 to 1843.
515 Return of Land in Cultivation, and of Population from 1834 to 1843.
516 Return of Grain Imported from 1834 to 1843.
517 Return of Live Stock Imported during the same period.
518 Return of Wool exported from 1834 to 1843.
519 Return of Tallow exported during the year 1843.
520 Return of the Export of Oil from 1834 to 1843.
521 Return of the Export of Timber from 1834 to 1843.
522 Return of Vessels built and registered from 1834 to 1843.
523 Return of Auction duty and Sales from 1834 to 1843.
524 Return of the Sale of Crown Lands from 1834 to 1843.
525 Return of Live Stock in the Colony on the 1st January, 1844.
526 Return of Vineyards, Wine and Brandy for the year 1844.

GEO. GIPPS.

Government House, Sydney, 8th May, 1845.

[Annexure.]

A copy of the regulations for public education will be found on pages 427 and 428, volume XXII.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 87, per ship Ann Carr; acknowledged by Lord Stanley, 3rd November, 1845.)

My Lord,

Government House, 10th May, 1845.

I beg to request that your Lordship will be kind enough to direct that I may be furnished with a copy of the document which formed the Enclosure to my Despatch No. 100 of the 1st July, 1839, respecting the disposal of buildings at Moreton Bay, as I regret to say the original of this document cannot now be found in the Colonial Secretary’s Office, where it ought to have been deposited.

I have, &c.,

GEO. GIPPS.
Sir George Gipps to Lord Stanley.

(Despatch No. 88, per ship Ann Carr; acknowledged by right hon. W. E. Gladstone, 31st January, 1846.)

My Lord,

Government House, 12th May, 1845.

Herewith I have the honor to forward a Memorial, which has been addressed to the Lords of the Treasury by Mr. James Boyle, late Commander of the Vessel called the "Governor Phillip," which was until lately employed in keeping up the communication between Sydney and Norfolk Island, but was recently transferred (with Norfolk Island) from the Government of New South Wales to that of Van Diemen's Land, as stated in my Despatch No. 260 of the 24th December, 1844.

Mr. Boyle was, as stated in his Memorial, discharged in March last by the Government of Van Diemen's Land, and now applies for a Pension or retiring allowance.

Mr. Boyle received his first appointment to the Government schooner "Isabella" on the 19th August, 1834, and was discharged in Van Diemen's Land in March, 1845; his period of service amounts therefore to ten years and seven months.

By a Despatch from the Secretary of State (Lord Goderich) No. 27 of the 29th September, 1831, Gratuities are authorized in certain cases to persons on reduction from Office; but it is doubtful whether Mr. Boyle can come within the terms of this Despatch, inasmuch as a Notice was issued by my Predecessor on the 29th May, 1835 (copy enclosed), notifying that the Gratuities can be claimed only by those Officers who were in employment at the time when it was received in the Colony. By the Act of Parliament, however, 3 Geo. IV, ch. 113 (the Superannuation Act), clause 1, it would seem that Mr. Boyle might receive any superannuation not exceeding one third of his former salary.

Mr. Boyle is now considerably advanced in life, being in his 54th year; and I beg to refer to my Despatch No. 143, of the 15th August, 1842, in which is recorded the very gallant way in which Mr. Boyle recovered possession of his vessel after it had been seized by Convicts at Norfolk Island.

The following is the rate at which Mr. Boyle was paid whilst in the Government service, his Salary being charged to Convict funds.

£136 17s. 6d. per annum, or 7s. 6d. per day from the 19th August, 1834, to the 30th June, 1836, which was increased on the 1st July, 1837, to £144 per annum.
STANLEY TO GIPPS.

Looking at the whole of Mr. Boyle's case, I feel justified in recommending to Your Lordship that he may receive a Gratuity of a year's pay. I have, &c.,

[Enclosures.]

GEO. GIPPS.

[Copies of these papers are not available.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 89, per ship Ann Carr; acknowledged by right hon. W. E. Gladstone, 24th December, 1845.)

My Lord, Government House, 14th May, 1845.

I think it right to report to Your Lordship that a Vessel belonging to Tahiti arrived here under French Colors on the 29th ultimo, and was by my order admitted to entry at the Custom House, though I have some doubt whether or not I did right in giving this order.

The Vessel is a Schooner called the "Ann"; she was built at Huhaine, one of the Society Islands, and sailed under Tahitian colors, and with Tahitian Papers, before the Protectorate of Tahiti was assumed by the French. She was, however, recently forced, in common, as I understand, with all Tahitian Vessels, to assume French Colors, not the Colors of the Protectorate, the distinction being established, if I am rightly informed, that the Protectorate Flag is used only for internal purposes, and the French Flag for all external purposes, including those of Commerce.

The owner of this Schooner is a Mr. William Nutt, who states that he is a British subject, though he has been for many years resident at Tahiti.

The Master is an Englishman named George Dunham, and is married to a Native of Tahiti. Of the Crew, six are English, and one only a Native of Tahiti.

The Cargo of the Schooner consisted of Cocoa-nut Oil and Limejuice, subject on admission at Sydney to a duty of 10 per centum ad valorem.

I have only to add that a report of the case has been forwarded by the Collector at Sydney to the Commissioners of Customs in London. I have, &c.,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 44, per ship William Mitcalfe.)

Sir, Downing Street, 15th May, 1845.

In reply to your Dispatch No. 243 of the 16th November last, which is accompanied by a Demand for Clothing likely to be required for the several Convict Establishments in New 1845.,

12 May.

Gratuity recommended.

14 May.

Admission of schooner Ann from Tahiti under French colours.

Owner and master of schooner.

Cargo of schooner.

I have only to add that a report of the case has been forwarded by the Collector at Sydney to the Commissioners of Customs in London. I have, &c.,

GEO. GIPPS.

16 May.

Acknowledged.
South Wales for the year ending the 30th of March, 1847, I have to inform you that the Lords Commissioners of the Treasury have requested the Master General and Board of Ordnance to cause the requisite steps to be taken for the purchase and consignment to the Colony of the articles in question, provided there does not appear to be anything unnecessary therein, with reference to supplies now in the course of transmission.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 45, per ship William Mitcalfe; acknowledged by Sir George Gipps, 30th December, 1845.)

Sir, Downing Street, 16th May, 1845.

I have caused a Copy of your Dispatch of the 14th of September last, reporting on the claim of Patrick and Anthony Dwyer to certain property claimed by them under the Will of their Uncle, to be forwarded to those parties; and I now transmit to you the Copy of a further communication, which they have addressed to me on the subject, with a request that you would give the necessary directions for the accomplishment of the object they have in view.

I have, &c.,

STANLEY.

MR. P. AND A. DWYER TO LORD STANLEY.
Cashel, 29th April, 1845.

We earnestly beg leave to return Your Lordship our sincere and heartfelt thanks for your kindness in taking up our cause, and transmitting to us the Despatch received by Your Lordship from Sydney, regarding the Property that we are entitled to there; and, were it not for your Lordship, we would never get one penny of it.

We have this day addressed a letter to Mr. Manning, the present Registrar under the Courts, giving him full power to sell the Property and to send us whatever we are entitled to through Your Lordship's Office. We have only to request of Your Lordship for the last time to direct the Governor not to allow Mr. Manning to sleep on it as his father did. And you will have the blessing of two poor families raised by Your Lordship from Poverty to happiness.

We are, &c.,

PATRICK AND ANTONY DWYER.

To the care of Samuel Cooper, Esq., J.P., Killmore, near Cashel.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 46, per ship William Mitcalfe.)

Sir, Downing Street, 16th May, 1845.

I have to acknowledge the receipt of your Dispatches No. 22 of the 7th October and No. 6 of the 4th of January.
last, in the former of which you apprize me of the course, which, by the advice of the Law officers and the Executive Council of the Colony, you were prepared to take in respect of Mr. Willis’s appeal to Her Majesty in Council against your decision removing him from the office of Judge of the Supreme Court of New South Wales; and, in the second Dispatch, you report yourself to be still without the citation which, by my instruction of the 18th of March, 1844, you had been led to expect would be served upon you by the Lords of the Council to answer that appeal by an Agent to be appointed by you in this Country.

Copies of the two Dispatches above referred to having been forwarded by my desire for the information of the Lord President of the Council, I now transmit to you the accompanying Correspondence Copies of the correspondence, which has ensued on this subject.

I likewise enclose a pacquet containing the papers and Documents alluded to in the concluding paragraphs of the Council office letter of the 7th instant.

I have, &c,

STANLEY.

[Enclosure No. 1.]

UNDER SECRETARY STEPHEN TO CLERK OF PRIVY COUNCIL.

Sir, Downing Street, 9th April, 1845.

With reference to my Letter of the 19th March, 1844, I am directed by Lord Stanley to request you would lay before the Lord President of the Council the accompanying copy of a Despatch* which has been received from the Governor of New South Wales, stating the course which, by the advice of the Law Officers and the Executive Council of the Colony, he was prepared to take, in respect to Mr. J. Walpole Willis’s appeal to Her Majesty in Council against his being removed from the office lately held by him of Judge in New South Wales.

I have, &c,

JAS. STEPHEN.

[Enclosure No. 2.]

MR. W. L. BATHURST TO UNDER SECRETARY STEPHEN.

Sir, Council’s Office, Whitehall, 18th April, 1845.

With reference to Your Letter of the 9th Inst. enclosing a Copy of a Despatch from the Governor of New South Wales, touching the appeal of Mr. J. Walpole Willis against his amotion from the Office of Judge lately held by him in that Colony, and with reference to Mr. Greville’s Letter of the 5th March, 1844, on the same subject, I am directed by the Lord President of the Council to apprize you, for Lord Stanley’s information, that the printed case on behalf of Mr. Willis having been lodged at this office on the 4th March, 1845, the usual summons calling upon Sir George Gipps to enter an appearance to the said appeal was

* Marginal note.—No. 222, 7th Octr., 1844.
Issued on the following day, together with a Warrant of the Lords of the Judicial Committee ordering that this summons be affixed on the Royal Exchange and elsewhere in the usual manner.

I have, &c.,

WM. L. BATHURST.

[Enclosure No. 3.]

UNDER SECRETARY STEPHEN TO MR. C. C. GREVILLE.

Sir, Downing Street, 3d May, 1845.

I have received and laid before Lord Stanley your Letter of the 18th Ultimo, in which it is stated that the Printed Case on behalf of Mr. Willis was lodged at the Council Office on the 4th March, 1845, and that the usual summons, calling upon Sir George Gipps to enter an appearance to the appeal of Mr. Willis, was issued on the following day, together with a Warrant of the Lords of the Judicial Committee ordering that this summons be affixed on the Royal Exchange and elsewhere in the usual manner.

From this communication, Lord Stanley, for the first time, learns that Mr. Willis permitted 12 months to elapse between his original applications to Her Majesty in Council for redress and his statement of the grounds on which he impugns the decision and conduct of the Governor of New South Wales. His Lordship also is now for the first time informed that it is not intended to serve any Citation or any Copy of the complaint on the Governor, but merely to exhibit a summons to him at the Royal Exchange of London, and at some other place which is not specified. This proceeding, however, his Lordship observes is described as being "as usual."

If by this expression it be meant that it is the usual practice at the Council Offices not to require the actual personal service on a Governor, accused of a mal-administration of his office with regard to the suspension of a Judge, of a Copy of the complaint preferred against the Governor, Lord Stanley must acknowledge that it is a practice of which he was never before apprised, and of the reason and justice of which he is not even now aware. Lord Stanley had indeed understood that, in cases of Appeal properly so called, Notices were served by exhibition at The Royal Exchange, because appeals between private litigants can originate only out of Judicial records accessible alike to both parties, and because in the regular course of such litigation the appeal usually is allowed and formally notified within the Colony itself. But, in the case of a complaint of a grievance by the mal-administration of the Governor of a Colony, the same reasons do not apply; and Lord Stanley has some ground to believe that the same practice has not, in fact, been usually followed.

Be this, however, as it may, Lord Stanley directs me to request that you would recall the attention of the Lords of the Committee of Privy Council to the Correspondence which has already taken place on this subject.

In a letter dated the 5th March, 1844, you state that, if Lord Stanley should decline to cause an appearance to be entered, the usual citation would be issued to call upon the Governor and Council of New South Wales to answer the appeal of Mr. Willis at the Bar of the Privy Council, adding that, "before an answer could be received to this citation, considerable delay must
unavoidably occur"; and you signify to Lord Stanley the Lord President's wish that, by the first opportunity, the Governor of New South Wales should be apprised that an appeal had been duly entered against his decision, "and that he would be called upon by the Lords of the Council to answer that appeal by an Agent to be by him appointed in this Country."

On the 18th of the same month of March, 1844, Lord Stanley addressed to the Governor a Despatch, enclosing a copy of your Letter. I herewith transmit a copy of that Despatch.*

On the 19th March, 1844, in my Letter of that date, I apprized you, by Lord Stanley's direction, that it was not his Lordship's intention to cause an appearance to be entered on behalf of the Governor and Council of New South Wales; but that he would communicate by the first opportunity to the Governor the fact that an appeal had been duly lodged against his decision, and that he would be called upon by the Lords of the Council to answer that appeal by an Agent to be by him appointed in this Country.

More than twelve months then elapsed without any communication from the Council Office to this Department on the subject, a silence obviously resulting from the inaction of Mr. Willis himself from March, 1844, till March, 1845.

Meanwhile the Governor of New South Wales, having received Lord Stanley's Despatch of the 18th March, 1844, with a Copy of your Letter of the 5th of the same month, brought that Despatch before the Executive Council and before the Colonial Law officers of the Crown, but was advised by them all that nothing could be done in the matter until the Citation should arrive in the Colony. Such was the report of Sir G. Gipps in his Despatch of the 7th October, 1844, of which a second Copy is herewith enclosed.

On the 4th January, 1845, in a Despatch of that date (of which I enclose a Copy) the Governor reports himself to be still without the expected Citation from the Judicial Committee of the privy Council.

Lord Stanley directs me to observe that it is therefore perfectly certain that the Governor, the Executive Council and the Law Officers of the Crown in New South Wales understood your Letter of the 5th March, 1844, as a notice that a Citation or Summons would be served on the Governor and Council, and that in consequence of this construction of your Letter, they have hitherto remained inactive, awaiting the arrival of that Citation. Lord Stanley directs me to add that this construction of Your Letter appears to his Lordship to have been inevitable; and in fact it admitted of no other construction. For that Letter not only declared that such a Citation would be issued, but observed that, before an answer could be received to it, considerable delay must unavoidably occur; and it concluded by declaring that the Governor would be called upon by the Lords of the Council to answer the appeal by an Agent to be by him appointed in this Country. Lord Stanley is at a loss to reconcile these expressions with the design of merely exhibiting at the Royal Exchange in London a Summons to the Governor or to the Governor in Council at a distance so great as to render it impossible that they should hear of it for many months, and very unlikely that they should ever hear of it at all.

* Marginal note.—No. 40, 18 Mar., 1844.
Under these circumstances and especially adverting to Mr. Willis's inaction for 12 months, Lord Stanley is of opinion that the hearing of this complaint ought not be proceeded with until the Officer, against whose conduct it is directed, shall have been distinctly apprized of the terms of the complaint, shall have been personally cited to appear, and shall have had a reasonable opportunity afforded him for obeying that citation. Lord Stanley directs me to request that you would observe to their Lordships that the character and conduct of Sir George Gipps and of his Council and of the general interests of the Colonists of New South Wales being as directly involved in this controversy as the character, the conduct and the interests of the Complainant himself, it would, in Lord Stanley's judgment, be opposed to the principles of justice, invariably recognized on all such occasions, if that controversy should be decided on the statement and proofs of the complainant alone, to the exclusion of the counter-statements and proofs which his opponents might be able to adduce. I have, &c.,

JAS. STEPHEN.

[Enclosure No. 4.]

MR. W. L. BATHURST TO UNDER SECRETARY STEPHEN.

Sir, Council Office, Whitehall, 7th May, 1845.

I have laid before the Lord President of the Council Your letter of the 3d inst., and enclosures respecting the appeal of Mr. Willis against his removal from the Office of Judge by the Governor of New South Wales.

His Lordship had not anticipated that technical causes of delay would have operated in a matter which you observe directly involves the character and conduct of Sir George Gipps and of his Council, as well as the general interests of the Colonists of New South Wales; but the Lord President remarks that this case was brought here and referred by Her Majesty to the Judicial Committee not in the form of a complaint of the mal-administration of the Governor of a Colony, but as an appeal from an administrative act of the Governor, that act and that appeal resting both of them on Clauses of the same Act of Parliament of the 20th Geo. III. Mr. Willis' Petition to Her Majesty in Council prays that the proceedings of the Governor, which deprived that Gentleman of his Office, may be reversed. It is therefore for the Governor to determine how far His Excellency's character is affected by an appeal calling in question the legality of the proceedings on that occasion.

With reference to a passage in Lord Stanley's Despatch to Sir George Gipps of the 18th March, 1844, in which his Lordship states that the delay, which has occurred, would have been obviated if Mr. Willis had adopted the proper course of intimating to His Excellency his intention to appeal and the grounds of his appeal before he quit the Colony, that so His Excellency might have taken the necessary steps for answering that appeal before the High Tribunal to which it was to be addressed, it appears that before Mr. Willis left the Colony he did inform His Excellency the Governor in a letter, of which I am directed to enclose a copy, that he should hold His Excellency legally responsible for the proceedings he had taken and requested the name of His Excellency's Attorney in London. As soon as Mr.
STANLEY TO GIPPS.

Willis' petition had been lodged in this Office, information of that fact was transmitted to the Colonial Department by my letter of the 4th March, 1844, and, in compliance with the suggestion contained in that Letter, Lord Stanley was pleased to issue his Lordship's express orders to the Governor to "take immediate measures for the appointment of an Agent in this Country with full authority to vindicate His Excellency's proceedings in Mr. Willis' case at the Bar of the Privy Council in anticipation of the citation, which their Lordships would cause to be addressed to His Excellency." The Lord President regrets that so explicit a direction, proceeding from the Secretary for the Colonies to His Excellency the Governor of New South Wales, should have failed to produce the appearance of that Officer or of any Agent on his behalf, for it was in consequence of an undue reliance on the effect of Lord Stanley's communication of the 19th March, 1844, which virtually acquainted the Governor with the appeal against his decision in Mr. Willis' case, and authoritatively pointed out the course which His Excellency had to pursue, that a year was allowed to elapse before Mr. Willis' printed case was lodged, and the formal summons issued thereupon.

That summons was issued in the manner used in all appeal causes, a full notification of the fact of the Appeal having been conveyed to the Governor by the various communications to which I have already alluded. The expressions, which have led the Governor and his legal advisers to suppose that this summons would be served upon His Excellency in the Colony, did not originate with this office. But the Lord President is unable to reconcile the decision of the Law Officers and Council of New South Wales that nothing can be done in the matter until the citation shall arrive in the Colony, with Lord Stanley's previous injunction to the Governor to take immediate measures in anticipation of the citation.

However much the Lord President must regret the prolongation of a delay which his Lordship had hoped to obviate as much as possible, his Lordship concurs in Lord Stanley in deprecating an ex parte hearing of this case, if it can be avoided; and this consideration could not fail to strike the Lords of the Committee to whom Her Majesty has referred the Petition. The Lord President will therefore move the Judicial Committee whenever the case shall be set down for hearing, to allow further time to the Governor to appear and bring in his counter-statement by his Agent. His Lordship has also directed Copies to be prepared of all the papers received from Mr. Willis and likewise of the orders which have been issued in this case, in order that those documents may be forwarded to His Excellency the Governor by the earliest opportunity.

I have, &c.,

WM. L. BATHURST.

[Sub-enclosure.]

MR. JUSTICE WILLIS TO SIR GEORGE GIPPS.

Sir,

Supreme Court, Melbourne, Port Phillip, 24th June, 1843.

I protest in the strongest manner against the proceedings you have taken against me, for which I hereby give you notice I shall hold you legally responsible. I have to request the name of Your Excellency's Attorney in London.

I have, &c.,

JOHN WALPOLE WILLIS.

[A printed copy of the case for the appellant before the privy council was also enclosed. A copy will be found in a volume in series IV.]
1845.
17 May.

Despatches received re bank of Australia lottery bill.

Approval of reservation of bill.

Inability to confirm bill.

Disapproval of public lotteries.

Constitutional prohibitions of lotteries.

Precedent created by confirming bill.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 47, per ship William Mitcalfe.)

Downing Street, 17 May, 1845.

Sir,

I have received your dispatches of the 1st January, 1845, numbered 1 and 2, on the subject of a Bill passed by the Legislative Council of New South Wales on the 23d Deer, 1844, entitled “an Act to enable the Bank of Australia to dispose of certain real and personal property in the Colony of New South Wales in certain shares by Lot,” which Bill you have reserved for the signification of Her Majesty’s Pleasure.

You exercised a sound discretion in reserving this Bill, notwithstanding the very general interest which appears to have been felt for the success of the measure. To Her M’s. Government, the existence of those feelings affords, of course, a powerful motive inducing them to advise the Queen to confirm this enactment, if, consistently with their public duty, they were at liberty to tender to Her Majesty that advice. I regret, however, to be under the necessity of stating that we have not found ourselves at liberty to yield to that inclination. I do not indeed adopt the opinion that this Enactment is repugnant to the Law of England; it is not necessary that I should either affirm or deny that position; but, for the purpose of the present question, I will assume that no such repugnancy actually arises.

But it is clear that public Lotteries are regarded with the highest disfavour by Parliament and by public opinion in this Country; nor is it possible to deny that such disfavour is justly due to such a method of raising money, whether for any public service or for any private purpose. The temporary advantage is gained at the expense of the morality and the permanent interests of Society at large.

Prohibitions against raising money by Lottery are to be found in the Constitutions of a very large majority of the British Colonies. The expediency of carrying the prohibitory rule beyond the limits of the United Kingdom has therefore been established by a long series of concurrent Authorities.

If the present Bill should be sanctioned, a precedent would be established, the authority of which would infallibly be invoked, and could scarcely be resisted in future cases. Neither can I pass over in silence the fact that, in the List of the Committee of the Legislature with which this Bill originated, there appear the names of two gentlemen (one of them the Chairman of the Committee) whose names also appear in the List of the persons for whose benefit the Law is made. I
advertis this circumstance only as affording ground to justify the doubt whether the measure was adopted with a due amount of vigilance and circumspection.

For these reasons, you will acquaint the Legislative Council with the Queen cannot be advised to assent to this Bill.

I have, &c.,

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 90, per ship Ann Carr.)

My Lord,

Government House, 19th May, 1845.

Referring to my Despatch No. 71 of the 9th ultimo and preceding correspondence on the subject of New Zealand, I have the honor to enclose a Copy of a further despatch from Governor Fitz Roy, which reached me on the 27th ultimo, pressing for all Military assistance which can be rendered to him by this Government; and I have to report that it was thereupon thought right, both by the Lieut. General Commanding (Sir Maurice O'Connell) and myself, to send the two Flank Companies of the 99th Regiment, under the Command of Lieut. Colonel Despard, to the assistance of Governor Fitz Roy.

I enclose a Copy of an Official letter which I wrote on the 3d instant to the Lieut. General on this subject, and have to add that the two Companies of the 99th Regiment, under the command of Lieut. Colonel Despard, sailed for Auckland yesterday morning in the “British Sovereign.”

The supply of Arms and Ammunition for the Militia of New Zealand, asked for by Governor Fitz Roy in the same Despatch, has also been furnished by this opportunity, as far as it could be supplied, and to the extent stated in the List enclosed.

On the arrival of this reinforcement, the force in New Zealand will be carried to the amount marked in the Margin (exclusive of Militia, and of the two Ships of War, “North Star” and “Hazard”).

The latest accounts I have received from Auckland are to the 16th April, at which time all was quiet, though rumours were prevalent that the Town would be attacked by the Natives from the Bay of Islands on the 21st. I have since heard, however, that up to the 18th April the Chief Heki had not removed from the neighbourhood of the Bay of Islands.

I have, &c.,

[Enclosures.] GEO. GIPPS.

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

* Marginal note.—Field Officers, 3; Captains, 8; Subalterns, 18; Staff, 6; Sergeants, 43; Drummers, 19; Rank and File, 754. Total, 851.
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 91, per ship Ann Carr; acknowledged by Lord Stanley, 15th December, 1845.)

My Lord,

Government House, 20th May, 1845.

In my Despatch of yesterday's date, No. 90, I reported to Your Lordship that, on the Requisition of Governor Fitz Roy, I had forwarded to New Zealand for the purpose of arming the Militia of that Colony a quantity of Arms and Ammunition belonging to the Local Government of this Colony. I have now further to report that these Arms and Ammunition formed part of supplies which were sent from England, and for which payment was made to the Board of Ordnance by Mr. Barnard.

I consequently have to beg that, for the portion now supplied to New Zealand, this Colony may be credited in Mr. Barnard's Accounts to the amount of £330 13s. 6d., being the actual cost to New South Wales, with the addition of 15 per cent. to cover Departmental and other Expenses, including freight from England, according to the joint Certificate of the Colonial Storekeeper and Auditor General of this Colony, enclosed herewith.

It may be right further to explain that these Arms, etc., were paid for by Mr. Barnard out of money advanced to him by the Lords of the Treasury; and that all advances from the Lords of the Treasury to Mr. Barnard, of which I have been advised, have been repaid by my order into the Military Chest at Sydney, the latest repayment being reported in my Despatch No. 63 of the 27th March, 1845.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this certificate is not available.]

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 92, per ship Ann Carr.)

My Lord,

Government House, 23d May, 1845.

I beg leave to report to Your Lordship that two Copies of the Printed "Votes and Proceedings" of the Legislative Council of New South Wales for the year 1844, intended for the use of Your Lordship's Office, were forwarded to the Address of Mr. Barnard by the Ship "Ann Grant," which sailed yesterday from Sydney.

I have, &c.,

GEO. GIPPS.
STANLEY TO GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 48, per ship William Mitcalfe; acknowledged by Sir George Gipps, 3rd March, 1846.)

Sir,

Downing Street, 24 May, 1845.

I have received your dispatch dated the 11th of Sept., 1844, No. 200, on the subject of the removal of Mr. Mayne from his Office as Commissioner of Crown Lands in New South Wales.

I am of opinion that you have sufficiently vindicated that measure, and I have to signify to you my approbation of it.

You will apprise Mr. Mayne that such is my decision.

I have, &c,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 49, per ship William Mitcalfe.)

Sir,

Downing Street, 26 May, 1845.

I have received your dispatch No. 246 of the 26th of Novr. last, in which, with reference to the application of Mr. Dumas, you advert to the employment, in Van D. Land, of persons likely to be reduced in New South Wales by the breaking up of the Convict Establishments; and I transmit for your information a copy of a dispatch, which I have addressed to Lieut. Governor Sir E. Wilmot upon the subject.

I have, &c,

STANLEY.

[Enclosure.]

LORD STANLEY TO SIR EARDLEY WILMOT.

Sir,

Downing Street, 10 May, 1845.

Sir George Gipps has transmitted to me the Copies of a correspondence between himself and you as to the possibility of providing in Van Diemen’s Land for some of those officers who, in consequence of the discontinuance of transportation to New South Wales, will be thrown out of employment in that Colony. I cannot of course lay down any precise rule for your guidance in individual cases, which may be submitted to you by the Governor of New South Wales; but I wish you to understand that Her Majesty’s Government will expect you to afford every facility in your power for absorbing into the Public service of Van Diemen’s Land those who may be displaced in New South Wales, and for thereby saving to the public the expense which must otherwise be incurred in granting to them Pensions or retiring allowances.

I am, &c,

STANLEY.
1845.
26 May.

Petition from S. Brabyn protesting against stoppage of pension.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 93, per ship Ann Carr; acknowledged by right hon. W. E. Gladstone, 9th January, 1846.)

My Lord,

Governament House, 26th May, 1845.

I have the honor to forward herewith a Petition, addressed to the Lords of the Treasury by Mrs. Sarah Brabyn, widow of Capt. Brabyn late of the 102nd Regiment, representing that her Pension (of £50 per annum) has been stopped, until a claim against her deceased husband shall be satisfied of £56, for some Cows which he received from Governor Macquarie in the year 1811.

I enclose a Copy of a letter from the Deputy Commissary General in explanation of this matter, which is one in which I have been in no way concerned, the orders of the Lords of the Treasury for the recovery of the money due on account of the Cows, having been sent direct to the Officer in charge of the Commissariat Department.

I have, &c,

GEO. GIPPS.

[Enclosures.]

[Copies of these papers are not available.]

28 May.

Correspondence transmitted re boundaries of South Australia.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 50, per ship William Mitcalfe.)

Sir,

Downing Street, 28th May, 1845.

I transmit to you herewith a copy of a Despatch from the Governor of Southern Australia, in which he calls my attention to the imperfect manner in which the Eastern and Western Boundaries* of that Colony are at present defined and suggests fresh boundaries which he specifies. I also transmit a copy of the answer which I have returned to that Despatch; and I have to request that you will at your earliest convenience report your opinion how far the circumstances of the case may render desirable the alteration proposed.

I have, &c,

STANLEY.

GOVERNOR GREY TO LORD STANLEY.

Government House, Adelaide, 30th September, 1844.

My Lord,

I have the honor to solicit your Lordship's attention to the very imperfect manner, in which the Eastern and Western boundaries of this Province are at present defined.

According to the terms of my Commission, the 141° of East Longitude is stated to be the Eastern boundary of South

* Note 38.
Australia. It would however be extremely difficult in the first place to determine with accuracy a number of points upon the Earth's surface through which the 141° of East Longitude passes; and this operation could certainly only be executed at a cost which the Revenue of this Colony would, for a long series of years, be inadequate to defray. But, even admitting that the position of the 141° of East Longitude had been accurately determined, it would still be necessary to define the boundary line by marks, the repair and superintendence of which would be a constant source of expense.

The question of the position of the Eastern boundary line of this Province has now ceased to be one of mere theoretical speculation. Settlers with very extensive flocks and herds have recently occupied the Eastern confines of this Province; and, in the case of several affrays with the Natives which have lately been brought under my notice, I have had no means of determining whether the parties concerned were within the limits of this Province, or within the territories of New South Wales.

I beg therefore to recommend to Your Lordship that the Eastern boundary line of South Australia should for the future be defined by natural land marks, instead of by a degree of longitude as at present; and it fortunately happens that a series of natural Land marks exists, which would sufficiently define the limits of this Territory to the Eastward, without taking from the Province of New South Wales any tract of Country, which is of sufficient extent or importance to render this consideration one that need occupy the attention of Her Majesty's Govt.

The natural land marks, which I would propose for the Eastern boundary of this Province, are as follows, and are shewn in the sketch which accompanies this Despatch.

I would propose that the River Glenelg, from its mouth to its sources, should be taken as the eastern boundary line of South Australia; and that the boundary for the next ten or fifteen miles should be a due north and South line cutting the head of the River Glenelg and that of the River Norton; that the River Norton should then be taken as the boundary line until its junction with the Wimmera; that the latter River should then become the Boundary line, until it loses itself in Lake Hindmarsh; and that this Lake and the Dry Creek and the Chain of Lagoons, lying to the north of it, should be the Boundary Line as far as they extend.

I would further propose that the continuation of the Eastern boundary of this Province should be a right line cutting the last named point and the mouth of the River Darling; and that the River Darling should then be considered the Boundary as far as Laidley's Ponds, after which the 142° of East Longitude could be taken as the Boundary Line, until it cuts the 26° of South Latitude, which is our present northern boundary.

Your Lordship will perceive that by this arrangement the whole of the Eastern boundary of this Province would be determined by natural Land marks, with the exception of the three following spaces.

Firstly, the tracts lying between the heads of the Glenelg and the Norton;
Secondly, the space included between the Lagoons to the North of Lake Hindmarsh and the Mouth of the Darling.

Thirdly, the space between Laidley's Ponds and the 26° of South Latitude.

With regard to the first of these intervals, the distance is so trifling that, when any necessity for fixing this portion of the boundary arises, it could be done by mutual consent of the Governments of New South Wales and South Australia at a very trifling expense.

With regard to the second space, it includes a country nearly the whole of which has already been traversed, and has been found to be of so unavailable a nature that a very long interval of time must elapse ere it can be inhabited.

And with regard to the third space, I do not apprehend that any question relating to the Eastern boundary of that portion of the Province is likely to be raised for many years to come; and, probably before such questions do arise, some natural features, which will form convenient boundaries, may have been discovered. I feel satisfied, therefore, that Your Lordship would, in sanctioning the arrangement which I have recommended, have made every necessary provision for the avoidance of any immediate difficulties which are likely to arise respecting the Eastern boundary of this Province.

I have now to request your Lordship's attention to the Western boundary of South Australia, which at present is the 132° of East Longitude, whilst the Eastern boundary of the Colony of Western Australia is the 129° of East Longitude; there thus remain three degrees of longitude belonging to the territory of New South Wales, which are included between South and Western Australia, and which are so isolated as to be practically altogether removed from the jurisdiction of New South Wales. This portion of the Coast Line affords great facilities for the resort of smugglers and desperate characters; and I would therefore beg to recommend that, if any changes should be made in the Boundaries of this Province, its western limits should be so extended that its Western boundary may become identical with the Eastern boundary of Western Australia.

In making these suggestions, I think it proper to remind Your Lordship that, by the provisions of the 51st of 5 and 6 Vic., Cap. 76, it is provided that no part of the territories lying Southward of the 26° of South Latitude shall by any Letters Patent be detached from the Colony of New South Wales.

I have, &c,
G. Grey.

[Enclosure No. 2.]

LORD STANLEY TO GOVERNOR GREY.

Sir,
Downing Street, 24 May, 1845.

I have received your Despatch No. 128 of the 30th Sept. last, in which you call my attention to the very imperfect manner in which the Eastern and Western Boundaries of the Colony of South Australia are at present defined, and propose fresh limits which you specify in detail.

*Marginal note.—Act for the Government of New South Wales and Van Diemen's Land.
On a consideration of the question, it appears to me that, without amending the Statutes 5 and 6 Victoria, Chapters 61 and 76, and without altering the commission of the Governor of New South Wales, the proposed change in the Boundaries of the two Colonies could not be made. Although I am aware of the inconveniences which you have pointed out, it does not appear to me, on the present view of the case, that the urgency of it is such as to call for a correction which could only be effected with so much difficulty: and I have thought it right in the first instance to call for the opinion of the respective Governors of New South Wales and Western Australia; when I shall have received the Reports of those Officers, I will communicate with you further on the subject.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 51, per ship William Mitcalfe; acknowledged by Sir George Gipps, 15th October, 1845.)

Sir,
Downing Street, 30 May, 1845.

I transmit to you herewith Copies of a Correspondence with Mr. James Busby, relative to his claims to certain allowances as late British Resident at New Zealand, but which were not sanctioned by the Governor of New South Wales; and I have to request that you will furnish me with a report on that subject.

I have, &c.,

STANLEY.

[Enclosure No. 1]

MR. J. BUSBY TO LORD STANLEY.

My Lord,
28 Norfolk Street, Strand, 2 May, 1845.

I do myself the honor to enclose Copies of a Correspondence with the Government of New South Wales relative to an expenditure which it was necessary for me to incur in the discharge of my Public duty as British resident at New Zealand. Sir Richard Bourke refused to reimburse this expenditure for reasons which I cannot doubt will appear to your Lordship unsatisfactory; and Sir George Gipps expressed his regret that he could not depart from the decision given by Sir Richard Bourke.

I am sorry to trouble your Lordship with so trivial a matter, but the money is justly due to me; and, as the Funds voted by the Legislative Council of New South Wales for the support of my office were not all appropriated, it would only be necessary for the Colonial Agent, under your Lordship's sanction, to pay the money here, and charge it against the unappropriated balance of those Funds; An arrangement which, as it would be an accommodation to me to receive the money here instead of New South Wales, I trust your Lordship will sanction.

I am, &c.,
J. BUSBY.

*Marginal note.—Mr. Busby to Col. Sec., 29 of April, 1840; Col. Sec. to Mr. Busby, 7 May, 1840.
358 HISTORICAL RECORDS OF AUSTRALIA.

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<tr>
<td><strong>MR. J. BUSBY TO COLONIAL SECRETARY.</strong></td>
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<tr>
<td><strong>Darlington, 29th April, 1840.</strong></td>
</tr>
<tr>
<td>I have the honor to transmit herewith an Account of expenses incurred by me on account of the public Service during my Official Residence at the Bay of Islands from May 5th, 1833, till the 31st January last, which I request you will be pleased to lay before His Excellency Sir George Gipps, together with the following observations.</td>
</tr>
<tr>
<td>The expenses incurred are under three heads, viz.</td>
</tr>
<tr>
<td>For the repairs and other expenses paid by me on account of the Government Boat at the Bay of Islands ( \text{£}55 15 2 )</td>
</tr>
<tr>
<td>2ndly. For Stationery expended in the public service ( \text{£}14 18 8 )</td>
</tr>
<tr>
<td>3rdly. For expenses incurred on behalf of a distressed British Seaman ( \text{£}8 18 6 )</td>
</tr>
<tr>
<td><strong>Total amount ( \text{£}79 12 4 ).</strong></td>
</tr>
<tr>
<td>The former part of this account down to the 31st December, 1836, was submitted to the late Governor Sir Richard Bourke, and was by him disallowed on the following grounds, namely, that &quot;His Excellency was not aware that Officers holding appointments of a nature similar to mine under the foreign Office in England were allowed Stationery, and that he considered my Salary ought to cover my travelling expenses.&quot;</td>
</tr>
<tr>
<td>In bringing this question under the notice of Sir George Gipps, I would respectfully submit to His Excellency that, if Consuls are not allowed Stationery, they are on the other hand entitled to Fees for whatever service they may render to Her Majesty’s Subjects, whereas I have never received any fee during my tenure of Office.</td>
</tr>
<tr>
<td>As regards the expenses of the boat, besides its being in my apprehension not more unreasonable than usual for a public Officer to be required to expend his private funds in the repair of Government property and other charges connected therewith, I must refer to the very terms of my Appointment as exempting me from this as well as the preceding charge, Lord Goderich’s letter having stated that my Salary of ( \text{£}500 ) a year was to cover all expenses of a &quot;personal nature,&quot; and as a necessary consequence making the Government and not me chargeable with all expenses not of a personal nature.</td>
</tr>
<tr>
<td>With regard to the third charge, the Law of Great Britain made it imperative on me to provide for the distressed Seaman in question; but, to prove to His Excellency that I did not do so without due enquiry, I have the honor to enclose herewith a Certificate from the Surgeon of Her Majesty’s Ship Buffalo, which was at that time at the Bay of Islands, relative to the state of the Seaman delivered.</td>
</tr>
<tr>
<td>I have further to submit to His Excellency that, if any credit is due to a public Officer for an economical expenditure of the public Funds entrusted to his care, I am entitled to that credit, having never expended the funds, which were annually placed by the Council at my disposal, simply because it appeared to me that the public interests would be in no way forwarded by such an expenditure upon the objects to which I alone was entitled to appropriate it. And I consider it peculiarly hard, I would not willingly say unjust, that, while in no year was it in my power with the most rigid economy to keep my expenditure within my official income, I should have been subjected so long to such an outlay as that of which I now claim the reimbursement.</td>
</tr>
<tr>
<td>I have, &amp;c.</td>
</tr>
<tr>
<td>JAMES BUSBY.</td>
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<tr>
<td><strong>COLONIAL SECRETARY THOMSON TO MR. JAMES BUSBY.</strong></td>
</tr>
<tr>
<td><strong>Colonial Secretary’s Office, Sydney, 7th May, 1840.</strong></td>
</tr>
<tr>
<td>I do myself the honor to acknowledge the receipt of your Letter of the 29th ultimo, transmitting an account of expenses incurred by you as British Resident at New Zealand, amounting to the sum of Seventy nine pounds, twelve shillings and four pence.</td>
</tr>
<tr>
<td>In answer, I am directed to inform you that His Excellency the Governor regrets that he cannot depart from the decisions formerly given respecting the charges above mentioned by Sir Richard Bourke.</td>
</tr>
<tr>
<td>I have, &amp;c.,</td>
</tr>
<tr>
<td>E. DEAS THOMSON.</td>
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<tr>
<td><strong>UNDER SECRETARY HOPE TO MR. BUSBY.</strong></td>
</tr>
<tr>
<td><strong>Downing Street, 20 May, 1845.</strong></td>
</tr>
<tr>
<td>I am directed by Lord Stanley to acknowledge the receipt of your letter of the 2d Instant, relative to a pecuniary claim on account of allowances to which you conceived yourself entitled</td>
</tr>
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</table>
when British Resident in New Zealand, but which were not admitted by the Governor of New South Wales; and I am to acquaint you in reply that Lord Stanley has no information respecting Sir R. Bourke's decision or the grounds of it, and is therefore unable to form any judgment on the question.

I am, &c.

G. W. Hope.

[Enclosure No. 3.]

MR. J. BUSBY TO UNDER SECRETARY HOPE.

Sir, 38 Norfolk Street, Strand, 21 May, 1845.

I have the honor to acknowledge the receipt of your letter of the 20th Instant, informing me that Lord Stanley is unable to form any judgment on the question submitted to his Lordship in my letter of the 2d instant, whether or not I am entitled to the reimbursement of certain expenses incurred by me in the discharge of my public duty as British Resident at New Zealand, his Lordship having no information respecting Sir R. Bourke's decision not to allow those expenses to be charged to the public, or the grounds of that decision.

I beg therefore to enclose for your Lordship's information three original letters from the Colonial Secretary of New South Wales, which, with the correspondence already submitted to his Lordship, will I trust fully supply the information his Lordship requires.

I take the liberty to add that I am not surprized his Lordship should require all possible information on a case which I believe to be so extraordinary as that of a Public Officer being required to furnish stores for the public service, and to keep a Government Boat (which after due enquiry was ascertained to be necessary for the service of the Government) in oars, Sails, and repairs at his private expense.

I propose to add to the Documents herewith enclosed the receipt for the Boat and all its appurtenances, which were delivered over to Captain Hobson on his arrival, but find that it is not amongst the papers which I brought with me to this Country.

I am, &c.,

J. BUSBY.

[Sub-enclosure No. 1.]

COLONIAL SECRETARY MACLEAY TO MR. J. BUSBY.


Referring to your Despatch of the 27th May, No. 9, reporting that, as you have found a Six Oared Boat will be indispensable to the discharge of your public duties, you have agreed with Captain Clendon to build one twenty five feet long at the rate of one Pound per foot, exclusive of the Oars.

I am directed by the Governor to acquaint you that, before His Excellency can authorize your charging for the above expense, He is desirous of being informed in what way you consider the Boat as indispensable to the discharge of your public duties, as it is not perceived, from the instructions with which you have been furnished, that such should be the case.

With respect to your applications for Stationery and Blankets, Iron Pots and Red Articles of Shirts, intended as presents to the Chiefs who may bring in runaway Convicts, I requisitioned to acquaint you that His Excellency is not aware that it is customary to allow any charge for Stationery to persons holding similar employments to your own under the Foreign Office in England, the Seal, with the engraving as per margin,* will however be supplied; and also the articles alluded to above, and in your Requisition of 3d June for presents.

* Marginal note.—British Residency, New Zealand.
The articles enumerated in the margin* are likewise forwarded by the Nereus with those above mentioned, in order to be returned to the Missionaries on account of the like articles obtained from them for distribution at the Feast given to the Natives on your landing; an additional five pairs of Blankets are sent in lieu of meat supplied by them on the occasion alluded to; and His Excellency also approves of your being allowed the Sum expended by you for Potatoes at the entertainment, namely, Five Pounds.

Having had the honor to submit for His Excellency's consideration your Despatch of the 18th June, No. 26, reporting the spot selected by you for your residence, and that you are willing to take upon yourself the whole charge of twenty men, the number recommended by the Missionaries to be attached to your residence, on being allowed three pounds per annum for each, which allowance is also to cover occasional issues of Flour and Sugar to visitors from the different tribes.

I am directed by His Excellency to acquaint you that he approves of your being allowed the sum of Sixty Pounds per Annum on the above accounts. But, referring to your suggestion that Arms, Uniforms and Accoutrements should be supplied for the use of the Natives who will enrol themselves as your Guard, I beg to acquaint you that it will not be desirable that these men should be clothed in uniforms; on the contrary it is understood that any such distinctions should be avoided; but, for decency sake, the natives at your Quarters should be covered, a red shirt and a pair of Duck Trousers for each of the twenty men you retain in your service are now forwarded, and also ten muskets and five hundred rounds of Ball Cartridge. The Arms and Ammunition houses should be kept in store and not delivered to the Natives but in cases of necessity, by which arrangement all jealousy will be prevented and efficient provision made for your security.

I have, &c.

ALEX. M'LEAT.

[Sub-enclosure No. 2.]

COLONIAL SECRETARY MACLEAY TO MR. J. BUSBY.

Sir, Colonial Secretary's Office, Sydney, 7th November, 1833.

Having submitted to the Governor your letter of the 15th of August last, No. 28, reporting, in reply to mine of the 24th July, the circumstances under which a six oared boat is essential to your situation,

I have the honor by direction of His Excellency to acquaint you that instructions have been given for the payment to Messrs. Clendon and Stephenson of the sum of Thirty pounds, being the amount charged in their account of the 16th September last for a Boat, Masts, Yards, Oars, and Iron Work supplied to you, but that the Government will incur no further expense on this head either for repairs or any other matters connected with the Boat, it being considered that your Salary ought to cover your travelling expenses.

Referring also to your communications of the 15th August and 17th September, reporting a case of dispute between Messrs. Clendon and Poyner, respecting some timber, and a complaint preferred by Messrs. Mair and Powditch against two carpenters, who absconded from their service with Sundry tools, also referring to Your letter of 1st June No. 12, and stating that Messrs. Mair and Poyner the disputants therein mentioned have interchanged (civil) Messages respecting some timber.

I have further the honor by His Excellency's Command to acquaint you that there is no objection to your acting as Arbitrator in cases like the above, when applied to, and you feel yourself disposed, but that it is not part of your official duty so to do, nor need you report the cases to this Government unless you find something so particular as to require the communication. I have, &c.

ALEX. M'LEAT.

[Sub-enclosure No. 3.]

COLONIAL SECRETARY THOMSON TO MR. J. BUSBY.

Colonial Secretary's Office, Sydney, New South Wales, 10th Feb., 1837.

Sir, I have the honor to acknowledge the receipt of your letter of the 23d Ultimo, enclosing an Account of the Contingent Expenses incurred by you during the six months ending on the 31st December last, with a supplementary Account of disbursements between the date of your being appointed to proceed to New Zealand and the end of last year.

The half yearly Contingent Account, amounting to thirty two Pounds, five Shillings and six pence, has been approved by the Governor, who has also sanctioned the payment of the first item in the supplementary account, being thirty three pounds, sixteen shillings and three pence for Tobacco and Blankets provided for distribution to the Chiefs on your landing in 1833 but omitted to be charged in

* Marginal note—5 pr. Blankets; 950 lbs. Flour; 61 lbs. Sugar.
GIPPS TO STANLEY.

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former accounts. His Excellency cannot, however, sanction the discharge from the Public funds of the two following items, as he sees no sufficient reason in what you have now advanced for making any change in his former decision upon your demand for Stationery and expense of repairing Boats.

I have, &c.,

E. DEAS THOMSON.

[Enclosure No. 4.]

UNDER SECRETARY HOPE TO MR. J. BUSBY.

Sir, Downing Street, 30 May, 1845.

I have laid before Lord Stanley your letter of the 21st Instant, enclosing certain correspondence with the Colonial Secretary of New South Wales relative to the claims, which formed the subject of your previous letter of the 2d Instant; and I am to acquaint you in reply that Lord Stanley cannot advise the Lords of the Treasury to pay that demand, nor can he recommend the payment of it to the Legislative Council of New South Wales in the absence of any information from the present Governor of that Colony, to whom his Lordship will apply for a report on the subject. Much as Lord Stanley regrets the delay to which such a reference will subject you, his Lordship cannot but remark that it would have been avoided, if you had transmitted an appeal against Sir Richard Bourke’s decision through that officer or through Sir George Gipps according to the established regulations respecting official correspondence.

I am, &c.,

G. W. HOPE.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 94, per ship Ann Carr.)

My Lord, Government House, 31st May, 1845.

31 May.

Referring to my Despatch No. 70 of the 9th April last, on the subject of the disposal of the Exiles, who arrived at Port Phillip in March last by the Ship “Sir George Seymour,” I have now the honor to forward a Copy of a letter from Mr. La Trobe, which I received on the 13th instant, together with a Copy of a List enclosed in it, shewing as far as possible how each man has been disposed of.

I also enclose a Copy of a letter from Mr. La Trobe, transmitting a Return of the expense incurred in the disposal of the Exiles. I am happy to say that it amounts only to £34 16s. 3d., which, as stated in my Despatch No. 37 of the 19th February last, I have caused to be charged as a Convict Expense, though, as shown by the Account enclosed, the amount has been more than covered by the sale of the Blankets, Beds, etc., used by the Exiles whilst on board the “Sir George Seymour.”

I have, &c.,

GEO. GIPPS.

[Enclosures.]

Copies of these letters, dated 2nd and 20th May, 1845, will be found in a volume in series III.]
1845.

1 June.

Refusal to authorise payments by E. Barnard on account of legislative council.

Transmission of letters from W. Macpherson.

Papers transmitted from legislative council for delivery by E. Barnard.

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LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 52, per ship Thomas Lowry.)

Sir,

Downing Street, 1st June, 1845.

I transmit to you the accompanying correspondence between Mr. Barnard, the Agent for New South Wales, and this Department. I have been under the necessity of declining to sanction the payment, by him, of expenses incurred in the performance of duties confided to him by the Legislative Council of New S. Wales, without your sanction or knowledge, first, because the admission into his accounts of such a charge would involve an acknowledgment of the right of the local Legislature to issue Instructions to the Agent in this country, directly and without your intervention, and secondly, because it would involve an acknowledgment of their right to incur expenses in England, for which no provision had been made in any Estimate either proposed or adopted by yourself.

I am not prepared to make either of those acknowledgments.

I have, &c,

[Enclosure No. 1.] STANLEY.

MR. E. BARNARD TO UNDER SECRETARY STEPHEN.

Sir,

No. 5 Cannon Row, 17 May, 1845.

I have the honor to transmit to you copies of two letters, which I have received from Mr. McPherson, the Clerk of the Legislative Council of New South Wales, directing me to cause the parcels, etc., therein mentioned, to be safely delivered to the individuals to whom they are addressed; and I am to request that you will favour me with Lord Stanley’s authority for the payment of the sum of £3, the expense which has been incurred in clearing the Parcels above alluded to.

I have, &c.

EDWD. BARNARD.

[Sub-enclosure No. 1.]

MR. W. MACPHERSON TO MR. E. BARNARD.

Legislative Council Office, Sydney, New South Wales, 7th October, 1844.

Sir,

I am directed by the Honorable the Speaker of the Legislative Council of New South Wales, Alexander McLeay, Esq., to forward to you by the ship “Ceylon” (to sail to-morrow morning), a parcel containing a packet for the Honorable Francis Scott, M.P., for Roxburghshire, and also two Petitions to the House of Lords and Commons, under cover to the Right Honorable the Earl of Ripon, and William Hutt, Esq., M.P.; and likewise a letter addressed to Ross Donelly Mangles, Esq., M.P.

I enclose a Bill of lading for the parcel abovementioned; I am further directed to request that you will have the goodness to cause the above to be safely delivered, and likewise that you will please to acknowledge the receipt of the same.

I have, &c.

WM. MACPHERSON, Clk. of Legis. Council.

[Sub-enclosure No. 2.]
for the Honorable Francis Scott, M.P. for Roxburghshire, which I am directed by  
the Honorable the Speaker of the Legislative Council of New South Wales, Alexander McLeay, Esq., to request that you will have the goodness to cause to be safely  
delivered to him and likewise that you will please to acknowledge the receipt of  
the same.  
I enclose a Bill of lading for the parcel abovementioned.  
I have, &c.,  
WM. MACPHERSON. Clerk of Legis. Council.

[Enclosure No. 2.]

UNDER SECRETARY STEPHEN TO MR. E. BARNARD.

Sir, Downing Street, 3d June, 1845.

In answer to your letter of the 17th Ultimo, I am directed by  
Lord Stanley to state that it is not in his Lordship's power to  
authorize the payment of expenses incurred by you in the execution  
of duties committed to you by the Legislative Council of New South  
Wales, without the sanction or knowledge of the Governor of that  
Colony.  
I have, &c.,  
JAS. STEPHEN.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch marked "Military, No. 13," per ship Thomas Lowry.)  

Sir, Downing Street, 4th June, 1845.

I have to acknowledge the receipt of your despatch,  
No. 250, of the 30th of November last, with the Address therein  
enclosed from the Legislative Council of New South Wales,  
requesting that the same indulgences may be extended to Com-  
muted Pensioners in that Colony, which have been granted to  
them in Canada; and, having communicated with the Board of  
Treasury on the subject, I now transmit to you a copy of a  
letter which has been received from the Assistant Secretary to  
that Board, covering copies of several minutes explanatory of  
the steps which Her Majesty's Government have authorised to  
be taken for the relief of the commuted Pensioners generally.

It only remains for me to desire that you will, so far as you  
are concerned, lend your assistance to the General Officer Com-  
manding in New South Wales, in carrying into effect the views  
of Her Majesty's Government in regard to the Pensioners re-  
siding in the Colony under your Government.  I have, &c.,  
STANLEY.

[Enclosure.]

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

Sir, Treasury Chambers, 29th May, 1845.

I am commanded by the Lords Commissioners of Her Ma-  
esty's Treasury to transmit to you, to be laid before Lord Stanley  
with reference to former correspondence relative to the grant of a  
Compassionate allowance to destitute Commuted Chelsea Pen-  
sioners, who are residing in the Colonies, Copies of their Lordship's  
Minutes on this subject of the 19th November and 3d December,  
1844, and of the 6th Instant.
You will state to his Lordship that directions have been given to the Commander of the Forces in Canada to consider the Regulations, contained in the Minute of this Board of the 19th November, 1844, as the guide with respect to the Commuted Pensioners in that Colony.

Directions have also been given to the General Officers Commanding in Nova Scotia, New Brunswick and in New South Wales, to convene Boards of Officers for the objects contemplated in their Lordsships' Minute of the 3d December last, with this difference only that, considering the distance of the Station of New South Wales, My Lords have not required that the proceedings of the Board of Officers, held there, should be laid before them previously to such proceedings being acted upon; but their Lordships have desired to receive a special report from the General Officer commanding in New South Wales for confirmation or disallowance of the directions, which he may deem it proper to give on the several cases which will be the subject of enquiry.

You will move Lord Stanley to instruct the Governor of New South Wales and also the Lieut. Governors of Nova Scotia and New Brunswick to cause every assistance and co-operation to be given by the Civil authorities in furtherance of the objects of the investigation.

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

[Sub-enclosure No. 1.]

Copy of a Treasury Minute, dated 19th November, 1844.

Warre to the Secretary at War, and referring him to a communication of this Board of the 3d July, 1843, by which he was informed that My Lords had requested the Secretary of State for Colonial affairs to instruct the Governor General of Canada to cause measures to be taken with a view to the revision of the List of Commuted Chelsea Pensioners, residing in that Colony, who are receiving a charitable allowance of 4½d. a day under their Lords' authority, and that the allowance in question was to be granted to such of these men only as were in a state of destitution and unable to maintain themselves; transmit for the Secretary at War's information Copy of a Letter from Mr. Stephen of the 8th Instant, with copy of a Despatch from the Governor General, and copy of a Letter addressed to His Excellency by the Military Secretary of the Commander of the Forces on this subject.

The following points appear to be embraced in the recommendations of Sir Charles Metcalfe and Sir Richard Jackson:—

1. The present recipients of this Bounty are to be limited to the 756 Individuals found by the Board of Officers to come under the description of those for whom the relief was intended.

2. If any change in the circumstances of any of those Individuals, by which they would no longer be in want of almsgiving aid, should come to the knowledge of the Officers of the Commissariat by whom they are paid, it is to be reported to the Commander of the Forces with a request that he will give directions that they may be forthwith struck off from the list.

3. If the Commander of the Forces should be satisfied, after full and strict enquiry, that any of the 158 Individuals, whose names are recommended by the Officers composing the different Boards to be now discontinued from the List in consequence of their not being in want, should hereafter be reduced to a state of destitution, he is to be at liberty to direct that their names be restored to the List.

4. The name of a Commuted Pensioner, not heretofore receiving the allowance, is not in any case to be added to the List without the previous specific authority of this Board, nor is the allowance to be granted by Local authority to any of those, who have heretofore received, and whose circumstances have not been investigated by the Boards of Officers; but, if a case of either of these classes should be laid before the Commander of the Forces, and he should be of opinion that the Individual is a fit object of the bounty of Government, a full report of all the circumstances to be made for the consideration and decision of My Lords, it being understood that residence in the United States at the time of the investigation or afterwards is to be looked upon as demonstrative of the parties not requiring the allowance.

My Lords see no reason to dissent from these proposed regulations for conducting the service; and, if the Secretary at War should also concur therein, their Lordsships will be prepared to give directions for carrying them into execution.
STANLEY TO GIPPS.

[Sub-enclosure No. 2.]

COPY of a Treasury Minute dated 3d December, 1844.

Read a Letter from the Secretary at War, dated the 26th Ultimo, transmitting Petitions from several Commuted Pensioners resident at New Brunswick, praying that their Pensions may be restored in consequence of the commutation money originally received by them having long ago been repaid by the cessation of their pensions.

The Secretary at War requests to be favored with the opinion of My Lords as to the propriety of affording to the Commuted Pensioners in that and other Colonies, who may stand in need of such relief, the same allowance as is granted to those in Canada.

My Lords read their Minute of the 19th Ulto., approving of the recommendations of the Governor General and the Commander of the Forces in Canada for the issue in future of the charitable allowance of 4½d. a day to commuted Pensioners in that Province, who are in a state of destitution, under certain Regulations, which had become necessary, as it had been found by Boards of Officers, appointed for the special purpose of enquiring into the circumstances of these Individuals, that many of them were in the receipt of this charitable allowance, who did not come under the description of those to whom it was intended to be limited.

With regard to the proposition of the Secretary at War for extending the grant of this charitable assistance, My Lords have to observe that the arrangement, by which certain Chelsea Pensioners proceeding to the Colonies were permitted to commute their pensions, was adopted on a general view of all the circumstances of the case as alike beneficial to the Public and to the Individuals concerned.

By means of the commutation, the Pensioners were furnished with an Outfit as Settlers on free grants of Lands in the Colonies, and they thus had the opportunity given to them of obtaining a comfortable subsistence in a higher rank of life.

Many hence profitted by this opportunity, while others, owing to improvidence or misfortune, have been reduced to a state of destitution.

In either case, they can have no claim upon the Government as of Right. However the bargain may have turned out, it was fully assented to by them at the time.

It must also be remembered that, although the Government may have gained by the transaction as regards those commuted Pensioners who are still alive, it has been subjected to a loss as regards those who died before the amount of the Pension, which they would have received if they had not accepted of the commutation, equalled the amount of the commutation.

The Commuted Pensioners, who have remained or returned to this Country, have not acted up to the intention of the arrangement, which was to establish the Pensioners as a useful class of Colonists; and they are not destitute because, being in their native Country, they are entitled to the usual legal provision.

Viewing the question not as a matter of right, but of humanity and policy, My Lords will not be disposed to sanction the grant of a charitable allowance of 4½d. a day to those commuted Pensioners at present residing in Nova Scotia and New Brunswick, who are entirely destitute, the same as has been granted to a similar description of persons in Canada, provided the circumstances of each individual's case be investigated and reported upon by Boards of Officers, of which a Commissariat Officer is to be a Member, to be appointed for the purpose by the Officer Commanding the Troops.

The Boards will furnish a nominal List of all commuted Pensioners now residing in the respective Districts to which their enquiry will be confined, with a statement of the means possessed by each Individual of obtaining his own livelihood, to be verified, where necessary, by reference to the Civil or Military Authorities, with the opinion of the Board as to whether the Individual is in a state of destitution requiring aid from the Government in addition to his own resources, or the assistance of those on whom he may have a legitimate claim.

The proceedings of the Boards are to be submitted to the Officer Commanding, who will be requested to transmit them to My Lords with any observations which it may occur to him to make thereon, when My Lords will take into consideration the grounds on which the Parties ask for relief, and give such directions as may appear to them to be proper.

If any change in the circumstances of any of these Individuals, to whom relief may be afforded, by which they would no longer be in want of charitable assistance, should come to the knowledge of the Officers of the Commissariat by whom they are to be paid, it is to be reported to the Officer Commanding, with a request that he will give directions that their names may be struck off from the list of Recipients of this Bounty. If the Officer Commanding should be satisfied after full and strict enquiry that any of the Individuals, who may be found by the Officers composing the different Boards, not to be now in want of charitable aid from Government, should hereafter be reduced to a state of destitution, a full report of all the circumstances is to be made to their Lordships for their consideration and
decision, it being understood that residence in the United States, subsequent to the Investigation, is to be looked upon as demonstrative of the parties not requiring the allowance.

Transmit copy of this Minute to the Secretary at War, with reference to his letter of the 26th Ultimo, and state that, if he should see no reason to dissent from the views therein expressed, My Lords will be prepared to give the necessary directions to the General Officer Commanding in Nova Scotia to assemble Boards of Officers for the purpose of enquiring into the circumstances of destitute commuted Pensioners in Nova Scotia and New Brunswick; and their Lordships will request the Secretary of State for Colonial affairs to instruct the Officers administering the Governments of those Colonies to direct that every assistance and co-operation may be given by the Civil Authorities in furtherance of the object of the Investigation.

[Sub-enclosure No. 3.]

COPY of a Treasury Minute, dated 6th May, 1845.

TRANSMIT copy of this Letter and the enclosures to the Secretary at War, and state that it appears to My Lords that a charitable allowance of 4d. a day, which is granted to the commuted Pensioners in Canada, and which it is proposed to extend to those who are located in Nova Scotia and New Brunswick under certain regulations and restrictions specified in a Minute of this Board of the 3d December last, copy of which was transmitted to the Secretary at War on the 9th of that Month (23208/44) may with propriety be sanctioned to such of the same class of persons, as are residing in New South Wales upon their identity as commuted Chelsea Pensioners, and the fact of their state of destitution being established by a Board or Boards of Officers to be assembled for the purpose of conducting an enquiry on the subject under similar regulations and restrictions, and if the Secretary at War should concur in this opinion request that he will signify his concurrence to this Board when directions will be given accordingly.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 4th June, 1845.

Having observed an error in one of the Statistical Tables relating to this Colony, published under the authority of the Board of Trade, I think it right that the same should be reported.

The Paper, in which the error occurs is No. 155 of the Sessional Papers of the House of Commons for 1844, headed “Import Duties,” and dated “Statistical Department, Board of Trade, 21st March, 1844.”

The error is in the 24th or last page; and the correction required is opposite the words “Sugar refined,” and in the column headed “New South Wales,” to strike out the words “5 per cent. ad valorem,” and to insert the word “free.” I have, &c.

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord,

Government House, 5th June, 1845.

I am sorry to have occasion again to bring under Your Lordship’s notice the case of the Quarantine expenses of the Emigrant Ship “Eleanor,” which arrived in Sydney on the 22d August, 1841.
In consequence of the opinions expressed respecting these expenses in your Lordship's Despatch No. 143 of the 5th October, 1844, and in the letter from the Commissioners of Colonial Lands and Emigration, enclosed in that Despatch, I thought it right to bring the subject of the Quarantine of the "Eleanor" again before my Executive Council; and I enclose herewith a Copy of the Minute, which was after much consideration made by the Council.

The substance of this Minute is that, for the reasons set forth by the Council, the expenses in question should not be paid by this Government, except under the express order of your Lordship. Should your Lordship therefore be still of opinion that the expenses ought to be paid, I have respectfully to submit my request that an order to this effect may be forwarded to me.

I have, &c.,

[Enclosure.]

Lord Stanley to Sir George Gipps.
(Despatch No. 53, per ship Thomas Lowry.)

Sir,
Downing Street, 6 June, 1845.

With reference to my despatch No. 41 of the 30th of April, I transmit, herewith, two Warrants under the Royal Sign Manual, authorising you to cause Letters Patent to be passed under the Public Seal of the Colony of New South Wales, appointing Mr. Alfred Stephen to be Chief Justice, and Mr. William Montagu Manning to be Her Majesty's Solicitor General, for that Colony; and I have to desire that you will obtain from each of these Gentlemen, and remit to Mr. Smith, the Chief Clerk of my Office, the sum of Eleven Pounds, 5s. 6d., being the amount of Fees and Stamp duty payable on Instruments of this nature.

I have, &c.,

Stanley.

[Enclosure No. 1.]
advantages thereunto belonging or appertaining. And you are to
cause to be inserted in the said Letters Patent a Clause or proviso,
obliging him, the said Alfred Stephen, to actual residence within
Our said Colony, and to execute the said office in his own person,
except in case of Sickness or other incapacity, and all such other
clauses and provisos as are requisite and necessary in this behalf.
And for so doing this shall be your Warrant. Given at Our Court
at Buckingham Palace, this Second day of June, 1845, in the Eighth
year of our Reign.

By Her Majesty's Command,

STANLEY.

[Enclosure No. 2.]

WARRANT FOR COMMISSION FOR MR. W. M. MANNING.

TRUSTY and Wellbeloved, We greet you well. Whereas We have
taken into Our Royal consideration the loyalty, integrity, and
ability of Our Trusty and Wellbeloved William Montagu Manning,
Esquire, We have thought fit hereby to authorize and require you
forthwith to cause Letters Patent to be passed under the public
Seal of Our Colony of New South Wales, constituting and ap­
pointing him, the said William Montagu Manning, to be Our
Solicitor General for Our said Colony, To have, hold, exercise, and
enjoy the said office and place during Our pleasure, together with
all the rights, profits, privileges, and advantages thereunto belonging
or appertaining. And you are to cause to be inserted in the said
Letters patent a Clause or proviso, obliging him, the said William
Montagu Manning, to actual residence within Our said Colony, and
to exercise the said office in his own person, except in case of
Sickness or other incapacity, and all such other clauses and pro­
visoes as are requisite and necessary in this behalf. And for so
doing this shall be your Warrant. Given at Our Court at Bucking­
ham palace, this Second day of June, 1845, in the Eighth year of
Our Reign.

By Her Majesty's Command,

STANLEY.

10 June.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 54, per ship Thomas Lowry.)

Sir,
Downing Street, 10 June, 1845.

I have received your Dispatch No. 13 of the 13th January
last; and I request you will convey to Mr. T. Callaghan my thank
for the Volume, which you have there transmitted to me at that
gentleman's request, of the Acts of Council and of Parliament
for New South Wales, edited by him for the Government of the
Colony. I have, &c.

STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 99, per ship Parkfield; acknowledged by
lord Stanley, 5th December, 1845.)

My Lord,
Government House, 10th June, 1845.

I have had the honor to receive your Lordship's Des­
patch No. 176 of the 7th December, 1844, pointing out the
inconvenience which had arisen from my having omitted to con- 1845.
sult with the Officers of the Customs on the question of extending to the Town of Newcastle the privileges of a Free Port.

In reply I have to submit to your Lordship that, previously to writing my Despatch No. 116 of the 31st May, 1844, I, on various occasions, communicated, both verbally and in writing, with the Collector of Customs on the subject of extending to Newcastle the privileges of a Free Port; the Despatch in question will indeed shew that it was my intention to instruct the Collector to forward a Report on the subject to the Commissioners of Customs; and, up to the day on which I received your Lordship’s Despatch, I was under the impression that I had given such an instruction. I can consequently now only express my regret that in the hurry of business I must have forgotten to do so. I have ascertained, however, that a report on the subject was forwarded by the Collector of Customs on the 12th April last.

I have, &c,

GEO. GIPPS.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 55, per ship Thomas Lowry.)

Sir,

Downing Street, 12 June, 1845.

I have received your dispatch No. 218 of the 5 of Oct. last, enclosing a Petition addressed to the Queen by the Legislative Council of New South Wales, praying that Wheat, Maize, Flour and Maize Meal, the produce of the Australian Colonies, may be introduced into the United Kingdom on payment of merely nominal Duties.

I have laid that Petition before the Queen, who was pleased to receive it very graciously; and I have received Her Majesty’s Commands to state that, on questions such as that now brought under consideration, Her Majesty would be guided by the Wisdom of Parliament.

I have, &c,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 56, per ship Thomas Lowry.)

Sir,

Downing Street, 12 June, 1845.

I have to acknowledge the receipt of your dispatch No. 247 of the 27th Novr., 1844, accompanied by a Petition to the Queen from the Legislative Council of New South Wales, praying that the Port of Geelong, within the Harbour of Port Phillip, may be made either a free warehousing Port or a Port of Entry and Clearance.

I have, &c.

STANLEY.
You will acquaint the Petitioners that I have laid this Memorial before the Queen, and that Her Majesty was pleased to receive it very graciously.

Considering however the nature and small amount of the Trade carried on at Geelong, and especially advertsing to the unfavourable opinion you have yourself expressed on the subject, I have been unable to advise Her Majesty to accede to the prayer of the Memorialists.

I have, &c.,

STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.

(Despatch No. 58, per ship Thomas Lowry.)

Sir,

Downing Street, 12th June, 1845.

I have received your despatch dated the 12th of January last No. 11, enclosing a Petition to the Queen from the Members of the Legislative Council of New South Wales, praying that Her Majesty may be pleased to consent to the entire separation of the District of Port Phillip from New South Wales, and to its erection into a separate and independent Colony.

You will acquaint the Petitioners that I have laid this Petition before the Queen, and that Her Majesty was pleased to receive it very graciously.

The subject, to which the Petitioners refer, is of grave importance, and presents questions on which, unaided by any advice or information from yourself, it is not in my power to submit to the Queen any opinion as to the course which it might be proper that Her Majesty should take. I wish to receive from you a full report of your views as to the proposed separation of the Port Phillip District from the Government of New South Wales, embracing in that report not only the probable advantages and disadvantages of the measure, but also the means by which, if adopted at all, it would most conveniently be carried into effect, the boundaries by which any such new Province should be separated from the more Northern Colony, and the nature of the Legislative Institutions which, on such a supposition, it might be prudent to establish at Port Phillip.

To aid in the more complete investigation of this subject, you will refer it to the consideration of the Executive Council, and suggest to them the propriety of examining the Petitioners and any other persons in either part of New South Wales, who possess any peculiar means of explaining the results of the existing union, and the probable consequences of the proposed separation of the Northern and Southern divisions of the Country.

I have, &c.,

STANLEY.
GIPPS TO STANLEY.

LORD STANLEY TO SIR GEORGE GIPPS.
(Despatch No. 59, per ship Thomas Lowry.)

Sir,

Downing Street, 12 June, 1845.

I have received your dispatch No. 20 of the 24th of January last, containing a further explanation of the circumstances under which Mr. Ralfe ceased to be employed in the service of the Survey Department in New South Wales; and I do not see any sufficient ground for further questioning the propriety of your decision on that case.

I have, &c.,

STANLEY.

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

My Lord,

Government House, 12th June, 1845.

I have had the honor to receive your Lordship’s Despatches Nos. 167 and 183 of the 30th November and 22d December, 1844, on the subject of the employment at Melbourne of Mr. Barnes, the Collector of Customs in Van Dieman’s Land, and being in reply to my own Despatches Nos. 76 and 81 of the 4th and 10th April, 1844, in the latter of which I preferred a complaint of want of courtesy on the part of Mr. Barnes towards this Government, and of the inconveniences which I then apprehended might result from his proceedings in New South Wales.

I am happy now to be able to report to Your Lordship that the passing of the Act of Parliament,* 8th Vict., ch. 72, entirely removed the difficulties which I apprehended might grow out of Mr. Barnes’ proceedings in as far at least as the payment of his expenses was concerned. I have also further to report that, as soon as a Copy of that Act reached me, I caused, namely on the 31st January, 1845, the money to be paid to Mr. Barnes (£223 16s.) which I had withheld from him.

Mr. Barnes’ proceedings are consequently no longer likely in any way to embarrass my Government; but I trust your Lordship will excuse my remarking that, though the entire management of the Customs is, by the recent Act of Parliament, vested in the Lords Commissioners of Her Majesty’s Treasury, the Revenue derived from them is the property of the Colony, and is what I have chiefly to look to for carrying on the business of my Government; and I cannot refrain from again submitting to Your Lordship that, when Mr. Barnes in the progress of his enquiry unexpectedly found that, owing to fraud or mismanagement,

* Note 39.
1845.
12 June.

Neglect of G. H. Barnes in reporting defalcations.

the Revenue had suffered to the large amount of £17,180, he ought, without loss of time, to have made me acquainted with the facts of the case, and not to have withheld the knowledge of them from me until the very moment of his departure, and then to have communicated them only in a loose and scarcely official manner.

I beg Your Lordship to understand that I made no complaint against Mr. Barnes for not having communicated with me direct; for I look on communications to Mr. La Trobe, in matters connected with Port Phillip, in every way the same as if addressed to myself; what I chiefly complain of is that, in consequence of Mr. Barnes' not having made to me or to Mr. La Trobe the communications which I consider he ought to have made, Mr. Webb remained for 12 months in charge of the Department of Customs at Port Phillip, and in the receipt of Public Monies, after he was known to be a defaulter; whereas, had his misconduct been brought properly before me, I should have undoubtedly felt it my duty immediately to have suspended him.

I have, &c.,
GEO. GIPPS.

14 June.

Report re J. Brennan.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord, Government House, 14th June, 1845.

Having made the enquiries directed in Your Lordship's Despatch (not numbered) of the 14th December, 1844, respecting a person named John Brennan, who, with Ann his wife, arrived in this Colony by the ship "Marchioness of Bute" on the 7th January, 1842, I have the honor to report, that John Brennan is living near Wollongong, about 40 Miles to the south of Sydney, on some Land of which I understand he has a Lease.

I have caused a communication to be made to him of his Father's enquiries.

I have, &c.,
GEO. GIPPS.

15 June.

Transmission of abstract of revenue and expenditure.

SIR GEORGE GIPPS TO LORD STANLEY.

My Lord, Government House, 15th June, 1845.

The usual Abstract of the Revenue and Expenditure of this Colony for 1844 having been printed, I do myself the honor to forward a Copy of it to Your Lordship.

The Estimates for 1846 are in course of preparation, but not yet printed.
The Accounts, now forwarded for the year 1844, shew a considerable reduction in the Revenue, but a still greater one in the Expenditure; and I am happy to be able to say that I consider the Finances of the Colony to be in a very satisfactory state.

The increase of smuggling and of illicit distillation is what I have most to complain of; and I only await an answer to my Despatch No. 2 of the 1st January, 1844, or rather, I should say, I await information as to the fate of the Reserved Act transmitted with that Despatch, to bring forward some other measure for the reduction of the duties on Spirits, whether imported into or distilled in the Colony.

The following are a few of the most prominent facts to be deducted from the printed Statement now forwarded:

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<th>1843</th>
<th>1844</th>
<th>Decrease</th>
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<tbody>
<tr>
<td>Ordinary Revenue</td>
<td>£294,311 14 9</td>
<td>£266,724 19 5</td>
<td>£27,586 15 4</td>
</tr>
<tr>
<td>Ordinary Expenditure</td>
<td>£306,307 13 10</td>
<td>£257,891 10 6</td>
<td>£48,416 3 4</td>
</tr>
<tr>
<td>Decrease in Revenue</td>
<td>£11,895 19 1</td>
<td>£8,933 8 11</td>
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<tr>
<td>Decrease in Expenditure</td>
<td></td>
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The decrease in the Revenue was nearly 9½ per cent. and in the Expenditure nearly 16 per cent.

The ordinary Revenue in 1843 fell short of the Expenditure by £11,895 19 1
In 1844, the ordinary Revenue exceeded the Expenditure by £8,933 8 11

The ordinary Revenue being unassisted in either year by any contribution from the Crown Revenue, and advances to the amount of £25,250 being included in the Expenditure of the two years towards the buildings of the New Military Barracks hereafter to be repaid (see my Despatch No. 153 of the 21st July, 1844).

The actual state of the Public Treasury is not to be gathered from the Returns now forwarded; but the money in the Treasury at the commencement of the present month amounted to about £70,000 of which something more than £20,000 was Crown Revenue; but, on the other hand, there is a debt on the Crown Revenue of £100,000 bearing an Interest of six per cent.

I have, &c.,
Geo. Gipps.

[Enclosure.]

[A copy of this abstract will be found in the "Votes and Proceedings" of the legislative council.]
SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 103, per ship Parkfield; acknowledged by lord Stanley, 3rd November, 1845.)

My Lord,

Government House, 15th June, 1845.

I have had the honor to receive Your Lordship's Despatch No. 161 of the 24th Novr., 1844, in which I am called upon to express my opinion on the propriety of the reduction, proposed to be made in the Salary of future Governors of this Colony, by a Bill which passed the Legislative Council, on the 14th June, 1844, and was transmitted with my Despatch No. 138 of the 9th July, 1844.

When I transmitted this Bill to Your Lordship, I considered it right to abstain from making any comments upon it; but, called upon as I now am by Your Lordship, I can of course have no hesitation in freely expressing my opinions on the proposed measure.

The Salary of the Governor of New South Wales was fixed at its present amount in 1832 by an Act of the Local Legislature, 2d Wm. IV, No. 4; and it was confirmed at the same rate ten years later by an Act of the Imperial Parliament fixing the Constitution of the Colony, namely, by the 5th and 6th Vict., ch. 76, Schedule A. It seems to me, therefore, that the only valid reason, which could now be alleged for reducing the amount of the Salary, would be either an embarrassment in the Finances of the Colony, such as to render the measure an imperative one on the score of needful economy, or a reduction on the duties, expenses, or the importance of the Office of Governor, occasioned by the decline of the Colony, or any other circumstances of an analogous nature.

The ordinary Revenue of the Colony in the year 1831, the year immediately preceding that in which the Governor's salary was fixed at £5,000 a year, was £117,447 17s. 6d.; and in 1843, the year immediately preceding that in which it was proposed to reduce the Salary to £4,000, the same Revenue was £294,311 14s. 8d.; and, though undoubtedly there was a considerable decline in the revenue in the years 1843 and 1844, as compared with the years of excessive speculation, 1840 and 1841, in the latter of which the ordinary Revenue had risen to £373,855 1s. 6d.; my Despatch of this day's date No. 102 will, I trust, shew that the Finances of the Colony are at the present moment in a satisfactory and healthy state; and I feel perfectly warranted in concluding that there is nothing in the financial State of the Colony to render a reduction in the Governor's Salary necessary.

That there has been any diminution in the duties, responsibilities, expenses or importance of the Office of Governor is