COMMONWEALTH OF, AUSTRALIA.

HISTORICAL RECORDS
OF
AUSTRALIA.

SERIES 1.
GOVERNORS' DESPATCHES TO AND
FROM ENGLAND.

VOLUME XXV.
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EDITORIAL NOTE.

In this volume, the despatches, to and from Sir Charles Fitz Roy as governor of the colony of North Australia, have been omitted, and will be found in a volume in series III.

Fredk. Watson.
INTRODUCTION.

Sir Charles Augustus Fitz Roy.

Sir Charles Augustus Fitz Roy was the tenth governor of New South Wales. He arrived in the colony on the 2nd of August, 1846, and took the oaths of office on the following day. He administered the government, first, as governor-in-chief and captain-general, and, secondly, as governor-general, until the 27th of January, 1855. During his administration, the colony passed through an extraordinary period of progress; the district of Port Phillip was separated and erected into an independent colony under the name of Victoria; in the year 1853, the constitution act was passed by the legislative council, and, in the year 1855, was confirmed with slight amendment by the British parliament, and by this act the colony was granted the principle of responsible government; the protest of the colonists against the revival of transportation of convicts was recognised finally by the British government; the squatting problem was reduced to an ordered system; railways were introduced; a steam postal service was inaugurated between the colony and Great Britain; the practical discovery of gold with the consequent enormous influx of population changed the prospects of the colony; the establishment of a branch of the royal mint with an Australian gold coinage was initiated; the building of the exchange and the construction of the Fitzroy dock were commenced; and the university of Sydney was founded. The influence of Sir Charles Fitz Roy on this great political, social and intellectual progress will be noted in detail in the introductions to succeeding volumes. In this introduction, it is necessary to consider the man and to note the salient features of his life.

Charles Augustus Fitz Roy was the son of general lord Charles Fitz Roy, who was the second son of the third duke of Grafton. He was born on the 10th of May, 1796.
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At the age of sixteen years, he entered the army and obtained a commission as lieutenant in the royal regiment of Horse guards on the 16th of October, 1812. He was present at the battle of Waterloo on the staff of Sir Hussey Vivian.

On the 11th of March, 1820, he was married to lady Mary Lennox, the eldest daughter of the fourth duke of Richmond; and his career was largely affected by the family influence of two ducal houses.

On the 27th of April, 1820, he obtained his commission as captain in the Horse guards; but, on the 23rd of June, 1825, he was placed on the half-pay list. On the 20th of October, 1825, he was promoted to the rank of lieut.-colonel, and was appointed deputy adjutant-general at the Cape of Good Hope.

After service at the Cape, he returned to England, and, in the year 1831, he was elected to the house of commons as member for Bury St. Edmunds. In this parliament, the Reform bill was passed, for which Fitz Roy voted. He did not, however, seek re-election, and therefore did not sit in the reformed parliament; and, in the year 1833, he retired from the army.

In the year 1837, he was knighted and appointed lieut.-governor of Prince Edward island. In the year 1841, he was appointed governor and commander-in-chief of the Leeward islands. During these administrations, he won great favour by his conciliatory demeanour. He administered the government of the Leeward islands until the year 1845, when he was selected to succeed Sir George Gipps in the government of New South Wales.

He was given two commissions, dated 20th and 21st February, 1846, respectively, the first as captain-general and governor-in-chief of the territory of New South Wales, and the second as governor and commander-in-chief over the colony of North Australia, a new colony created by letters patent, dated 17th February, 1846, north of the twenty-sixth parallel of south latitude. The effect of the two commissions was to give to Sir Charles Fitz Roy the same territorial jurisdiction as held by his predecessor.
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Accompanied by lady Mary Fitz Roy and his son George as private secretary, he sailed for the colony in H.M. ship Carysfort, and arrived in Port Jackson on the 2nd of August, 1846. He landed on the following day, took the oaths of office and assumed the administration.

A second son and a daughter, the hon. Mrs. Keith Stewart, afterwards came to the colony.

Within eighteen months of his arrival, lady Mary Fitz Roy was killed. On the 7th of December, 1847, Sir Charles Fitz Roy, driving four horses, with lieutenant C. C. Masters beside him on the box and lady Mary in the carriage, left the government house at Parramatta to proceed to Sydney. The horses almost immediately bolted, and, near the entrance to the domain, the occupants were thrown from the carriage. Lady Mary sustained a fracture of the base of the skull, and died shortly after being carried back on a sofa to the government house; C. C. Masters died about nine hours later; whilst Sir Charles Fitz Roy escaped with a severe injury to the knee. As will be noted later, this accident had great influence on Sir Charles Fitz Roy's future career as governor.

In the year 1850, a commission was given to Sir Charles Fitz Roy, whereby he was appointed governor-general of the Australian colonies. By this commission, he was given extensive powers; but, it was neither intended nor desired that he should interfere with the administration of the governments of Tasmania, Victoria, South Australia or West Australia in any matters affecting only their internal interests. The lieut.-governors of the three former colonies and the governor of the last were to administer as formerly; but, at the same time, they were instructed to communicate with Sir Charles Fitz Roy on all matters affecting the common welfare and prosperity, and, in the absence of express instructions from the secretary of state, to accept his decision on any matter which affected more than one of the colonies. Sir Charles Fitz Roy was given this commission as governor of the largest and oldest colony, in order to initiate and foster all measures calculated to promote the interests of the Australian colonies collectively. By his commission, he was empowered, if necessity should arise, to visit any of the colonies, to assume the administration, and to retain it during the period of his residence therein. It is evident that the object of the British government
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was to prevent the conflict of interests amongst virtually independent but neighbouring colonies, and to lay the foundation of a semi-federal system.

In the meantime, Sir Charles Fitz Roy's commission as governor of North Australia was revoked in the year 1847.

Sir Charles Fitz Roy retired from the government on the 17th of January, 1855, and ten days later he embarked on the ship Madras for England.

After his return to England, he was married to Margaret Gordon on the 11th of December, 1855.

He did not long survive his return, but died on the 16th of February, 1858, in Clarges-street, Piccadilly, London.

There has been no governor of New South Wales whose personal and moral character has been more discussed than that of Sir Charles Fitz Roy; and it is difficult, therefore, to estimate the value of his influence on the political, social and intellectual progress of the colony. All his contemporaries of any standing in the community criticise adversely his moral character and his unfortunate "undue partiality for the fair sex"; and, in doing so, many of them possibly have failed to recognise any influence which he exerted in his official character.

In his official capacity, Sir Charles Fitz Roy demonstrated a certain independence of action in the interpretation of instructions from the secretary of state, and for so doing he was severely censured by the secretary of state several times in the early part of his administration. On one occasion, however, he deviated* from his instructions owing to an informality of an order-in-council, and acted independently even of the advice of the attorney and solicitor-general; on this occasion, the secretary of state, earl Grey, refused to reply officially to the despatch of Sir Charles Fitz Roy, but, in a private despatch,† commended him for having "acted judiciously."

During his administration, Sir Charles Fitz Roy endeavoured to become personally conversant with all the country under his jurisdiction; and, at great personal inconvenience, he undertook numerous visits of inspection in the country districts, and voyages

*See page 358 et seq. †See page 684.
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along the coast to inspect coastal districts. He was the first govern­
or to traverse the squatt­
ing districts, and to acquire a personal knowledge of the con­di­
ions of colonial pioneering in outlying areas. He was a fair and impa­
trial administrator, and he was never even charged with one act of harsh­
ness or partiality towards an individual. As the head of the executive, he was most industrious and painstaking; and it is said that no paper of importance passed through his office without his personal perusal and comments, when necessary.

Unfortunately he belonged to a family, the members of which were notorious for their "undue partiality for the fair sex." This failing had been commented on strongly by Junius in his eighty-seventh letter to the duke of Grafton. It is undoubted that Sir Charles Fitz Roy and his two sons, who were with him in the colony, inherited the family failing to a marked degree. This was more exaggerated when all restraint was removed by the unfortunate death of lady Mary Fitz Roy. His daughter, the hon. Mrs. Keith Stewart, who acted as chatelaine at government house after her mother's death, had little influence over the conduct of her father and brothers, and many scandals were whispered in the colony.

The feeling engendered in the colony may be realised by the action taken in the legislative council. On the 1st of December, 1854, an address of farewell was moved. The Reverend John Dunmore Lang, thereupon, submitted an amendment that it was the deliberate opinion of the council:

"That the moral influence, which has emanated from Government House during His Excellency's term of office, has been deleterious and baneful in the highest degree to the best interests of this community; and that the evil example, which has thus been set in the highest places of the land, has tended more than anything else that has occurred in this colony these thirty years past to bring Her Majesty's Government into contempt, and to alienate from Her Majesty the affections and respect of the Australian people."

This amendment was defeated by twenty-eight votes to six; but the minority consisted of the mover, Charles Cowper and Henry Parkes, who were destined to become premiers of the colony, Robert Campbell and Edward Flood, who were destined to become
ministers of the crown, and J. W. Bligh, a magistrate of the territory. When such prominent colonists were prepared to publicly express their opinions in such unmeasured terms, it is evident that there was strong feeling against the personal failings of Sir Charles Fitz Roy and his sons amongst certain sections of the community.

It is probable that the industry and impartiality as head of the executive and the administrative ability generally of Sir Charles Fitz Roy exercised some influence on the progress of the colony during his administration; but his personal character militated against this influence being felt to the full extent. It must be remembered, at the same time, that, during this administration, the agitation against the revival of transportation, the strenuous fight for responsible government, and the excitement caused by the discovery of gold clouded most other issues, and prevented their valuation in their due proportions.

FREDK. WATSON.

July, 1925.
DESPATCHES.
HISTORICAL RECORDS
OF
AUSTRALIA.

SERIES I.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 75, per ship Lloyds.)

My Lord, Government House, 1st April, 1846.

In obedience to the directions contained in Lord John Russell's Despatch No. 132 of the 25th August, 1840, I have the honor to forward herewith the Reports for 1845 from the Officers of this Government, employed in the protection or civilization of the Aborigines; and I very much regret that it is not in my power to notice in them any favorable alteration in the general condition of the Aborigines.

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

From the Commissioners of Crown Lands in the Northern and middle Districts of the Colony, namely:


Reports from the District of Port Phillip, namely:


Crown Commissioners for the Districts of—


I also forward the usual Report from the Revd. Mr. Watson, who continues to maintain, unassisted by Government, an Establishment of a Missionary character in the neighbourhood of Wellington Valley; and a Report of rather an interesting character from the Chief Protector of Aborigines of a journey of 1,100 miles undertaken by him to the Tribes of the Country North West and Westward of Port Phillip. I have, &c.,

GEO. GIPPS.
Sir,

I have the honor to Report that the Aborigines of this District during the past year have been in a comparative state of quietude; it is, however, difficult to say whether it is the result of the more intimate relation which has sprung up between them and the Squatters, or the danger they encounter in carrying on those depredations in an extremely droughty season; in former years, the frequent floods rendered the operations of Squatters for the protection of their Stock extremely difficult, and the Aborigines knew well how to take advantage of it. I much fear, therefore, that the apparent calm has been the result of calculation. They are no longer at open war with the Squatters, rushing Herds of Cattle and carrying off whole flocks of Sheep, but have adopted a system of pilfering that no foresight can prevent. Everywhere indeed they adopt the same plan, visiting the Stations in small mobs under the guise of friends. They allow no opportunity to escape of pilfering the huts or destroying any stray Cattle they may meet with on their way. In several instances they have killed milking Cows close up to the Huts, without so much as being suspected, till the Bones of their victims happen to be accidentally met with some days after; in one or two instances they have even buried the Bones, a refinement in their operations which induces me to suspect that they have been put up to it by one or two White Men, said to be living with them. Even in the vicinity of Brisbane, great complaints are made of their daring Robberies, and indeed at my own Station, where we supply them plentifully with corn and sweet potatoes, they never fail to plunder when they have an opportunity, and in the course of this year carried off not less than Seven tons of sweet potatoes in a few weeks, which were grown to supply their wants in the Winter; some few of the better disposed readily give the names of these marauders, but in the present state of the law nothing can be done with them upon such evidence. I see therefore no hope of checking their lawless propensities till it shall be allowed to be received for what it is worth, especially in cases of ordinary larceny.

The German Missionaries, who had commenced forming a Station at Noonga Creek, were quickly ejected by the Coast Blacks, who carried off their produce, pillaged their Hut, and well nigh killed one of them who resisted their proceedings.

Besides some serious Assaults, three men have been killed by the Blacks, during the present year; one of them certainly a worthless fellow named Brown, who had carried off one of their Gins in his Boat on the Coast, in some measure merited his fate. Another named Williams, proceeding to Mr. Archer’s Station in quest of Work, was also murdered by the Coast Tribe. We subsequently by the instrumentality of the Blacks, found his bones and obtained the Names of his Murderers, but there is no other evidence. Finally within these few days, a Mr. John Uhr has been murdered on the Brisbane, where he was residing as Hut Keeper at a Sheep Station belonging to his brother and Mr. Ferriter. All communication had been cut off for some days by a flood in the River, so that I fear
GIPPS TO STANLEY.

they are commencing their usual wet-weather Campaign, as they also carried of a flock of Sheep. The Shepherd, however, made his escape by swimming the River. The body of Mr. Uhr has since been picked up on its Banks and an Inquest held upon it by Major North. The circumstances of the transaction are, however, only known to the Aborigines; and I am making enquiries amongst them on the subject, and shall proceed myself to the Spot when the River is passable for Horses. Hitherto the Station of Messrs. Ferriter and Uhr has escaped molestation and they were very kind to the Blacks; but there is, I am sorry to say, no security but in keeping a constant good lookout and a sufficient force on the Station to command respect.

Upon the whole, therefore, there is little favorable to report, as to their moral or social State. They are still wild Blacks. Permanent residence they have none, and, when frequenting the Stations, stay but a short time. Schools as yet have scarcely been attempted even by the German Mission, who have enough to do to support their Wives and families by hard labour; including the Ranges, the number of the Aborigines cannot be under 4,000, of which about a quarter are fighting Men. I have, &c,

S. SIMPSON, C.C.L.

[Enclosure No. 2.]

MR. C. ROLLESTON TO COLONIAL SECRETARY THOMSON.

Crown Commissioner’s Office,
Darling Downs, 1st January, 1846.

Sir,

It is with feelings of great satisfaction that I have the honor to report the quiet and friendly disposition evinced by the native Tribes, frequenting this District during the past year.

No act of aggression has occurred to interrupt the good feeling which is springing up between the two Colors, and I have every reason to hope that the spirit of hostility, manifested by the Blacks during the Years 1843 and 1844, has died away, and that the experience of the past year has taught them to appreciate the friendship of the Whites.

A spirit of confidence in the peaceable intentions of the Aborigines is rapidly taking the place of the distrust, with which their first attempts at reconciliation were looked upon by the Squatters and their Servants.

It has been my endeavor to promote this feeling in both classes in the absence of which any amelioration in the condition of the Blacks is hopeless.

I am inclined to think that the distribution of blankets, Flour, and Tobacco, made to the Aborigines during the Winter months of last year, contributed materially to this desirable state of things by bringing them in contact with the Whites and convincing them, more substantially than by words, of our desire to be friendly.

During the Winter months, Game is less plentiful, and one of their great means of support fails them entirely, namely, Fish. It is at this period that, pinched with cold and hunger, they are led to seek for food amongst the flocks and Herds of the squatters.

A similar distribution of Flour, etc. (if it can be allowed during the ensuing Winter) will, by conducing to their comfort, ensure the continuance of tranquillity, and afford me the means of further extending my influence over them and gaining their confidence and respect.
1846.
1 April.

Report on aborigines in district of Darling downs:

The Darling Downs District as far as I have been able to ascertain maintains six tribes, numbering from 70 to 100 for each tribe and more than half of these are women and children; but it is impossible to arrive at an accurate estimate of their number or proportions as they amalgamate so much with the neighbouring tribes from Moreton Bay, The Clarence River and New England.

They are a fine athletic race but shew no disposition to work, and are still too wild to attempt successfully any plan of making them useful.

As yet there are only two or three instances of their attaching themselves to a particular station; and, for some time to come, it is not to be expected that they will forego their wandering habits.

I am inclined to hope, however, that their continued intercourse with the Europeans will work a considerable improvement in their condition and habits during the course of the present year.

I have, &c,

CHAS. ROLLESTON, Comr.

[Enclosure No. 3.]

MR. 0. FRY TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office,
Clarence River, 5th January, 1846.

Sir,

In forwarding the Annual Report on the State of the Aborigines in the District of Clarence River during the Year 1845, I regret the necessity of having to enumerate a series of outrages falling nothing short, either in number or atrocity, of the melancholy catalogue furnished in my report for the year 1844.

In the month of February, a shepherd in the employ of Mr. Archibald Boyd was murdered at that gentleman’s station, on one of the Southern branches of the River Clarence, on which occasion between three and four hundred sheep were destroyed. In the month of March also, one of Messrs. Mann and Hook’s shepherds was killed, and a flock of one thousand sheep driven away from their station, which is situated on the same stream as and within about thirty miles of Mr. Boyd’s; by far the greater portion of the sheep were destroyed, in consequence of the overseer’s delaying to send information of the occurrence to the police, until the flock had been several days in the possession of the natives. This was an outrage of a peculiarly distressing nature, as the unfortunate man who was murdered had but recently arrived from England and left behind him a wife and two infant children.

One of the sheep stations of Messrs. Bundock on the upper part of the Richmond River was twice attacked during the month of June; on the last occasion, the hut was plundered of all its contents, and the watchman dangerously speared in three several places. An attack was also made in the same month on Mr. McLean’s station, but no loss or injury was sustained. In addition to the above more heinous offences, a quantity of cattle have been killed during the year on the respective runs of the following gentlemen—Mr. Pawcett, Mr. Irving, Mr. Wyndham, Mr. Eaton and Mr. E. Hamilton.

As it affords reason to anticipate the discontinuance by the natives in this locality of outrages, such as I have detailed, it is some satisfaction to me to be enabled to state that all the preceding depredations have been committed by the tribes on the outskirts of
the District, who have but recently come in contact with Europeans, and that nothing can be more peaceable than the disposition evinced by the Aboriginal inhabitants of the Interior and more settled portions of the District.

I have, &c.,

OLIVER FRY.

[Enclosure No. 4.]

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

Commissioner of Crown Lands Office,

McLeay River, 24th December, 1845.

In compliance with the usual Regulations, I have the honor to forward my annual report on the state of the Aborigines of this District.

I am happy to inform you that I continue to retain the confidence of all the neighbouring Tribes by steadily adhering to the principle, which has guided me throughout in the intimate connection I have had with the native black population of this part of the Colony, and that they are as fully as ever impressed with the idea that, as the retribution will be certain and heavy if they commit the slightest aggression on the Whites, so punishment will be equally inflicted on any white person wantonly injuring or oppressing them.

In the last twelve months, there has been but one solitary instance of outrage on the part of the Natives in which an unfortunate Hutkeeper was severely illtreated and the hut robbed. Two out of the three offenders I have already been fortunate enough to secure, and they are now lying in Sydney Gaol awaiting trial.

There has not been a single complaint made against any of the white population of either cruelty or oppression upon the Natives, nor has there been any ground for complaint.

The collisions between different Tribes in this neighbourhood are as constant as ever; they are, however, rarely if ever attended with loss of life. At the same time, I am anxious to suppress them as much as lies in my power, as I am not one of those who think they should be permitted the unrestricted exercise of their own customs, when not immediately in the presence of Europeans or in situations where the indulgence of them would prove dangerous to the white population. It is a palpable absurdity to suppose that any race of people will make any satisfactory steps in civilization, when they are allowed by constituted authorities the unrestricted indulgence of barbarous laws and customs, which are in themselves totally subversive of anything approaching to civilization.

Of the advancement the Aborigines of this District have made in civilization, I have little or nothing favorable to state. There is the same hopeless apathy and apparent contempt of all useful arts, the same wandering and erratic habits, the same rudeness and destitution which have been ever the distinguishing features of the native population of Australia; and they appear only to put a value upon an intercourse with their white Brethren as affording them the means of indulging in propensities and injurious habits that hitherto they have been strangers to. They have got rid of their native simplicity and in exchange have got acquainted with every vice and profligacy that can be instilled in their too willing ears by the lawless Stockmen and Shepherds, who, from the nature of the Service, are generally the forerunners of Civilization in this Colony; in fact the savage is spoiled and the civilized man is not yet formed.
I have again most respectfully to urge upon the attention of Her Majesty’s Government the state of the half castes, or the children of the female Natives by White fathers, many of whom are to be met with in every District of the Colony, living in the same destitute and barbarous way as their Mothers. My earnest desire is and ever has been to wean these from the wild mode of life, which in the natural course of events will be their fate, and to effect which there would not be that trouble and difficulty, which attends all attempts effectually to civilize the natives, as the half castes almost all display an aptitude to learn and a disposition to adapt themselves to European Customs and habits, encouraging to those who are most apathetic in such a cause. Those children would prove hereafter a valuable medium of communication between the white and black population and well qualified to act as Interpreters in courts of Law.

I have had a halfcaste Boy under my protection for the last three years, who displays a greater aptitude for learning than is to be met with in most white boys of his age.

He was given to me by a Tribe of Blacks in this neighborhood in 1843, who stated that his Mother was dead and they knew not what to do with him; since which time he has been under my care, and, if I can be the means of rescuing one human being from that ignorant and wild life which under other circumstances would have been his fate, I shall indeed esteem myself most fortunate and consider no time or trouble I have bestowed misapplied.

I have, &c.

ROBERT GEO. MASSIE. C. C. Lands.

[Enclosure No. 5.]

MR. G. J. MACDONALD TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office.


Sir,

In attention to your letter of the 2nd Ultimo, I now do myself the honor of transmitting you my Annual Report upon the condition of the Aboriginal Tribes frequenting the District of New England.

It affords me great satisfaction to be enabled again to acquaint you that, during the past year, no Act of outrage or violence has been committed by the Aborigines upon the Persons or Property of the British Population, with the exception of their occasionally spearing Cattle in the neighbourhood of the vast Ravines on the Eastern fall of the Table Land; in every other Respect, the intercourse between the Native Tribes and White population has been amicable and friendly compared with that of former years.

There is no apparent decrease in the Number of the Natives and no indication of a change for the better in Social or moral Improvement in any Shape; nor indeed does there appear to be any well grounded hope of ultimately effecting any general amelioration in the condition of so scattered, disunited, and indolent a race as the Papuas of Australia.

I beg to state in conclusion that my earnest endeavours will be continued to promote the harmony and good feeling, which at present animates the two Races in their intercourse with each other, as well as to carry out in every way, that may be in my power, the humane views and Instructions of Her Majesty’s Government on the subject of the Aborigines. I have, &c.

G. J. MACDONALD, J.P., C.C.L.
MR. F. ALLMAN, JR., TO COLONIAL SECRETARY THOMSON.

Border Police Office,
Liverpool Plains, 10th January, 1846.

According to Instructions received from your Office, dated 2nd July, 1841, covering a Despatch from Lord John Russell, I do myself the honor, for the information of Sir George Gipps, to forward a Report of the result of my observations on the habits and condition of the Aborigines in this District during the past year.

I cannot say that anything has come to my knowledge which would warrant my differing from the opinions and views expressed in my Report of the 1st January, 1845.

I may remark generally that instances of outrage on the part of the more distant Tribes are becoming less frequent. Mr. Commissioner Mitchell in the course of duty has lately entered into communication with several Tribes, who inhabit the Darling and "Fort Bourke" and who had never before seen a white man. The information afforded by this Officer I shall have the honor of placing before the Governor; but the result of all will be found to prove that the Natives have a fixed and rooted aversion to any settled habits, or to becoming available for the purposes of social life.

I can only repeat that I think any Expenditure from the Land Fund would be useless.


Graham D. Hunter, Commissioner of Crown Lands, District of Bligh, for the Year 1845.

In forwarding my Report on the Aborigines of this District, required by Circular Letter of the 2nd July, 1841, for the year ending 1845, I have the honor to submit every information that I consider may be consistent with what is required by the Government.

The transactions of the past year, amongst the Aborigines in the long inhabited parts of this District, meet with little or no alteration; at almost every station, there will be found a few of the natives employed which has been the case for many years. The longer they are employed at these Stations, the more useful they become, provided they are treated kindly and without abuse.

In making this Report at present, I am sorry I cannot forward so favorable an account of those who inhabit more distant parts where new Stations are formed; for some considerable time back. I have been in constant communication with the adjoining Commissioner (at Wellington), so as to afford every protection to both the white and the black people, there being a large portion of the Districts far in the interior much disturbed; but, by keeping Mounted police on patrol constantly in the neighbourhood, we have succeeded in securing those parts from further aggression.

I cannot state with any accuracy as to the number of the Aborigines in this District; in some parts they are more numerous than in others. Where stations have been formed for any length of time, their numbers appear to decrease. I am not aware of any particular
cause this arises from. It may be said that intoxicating liquor is the reason, but in many parts of the Country seldom or ever spirits are to be found, and yet the Aborigines are on the decrease.

The prospect of the Aborigines of this Country being brought into a state of civilization, I am afraid will be a more difficult task than is generally supposed; and, without civilization, we cannot look forward to advancement. When the children are taken and put to school, their abilities are found equal to any and become soon perfectly reconciled to the customs of the white people.

I have at various times used my endeavours to cause them to part with their children (more especially as there are many half-caste children amongst them) that they might be sent to some school; but in few instances am I aware of any person having succeeded in persuading them; to take their children by force would be, I consider, against the wishes of Government and my general Instructions.

Since I had had the appointment of Crown Land Commissioner, there has generally been one of the Aborigines attached to the party, who remains perfectly reconciled so long as the other blacks do not interfere or urge him to go to the bush; on such occasions if being their wish to go, I have given leave without hesitation. By so doing, I find they will return much sooner, not being longer absent in many cases than three or four days.

It would be worthy to remark by my experience for the last six years that the Aborigines can by a proper treatment be made of great benefit, more particularly at Police Stations where I consider their services almost indispensable from the character of the country and the extraordinary duties that have to be performed by Mounted Police, when on bush duty. Their services are then of great importance, without which in many instances it would be almost impossible to arrive at a satisfactory conclusion.

GAHAM D. HUNTER, C.C.L.

[Enclosure No. 8.]

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

Commissioner of Crown Lands Office,
Wellington, 15th January, 1846.

Sir,

In compliance with the directions contained in your Letter of the 2nd July, 1841, I have the honor to forward, for the information of His Excellency the Governor, my annual Report of the State of the Aborigines in this District.

With reference to the number of Aborigines within my District, I am disposed to think that in my former Reports I have formed rather an over Estimate, and that eight hundred (800) may be considered as the actual number of those formerly included; one hundred may more properly be considered as belonging to the Districts within the boundaries of location, and the Blacks of the Bogan I do not believe so numerous as I reported. Four hundred (400) may be considered as occupying the most settled parts of the District, and in a great measure attached to the different Stations from which they derive and look for their principal subsistence. The other portion occasionally visit the Stations and obtain food
whilst they remain; but their general mode of life is little affected by the vicinity of the Whites. These generally known as “Myall” or wild Blacks are joined at certain periods by large parties of Aborigines frequenting the country westward of the settled portions as far as the Darling River, when as many as one hundred and fifty or two hundred men are sometimes assembled besides Women and Children.

The Aborigines inhabiting the settled part of the District are generally in small parties or one family at each Station, where one or more are employed by the Settlers in carrying water, herding the Milch Cows, or similar jobs, for which they receive Slops, Tobacco and food. For sheep washing or other regular employment for short periods, they are sometimes engaged and receive wages in money; but the customs of the Natives prevent a permanent engagement on their part except in one or two instances, where individuals have disregarded their old superstitions; for in general they dare not, if called upon by the Old men of the Tribe, refuse to join in their meetings for “making young men” and performing other rites. They are however extremely useful to the Settlers and receive from them kind treatment.

I regret to have to report that during the past Year the “Myall” Tribes or those of the unsettled portions of the District have committed many outrages on the persons and property of the Settlers on the Macquarie River, and have evinced a boldness and determination which I believe to have been unprecedented amongst the Aborigines.

From the time (Octr., 1844) that the Gerawhey Blacks drove Mr. Kinghorne’s Superintendent and men from his Station in the flood which then covered the Country, Aborigines of that Tribe have been constantly threatening and actually committing depredations on the persons and property of the Settlers on the Macquarie River, and have evinced a boldness and determination which I believe to have been unprecedented amongst the Aborigines.

At this juncture, a party of Mounted Police under Sergeant Anderson who had information of their intention came upon them; and, as most of the individuals named in the Warrants (which he held) were identified amongst the Tribe, he endeavoured to capture them, but being attacked and one of his party wounded he was compelled to fire. It is to be lamented that as many as ten Natives were shot in this encounter with the Police. At the same time I am convinced that, but for the appearance of the Police at this time and the Check given to the Aborigines, they would have pillaged many of the lower Stations and in all probability have murdered some of the Inhabitants.

Immediately before this a body of Blacks assembled from the Bogan, Lachlan, and country between the McQuarie and Darling Rivers, and among them I regret to say several of the Aborigines looked upon as domesticated, in all one hundred and fifty or two hundred men.
1840. On the 19th August, they came on the Macquarie, and during that and the following day plundered five Stations.

They were pursued by two of the Bligh District Border Police and a party of Settlers, who, after an obstinate resistance by the Natives, two of whom were shot, recovered some of the stolen property.

For particulars of the subject of the two last paragraphs, I beg to refer His Excellency the Governor to my Letters of the 3rd and 20th September and 20th December last.

It is impossible but that the many annoyances and alarms, to which the Settlers on the Lower Macquarie have been subjected by the "Myall" tribes, has produced a feeling of animosity and dislike towards those Aborigines; but I am happy to say that it has made them more sensible of the value of those Aborigines who have been faithful to them; and I fully hope that the detachment of police now stationed on the Macquarie River at Warran will deter the Natives from repeating outrages, whilst the Settlers, in the increased security they will feel, will be more disposed to forget injuries and carry on a friendly intercourse with the Myall Tribes if they appear at the Stations.

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

Enclosure No. 9.

MR. E. BECKHAM TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office,

Sir, Binalong, 3rd January, 1846.

In compliance with the order contained in your circular of the 2nd December, 1845, I do myself the honor to forward the accompanying Annual Report on the State of the Aborigines inhabiting the Lachlan District for the Year ended the 31st December, 1845.

I have, &c.

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

Report upon the condition, etc., of the Aborigines inhabiting the Lachlan District during the year 1845.

Question 1. Relating to the condition of the Natives.

I do not consider the condition of the Aborigines in any way improving, neither do their habits change, nor do I think it probable that any improvement will take place so long as they possess their present spirit for a wandering life; and I deem it quite impossible to induce them entirely to resign and forget their natural habits. I have known instances of children, having been brought up at Stations until they attained the age of fifteen or sixteen without ever mixing with their tribe, leave their Master and adopt the wild bush life. The natives, who are termed civilized "which are those who frequent the Settlers' Huts." cannot be induced to follow any settled employment.

Question 2. Their Numbers.

There are about seven hundred Aborigines in the Lachlan District.
Question 3. Residence of any particular place.

The Blacks have no fixed place of residence, although each tribe have their own particular portion of a River and Country, which they seldom leave for any long period except for the purpose of attacking some neighbouring tribe or holding a Jubilee. They wander from place to place in their own district generally forming their camps in the vicinity of some Station.

Question 4. The social condition of the Natives.

The Natives lead a desultory life, both sexes mixing indiscriminately in the same camp which they form with bark or boughs. Many of the men have from four to six wives, which they call “Gins.” Some few lives are lost in the engagements which often take place between the tribes of adjoining districts for the sake of the Gins.

Question 5. The present state and prospect of the natives.

Their present state is but little changed from what it originally was, and I do not consider their future prospects likely to improve so long as they continue in their present uncivilized state. The Settlers generally treat the Natives with great kindness in giving them provisions, Blankets, Tobacco, etc., which tends in a great measure to deter the natives from spearing and destroying the Stock, and prevents many disputes and collisions which might otherwise occur between the Settlers and Aborigines; as the Country becomes inhabited by Europeans, the Natives Gradually disappear.

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

[Enclosure No. 10.]

MR. H. BINGHAM TO COLONIAL SECRETARY THOMSON.

Sir,
Head Quarters, Tumut River, 26th December, 1845.

I do myself the honor to report, for the information of His Excellency the Governor, that the Aboriginal Natives remain as present quiet at the advanced Stations on the Murray, Edward and Murrumbidgee Rivers; and, tho’ they appear at times in very large Bodies, my Division of Mounted Police stationed in that part of my District have preserved peace between the Natives and the Settlers during the very anxious period when the Rivers and Creeks are flooded. One Aboriginal Native was shot dead by two Servants of Mr. Hogg on the Logan River in this District, under circumstances which are still under continued and patient enquiry. I regret to add that a respectable young Man, a Mr. Algeo, a Superintendent, whom I had seen a short time previous, lost his life in crossing one of those numerous Creeks, having been carried away by the Strong Current; the Division of Police have lost one troop Horse by accident, from a rotten Bank overhanging the River giving way with His weight, and apparently unable to extricate himself from the rotten character of the Banks at both sides of the partially flooded Waters. An attempt was said to have been made on the lives of two Shepherds of Mr. Boyd’s on the Edward River by the Aboriginal Natives, but, assistance appearing, the Natives retired without doing any injury.

I have, &c.,
HENRY BINGHAM, C.C.L.
Report on the condition of the Aboriginal Natives of the Murrumbidgee District, January 1st, 1846.

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

2nd. Temporary Residence—

<table>
<thead>
<tr>
<th>Location</th>
<th>Supposed Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Tumut</td>
<td>50</td>
</tr>
<tr>
<td>At Nerang, Pt. Phillip</td>
<td>500</td>
</tr>
<tr>
<td>Howlong</td>
<td>50</td>
</tr>
<tr>
<td>Irranna</td>
<td>150</td>
</tr>
<tr>
<td>Mungaborema</td>
<td>50</td>
</tr>
<tr>
<td>Zangar</td>
<td>600</td>
</tr>
<tr>
<td>Gerapthana</td>
<td>300</td>
</tr>
<tr>
<td>Murray Downs</td>
<td>300</td>
</tr>
</tbody>
</table>

3rd. Change in their Social Condition.

They do not generally shew much regard to social comforts. One Aboriginal Native named "Master William" shot dead by two of Mr. Hogg's Men Servants on the Logan River; the matter still under enquiry. An attempt was said to have been made by the Aboriginal Natives on the Lives of two Shepherds of Mr. Boyd's on the Edward River, being one of their most advanced Stations, but timely assistance appearing no injury was done.

An overland party with Cattle going to Adelaide, under the guidance of the Proprietor, a Mr. New, a Victualler, had some disturbance near the junction of the Lachlan River, with the Aboriginal Natives, as reported to me; the Aboriginal Natives congregated in very large bodies, and crossed the Murrumbidgee River, from the Adelaide Road to Zangar Lake, the Head Station of Mr. Wentworth, situated in this district, and within about thirty Miles of the Junction of the Murray and Murrumbidgee Rivers, and his Superintendent, becoming alarmed, sent off an Express for a detachment of my Police. They arrived by forced marches, and the Natives gradually dispersed. A Runaway Prisoner of the Crown, named Edward Ellis, who was endeavouring to escape to Adelaide with Mr. New's Party, shot an Aboriginal Native in some affray, and he, Ellis, received a Spear wound in his breast, and unable to continue his journey, was captured by the Police.

The Aboriginal Natives have continued quiet during the very anxious period when the Rivers and Creeks are flooded, and which I attribute to the constant patrolling of Eight Mounted Troopers of Police, which I have stationed in two Detachments in that portion of Country more recently taken up by Settlers. On a very recent occasion at Head Quarters, one of my Aboriginal Native Police, which I have attached to my Division, behaved remarkably well, and rescued from a Watery Grave Mrs. Surgeon Large and her Child. Both would have inevitably been swept down with the strong current of the Tumut River, had it not been for the prompt and strenuous exertions of "Ivey" the Black, and the Sergeant of Police.

4th. Schools.

No Establishment of this nature in the district. It may now, however, be a subject of consideration with the Executive Government, if a reserve for the Aboriginal Natives should not be formed at the junction of the Murray and Murrumbidgee rivers, or further West, where the Natives are so very numerous, but not a reserve of the character that some settlers would wish, viz., to confine the Blacks within that Reserve; but a Reserve that would secure to them undisturbed Fishing and Hunting Grounds.

Acting on the general system, the Aboriginal Natives are drove back to seek for food on other Lands than those they were accustomed to Hunt and fish over, and it may be the Country of some
dangerous Rival or Hostile Tribe, to which they fall victims or suffer much loss. Some Settlers will not permit the Natives to come on their Runs, if they can deter them by violence and threats, privately administered to them; and I must here remark with much regret that to many the lives of the Aboriginal Natives are of trifling moment when placed in juxtaposition with their Runs and Stock. However there are others who act on much more Christian and liberal principles.

3rd. State and Prospects.

The admission of the Aboriginal Natives as Witnesses before the Courts would be most desirable, tho’ I am well aware objections may be made to such. Some of the Juries, however, of this Country would be well able to discriminate as to what weight and reliance should be given to such evidence. I consider it would be a measure that would tend to protect the Aboriginal Natives from outrage on their persons and Lives, if their Statements were permitted to be received in Courts of Justice. Of course such statements would require the fullest corroboration. The general impression and knowledge in the Territory that such Evidence was admissible would lessen many a Dark deed; and, from my close and practical experience as an Officer of Police and Crown Commissioner of this extensive District, it appears to me that this measure is further necessary to shew the Aboriginal Natives that, when they commit violence and Bloodshed on each other, that such is contrary to the laws which afford them protection, and they must be punished for such crimes amongst themselves.

HENRY BINGHAM, C.C.L.

[Enclosure No. 11.]

MR. J. LAMBE TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office.

Sir, Monaroo, 1st January, 1846.

In attention to your Circular of the 2nd Ultimo, requiring my Annual Report on the State of the Aborigines for transmission to the Secretary of State, I do myself the honor to report as follows:—

No material change has taken place in the condition of the Natives during the last year. Some Months ago a few of the Adult Males were attacked with Fever, and, although all received Medical treatment from one or other of the Surgeons who are resident Stock owners, those cases terminated fatally.

The Natives, as heretofore, continue to assist the Stock Owners in Sheep washing, reaping and hoeing, but their desire thus to make themselves useful does not seem to increase, notwithstanding the reward that invariably accompanies such services in articles of food and Clothing.

The Individual alluded to in former Reports as having separated himself from his Tribe and enclosed a Small piece of Ground on the right Bank of the Moruya River still lives there. He has lately erected a Hut, which he and his Wife live in, and employ themselves in cultivating the patch of ground which this season has been planted with potatoes.

The Deaths have exceeded the Births during the last year; and the accompanying Census exhibits the total Number as nearly as I could obtain it.

JOHN LAMBE, C.C.L.
Census of the Aborigines of the District of Monaroo for the Year ended 31st December, 1845, accompanying letter to the Honourable the Colonial Secretary, dated 1st January, 1846.

<table>
<thead>
<tr>
<th>Names of Places usually frequented</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Above 12 Years</td>
<td>Under 12 Years</td>
</tr>
<tr>
<td>Gundary</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Bergalia and Bootally</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wagonga, Tilba Tilba, and Myalia.</td>
<td>31</td>
<td>23</td>
</tr>
<tr>
<td>Wodella, Marbrine, and Bowoga.</td>
<td>90</td>
<td>20</td>
</tr>
<tr>
<td>Biggah</td>
<td>59</td>
<td>21</td>
</tr>
<tr>
<td>Twofold Bay</td>
<td>36</td>
<td>17</td>
</tr>
<tr>
<td>Pampoola</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Cape Howe</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>Maharatta and Cambalong</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>Mowenbar</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>Snowy River</td>
<td>20</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>229</td>
<td>124</td>
</tr>
</tbody>
</table>

JOHN LAMBIE, C.C.L.

Copies of these reports, which are noted in the despatch, will be found in a volume in series III.

Enclosure No. 19.

REVD. W. WATSON TO COLONIAL SECRETARY THOMSON.

Sir,

Apsley Aboriginal Mission, 2 January, 1846.

I do myself the honor of forwarding, herewith, a copy of the Report of this Mission for the Year 1845.

In presenting this Report, we desire to return our sincere thanks to the Governor for His Excellency's kind consideration of the Aborigines on this Establishment in granting a donation of Blankets, and a location for the Mission.

I have, &c.,

WILLIAM WATSON.


In presenting this annual report of our Missionary labours to His Excellency Sir George Gipps, Governor of New South Wales, etc., we have abundant reason to be thankful, not indeed that many have been added to our Aboriginal Family but for the grace that has been bestowed upon several members of our Aboriginal establishment. During the year 1845, five Aboriginal Natives have been received by Baptism into the Christian Church. Of these, three are adults and two children of Christian Aborigines. Of the Adults, one, Frederick, has been connected with us since the commencement of our Mission at Wellington Valley. He is about thirty five years of age. Formerly he considered himself good enough for Baptism, and was repeatedly requesting me to baptise...
him, and threatening that, if I would not, he would go to the Clergyman at Bathurst to be received into the Christian Church; but, for several months before his baptism, he appeared to have become changed in his heart and conduct. The Lion seemed to be changed into the Lamb. He has shewn a decided separation from the Heathen in His dress, and general deportment. Of the two adult females, one is about twenty four years of age, and has been with us upwards of five years. She was sent to us in July, 1845 (1840?), by John Allman, Esqr., Commissioner of Crown Lands for this District. She is the mother of three half caste children which are with her here. For some time before her baptism, she appeared to be truly penitent and to have experienced a change of heart. The Third is Charlotte, about sixteen years of age; has been six years with us, and can read fluently any work in the English language. Her mind is well stored with Scriptural knowledge, and we trust that she is a sincere Christian. Jane Marshall, who was married in 1840 to James Marshall, is still with us, though her husband is often from home. She has since her marriage become the mother of four pure Aboriginal Children, and continues to maintain her Christian profession, to our Satisfaction and to the glory of God. Knowing the Character and habits of the Aborigines of this country, we are extremely cautious in receiving any of them into the Christian Church. We endeavour to impress upon their minds the importance of the vows and promises they will have to make in Baptism, as well as the Serious consequences of receiving that Sacrament while their hearts are unchanged, or of Apostatising from the faith. We keep them many months in a state of probation, and on the appointed day, before proposing the questions in the service of the Church, they are expected to give an account of their views, feelings, etc., in their own words. We watch for their souls, as those that must give account, that we may do it with joy and not with grief. In this department of labour, I trust that we have the approbation of God and that He will grant His Special blessing to those, who in this mission have cast off their heathen customs, and become members of the Christian Church.

I am sorry to say that Jacob, the most intelligent boy I ever had, has died during the past year. He was induced to leave us and join his Mother. His mother, her husband and himself died within a very short time of each other. Jacob's death was so sudden that I had not heard of his sickness, till I heard that he was no more.

Some aboriginal youths, engaged as hired servants in the neighbourhood, continue to attend Church. During the time that I have had to perform the duties of Clergyman of this District, I have travelled upwards of three thousand miles. In these journeys I have met with many Aborigines, whom I should not otherwise have seen. On such occasions I avail myself of the opportunity of conversing with them, and sometimes they are very ready to kneel down and unite with me in prayer. As we always have exposition of Scripture at family Worship when I am at home, my family does not sustain much if any loss by my absence on a Sunday, especially as Mrs. Watson takes them to Church and has reading the Scriptures singing and prayer with them when I am not at home. Our Mission is much indebted to His Excellency Sir G. Gipps for his kindness in granting us a donation of Blankets and Land for the Mission.
Without this boon, I cannot see but we must inevitably have been compelled to abandon our labours among the Aborigines of this District. The only assistance, afforded to the Mission this year, has been twenty bushels of wheat by Andrew Kerr, Esq.

During the year, my sheep were said to have become diseased, and as I had no run for them I was compelled to destroy them all. The Wheat crop on the Mission is nearly a failure, there being but a very small quantity, and from the garden we are scarcely able to raise any vegetables on account of the dryness of the season. But we trust that we shall be enabled to prosecute our Mission, and with benefit to the souls of the Aborigines, although the expenses of food, clothing, Books, etc., increase every year.

WILLIAM WATSON, Mission.

Apsley Aboriginal Mission, Wellington, N. S. Wales. 2nd January, 1846.

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 76; per ship Lloyds.)

My Lord,

Government House, 4th April, 1846.

With my Despatch No. 18 of the 24th January last, I transmitted Returns of the Revenue of the Colony of New South Wales for the year 1845; but the Returns of Expenditure for the same period were not then ready for transmission.

I have now the honor to enclose Printed Returns, both of the Revenue and Expenditure of 1845, in the shape in which they are usually prepared for the Legislative Council.

In my Despatch of the 24th January, I remarked that there was an increase in the Revenue of the year 1845, as compared with 1844, of £39,184 9s. 6d. I have now the satisfaction of adding the following brief particulars:

The ordinary Revenue of 1844 was £266,724 19 5
Do 1845 283,945 16 2

The ordinary Expenditure of 1844 was £17,220 16 9
Do 1845 251,087 10 11

The Crown Revenue of 1844 was £6,803 19 7
Do 1845 44,228 5 8

£20,905 17 2

exclusive of some receipts in England, and exclusive also of the Church and School Estates.

I have, &c.,

Geo. Gipps.

[Enclosure.

[These returns will be found in the "Votes and Proceedings" of the legislative council.]
GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 77, per ship Lloyds.)

My Lord,

Government House, 6th April, 1846.

I have the honor to enclose herewith a Return, shewing that the Revenue, collected in Sydney in the first quarter of the present year 1846, has exceeded the amount collected in the corresponding quarter of 1845, notwithstanding the great reduction which was effected in November last in the duties on Spirits, and reported in my Despatch No. 200 of the 23d November, 1845. The object of my present communication is simply to satisfy your Lordship that no inconvenience is likely to result from the measure in question.

I have, &c.

Enclosure.

[This was a printed abstract, dated 9th April, 1846, which will be found in the "Government Gazette."]

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 78, per ship Lloyds; acknowledged by earl Grey, 30th August, 1846.)

My Lord,

Government House, 9th April, 1846.

In my present Despatch, I propose to report to Your Lordship, and to submit for Your Lordship’s sanction, some arrangements which I have adopted for putting the Offices of Clerk of the Executive Council and Immigration Agent on a more satisfactory and permanent footing.

Mr. Francis Merewether has held the Office of Agent for Immigration, the proper salary of which is £500 a year, since the beginning of August, 1841; and in addition to it he has, since the commencement of January, 1842, held (though without any additional salary) the Office of Clerk of the Executive Council. This arrangement was originally adopted as a temporary measure among the movements which were rendered necessary by the defalcation of Mr. Manning, and it was reported in my Despatch No. 6 of the 16th January, 1842; but it has proved so convenient that it has been continued ever since; and I now propose that the union of the two Offices shall be made permanent, at least for so long as Mr. Merewether may hold them.

During the continuance of the old Legislative Council, the Clerkships of the two Councils, Executive and Legislative, were united, both being properly held by Mr. Macpherson, though filled for a time by Mr. Merewether.

*Marginal note—Reported in my Despatch No. 163 of the 24th August, 1841, confirmed by Lord Stanley’s Despatch No. 99 of the 18th April, 1842.
Mr. Macpherson's salary was £600 a year; and though, since the meeting of the new Council in 1843, he has held only the Clerkship of the Legislative Council, he continues to receive the same salary of £600 a year, which is paid to him under the annual appropriating Act. It is no longer expedient or even I would say possible for the same individual to act as Clerk to both Councils.

Mr. Merewether has hitherto received only £500 a year, which, as above stated, is the proper Salary of the Immigration Agent alone; but I now propose, with Your Lordship's sanction, to give him an addition of £100 per annum, making the Salary of the united Office of Clerk of the Executive Council and Agent for Immigration £600 a year, or equal to that of the Clerk of the Legislative Council.

Under Schedule B of the 5th and 6th Vict., ch. 76, a provision of £600 a year is made for the Establishment of the Executive Council; and on this Schedule one half of Mr. Merewether's salary £300 a year will be charged, the other half of it being charged to Immigration and paid out of the Crown Revenue.

I beg to submit these arrangements for Your Lordship's approval.

I have, &c.,

Geo. GIPPS.

P.S.—Enclosed is a copy of the order which, on the 25th January last, I gave for carrying these arrangements into effect.

[Enclosure.]

ORDER by SIR GEORGE GIPPS.

At the commencement of the year 1846, my attention has again been drawn to the Establishment of the Offices of the Clerk of the Executive Council and Agent for Immigration.

These Offices have since the commencement of the year 1842 been united in the Person of Mr. Francis Merewether, and I see no reason why he should not continue to hold them, though they cannot be permanently united.

During the 4 years that he has held these Offices (with the additional office for a time of Clerk of the Legislative Council), he has received the salary only of £500 a year which was allotted to him in 1841 as Agent for Immigration: it seems to me reasonable, however, that some additional allowance should now be made to him. From the 1st January, 1846, therefore, the salary of Mr. Merewether will (subject to the approval of the Secretary of State) be fixed at £600 a year, of which £300 will be charged to Schedule B and £300 to Immigration.

Two Clerks, each of the 3rd Class, will be considered the proper Establishment of Mr. Merewether's Office: Mr. Cashman and Mr. Hardy, who have been some years in the Office, will, from the 1st January be advanced to the rank of 3rd Class Clerks, provided they pass the requisite examination.
Whenever extra assistance is required in the Office, it will be allowed at the rate of 5s. a day; but a distinct authority must in every case be obtained for the employment of an Extra Clerk.

28 Jany., 1846.

G.G.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 79, per ship Lloyds.)

My Lord,

Government House, 11th April, 1846.

With reference to the first two paragraphs of my Confidential Despatch of the 12th January last, I have the honor to report to Your Lordship that I have called a meeting of the Legislative Council of this Colony for Tuesday, the 12th day of May next; and that it is my intention then to propose to the Council the simple renewal of the Squatting Act (2nd Vict., No. 27) for one year.

When, in my Despatch above referred to of the 12th January, I mentioned the probability of my calling the Council together in the month of March, I scarcely expected that my own stay in the Colony would have been prolonged, as it now seems probable that it will be, to the month of June or even July.

I have, &c.,

Geo. Gipps.

RIG^Ht HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(A circular despatch, per ship Berkshire.)

Sir,

Downing Street, 13th April, 1846.

I have the honour to transmit herewith, for your information and guidance, a Copy of an Order of the Queen in Council, of the 6th Instant, supplementary to that passed* by Her Majesty in Council on the 1st of February, 1838, relating to Salutes.

I have, &c.,

[Enclosure.] W. E. Gladstone.

ORDER-IN-COUNCIL.

At the Court at Buckingham Palace, The 6th day of April, 1846.

Present:—The Queen's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report of a Committee of the Lords of Her Majesty's Most Honorable Privy Council, dated the 27th day of March last, in the words following, viz.:

"Your Majesty having been pleased, by Your Order in Council of the 18th day of March inst., to refer unto this Committee a Letter from the Right Honorable William Ewart Gladstone, One of Her Majesty's Principal Secretaries of State, to the Lord President of the Council, setting forth that the General Instructions for the regulation of Salutes, as sanctioned by Your Majesty's Order in Council of the 1st February, 1838, contain no provision for the Salutes which should be paid to Members of Foreign Royal

* Note 1.
Families, who may happen to visit Your Majesty's Possessions, and therefore recommending that there be submitted, for the approba-
(reserved)
tion of Your Majesty, a Clause to be inserted between Clauses 4 and 5 of Section 1 of the said General Instructions, in the words or to the effect following, viz.:—'Whenever a Prince, Member of a Foreign Royal Family, shall arrive at or quit any place where there is a Fort or Battery from which Salutes are usually fired, such Prince shall receive a Royal Salute on his first arrival and final departure from the said Fort or Battery.' The Lords of the Committee, in obedience to Your Majesty's said Order of Reference, have taken the said Letter into consideration, and do agree humbly to report, as their opinion to Your Majesty, that it may be advisable for Your Majesty to Order and Direct that such Clause be inserted in the said General Instructions:—

Her Majesty, having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to Order, as it is hereby Ordered, that the Clause therein recited be inserted 'between Clauses 4 and 5 of Section 1 of the General Instructions for the regulation of Salutes, as sanctioned by Her Majesty's Order in Council of the 1st February, 1838.' Whereof the Right Honorable the Earl of Aberdeen, the Right Honorable Sir James Graham, Bart., and the Right Honorable William Ewart Gladstone, Her Majesty's Three Principal Secretaries of State; The Most Noble the Duke of Wellington, Constable of the Tower; The Lords Commissioners of the Admiralty; The Secretary at War; The Master General of the Board of Ordnance; and The President of the Board of Control, are to take notice, and to give the necessary directions herein as to them may respectively appertain.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 80, per ship Lloyds.)

My Lord, Government House, 13th April, 1846.

I have had the honor to receive Your Lordship's Despatch, marked "Separate" of the 15th November, 1845, requesting information respecting two persons named Ellen and Mary Keany, who emigrated from Tullamore to New South Wales by the ship "Carthaginian" in 1841; and in reply I beg to refer to my Despatch No. 134 of the 16th August, 1845, in which I gave, in reply to a Despatch from your Lordship of the 10th January, 1845, all the information I could collect in respect to these persons.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 81, per ship Lloyds.)

My Lord, Government House, 15th April, 1846.

I have had the honor to receive Your Lordship's Despatch No. 123 of the 7th Octr., 1845, transmitting to me a copy of a letter, which had been addressed to Your Lordship by Dr.
E. D. Allison, with a view, I conclude, of obtaining Leave of absence for his son, who is employed as Clerk of the Bench at Portland in the Port Phillip District of this Colony.

Having referred this subject to Mr. La Trobe, I have received from him and transmit herewith a Copy of a letter from Mr. James Allison, in explanation of his father's application. I regret it is not in my power to give Leave of absence to Mr. Allison.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

[A copy of this letter is not available.]

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RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 14, per ship Berkshire.)

Sir,
Downing Street, 17 April, 1846.

With reference to Sir George Gipps' dispatch and its enclosures, No. 163 of the 25th of Septr. last, copies of which were by my desire transmitted for the consideration of the Lords Comrs. of the Treasury, I have now to inform you that, in compliance with the request expressed in that Dispatch, their Lordships have given directions for the remission of the Surcharge made by the Commissioners of Customs against the Collector at Sydney, in respect of duties which were payable upon certain articles imported for the use of the Roman Catholic Church in that City.

Their Lordships have at the same time intimated their opinion that your Predecessor had no sufficient legal authority to dispense with the payment of those duties without previous sanction from the Board of Treasury, and that in any such case it will not be proper to do more than authorise the Collector to suspend the levy of the duty until that sanction could be applied for, taking sufficient Security for the eventual payment of it in the event of the Sanction being withheld.

I am, &c.,
W. E. GLADSTONE.

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RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 15, per ship Berkshire.)

Sir,
Downing Street, 20 April, 1846.

I have to acquaint you that it has been necessary to make Application to the Lords of the Treasury to supply the Colonial Agent with the necessary funds for the payment to Mr. H. Kemp, the Post Master at Port Phillip, of the amount of Salary due to him for the period of five months previous to his return to the
Necessity to supply funds for agent-general.

Colony on the 1st proximo, the balance in the hands of the Agent having been reported to be so small as to be unequal even to so trifling a demand. I have requested the Agent to report to you the particulars of the advance, in order that a corresponding repayment may be made to the Commissariat Chest. This circumstance affords a striking illustration of the inconvenience of leaving the Agent unsupplied with the funds necessary for the Services of your Government. Your predecessor was distinctly apprised that, under the altered Government of the Colony, it would be impossible to continue, except under peculiar circumstances, to make advances of that nature. It will, therefore, be your duty to take care in future that the Agent is provided, from time to time, with funds sufficient for every service which he may be called upon to execute for your Government, with the exception of any service chargeable on the Crown Revenue, for which there will be no difficulty in making the necessary advances in this Country from the British Treasury.

I have, &c.,

W. E. GLADSTONE.

Sir George Gipps to Lord Stanley.

(Despatch No. 83, per ship Lloyds.)

My Lord,

Government House, 20th April, 1846.

When, in my Despatch No. 15 of the 20th January last, I expressed a doubt whether the Legislative Council would be disposed to vote a larger sum than £140 per annum as the Salary of a Colonial Botanist, I regret to say it escaped my recollection that the Council had in the last session voted £200 as a Salary for such an Office, in the event of a scientific Botanist being appointed by Your Lordship.

I think it right to apprise Your Lordship of the mistake which I committed, and of which I have only this day become aware.

I have, &c.,

Geo. GIPPS.

Right Hon. W. E. Gladstone to Sir Charles Fitz Roy.

(Despatch No. 16, per ship Berkshire.)

Sir,

Downing Street, 24 April, 1846.

With reference to my dispatch No. 15 of the 20th Inst., I have to acquaint you that the Lords Commissioners of the Treasury have intimated to me that they have given directions for the transfer from the Commissariat Chest Fund to the account of Mr. Barnard at the Bank of England, as the Colonial Agent General for Crown Colonies, of the sum of £79 3s. 4d., as an Advance on account of the Government of New South Wales for
the Salary of Mr. Kemp, and to be repaid to the Commissariat Chest in the Colony. You will therefore take care to make that repayment without delay. I have, &c.,

W. E. Gladstone.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY. (Despatch No. 17, per ship Berkshire; acknowledged by Sir Charles Fitz Roy, 27th October, 1846.)

Sir, Downing Street, 25 April, 1846.

With reference to my despatch to your Predecessor No. 32, Request for of the 12th of February, I have to desire that you will return to me the Queen's Warrant for appointing Mr. Hutchinson Hothem, now Browne to the Office of Registrar of the Court of Requests in New South Wales.

I have, &c.,

W. E. Gladstone.

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

My Lord, Government House, 25th April, 1846.

I had the honor to receive, on the 22d January last, Your Inability to Lordship's Despatch No. 106 of the 1st September, 1845, wherein Anzel Davis.

I was directed, in consequence of an application from Her Majesty's Consul at Warsaw, to endeavour to obtain information respecting some property supposed to have been left by Anzel Davidowies Davis, a Polish Jew deceased, in New South Wales; and I am sorry now to have to report that, though I have made all the enquiry in my power, I have not been able to acquire the smallest information respecting any person named as above; and I doubt greatly whether any such person ever possessed property in New South Wales.

I have thought it right to forward a Copy of Your Lordship's despatch, and of its enclosures, to the Lieut. Governor of Van Diemen's Land.

I have, &c.,

GEO. GIPPS.

P.S.—I forward also to Van Diemen's Land a Copy of this Despatch.

G.G.

SIR GEORGE GIPPS TO LORD STANLEY. (Despatch No. 87, per ship Lloyds; acknowledged by earl Grey, 9th October, 1846.)

My Lord, Government House, 26th April, 1846.

I forward herewith a Petition to Her Majesty from the Mayor and Town Council of Melbourne, praying that measures
may be taken to avert the calamities which are now, in the opinion of the Petitioners, to be apprehended from a dearth of labour in the District of Port Phillip.

Your Lordship is aware that I concur with the Petitioners in thinking that a regular supply of labour is wanted in Port Phillip, as in other parts of the Colony; but I regret I cannot concur with them in the arguments (or even the alleged facts) which are adduced in support of the prayer of the Petition.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

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

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch marked "Military, No. 1," per ship Berkshire.)

Sir,

Downing Street, 27th April, 1846.

I have to acknowledge the receipt of your Predecessor's despatch, No. 167 of the 5th of October last, and to acquaint you that the Lords Commissioners of the Treasury have, at my request, given the necessary directions for paying to the account of the Agent General for the Crown Colonies the sum of £21 1s. 2d., being the value of certain Stores supplied by the Government of New South Wales for the Service of Her Majesty's Troops in New Zealand.

I have, &c.,

W. E. GLADSTONE.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 88, per ship Lloyds; acknowledged by earl Grey, 7th October, 1846.)

My Lord,

Government House, 27th April, 1846.

Herewith I transmit a Memorial to Your Lordship from the Mayor and Town Council of Melbourne, praying that some portion of the Land Fund may be applied towards forming the streets of that Town, a purpose to which I have not thought myself at liberty to apply it, under the directions contained in Your Lordship's Despatch of the 15th Sepr., 1842, No. 191.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this memorial will be found in a volume in series III.]
GLADSTONE TO FITZ ROY.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 89, per ship Lloyds.)

My Lord,
Government House, 28th April, 1846.

I have had the honor to receive Your Lordship’s Despatch No. 107 of the 3d Septr., 1845, containing a Copy of a letter which appears to have been addressed to Your Lordship by a Mrs. Grazebrook, requesting information respecting her son Thos. Benjn. Grazebrook, who is supposed to be in New South Wales.

I regret that I am unable to afford any information respecting Thos. Benjn. Grazebrook, further than that I have heard of a person of that name near the Town of Goulburn in the County of Argyle in this Colony; but for some reason or other he appears unwilling to communicate with the Government.

I have, &c.,

GEO. GIPPS.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.
(Despatch per ship Berkshire; acknowledged by Sir Charles Fitz Roy, 21st October, 1846.)

Sir,
Downing Street, 29 April, 1846.

I transmit to you herewith a copy of a Letter from the person described in the margin,* containing an application for information relative to Mr. Ewen Macneil, who is stated to have been a Public Officer in 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 enquiry.

I have, &c.,

W. E. GLADSTONE.

[Enclosure.]

LORD LURGAN TO RIGHT HON. W. E. GLADSTONE.

Dear Sir,
Lurgan, Ireland, 25 April, 1846.

Lady Lurgan has been made very anxious by the fact of a letter that was addressed to her Brother, Mr. Ewen Macneil at the Convicts office, Sydney, where he was Junior Clerk, being returned with the word dead on the cover. In his last letter, bearing date 24 March, 1845, he stated the probability of his being removed to the New Penal Settlement at Port Phillip, still as Clerk, and our hope is that such may be the case. I, therefore, venture to intrude on your valuable time by requesting that you will be good enough to cause me to be informed from the Colonial Office, if there is any information of Mr. Ewen Macneil’s death, or of his removal to Port Phillip.

With many apologies for thus trespassing upon you,
I remain, &c.,

LURGAN.

* Marginal note.—Lord Lurgan.
Sir George Gipps to Lord Stanley.

(My Lord, Government House, 29th April, 1846.

Agreeably to the instructions contained in Your Lordship's Despatch No. 58 of the 12th June, 1845, I have brought before my Executive Council the Petition addressed to the Queen by the Representatives of the Port Phillip District, praying for the entire separation of that District from the rest of New South Wales, and the erection of it into a distinct Colony.

The enquiry undertaken by the Council into the merits of this Petition has necessarily occupied a considerable time; but I am happy to have at length the honor of laying its results before Your Lordship.

The Report of the Council, contained in various Minutes of its proceedings, is transmitted herewith supported by numerous documents, and by the arguments and evidence of the parties who were examined in the course of the enquiry.

Your Lordship will perceive that the Council, by a majority of its voices, adopts the views of the Petitioners, in so far as to recommend the erection of the present District of Port Phillip into a separate Colony; but that the opinions of the Members of the Council were so evenly divided that the resolution in favor of the proposal was carried only by my own casting vote.

Two Members of the Council have, in a Paper attached to its proceedings, recorded the grounds of their dissent; and, in obedience to the instructions conveyed to me by Your Lordship's Despatch, it becomes my duty to submit to Your Lordship the reasons by which I have been led to the conclusion that the interests of Her Majesty's subjects and the cause of good Government in these Provinces will best be promoted by granting the separation, which is prayed for.

In acquitting myself of this duty, I feel it necessary to commence by stating that these reasons are all of a special nature, and are founded on circumstances peculiar either to New South Wales or Port Phillip.

On grounds of public policy, I should desire to keep the existing Colony of New South Wales entire, for I think that large Colonies are to be preferred to small ones, especially for the interests of the Colonies themselves. In some respects, indeed, small Colonies may be more easily governed than large ones; but not on this account would I advise the dismemberment of any Colony which, like New South Wales, may be of a size hereafter to become a Nation.
GIPPS TO STANLEY.

It has long been the policy of the British Government to interfere in the interior concerns of the Colonies in no greater degree than may be necessary to preserve harmony and due subordination among the different members of the Empire; but the occasions for interference must of necessity be more frequent where numerous small Colonies are intermingled or clustered together than where they are few, distinct and large; and, on this principle alone, were other considerations equal, I should feel greatly disinclined to recommend the dismemberment of the Colony of New South Wales.

Of the special grounds on which the separation of Port Phillip from the rest of the Colony is prayed for by the Petitioners, many are admitted as tenable by the majority of the Members of the Executive Council; and to these it may be convenient that I should first briefly advert;

They are:
1st. The very general desire for separation which exists in the District;
2. The geographical position of it, which renders it already in a great degree distinct from the rest of the Colony;
3. The Facts established or which may at least be assumed that, in point of Revenue and wealth, the District is able to bear the expense of a separate Government;
4. That, from the date of the first occupation of the District in 1836, an intention seems to have been entertained, or at least shadowed out, of forming it at no distant time into a distinct Colony, and particularly that separate Accounts have always been kept of the Revenue and Expenditure of the District, in consequence of directions given in 1836 by Her Majesty's Government.

To each and all of these points or arguments in favor of separation, I give a degree of consideration not perhaps inferior to that which is given to them by the other Members of the Council; But I feel it right also to state that I attach nearly equal importance to the objections, which are urged against the proposed measure by the Members of the Council who have recorded their dissent. I agree with the dissentient Members in thinking that the existence has not been proved of any administrative evil of sufficient magnitude to call for so important a change; and I think with them that, by a compliance with the wishes of the inhabitants, a temporary effect only will be produced, and no permanent good, unless greater changes be promised, or at least the expectation of them be held out, than those which any Member of the Council is now prepared to recommend, or even than are now asked for by the Petitioners themselves.

* Note 2.
But, in addition to the arguments which I have briefly recapitulated, there are two considerations in favor of separation, which are to my mind of such paramount importance that I feel it a duty to bring them more prominently before Your Lordship. One of them is, indeed, noticed in the Report of the Council, though the degree of importance is scarcely attached to it which I think it deserves; the other is not alluded to in any of the Papers now forwarded to Your Lordship.

The first is the difficulty of finding qualified persons, resident in Port Phillip, willing to act as representatives of the District in a Legislative Council sitting in Sydney, whereby the inhabitants are laid under the necessity of electing as their Representatives persons resident in or near Sydney.

The second is the fact that the Constitution intended to be given to the Colony of New South Wales by the Act of Parliament passed in 1842, 5th and 6th Vict., ch. 76, has never been carried into effect.

A very cursory consideration of that Act, and especially of the Clauses in it numbered from 41 to 50, must suffice to show that the Government, intended by the Imperial Parliament to be created in New South Wales, was essentially one of Local Administrations; that it was one in which it was intended that the local affairs of every County, District or division of the Colony should be managed by a Local Council elected in the district itself; and only what might be considered the general business of the whole Colony be transacted by a Council sitting in Sydney. For the transaction of such business, requiring only an attendance of perhaps two or three months in the year, it might have been possible to find fitting representatives among the resident inhabitants of the District; and, even if they could not have been found, the necessity of entrusting such general interests to non-resident representatives could scarcely have been complained of as a practical grievance.

District Councils are as much parts of the present Constitution of New South Wales as the Legislative Council is a part of that Constitution, and they were, moreover, called into existence simultaneously with the Legislative Council; but some supplementary powers, necessary to the due performance of their functions, were left to be supplied to them by the Legislative Council, instead of being conferred on them by the Act of Parliament itself; these powers have never been supplied; and partly from the want of them, partly from an apprehension studiously excited throughout the Colony of increased taxation, the District Councils have in Port Phillip remained to this day entirely inoperative.
During more than eight years in which I have held the chief
administration of the affairs of this Colony, I have constantly
expressed the opinion that it is only by giving a great extension
to the principle of Local Self-government, that any Colony, at
all approaching in extent to that of New South Wales, can be
held together in one political body, and at the same time the
representative system be safely introduced into it.

I am as strongly at this moment impressed with the correctness
of these opinions* as I was in the year 1840, when I proposed to
establish in each District of the Colony an elective Body, in
which should be vested the Control of all matters of local in­
terest, such as those relating to Highways, Public Works and
Police; and I still entirely adhere to the opinion, which I at a
later period ventured to express† to Your Lordship that, if it be
determined to leave the affairs of every district or even parish
of this widely extended Country to the management of a Central
Authority, that authority, be it what it may, must be a strong
one, stronger I would say than any authority can be, which is
held under the check of an Elective body, or which can be exer­
cised directly by any such body itself. I am still as firmly con­
vinced as at any former period of my administration that it is
only in the establishment of Local Institutions that security can
be taken in any part of New South Wales for what Britons are
accustomed to regard as good Government, at least in any part
of New South Wales destined to remain a great Colony. Petty
Colonies may exist without them, and be satisfactorily governed
by a Central Body; great Colonies cannot.

That the establishment in 1840 in Port Phillip of the Institu­
tions which I then recommended, or a full development in 1843
of the system of District Councils under the present Constitu­
tion, might have sufficed to preserve unity in the Colony of New
South Wales and avert its dismemberment, I will not assert:
either measure might have proved insufficient; and no advantage
can now be gained by speculations on the subject; the time at
which the experiment could have been tried with any prospect of
success has at any rate passed away; and therefore it is that I
feel myself now forced to the conclusion that I shall best perform
my public duty by tendering my humble advice that the District
of Port Phillip be separated from the rest of New South Wales,
and erected into a distinct Colony, as prayed for by the Peti­
tioners who have approached Her Majesty.

Assuming separation to be necessary, there is no difference
of opinion among the Members of the Executive Council, nor

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* Marginal note.—Despatches of the 1st Augt., 1840, No. 98; 8th Decr., 1841,
No. 229; 6th Augt., 1842, No. 139.
† Marginal note.—Despatch of the 13th Feby., 1845, No. 34.
Indeed did there appear to be any deserving notice among the persons who gave evidence before it, as to the form of Government which should be established in the portion of the Colony to be separated from the rest.

It was not asserted by any party, whose opinion the Council was disposed to receive with any great degree of deference, that Port Phillip is now ripe for a Representative Assembly; and a form of Government, such as that which existed in New South Wales prior to the year 1843, was what seemed to be looked for by all.

It may, however, be perhaps pretty safely assumed that, though Port Phillip may for the moment be satisfied with separation, it will ere long look for and demand other changes.

In the Act of Parliament* which established the Colony of South Australia, a promise is held out that a Constitution (the nature of which, however, is not defined), shall be given to it, whenever it attain a population of 50,000 souls; and possibly some expectation of a similar nature might advantageously be held out to Port Phillip.

As, however, the District of Port Phillip will, even when separated from New South Wales, form a Colony of no inconsiderable extent, I feel strongly the propriety of submitting to Your Lordship that some security should be taken for establishing in it a system of Local Self-government, before any Legislative Body be called together, founded either wholly or in part on the principle of Representation. It might perhaps suffice for this purpose to provide that the first Representatives introduced into the Legislative Council should be elected by Local Municipalities, or District Councils, themselves representing a population not less than a fixed number, perhaps not less than 5,000 souls.

Although any discussion on abstract principles, or on the best form of Government for a British Colony, might be misplaced in a Report like the present, I trust I may, if only in consideration of the deep and unremitting attention which it has been my duty here and elsewhere to give to the subject of Colonial Government, be excused by Your Lordship if I venture to add that I am disposed in no way to recommend the formation in any new British Colony of a second Legislative Chamber, or of a Legislative Council distinct from a Legislative Assembly.

The Constitution intended for New South Wales by the 5th and 6th Vict., ch. 76, appears to me to require amendment only in some few particulars, in order to be well suited to the wants and condition of the Colony; and, if it were so amended, and the principles on which it is founded fully brought into operation, it

* Marginal note.—4th and 5th Wm. IV, C. 95, S. 23.
would, I believe, be greatly to be preferred to any form of Government now existing, or which at any previous period existed in a British Colony.

It is undoubtedly the natural wish of every Briton to see the Institutions of his own Country copied, as far as circumstances will admit, in the British Colonies; but it should nevertheless be borne in mind that a Colonial Government, or one which is in its very nature secondary or dependent, can neither be founded or conducted exactly on the same principles as one which is sovereign and independent. The non-admission or the reluctant admission of this truth in the Colonies, and the constant indisposition which prevails in England to put it prominently forward even on occasions of high importance, appear to me to lie at the root of nearly all the misunderstandings which occur between Great Britain and her Colonial Dependencies.

The political position of a British Colony is no unenviable one; to be a Member of the British Empire is alone a glorious privilege; but those who enjoy it cannot be allowed to forget that the condition of a Colonist is one to which duties are attached as well as privileges; that men who claim to be Her Majesty's subjects cannot be at the same time Members of an Independent Republic.

In respect to Boundaries (assuming separation to be desirable), there is in the Council no difference of opinion. It is unanimously recommended that the Boundary established in the 2nd Section of the 5th and 6th Vict., ch. 76, and repeated in the 1st Section of the Local Act, 6th Vict., No. 16, be adhered to as nearly as possible.

In laying out the Boundary, difficulties, however, will occur which, if not speedily met, may at some future time prove of importance. The exact position of the Point, which is to be taken as "Cape Howe," is one of these; and another is the stream or watercourse to be considered "the nearest source of the River Murray." In respect to the latter or the source of the River Murray, considerable difference of opinion may exist; and therefore I would suggest that the Boundary from Cape Howe to the frontier of South Australia should, before the separation take place, be laid down by Commissioners appointed by the Governor of New South Wales, subject of course to confirmation by Her Majesty.

Another question respecting Boundaries came incidentally before the Council, having been raised by the Governor of South Australia in a Despatch to Your Lordship dated the 30th September, 1844.

* Note 3.    † Note 4.
The proposal of Governor Grey to alter the existing boundary between South Australia and Port Phillip has been met by a counter proposal from Mr. La Trobe and Sir Thomas Mitchell, namely, that the Murray should continue to be the boundary between the two Provinces, to the point where it falls into the Sea; but to neither of these proposals could the Council, as impartial arbitrators, give the sanction of their approval.

The Boundary established by the 4th and 5th Wm. IV, ch. 90 (the 141st degree of East Longitude from Greenwich) may not be an unobjectionable one; but I am disposed to doubt whether the inconveniences of it are sufficiently great to render an alteration necessary. Should an alteration, however, be desired by the authorities of both Colonies (South Australia and Port Phillip), it is suggested that a conventional boundary be laid out by Commissioners appointed by the respective Governors of those Colonies, subject to the approval of Her Majesty.

The financial arrangements consequent on the proposed separation will require mature consideration. At present, I can suggest nothing in addition to what is proposed by the Council.

Admitting the claim of the Port Phillip District to a share of the money, which there may be in the Treasury of New South Wales on the day when the separation is effected, I consider the share to be allotted to it must be calculated, either in proportion to its population, or in proportion to the amount which it may have contributed to the common Revenue. Either of these proportions can be easily ascertained; but, if Expenditure be introduced as an element in the calculation, it will be scarcely possible to agree on the facts which ought to serve as the basis of it.

In a Paper which I laid before the Council, and which is marked A 1 in the accompanying Appendix, I found it necessary to controvert many of the assertions which have been put forward in Port Phillip, on the subject of the Finances of the District.

The simple facts of the case are that, up to the end of 1844, the ordinary Expenditure made by the Government of New South Wales, either in the District of Port Phillip, or on account of the District, as nearly as possible balanced the whole Ordinary Revenue received from it; but, up to the same date, a sum exceeding £130,000, produced by the sale of Land in Port Phillip, had been expended in bringing Emigrants to other parts of the Colony. This latter fact has never been denied, or attempted to be concealed by this Government; and as little is it denied that of late years the whole Revenue raised in Port Phillip has not been spent in the District; but it is not true that the money saved in Port Phillip has been systematically or
intentionally spent for the benefit of other parts of the Colony, or that any portion of the Colony has been favored by the Government more than Port Phillip.

What has been saved at Port Phillip is now in the public Treasury, as is also the money which has been saved in other parts of the Colony, for Economy has been observed equally in all parts of it during the last few years; and it is on this account only that Port Phillip is entitled to a share in the money which is now in the public chest.

In conclusion, I feel it right to remind Your Lordship that, in consequence of the proviso* attached to the 51st clause of the 5th and 6th Vict., ch. 76, the separation of Port Phillip from the rest of New South Wales can only be effected by an Act of Parliament.

I have, &c.,
Geo. Gipps.

[Enclosure.]

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

GEO. GIPPS.

1846. 29 April.

GIPPS TO STANLEY.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 91, per ship Lloyds; acknowledged by earl Grey, 31st July, 1847.)

My Lord,

Government House, 29th April, 1846.

I had the honor, on the 2d October last, to receive Your Lordship's Despatch No. 50 of the 28th May, 1845, wherewith was transmitted to me a Copy of a Despatch addressed to Your Lordship by the Governor of South Australia on the 30th September, 1844, on the subject of the existing Boundary between the Provinces of South Australia and Port Phillip, and proposing an alteration in that Boundary.

On the receipt of Your Lordship's Despatch, I consulted Mr. La Trobe and the Surveyor General of this Colony on the subject of the boundary in question; and I have the honor herewith to enclose Copies of letters which I received respectively from those Officers, bringing forward as a counter proposal to that of Governor Grey a project for continuing the River Murray as the boundary between the two Provinces, throughout the whole lower portion of its course, or from the point at which it is joined by the Darling, through the centre of Lake Alexandrina to the Sea.

Feeling that I could scarcely support a proposal, which would go to deprive South Australia of a portion of its Territory lying little more than thirty miles from Adelaide, I resolved to bring the subject before my Executive Council, in conjunction with

SER. I. VOL. XXV—C  * Note 6.
the other important matters relating to Port Phillip, on which I was directed to consult it by Your Lordship's Despatch, No. 58 of the 12th June, 1845.

For the recommendations of the Council in respect to the Boundaries of Port Phillip, I beg to refer to my own Despatch No. 90 of this day's date; but I also enclose a Copy of a Minute made by the Council in respect to this particular part of the Boundary; and I will only add my recommendation that a conventional Boundary should be laid out, deviating as little as possible from the 141st Degree of Longitude East from Greenwich (the present boundary) and submitted for the approval of Her Majesty.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these letters, dated 22nd December and 13th October, 1845, will be found in a volume in series III.]

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch marked "Private and Confidential," per ship Trafalgar.)

Sir,

Downing Street, 30th April, 1846.

I am desirous that, at the commencement of your administrative duties as Governor of New South Wales, you should be possessed, in a form as definite as the state of the case admits, of the views of Her Majesty's Government with regard to the introduction of Convicts into that Colony.

You are aware that the practice has for some years past been to exclude New South Wales from the sentences of transportation passed in this Country; and that this practice is commonly reported to rest upon nothing less than a promise from Her Majesty's Government made on or about the year 1839, that transportation to New South Wales should cease.

I do not think it necessary to examine the origin or to question the accuracy of this opinion; for taking together the subject matter to which it refers and the extent to which it prevails, I am disposed to believe that the practical mischief of exciting jealousies by controveting it would be greater than any that can arise from acquiescence in the assumption of its correctness. It is in short the intention of Her M. Government not to alter the present practice as to the transportation of Criminals, so far as New South Wales is concerned, without the general approval of the Colony, or of the portion of it to be effected by such alteration.

At the same time, while Her M. Government are desirous to lessen the numbers of Convicts annually sent to Van Diemen's
Land, they are also disposed to doubt whether, even independently of any regard to the state of things in that Colony, it is to be desired that the absolute exclusion of transported Convicts from New South Wales should continue. And thus much at least is evident that now is the time for the consideration of the question before the sentences of the Convicts still serving their time in that Colony shall have expired, and the Establishments connected with Convict Discipline shall consequently be broken up.

Her Majesty's Government sympathise with the impatience of the Colonists of New South Wales under the system which prevailed there some years ago; and can well understand that the recurrence of that system, the resumption of transportation to that Colony on a scale even faintly resembling the former one must be regarded with a just jealousy and alarm. But the question is essentially and entirely different. Whether it might not be a measure favorable to the material fortunes of New South Wales, and unattended with injury to its higher interests to introduce either directly from England at the commencement of their sentences, or from Van Diemen's Land at some period during their course, a number of Prisoners, small in comparison with the number which was carried to the Colony under the former system of transportation, and smaller still of course relatively to the augmented population among whom they would now be dispersed. It is moreover to be remembered that these prisoners would be employed upon a system different from that of former times, under which the abuses then complained of were generated.

I trust that the frank avowal, which I have conveyed to you of the intention of Her Majesty's Government to respect the general sense of the Colonists in their deliberations upon this important subject, will enable you with the greater care to avail yourself of any opportunity which may offer for suggesting its consideration. On the other hand, it will be acceptable to Her Majesty's Government if the Members of the Legislative Council of the Colony should shew a disposition to concur in the opinion that a modified and carefully regulated introduction of Convict Labourers into New South Wales or into some part of it may, under the present circumstances, be adviseable.

It seems probable that we may be again approaching a period, if indeed such period has not already arrived, when the supply of free labour in the Australian Provinces is on the whole below the demand. It might even happen that in Van Diemen's Land the supply of Convict labour, large as it is, might be insufficient to meet all the beneficial uses open for its application. But the
1846.
30 April.

Statement of policy of British government re problems of transportation of convicts to colony.

presumption is that the former contingency, namely, that of a scarcity in free labour, will both arrive sooner and endure longer. In Port Phillip, as I find from a dispatch of your Predecessor, the unequivocal signs of it have already begun to appear, and they have taken a direction not unnatural, namely, that of a desire for the introduction of Prisoners passing through the latter stages of their term from Van Diemen’s Land.

The labour of such Prisoners would be more liberally remunerated in Port Phillip than in Van Diemen’s Land. They would be much more thinly dispersed among the population, would form a scarcely perceptible element in the composition of Society, and would enjoy those favorable opportunities of improving habits and character, which transportation according to its first theory was designed to afford. And, if this disposal of them during the latter portion of their respective terms should follow upon a period of really efficient discipline in the probation Gangs (which as yet I by no means despair of their being made to yield) during the earlier portion, in such case I conceive, while the economical benefit to Port Phillip would be great, the hazard, from which such an Immigration can never perhaps be entirely set free, would be reduced to its minimum, and the hopes of ultimate reformation of the Prisoners proportionally raised.

One portion therefore of the subject, which deserves your consideration and upon which you may find it advantageous to ascertain the sentiments of the Colonists, is the question whether hereafter it may be desirable to frame arrangements by which persons, having passed through their period of probation in Van Diemen’s Land, may be introduced either under engagement or as candidates for private employment into New South Wales generally, or into the District of Port Phillip only, provided it should appear that the Colonists of that District only are desirous of such introduction.

But independently of the temporary and occasional scarcity of Agricultural labour, or even of the introduction of bondsmen to enlarge its permanent supply, it will also be for you to consider whether there are or are not certain descriptions of occupation for the sake of which it might be desirable regularly to introduce a limited number of Convicts from England into the Colony. I advert to the execution of public works generally, to the making and repair of roads for which I apprehend there is not at present found to be any adequate provision in New South Wales, and to any other descriptions of employment which from irksomeness or otherwise are not sufficiently supplied by the free
labouring population of the Colony, always presuming that they are neither destructive to health, nor essentially liable to moral objections, and therefore at variance with the reformatory principles on which it is the earnest desire of Her Majesty's Government to regulate the system of transportation. These employments ought to be of a nature so far requiring the Aggregation of a number of laborers in the same place as to give opportunity for the closest inspection, for subjecting the whole distribution of the time of the men and all their habits to a rigid discipline, and for applying to them the Agency of systematic and effective religious instruction.

I have here endeavoured to supply you not with any definite plan nor even with the essential elements or conditions of a plan, but simply with some slight and general outlines of the course into which it may be well for you to direct your reflections and enquiries upon a difficult but an important and interesting subject. As I may learn from you the progress you may make whether at once or by degrees in bringing it to maturity, I shall be prepared to communicate to you the determinate and particular views of Her Majesty's Government regarding it; but you will not lose sight of this fundamental proposition, that, while Her Majesty's Government will receive with satisfaction any evidence of a disposition to secure the views which I have here expressed, they disclaim the intention and the desire to take any proceeding in the matter except such as may be generally conducive to the interests and agreeable to the inclinations of those whom it will most directly and intimately concern.

I have marked this dispatch as "Private and Confidential"; but I have to apprize you that it will be in your discretion to make it public, if you shall find reason to consider that such a course would be expedient.

I have, &c.,
W. E. Gladstone.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.
(A circular despatch, per ship Trafalgar.)

Circumstances have induced me to reconsider that part of Lord Stanley's General Instructions of 7th March, 1842, which direct that the Half Salary of an Officer, absent from his duties for the last half of the leave of absence originally granted to him, should not be paid until after his return to the Colony.

I find that, since that Rule was established, almost every Officer, who has been absent on leave in this Country, has applied for a relaxation of it in his favor, and has been able to allege...
such circumstances as to induce the Secretary of State to comply with the application. I infer from this that the Rule has been found either not to answer its purpose, or to effect that purpose at the expense of too much inconvenience and embarrassment to individuals, as compared with any advantage attending it, to warrant its being carried practically into operation. But, as it appears to me very undesirable that a Rule of this description should be maintained nominally, after it has become in reality a dead Letter, I have decided on abolishing it, and allowing an Officer, absent on leave in this Country, to receive here his Half Salary for the whole period of that leave, as it may from time to time become due. At the same time, the other Instructions contained in Lord Stanley's Despatch of 7th March, 1842, and all other Regulations, established to prevent abuse in the application for or grant of leave of absence, are to be considered as in full force.

W. E. GLADSTONE.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.
(Despatch marked "Military, No. 2," per ship Trafalgar; acknowledged by Sir Charles Fitz Roy, 21st October, 1846.)

Sir,
Downing Street, 2nd May, 1846.

I have to instruct you to report to me what may have become of James Graves, a soldier of the 28th Regiment of Foot, who is stated to have been employed, about five years ago, in the Mounted Police of New South Wales. I have, &c.,

W. E. GLADSTONE.

SIR GEORGE GIPPS TO LORD STANLEY.
(Despatch No. 93, per ship St. Vincent.)

My Lord,
Government House, 2d May, 1846.

I have had the honor to receive Your Lordship's Despatch (not numbered) of the 28th Novr., 1845, enclosing a Copy of a letter from Mrs. Jane Moran of Manchester, requesting to be informed whether a Dr. Francis Moran, who came out to Sydney in the year 1821, is still alive; and I have the honor to report that, according to the best information I can obtain, Dr. Moran died in the Colony about ten years ago.

I enclose a copy of a letter, which has been addressed to the Colonial Secretary by the Registrar of the Diocese respecting the Certificate of the Burial of Dr. Moran. I have, &c.,

GEO. GIPPS.
MR. H. K. JAMES TO COLONIAL SECRETARY THOMSON.

Sir,

Sydney, 23rd April, 1846.

I have the honor to acknowledge the receipt of your letter of the 17th Instant, stating that, enquiry having been made from England respecting the late Dr. Francis Moran, you request that I will furnish you with a Certificate of the burial of that Gentleman; and in reply beg leave to inform you that, as it is not stated that this Certificate is required for public purposes (in which case it has been usual for me to remit the legal charges), I presume that it may be desired by the relatives or connexions of the deceased, and therefore must prefer my claim for the expenses, which I conclude the Colonial Government is not prepared to discharge.

Under these circumstances, and to prevent disappointment to the interested parties, I shall prepare and forward to England, in duplicate, the Certificate in question (sending the same by the "Sydney" and "General Hewitt") addressed to the care of my Agents, who will deliver the same to the applicant upon payment of the account sent therewith.

I have the honor to request that you will inform me if this course will be satisfactory, and, if so, that you will have the goodness to apprise your Correspondent accordingly.

I have, &c.,

H. Kenison James, Dep. Regr.

Agent's Address: "Messrs. Halfhide and Son, No. 7 Coventry Street, London."

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch marked "Military, No. 3," per ship Trafalgar.)

Sir,

Downing Street, 5 May, 1846.

I transmit, herewith, a copy of a Memorial which has been addressed to His Grace the Commander in Chief by Alexander Stewart, late Serjeant in the 74th Regiment, relative to his claim for Land in New South Wales.

It appears from this Memorial that the applicant received his discharge in 1836 in Antigua, with a gratuity of £18 5s., and, as he states, the promise of a grant of Land. He did not however proceed to New South Wales until 1840, four years after the alleged promise was made to him, when his claim to Land was refused on the ground that he was not discharged in the Colony.

There is no evidence beyond the applicant's own statement that any promise of land was made to him when he received his discharge in Antigua, and indeed none could have been made to him consistently with the instructions of the Secretary of State, or with the terms of the 44th Article of the War Office Regulations, dated the 30th of July, 1830, in which it was laid down
that, if a discharged soldier obtained a Grant in any other Colony than that in which he was serving, he was to receive a Passage at the public expense, and was not to be released from military law, or finally discharged until he reached his settlement.

I have therefore to desire that you will acquaint the Memorialist that, under these circumstances, I am unable to return any other answer to his present application than that which has already been addressed to him by your direction on the same subject.

I have, &c.,

W. E. GLADSTONE.

[Enclosure.]

MEMORIAL to His Grace the Duke of Wellington, Commander in Chief of Her Majesty's Forces, etc., etc.

Sydney, New South Wales. 10th November, 1845.

I hope Your Grace will pardon my presumption in addressing you, but, feeling convinced that Your Grace would do justice to an old Soldier, induced me to take this liberty of writing to you, I therefore hope Your Grace will be kind enough to take my case under your gracious consideration.

The facts of my case are this (vizt.) I was discharged from the 74th Regt. of Foot in Antigua in May, 1830, after being in the service 17 years, 282 days, receiving a Gratuity of £18 5s. and the promise of a Grant of Land in any of Her Majesty's Colonies, having been a Non-Commissioned Officer for the period of 9 years. I came to this colony in 1840 for the purpose of obtaining the Grant of Land, which induced me at that time to take my discharge, bringing my family with me, consisting of my Wife and 3 Sons and 2 Daughters, which I expect will be useful in the defence of their Queen and Country. On applying for the aforementioned Grant of Land, I was denied on the plea of my not having been discharged in this Colony, as the inclosed Answer to a Memorial sent to the Governor will shew. I have repeatedly applied for the above grant through the Colonial Secretary and others, and have always been denied. I now as a last resource apply to Your Grace, feeling assured of being justified, as I need not inform your Grace that, at the time of my having been discharged, no particular Colony was specified in Her Majesty's Regulations. I beg further to inform Your Grace that there is thousands of Acres of Waste Land in this Country unoccupied, a small portion of which would be sufficient for the maintenance of myself and family, and furthermore would be a great inducement for the rising Generation to follow the footsteps of their Father in Loyalty and defence of their Country; but, if their Father cannot obtain the rights, they have toiled so long for, what the consequence might be, is hard to prognosticate. I, therefore, fully trust in Your Grace to do me justice, and you will for ever be remembered with gratitude by

Your obedt. Humble servant.

ALEXANDER STEWART.

George's Street, Sydney.

late Serjt., 74th Regt.
GLADSTONE TO FITZ ROY.

RIGHT HON. W. E. GLADSTONE to SIR CHARLES FITZ ROY.

(A circular despatch, per ship Trafalgar.)

Sir,

Downing Street, 6th May, 1846.

In reporting the Leave of Absence granted, on account of ill-health, to any Public Functionary employed under Your Government, I have to desire that you will forward to this Department the Medical Certificate, which it is required by the Colonial Regulations should be submitted to the Executive Council previously to such leave being granted.

I have, &c,

W. E. GLADSTONE

RIGHT HON. W. E. GLADSTONE to SIR CHARLES FITZ ROY.

(Despatch No. 18. per ship Trafalgar; acknowledged by Sir Charles Fitz Roy, 24th October, 1846.)

Sir,

Downing Street, 7th May, 1846.

I transmit to you an Extract of a communication which I have addressed to Mr. La Trobe, which will apprise you of the circumstances under which I have directed him to proceed at once from Port Phillip in order to assume the temporary Administration of the Government of Van Diemen’s Land.

The urgency of the case prevented my conveying those instructions through you to Mr. La Trobe, who I presume have already left Port Phillip when this Dispatch shall have reached you.

It is impossible for me at present to say with precision for what period Mr. La Trobe’s services may be required in the position which he has thus been called upon to assume; but it will be necessary for you to appoint some officer, on whom you can rely, to undertake during his absence the duties of Superintendent at Port Phillip.

The officer so appointed will during the performance of those duties receive, under the general regulations of the Colonial Service, one moiety of the Salary attached to that office.

I have, &c,

[Enclosure.]

W. E. GLADSTONE.

EXTRACT of a Dispatch from Mr. Secretary Gladstone to C. J. La Trobe, Esqr., dated 6th May, 1846.

CIRCUMSTANCES,* which for my immediate purposes it is unnecessary to explain, have rendered it necessary that Sir Eardley Wilmot should be relieved with the least possible delay from the Administration of the Government of Van Diemen’s Land. His Successor in that appointment (for the usual term of Service) has not yet been selected. To meet the immediate exigency, Her Majesty has been graciously pleased to address to you the accompanying Commission nominating you Administrator of the Government until the Arrival of the future Lieut. Governor.

* Note 6.
I am well aware that in adopting this measure I deviate from the usual forms of procedure, and that Her Majesty's Government have no strict and absolute claim to your services beyond the limits of the Command, which you have actually accepted.

On the other hand, The Queen is graciously pleased to repose in your well proved zeal for Her Majesty's Service such confidence as to entertain no hesitation in calling you thus abruptly to the discharge of a duty, which may possibly be not merely irksome and unwelcome, but productive of considerable personal inconvenience to you. Those difficulties, however, you will, I am convinced, cheerfully encounter in consideration of the motives of the Advice which has induced The Queen to impose them on you.

The arrival of the future Lieut. Governor is not to be expected till the lapse of two or three months from your receipt of this Despatch, nor perhaps till even a later period.

You will, therefore, have the goodness to avail yourself of the earliest possible opportunity of proceeding by the most expeditious route to Hobart Town, there to assume the temporary Administration of the Government.

At the close of that Administration, you will resume your present office, receiving in the meantime the full salary and emoluments at present received by Sir Eardley Wilmot.

Sir, Downing Street, 7 May, 1846.

I herewith transmit to you the Copies of a letter and its Enclosure which have been received from the Board of Treasury, having reference to the question of the payment of a sum of £209 1s. 6d. for the freight and other expenses connected with the Conveyance to New S. Wales of a Steam Dredging Apparatus and Diving Bells for the use of your Government; and which, having been originally charged in the Agent's Account against the Colony, had been subsequently repaid to the Colonial Treasurer from the Commissariat Chest.

As however there would appear to be no grounds for relieving the Colony from the charge in question, I have to desire that you will give effect to the wish expressed by the Lords of the Treasury that the sum of £209 1s. 6d. may be replaced in the Commissariat Chest.

I have, &c.,

W. E. Gladstone.

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

Sir, Treasury Chambers. 24th April, 1846.

I am commanded by the Lords Commissioners of Her Majesty's Treasury to request you will state to Mr. Secretary's Gladstone that, on the 5th April, 1845, the Assistant Commissary General of Accounts in New South Wales reported to this Board
GLADSTONE TO FITZ ROY.

that he had been instructed, by letter from Mr. W. Elyard, Junior, dated 28th February preceding, to prepare a Warrant for the re-payment from the Commissariat Chest to the Colonial Treasury of the sum of £209 1s. 6d. on the ground that that sum was included in the Account of the Colonial Agent General for the Quarter to 30th June, 1843, as having been paid to Her Majesty's Paymaster General for the freight of Stores to Sydney by the " Thomas Bold, " and it was presumed that the Stores in question consisted of a large quantity of Provisions for Her Majesty's Ships " Beagle," " Britomart " and " Alligator," the freight of which was of course not chargeable to the Colonial Government.

It appears however, by a report from the Commissioners of Audit of 20th Ult., Copy of which is herewith enclosed, that the sum of £209 1s. 6d. alluded to was properly paid by Mr. Barnard for the freight of a Steam Dredging Machine and Diving Bells for the use of the Colony of New South Wales, which were sent out by the " Thomas Bold, " and for compensation for cutting the Decks of that Vessel for receiving the same; and you will, therefore, move Mr. Secretary Gladstone to instruct the Governor of New South Wales to cause the said sum of £209 1s. 6d. to be replaced in the Commissariat Chest. I am, &c.

C. E. TREVELYAN.

[Sub-enclosure.]

AUDIT COMMISSIONERS TO LORDS COMMISSIONERS OF TREASURY.

My Lords,

We have the honor to represent to Your Lordships that a claim appears in the Account of Deputy Commissary General Ramsay, New South Wales, under date of 4th April, 1845, for the payment of £209 1s. 6d. by Warrant of the Governor and Captain General Sir Geo. Gipps. This sum was paid originally by the Agent General, Mr. Barnard, to the Paymaster General on the 10th May, 1843, on account of Naval Service, and was charged on Mr. Barnard's account against the Colony of New South Wales. A letter from the Admiralty to James Stephen, Esquire, dated 27th September, 1842, which accompanies the Secretary of State's authority to Mr. Barnard to make the payment, states that an expense of £217 10s. 6d., including £8 9s., for the Colony of Van Diemen's Land, had been incurred for the Colonial Department, and the particulars of the charge against New South Wales are stated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freight of Steam Dredging Machine and Diving Bells shipped in the freight Ship &quot; Thomas Bold &quot; for the Colonial Department at New South Wales, 34 Tons at 34s. 9d. per ton per Contract, dated 14th October, 1839</td>
<td>£59 1 6</td>
</tr>
<tr>
<td>Compensation for cutting the Decks of the &quot; Thomas Bold &quot; for receiving the above</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Total</td>
<td>£209 1 6</td>
</tr>
</tbody>
</table>

We find upon reference to the account of Mr. Barnard for 1839 that the cost of the Dredging Apparatus and Diving Bells was charged against the Colony; we apprehend, therefore, that there can be no doubt that the expense of their conveyance to New South Wales had been properly charged against the Colony in Mr. Barnard's Account for 1843.

The only statement in explanation of the direction, given by the Governor's Warrant of 5th March, 1845, to the Commissary to repay the sum in question to the Colonial Treasurer from the Commissariat Chest, is that the " Thomas Bold conveyed a large quantity of provisions consigned to the Senior Officer of Her Majesty's Ships, or, in his absence, to the principal Officer of the Commissariat "; and we presume that, as the Ship was freighted for Naval or Commissariat Services, it was considered by the Governor that no charge ought to have been made against the Colonial Government for the freight of the Articles adverted to.

We beg leave however to submit to your Lordships that this is not a sufficient reason for exonerating the Colonial Government from the charge of freight; more especially as it may be inferred from the Memorandum of the Admiralty that the conveyance of the Dredging Machine, etc., was part of the contract with the owners of the Ship, dated 14th October, 1839, Vizt. " 34 Tons at 34s. 9d. per Ton," and, as the expense of cutting the Decks, Viz., £150, would not have been incurred at all, except for this particular purpose.
We are not aware whether the circumstances of the case have been reported by Mr. Ramsay to your Lordships; but we have thought it proper to bring the subject under your Lordships' consideration, with a view, should Your Lordships concur in the opinion we have above expressed, of instructions being given for the re-transfer of this sum from the Colonial to the Commissariat Chest.

W. L. HERBIES.
H. F. LUTTRELL.
F. OFORN.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 20, per ship Trafalgar: acknowledged by Sir Charles Fitz Roy, 19th October, 1846.)

Sir, Downing Street, 7 May, 1846.

I transmit to you herewith the copy of a letter from Mr. G. A. Labatt, containing an enquiry relative to Mr. H. R. Labatt, whose name appears in the latest Blue Book in the Survey Department of Your Government; and I have to request that you will furnish me with the information desired by the Relatives of that Gentleman.

W. E. GLADSTONE.

[Enclosure.]

MR. G. A. LABATT TO RIGHT HON. W. E. GLADSTONE.

Sir, 51 Westland Row, Dublin, 20 April, 1846.

Mr. Hugh Roland Labatt was appointed some few years ago as a Surveyor under Government, and in that capacity he was sent out to Sydney in New South Wales, and since then he has been in the employment of the Government; and consequently I venture to hope that his name may from time to time be returned with others of his calling to the proper quarter in this Country; and therefore I am induced to take the liberty of begging that you will furnish me with the information desired by the Relatives of that Gentleman.

GEORGE AUGUSTUS LABATT.

SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 94, per ship St. Vincent.)

My Lord, Government House, 7th May, 1846.

At the request of a Committee consisting of highly respectable gentlemen resident in Sydney, I have the honor to forward to Your Lordship printed Copies of Papers, which have been addressed by the Committee to the Directors of the
GIPPS TO STANLEY. 45

Peninsular and Oriental Steam Company, and to those of the Screw Propeller Navigation Company, with the view of engaging one or other of those Companies to send Steam Vessels to this Colony.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these papers are not available.]

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SIR GEORGE GIPPS TO LORD STANLEY.

(Despatch No. 95, per ship St. Vincent.)

My Lord,

Government House, 10th May, 1846.

Herewith I have the honor to forward the Blue Book for the year ended the 31st December, 1845, with the report which, according to Your Lordship's Despatch No. 101 of the 5th May, 1842, should accompany it.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 2.]

REPORT to accompany the Blue Book of the Colony, for the year ended the 31st Decr., 1845.

By the Report which accompanied the Blue Book for 1844, it was shewn that the produce of duties on Imported Spirits had decreased from £149,510 17s. 9d. in 1842 to £95,928 16s. 8d. in 1844. As this decrease in the productiveness of the duties could be attributed to no other cause than the increase of smuggling, it was resolved to reduce the duties; and accordingly, by an Act of the Local Legislature passed on the 8th November, 1845 (9th Vict., No. 20), the duty on foreign Brandy or other Spirits was reduced from 12s. to 6s., and on British or Colonial Spirits from 9s. to 3s. 6d. per gallon.

This reduction was reported in my Despatch No. 200 of the 23d Novr., 1845; the full effect of it cannot, of course, yet be told; but, in a Despatch No. 77 of the 6th April last, I reported that, as far as a judgment could be formed from the experience of the first quarter of the present year (1846), it would be satisfactory.

The total Revenue, derived from the duties on Spirits imported as well as made in the Colony, was:

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>£155,026 3 9</td>
</tr>
<tr>
<td>1843</td>
<td>128,480 6 3</td>
</tr>
<tr>
<td>1844</td>
<td>110,620 7 8*</td>
</tr>
<tr>
<td>1845</td>
<td>107,056 17 4</td>
</tr>
</tbody>
</table>

In the ad-valorem duties, no alteration has been made since the year 1840, when, by an Act of the Local Legislature (4th Vict., No. 11), they were raised to their present amount.

*Marginal note.—This sum is stated in the Blue Book of 1844 as only £109,045 7s. 8d., the expense of the collection of the duties on spirits made in the Colony having been deducted from the receipts.
HISTORICAL RECORDS OF AUSTRALIA.

The Blue Book for 1844 shows that the produce of these duties had greatly decreased (owing to the distress of the Colony); but, a slight improvement took place in them in 1845, they produced:

In 1841 ........................................ £48,368 7 8
" 1844 only .................................. 12,654 9 7
" 1845 ........................................ 19,471 0 2

The duties on Tobacco have remained unchanged since the year 1827; they produced:

In 1842 ........................................ £51,617 0 11
" 1843 ......................................... 44,125 0 3
" 1844 ......................................... 43,390 6 3
" 1845 ......................................... 48,990 3 2

With the exception of Spirits, there has been in the year 1845 an increase in the productiveness of the duties on all imported articles, a proof, among many others which might be adduced, that the Colony is recovering from the depression under which it laboured for three years in consequence of overtrading and the excessive speculation which prevailed between 1835 and 1840.

Connected with the duties of Customs are the Wharfage and Harbour dues, wharfage being in New South Wales in reality a tax (see my Report on the Act of Council 8th Vict., No. 16, contained in a Despatch No. 7 of the 5th Jan., 1844). The Harbour dues have, however, been greatly reduced of late years, in order to attract Foreign Vessels to the Ports of the Colony, particularly French and American Whalers. These charges produced:

In 1842 ........................................ £11,498 5 9
1843 ........................................ 7,679 5 1
1844 ........................................ 4,380 8 7
1845 ........................................ 6,252 11 11

Post-office.

The Post Office produces a considerable Revenue in New South Wales; but, owing to the great extent of the Colony and the dispersed state of the population, the Expenditure on account of it frequently exceeds the revenue.

The Revenue was: and the expenditure:

In 1843 ........... £18,868 9 8 £19,416 10 4
1844 ........... 17,233 15 9 15,871 19 4
1845 ........... 18,001 11 6 16,335 13 4

By a recent Act of Parliament, the Post Office is placed under the direction of the Post Master General in England. This Act (7th and 8th Vict., ch. 49), however, is not yet in operation.

The Assessment on Stock depastured on Crown Lands is included in the revenue raised by taxation, though it is in the nature of a local and not a general impost. The amount is increasing, being in proportion to the quantity of Stock held by the persons denominated Squatters. The amount was:

In 1843 .................. £17,844 6 11
1844 .................. 26,594 5 11
1845 .................. 31,729 12 9

The Local Act, however, under which it is levied, 2d Vict., No. 27, will expire on the 30th June, 1846, and possibly may not be renewed.

The Assessment under this Act is quite distinct from the Fees on Licenses to occupy Crown Land, which are part of the Crown Revenue. These Fees on Licenses, in 1843, produced £31,790 2s. 6d.
GIPPS TO STANLEY.

2. Fees of Office, Pages 17 to 38.

The Revenue derived from Fees of Office has greatly fallen off of late years; it was:

<table>
<thead>
<tr>
<th>Year</th>
<th>Fees of Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>£34,046 4 10</td>
</tr>
<tr>
<td>1843</td>
<td>31,987 17 0</td>
</tr>
<tr>
<td>1844</td>
<td>19,069 10 5</td>
</tr>
<tr>
<td>1845</td>
<td>9,479 11 0</td>
</tr>
</tbody>
</table>

It is to be remarked, however, that the Fees, taken in the Insolvent Courts and in the Courts of Request, which were formerly carried to the General Revenue, have been, in the year 1845, applied to defray the expenses of those courts. These Fees amounted in 1844 to:

<table>
<thead>
<tr>
<th>Courts</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insolvent Courts</td>
<td>£2,088 19 0</td>
</tr>
<tr>
<td>Courts of Request</td>
<td>4,413 4 10</td>
</tr>
</tbody>
</table>

£6,502 3 10

(See my Despatch No. 26, of the 3d Feb., 1845.)

The Fees taken in all the Courts of Justice have greatly decreased. In the Supreme Court of Sydney, they were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>£14,460 15 7</td>
</tr>
<tr>
<td>1845</td>
<td>5,945 9 8</td>
</tr>
</tbody>
</table>

The possibility was, however, shown of conducting the financial Affairs of the Colony on the principles laid down in the Constitutional Act; and it is strictly in accordance with these principles that the Accounts for the year 1845 have been made up.

From my financial Minute prepared for the Legislative Council, the following particulars are extracted, relating to the Receipts and Expenditure of the year 1845:

<table>
<thead>
<tr>
<th>Receipts and Expenditure</th>
<th>Year 1844</th>
<th>Year 1845</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Ordinary Revenue</td>
<td>£253,945 16 2</td>
<td>£283,945 16 2</td>
</tr>
<tr>
<td>and Imposts, was in the year 1845</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and as that of 1844 was</td>
<td>£266,724 19 5</td>
<td></td>
</tr>
<tr>
<td>The Revenue of 1845 exceeded that of 1844 by</td>
<td>£17,220 16 9</td>
<td></td>
</tr>
<tr>
<td>The Expenditure chargeable on the ordinary Revenue was, in 1845</td>
<td>£251,087 10 11</td>
<td></td>
</tr>
<tr>
<td>And as the same expenditure was, in 1844</td>
<td>257,891 10 6</td>
<td></td>
</tr>
<tr>
<td>The Expenditure of 1845 was less than that of 1844 by</td>
<td>£6,803 19 7</td>
<td></td>
</tr>
</tbody>
</table>

Again—

<table>
<thead>
<tr>
<th>Receipts and Expenditure</th>
<th>Year 1844</th>
<th>Year 1845</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Ordinary Revenue of 1845 being</td>
<td>£283,945 16 2</td>
<td></td>
</tr>
<tr>
<td>And the Expenditure of the same year</td>
<td>251,087 10 11</td>
<td></td>
</tr>
</tbody>
</table>

The Revenue of 1845 exceeded the Expenditure by | £32,858 5 3 |
The Ordinary Revenue of 1845, or the revenue derived from Taxes, Duties, Rates and Imposts, may be classed under the following heads:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1845</td>
<td>£25,378 17 5</td>
<td>£169,340 8 4</td>
<td>£214,719 6 1</td>
<td>£18,901 11 6</td>
<td>£3,479 11 0</td>
<td>£37,372 2 1</td>
<td>£783 6 4</td>
<td>£3,589 19 2</td>
</tr>
</tbody>
</table>

The comparative Expenditure of the Colony during the years 1844 and 1845, may be shown as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1845</td>
<td>£52,790 7 4*</td>
<td>£25,035 18 9</td>
<td>£1,617 12 3</td>
<td>£59,718 15 1</td>
<td>£7,917 13 1</td>
<td>£38,561 13 7</td>
<td>£30,000 0</td>
<td>£10,875 14 3</td>
<td>£5,005 6 7</td>
<td>£3,228 17 9</td>
<td></td>
</tr>
<tr>
<td>1844</td>
<td>£45,352 5 6</td>
<td>£34,976 14 3</td>
<td>£1,720 16 3</td>
<td>£60,657 18 0</td>
<td>£7,639 10 0</td>
<td>£38,462 6 9</td>
<td>£30,000 0</td>
<td>£15,871 19 4</td>
<td>£4,566 15 4</td>
<td>£4,950 10 10</td>
<td></td>
</tr>
</tbody>
</table>

Total £251,087 10 11 .. £257,891 10 6

The following unexpended balances are included in this sum:

- Schedule A £1,515 0 5
- Schedule B 2,459 13 2

Which sums and the balance on Schedule B for 1844 £4,004 13 7

£2,246 14 11

Are now in the Public Treasury at the disposal of Her Majesty £6,251 5 6

Crown Revenue.

The following is a statement of the Crown Revenue for 1845:

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales of Land</td>
<td>£16,752 0 5</td>
</tr>
<tr>
<td>Quit Rents</td>
<td>£8,169 13 10</td>
</tr>
<tr>
<td>Depasturing Licenses</td>
<td>£31,790 2 6</td>
</tr>
<tr>
<td>Timber Licenses</td>
<td>£1,063 0 0</td>
</tr>
<tr>
<td>Rents, Leases, etc., within the Boundaries</td>
<td>£3,648 9 11</td>
</tr>
</tbody>
</table>

£61,423 6 8

Casual Revenue | £3,710 16 2

Total Crown Revenue | £65,134 2 10

Crown revenue.
The charges on the Crown Revenue for the year 1845 were:

1. For the Survey, Sale, and Management of the Crown Lands £9,954 18 5
2. Aborigines 2,226 7 8
3. Immigration 9,775 5 1
4. Interest on Debentures 6,156 8 8
5. Opening new Lines of Road, under 5th and 6th Vict., ch. 36, and Lord Stanley's instructions of the 15th September, 1842 342 5 7

Miscellaneous charges and repayments, as returned by the Auditor General 174 12 9

Total amount of charges in the Colony £28,632 18 2

Leaves a balance of £36,501 4 8

The following repayments have also been credited to the Crown Revenue during the year 1845:

From South Australia £3,000 0 0
On settlement of Accounts in England by the Colonial Agent General 850 0 10

N.B.—By the Auditor General, the collections made by the Agent for the Church and School Estates are also credited to the Crown Revenue; but, as I am still without any instructions from Her Majesty's Government in respect to them, I propose still to keep them in reserve. The amount of net Revenue derived from this source amounted in 1845 to £3,079 5s. 8d.

In my Report on the Blue Book for 1844, I pointed out that fallacious conclusions might be drawn from the Returns contained in it, in consequence of the practice in the Auditor General's Office, of including as expenditure sums, which were only advances, and other sums as Revenue which were derived from Loans.

I regret to say that conclusions equally fallacious might be drawn from the Returns in the present Blue Book, for instance, at page 46, repayments from the Commissariat to the amount of £2,311 17s. 1d. are included as Revenue; at page 48, advances unpaid are included as Revenue to the amount of £59,827 17s. 2d., and also a further sum of £3,000. This latter sum ought moreover to have been credited as a repayment to the Crown Revenue, instead of to the Revenue derived from taxes, duties, rates and imposts.

Again, at page 49, various sums appear on the debit side of the Account, which in reality do not form any part of the Expenditure of the Colony.

From these and other causes, the net Revenue, derived from Taxes, duties, rates and imposts, is made at page 52 to amount to £351,618 10 7

Instead of (as stated above) £283,945 16 2

and, at page 53, the Expenditure is made to amount to 306,170 14 1

Instead of 251,057 10 11

* This is the sum which has accrued during the year 1845. The whole sum in hand applicable towards the reduction of the debt was, on the 31st Dec., 1845, £64,585 9s. 11d.; and may now be taken at nearly £80,000.—G.G., 10 May, 1846.
Lastly, at pages 56 and 57, Debentures issued to the amount of £21,600, and others paid off to the amount of £24,100, are included; by which the Income derived from Crown Lands, as well as the Expenditure on account of them, is made to appear larger than it really was.

4. Convict expenses, or expenses defrayed out of the Military Chest, or, more properly speaking, out of funds belonging to the Home Government, Pages 101 to 109.

The expenses on account of Convict Establishments continue progressively to decrease. They were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>£87,992 10 3</td>
</tr>
<tr>
<td>1843</td>
<td>68,403 4 9</td>
</tr>
<tr>
<td>1844</td>
<td>54,437 1 0</td>
</tr>
<tr>
<td>1845</td>
<td>31,582 10 0*</td>
</tr>
</tbody>
</table>

It is, however, to be remarked that a portion of the saving, exhibited in each of the years 1844 and 1845, is to be attributed to the transfer of Norfolk Island to Van Diemen's Land.

The number of Convicts in the Colony was stated in the Blue Book for 1844 to be 19,175; and, in the present Blue Book, it is 16,843; of whom 13,766 are said to hold Tickets of Leave.

5. Local Revenues, Pages 112 to 121.

The local Revenues of the City of Sydney are considerable, and may be classed under the following heads:

- Raised by Assessment or local taxation £2,759 18 11
- Produce of Rents, dues, fees, or licenses 4,324 10 2
- Aid from the Government 3,107 0 3

Total: £10,191 9 4

The local Revenues of the Incorporated town of Melbourne were as follows:

- Raised by Assessment £2,357 2 6
- Rents, Dues, Fees, etc 1,168 12 8
- Aid from the Government 443 19 6

Total: £3,969 14 8

District Councils.

There are in New South Wales District Councils, established under the Clauses from 41 to 50 in the 5th and 6th Vict., ch. 70; but of them one only, namely, the Council of Grant (in the Port Phillip District), has attempted to raise funds by means of local Assessment; and the sum so raised by this Council amounted only to £144 5s. 2d.

Some few of the other Councils have borrowed money; and the Council of Parramatta has received the funds derived from Turnpike Tolls taken within the District, in consideration of keeping the Roads in repair.


The only Military Expenditure defrayed out of Colonial funds is that of the Mounted Police, which is composed of Soldiers taken from the Regiments serving in the Colony.

* Against this Expenditure is to be set the Revenue derived from Convict Establishments, and which (page 100) amounts to £5,248, so that the real cost of the Convict Establishments was little more than £26,000.
The cost of supporting this very efficient was in the year 1845 £10,397 8s. 2d.

The amount of gratuities, paid out of Colonial Funds to Officers and Soldiers employed in guarding Convicts whilst employed on Colonial Public Works, was in the year 1845 £1,063 10s.

There is no Militia in the Colony.

The amount paid by the Home Government for the Military defence of the Colony, including the custody of the Convicts, was:

- In 1843: £92,333 18 1
- In 1844: £80,350 18 6
- In 1845: £65,821 18 9;

so that the whole expense of the Colony to Great Britain was under £100,000, including Military as well as Convict services.

7. Public Works, Pages 132 to 141.

The Expenditure on Public Works in the Colony was:

- In 1844: £26,719 7 2
- In 1845: £27,561 13 7,

exclusive of advances on account of the New Military Barracks.

The detail of the expenditure is given in the Blue Book.

8. Legislation, Pages 144 to 148.

The titles of 30 Public Acts and one Private Act, passed by the Legislative Council in the Session which commenced on the 1st July and ended on the 13th Novr., 1845, are given in the Blue Book.

Of these Acts, 20 (including the Private Act) were assented to by the Governor; and two Public Acts were reserved for the signification thereon of Her Majesty's pleasure.

The Reports made by the Governor on these Acts are contained in ten Despatches, all dated the 23d Novr., 1845, and numbered from 196 to 205.

9. Councils and Assemblies, Pages 150 to 153.

The names of the persons composing the Legislative Council will be found at pages 151 to 153.

One non-elective Member only was appointed to the Council in the year 1845, namely, George Allen, Esquire, then Mayor of Sydney; and his appointment was reported to the Secretary of State in a Despatch, dated 3d August, 1845, No. 122.

10. Civil Establishment, Pages 155 to 344.

The List of Civil Officers contains 646 names, being less by 25 than the number of names contained in the Blue Book for 1844.


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 this, alleging that, when appointed in England, they were not informed that security would be required of 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, to which no answer has yet been received.
12. Pensions, Pages 354 to 357.

Since the death of Dr. Kinchela, the annual amount of Pensions payable out of Colonial funds is only £550.
The amount payable out of Convict funds is £180 19s., including a Pension of £110 to Dr. Anderson, late Colonial Surgeon, granted by the Secretary of State's Despatch No. 67 of the 30th June, 1845.

13. Recapitulation of the Establishment, Pages 358 to 360.

No observations seem necessary.


No observations seem necessary. There are but two Consuls, French and American.


The estimated population of the Colony was, on the 31st December, 1844 173,377 Souls and, on the 31st December, 1845 181,541.
The estimated increase in the year being 8,164.
A new Census of the Colony is to be taken in the early part of 1846.
The Male population exceeds the Female in the proportion of 110 to 71.

16. Ecclesiastical Return, Pages 380 to 398.

The number of Clergymen receiving Salaries from the Government under the Colonial Church Act is as follows:—
Church of England, including the Bishop, 60; Presbyterian, 20; Wesleyan, S; Roman Catholic, 26—114;
Exclusive of about eight (chiefly Baptists and Independents) who do not receive Government Salaries, and one who is paid out of Convict funds; so that the proportion of Clergymen to the Population is about one to every 1,500 souls.
By the Schedule marked C to the Constitutional Act of the Colony, the sum of £30,000 is secured for the purposes of Public Worship; and, on the manner in which this sum is to be divided, a Despatch was addressed by the Governor to the Secretary of State on the 7th August, 1845, No. 125.

17. Education, Pages 400 to 411.

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 Sept., 1841, of which a printed Copy is annexed.
These Regulations were issued in order to stop a practice, which greatly prevailed in the years 1840 and 1841 (especially in the Presbyterian Schools), of charging the Public with half the expense of educating 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 23d 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 may refer to my Despatch No. 24 of the 1st Feb., 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, the Sydney College (erroneously called a College) is the best. The King's School at Parramatta, founded on the principle of an English Grammar School, has, I regret to say, fallen lately into disrepute, the former Master (a Clergyman of the Church of England) having become Insolvent. It is now however, I hope, reviving. The Australian College, founded by Dr. Lang on the model of the Scotch Schools of the higher class, continues in disrepute, and has almost ceased to exist.

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' schools, there are also some which maintain a respectable character.

The recapitulation of private Schools at page 411, if compared with that given in the Blue Book for 1844, shows a decrease in the year of 7 Schools, but an increase of 296 Male, 206 Female Scholars.

The total number of schools of all denominations, public and private, in the Colony was:

In 1843, 306; in 1844, 355; in 1845, 367.

The number of Scholars was:

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<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>
<tr>
<td>1845</td>
<td>8,962</td>
<td>7,554</td>
<td>16,516</td>
</tr>
</tbody>
</table>

which, in a population of 181,541, gives very nearly one in eleven.

18. Exchanges, Monies, etc., Pages 414 to 431.

The Monies, weights, measures, etc., in New South Wales are the same as in England.

Exchange on London does not vary more than it is presumed to do in other Colonies. Treasury Bills may be said to be usually at a small premium.

The quantity of Coin in the Colony has greatly increased in the last few years.

It was estimated—

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1843</td>
<td>£439,772</td>
<td></td>
</tr>
<tr>
<td>1844</td>
<td>579,923</td>
<td></td>
</tr>
<tr>
<td>1845</td>
<td>875,166</td>
<td></td>
</tr>
</tbody>
</table>

The Paper money in circulation, or Notes issued by the several Banks, averaged:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1843</td>
<td>£155,521</td>
<td></td>
</tr>
<tr>
<td>1844</td>
<td>164,882</td>
<td></td>
</tr>
<tr>
<td>1845</td>
<td>196,310</td>
<td></td>
</tr>
</tbody>
</table>
At Pages 421 to 431 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 Bills discounted by the Banks may be considered bad. It is acknowledged that a large portion of them are renewals.

The quantity of discounted paper held collectively by the Banks was on the

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>30th September, 1842</td>
<td>£2,562,467 0</td>
</tr>
<tr>
<td>1843</td>
<td>2,000,809 0</td>
</tr>
<tr>
<td>31st December, 1844</td>
<td>1,583,137 0</td>
</tr>
<tr>
<td>1845</td>
<td>1,448,082 0</td>
</tr>
</tbody>
</table>

The Deposits were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>£988,555 0</td>
</tr>
<tr>
<td>1843</td>
<td>812,600 0</td>
</tr>
<tr>
<td>1844</td>
<td>1,028,677 0</td>
</tr>
<tr>
<td>1845</td>
<td>1,230,022 0</td>
</tr>
</tbody>
</table>

19. Imports and Exports, Pages 434 to 465.

The Imports (Port Phillip included) were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>£1,579,795</td>
</tr>
<tr>
<td>1843</td>
<td>1,380,481</td>
</tr>
<tr>
<td>1844</td>
<td>931,260</td>
</tr>
<tr>
<td>1845</td>
<td>1,233,854</td>
</tr>
</tbody>
</table>

The Exports (Port Phillip included) were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>£1,095,035</td>
</tr>
<tr>
<td>1843</td>
<td>1,116,525</td>
</tr>
<tr>
<td>1844</td>
<td>1,128,115</td>
</tr>
<tr>
<td>1845</td>
<td>1,553,986</td>
</tr>
</tbody>
</table>

The value of the Exports having in 1844, 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>Amount</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1842</td>
<td>9,557,905</td>
<td>£601,055</td>
</tr>
<tr>
<td>1843</td>
<td>11,866,706</td>
<td>659,300</td>
</tr>
<tr>
<td>1844</td>
<td>13,542,173</td>
<td>645,344</td>
</tr>
<tr>
<td>1845</td>
<td>17,364,734</td>
<td>1,009,242</td>
</tr>
</tbody>
</table>

The value of Tallow Exported was:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1843</td>
<td>9,639</td>
<td></td>
</tr>
<tr>
<td>1844</td>
<td>83,511</td>
<td></td>
</tr>
<tr>
<td>1845</td>
<td>102,746</td>
<td></td>
</tr>
</tbody>
</table>

The Excess of Exports over Imports in 1844 and 1845 affords reason to hope that the Colonists may be able in a few years to liquidate the debts now owing by them in England.

20. Agriculture, Pages 468 to 470.

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>Produce</th>
<th>1842</th>
<th>1843</th>
<th>1844</th>
<th>1845</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat, Bushels</td>
<td>332,766</td>
<td>332,532</td>
<td>1,000,225</td>
<td>1,312,655</td>
</tr>
<tr>
<td>Maize, do</td>
<td>503,903</td>
<td>590,134</td>
<td>719,358</td>
<td>975,873</td>
</tr>
<tr>
<td>Barley, do</td>
<td>90,172</td>
<td>88,767</td>
<td>95,858</td>
<td>152,612</td>
</tr>
<tr>
<td>Oats, do</td>
<td>62,704</td>
<td>84,327</td>
<td>92,326</td>
<td>70,630</td>
</tr>
<tr>
<td>Potatoes, Tons</td>
<td>11,141</td>
<td>12,561</td>
<td>16,292</td>
<td>22,745</td>
</tr>
<tr>
<td>Tobacco, do</td>
<td>132</td>
<td>100</td>
<td>305</td>
<td>319</td>
</tr>
<tr>
<td>Hay, do</td>
<td>17,175</td>
<td>15,015</td>
<td>24,168</td>
<td>92,610</td>
</tr>
</tbody>
</table>

Prices of all Colonial produce remained nearly stationary during the year 1845, but are now (May, 1846) rising.
GIPPS TO STANLEY.

Return of Grain Imported.

<table>
<thead>
<tr>
<th></th>
<th>1842</th>
<th>1843</th>
<th>1844</th>
<th>1845</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat,  Bushels</td>
<td>174,706</td>
<td>275,441</td>
<td>266,704</td>
<td>109,355</td>
</tr>
<tr>
<td>Maize, do</td>
<td>3,170</td>
<td>1,003</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Barley, Oats or Pease, Bushels</td>
<td>95,610</td>
<td>59,532</td>
<td>35,104</td>
<td>46,399</td>
</tr>
<tr>
<td>Flour or Biscuits, lbs.</td>
<td>9,830,944</td>
<td>4,060,686</td>
<td>4,370,540</td>
<td>3,237,632</td>
</tr>
<tr>
<td>Rice, lbs.</td>
<td>1,184,237</td>
<td>2,526,432</td>
<td>280,229</td>
<td>450,040</td>
</tr>
<tr>
<td>Potatoes, Tons</td>
<td>1,264</td>
<td>1,077</td>
<td>1,085</td>
<td>430</td>
</tr>
</tbody>
</table>


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 in 1845 was nearly the same as in the year 1844, but the price at which it was sold considerably less.

22. Grants of Land, Pages 478 to 483.

No free Grants of Land have been made during the year, except a few acres for public purposes.

The quantity sold has greatly decreased of late years; 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. 6d. in 1844, exclusive of remission to Naval and Military Settlers; but, in 1845, it increased to £18,451.

The total number of acres sold, including those on which remission was made to Naval and Military Settlers; was 7,747.

The amount of remission to Naval and Military Settlers was £2,458 1s. 10d.

23. Gaols and Prisoners, Pages 486 to 506.

In respect to Gaols, I beg to refer to my despatch No. 219 of the 17th November, 1842.

In respect to the state of Crime in the Colony, the following Returns are interesting:

Convictions in the Supreme Court.

<table>
<thead>
<tr>
<th></th>
<th>1844</th>
<th>1845</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Other Felonies</td>
<td>187</td>
<td>190</td>
</tr>
<tr>
<td>Misdemeanours</td>
<td>38</td>
<td>42</td>
</tr>
</tbody>
</table>

Convictions in Courts of Quarter Sessions.

<table>
<thead>
<tr>
<th></th>
<th>1844</th>
<th>1845</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felonies</td>
<td>331</td>
<td>303</td>
</tr>
<tr>
<td>Misdemeanours</td>
<td>48</td>
<td>51</td>
</tr>
<tr>
<td>Criminals Executed</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Of which the number of undefended or short cases was</td>
<td>123</td>
<td>26</td>
</tr>
</tbody>
</table>

24. Miscellaneous Returns.

From Pages 509 to 526 are given some Miscellaneous Returns, of which the following is a List:

Page 509. Return of Coin in the Colony in each year from 1836 to 1845.

Page 510. Return of the increase and decrease of the Population in 1844.
1846.
10 May.

Miscellaneous returns.

Page.

511. Return of Land in cultivation from 1835 to 1844.
512. Return of Vineyards, Wine and Brandy, 1845.
513. Return of Live Stock in the Colony, 1st January, 1845.
514. Return of Stock Slaughtered, Tallow and Lard, 1844.
515. Return of Imports and Exports from 1835 to 1845.
517. Returns of the Import and Export of Butter and Cheese, from 1843 to 1845.
519. Returns of the Import and Export of Salt Meat from 1843 to 1845.
520. Returns of the Import and Export of Hides and Leather from 1843 to 1845.
521. Returns of the Export of Wool, Tallow and Bark.
523. Returns of Shipping Inwards from 1835 to 1845.
524. Return of Shipping Outwards from 1835 to 1845.
525. Returns of Vessels Registered, of Land Sales, and of Auction duty, from 1835 to 1845.
526. Return of the value of Imports and Exports, 1844.

Government House, Sydney, 10th May, 1846. GEO. GIPPS.

[Sub-enclosure.]

[This was a copy of the regulations for public education, dated 21st September, 1841, which will be found on pages 427 and 428, volume XXII.]

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.
(Despatch No. 21, per ship Trafalgar.)

Sir, Downing Street, 13 May, 1846.

I have had under my consideration Sir G. Gipps’ despatches of the numbers and dates specified in the Margin, in which he has adverted to the difficulties and the evils likely to arise from the resort to New S. Wales of a large number of Convicts from Van D. Land, holding Conditional Pardons. I have also received similar representations with regard to the resort of the same description of Convicts to the other Australian Colonies; and I have to acquaint you that it has been decided by Her M.’s Government to qualify, in the Pardons granted to Convicts in Australia, that condition which confined the effect of the Pardon to the Australian Colonies, and to give to the Convict, either Colonial or British, the power of removing to any place which he may desire, provided he should not return to the Country or Colony from which he had been transported. This arrangement will have a retrospective effect, and will apply to all Conditional Pardons now in force.

* Marginal note.—No. 109, 2d July, 45; No. 132, 13 Aug., 45; No. 175.
There is one part of Sir G. Gipps' Dispatch No. 175 of the 20th of Oct., 1845, to which it is necessary that I should advert.

He proposes that the holders of Conditional Pardons in Van D. Land should be in New S. Wales subjected in some manner to the surveillance of the Police; and that, for crimes committed after their arrival in New S. Wales, they should be made liable to punishment in the way in which persons are punishable who may have received Conditional Pardons in the Colony. He observes that the fact of having arrived in the Colony, under a Sentence of Transportation, fixes on a man in New S. Wales a character, of which, in after life, he never can entirely divest himself. Though he become perfectly free by the expiration of his Sentence or by virtue of a Pardon from the Crown, he is liable to be punished for subsequent offences in a manner, in which a man, who came free to the Colony or who was born in it, cannot be punished; that is to say, he may be worked in Irons, and, if he commit transportable offence, he is transported to a penal Settlement (either Norfolk Island, or Tasman's Peninsula) instead of being sent to what is called a Probation Gang in Van D. Land. These differential punishments, Sir G. Gipps states, are sanctioned by the 3d Clause of the local Act of New S. Wales, 3d Wm. 4, No. 3; and he adds that, by the first Clause of the local Vagrant Act, 6 Wm. 4, No. 6, persons, who came originally as Convicts to the Colony, though they may have become entirely free, are nevertheless required to register their place of abode, if, subsequent to their arrival in the Colony, they may have been convicted of a transportable Offence Committed in it.

Having referred to the local Acts mentioned by Sir G. Gipps, it appears to me that he has not correctly apprehended the Effect of those Laws.

1st. The liability to punishments, from which others are exempt, attaches in New S. Wales not to all persons transported from Great Britain as Convicts, but to all persons transported to New South Wales.

2d. That liability arises only in the case of the Commission by such persons of transportable offences.

3d. It attaches, so far as I am able to judge, only to such persons while in their Convict State, not to those whose time has expired, or whose offences have been pardoned.

It does not therefore appear to me that the Laws, to which Sir G. Gipps has referred, afford any precedent for such further Legislation as that which he proposes, nor do I consider that the measure is one to which, in principle, it would be proper to assent.
I trust that the alteration in the Pardons, which I now announce to you, will tend in some degree to remove the evil complained of.

I have, &c.,

W. E. Gladstone.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 23, per ship Trafalgar; acknowledged by Sir Charles Fitz Roy, 8th January, 1847.)

Sir, Downing Street, 17 May, 1846.

I transmit to you the Copy of a note, which has been addressed to the Earl of Aberdeen by the Wurtemburg Minister at this Court, enclosing a legal document which he wishes to be forwarded to T. G. Ehle, a Wurtemberg subject in the Service of Mr. G. Ranken of Bathurst, and I have to request that you will cause this paper to be delivered to the Party concerned, and that you will obtain and forward to me a receipt for the same.

I have, &c.,

W. E. Gladstone.

[Enclosure.]

LE BARON DE FLUGEL TO EARL OF ABERDEEN.

LE BARON DE FLUGEL se presénte ses compliments a M Le Comte d'Aberdeen et a l'honneur de reclamer, par ordre de son Gouv. des bons offices de S.E. l'effect de fair parvenir par l'entremise du Ministre des Colonies la decret ci-joint a T. G. Ehle, au service de M. G. Ranken, à Bathurst, dans la Colonie Anglaise. "New South Wales," dans la Nouvelle Hollande; et depuis S.E. de vouloir bien lui faire obtenir plus tard l'accusé de reception du dit individu pour le document, qui a rapport a une affaire de succession.

5 May, 1846.

S.E.

M. le Comte d'Aberdeen, etc., etc., etc.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 96, per ship St. Vincent.)

Sir,

Government House, 17th May, 1846.

I beg to report that I have this day had the honor of receiving Your Despatch dated the 23d December last, informing me that Her Majesty has been pleased to deliver to you the Seals of the Colonial Department.

My Despatches will consequently in future be addressed to you; and it will be my endeavour to meet in the fullest manner the invitation with which you have honored me.

I have, &c.,

Geo. Gipps.
GIPPS TO GLADSTONE.

RIGHT HON. W. E. GLADSTONE to SIR CHARLES FITZ ROY.
(Despatch No. 24, per ship Trafalgar.)

Sir,
Downing Street, 18 May, 1846.

I have to acknowledge the receipt of Sir George Gipps' Dispatch No. 187 of the 14th Novr. last, reporting that he had on the previous day prorogued the Legislative Council of New South Wales, and enclosing a Copy of the Speech which he had addressed to the Members of the Council on that occasion.

I have, &c,

W. E. GLADSTONE.

SIR GEORGE GIPPS to RIGHT HON. W. E. GLADSTONE.
(Despatch No. 97, per ship St. Vincent; acknowledged by earl Grey, 10th October, 1846.)

Sir,
Government House, 18th May, 1846.

I have the honor to report to you that, on the 12th instant, the Legislative Council of this Colony met for the despatch of business; and I enclose a Copy of the Speech with which I opened their Session.

I further enclose a Copy of the Address which, in reply, was presented to me by the Council on the 15th instant.

I have, &c,

GEO. GIPPS.

[Enclosures.]

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

SIR GEORGE GIPPS to RIGHT HON. W. E. GLADSTONE.
(Despatch No. 98, per ship St. Vincent; acknowledged by earl Grey, 26th February, 1847.)

Sir,
Government House, 19th May, 1846.

I have the honor to report that I was waited on yesterday by a number of highly respectable gentlemen,* who sought to ascertain from me the extent to which the introduction of Railways into the Colony would be patronized or aided by Her Majesty's Government, especially in respect to the grant or purchase of the Land belonging to the Crown, over which it may be necessary to conduct a Railway.

It appeared to be the opinion of the gentlemen, who waited on me, that a strip of land varying from 100 to 200 yards in width would be required for the formation of any Railway; and a quantity of about a square mile (640 acres) at each station on the line. An opinion was further expressed that, wherever a Railway may pass through a fertile district, it would be desirable

* Note 7.
1846.
19 May.

Proposed grant or purchase of lands by railway company.

Encouragement promised by Sir G. Gipps.

Request for permission to purchase land at minimum price.

Conditions proposed by Sir G. Gipps.

Reply to proposed purchases on speculation.

Railways proposed from Sydney to Goulburn and to Windsor.

for the Railway Company to be put in possession, either by grant or purchase, of considerable quantities of land, with the view of selling the same at some future period at an advanced price, and thereby defraying some portion of the Expense of the Work.

I replied that I considered Her Majesty's Government would encourage the formation of Railways, though it was a matter in which the local Executive must, for very obvious reasons, proceed with the greatest caution, and that the gentlemen must be well aware that, without an Act of Parliament, nothing could be done inconsistent with the Land Sales Act, 5th and 6th Vict., ch. 36.

Consistently with the sixth clause of the Act just mentioned, no land can be acquired by any one except by purchase at Auction; and the chief object of the gentlemen, who waited on me, seems to be to obtain permission to purchase such land as they may require at the fixed Minimum price of £1 per acre.

I promised that I would submit their application to Her Majesty's Government, which I accordingly now do; and, considering how much the introduction of Railways will not only contribute to the general improvement of the Colony, but also increase the value of the Crown Lands through which they pass, I venture to recommend that any Railway Company, which may be sanctioned by an Act of the Local Legislature, may be exempted from the competition of the Auction Room in the purchase of Crown Lands, and allowed to take such lands as are necessary for the formation of the Railway, either at the fixed price of £1 per acre, or at such higher price as may be agreed on.

I beg to add, however, that I would confine this privilege to the land required for the formation of the Railway, and to a quantity not exceeding in any case 640 acres at each Station on the Railway, such Stations being at distances of not less than twenty miles from each other.

I fully explained to the gentlemen, who waited on me, that I could not recommend that they should be exempted from competition in respect to lands which they might desire to purchase on speculation, or with a view to profit by a resale of them at an enhanced price.

Two Railways are at present projected in the Colony, one from Sydney to Goulburn in the County of Argyle (that is to say in the direction of Port Phillip), a distance of about 130 miles, and the other from Sydney to Windsor in the County of Cumberland, a distance only of about 40 miles; but the success of these undertakings must, I apprehend, depend mainly on the extent to which it may be possible to dispose of Shares in England.
I also apprehend that no Railway Act will be passed by the Local Legislature without a Clause requiring the Company to bring to the Colony a number of labourers (Emigrants) proportioned to the magnitude of the undertaking, a condition which I think very necessary.

I enclose a sketch or draft of an Act, which it would be necessary to introduce into Parliament, in order to carry out the views which I have herein developed.

I consider it very essential that the Governor (as is proposed in this Draft) be empowered, with the advice of His Executive Council, to demand a higher price than £1 per acre for valuable land, or to refuse altogether to sell any particular portion of land; otherwise he may be compelled in some places to sell land at a very insufficient price; as for instance Grose Farm in the neighbourhood of Sydney, which may be considered to be worth from £100 to £1,000 per acre.

GEO. GIPPS.

[Enclosure.]

DRAFT OF ACT FOR RAILWAYS.

WHEREAS it is expedient to encourage the formation of Railways in the Colony of New South Wales, Be it enacted, etc., etc., etc.

That, whenever an Act shall have been passed by the Legislature of the said Colony, authorizing the formation of any Railway, and proof shall have been afforded, to the satisfaction of the Governor and Executive Council of the said Colony, that a sum has been paid up equal to one Fifth part of the estimated Cost of the Railway, and be at the disposal of the Directors or persons authorized to form the same, it shall be lawful for the said Governor to grant to such Directors, or other persons, any portion of the Lands of the Crown through which the Railway may be intended to pass, not exceeding fifty acres per mile, for every mile of such Railway passing through such Crown Land, at the fixed price of £1 per acre, or at such price as may be agreed on, and a further quantity of Land at each Station on the same Railway, not exceeding 640 acres, at the fixed rate of £1 per acre, or such other rate as may be agreed on; provided, however, that the Stations, in respect to which these further lands are granted, be not situated at a less distance from each other than 20 miles measured on the Railway.

Provided, however, and be it enacted that nothing herein contained shall be taken or held to compel such Governor to grant such Lands or any portions of them at the fixed price of £1 per acre, or at any other price, if he be advised by His Executive Council not to grant them, or to grant them only at a higher price.

GEO. GIPPS.
of 1845) enacted by him with the advice and consent of the Legislative Council of New South Wales relating to the Savings Banks of New S. Wales and Port Phillip respectively, and "to make further provision for the investment of the funds thereof."

I have received the Queen's commands to inform you that Her Majesty has been pleased to confirm and allow this ordinance, and you will communicate Her Majesty's decision to the inhabitants of the Colony under your Government by a Proclamation to be published in the usual and most authentic manner.

I have, &c.,

W. E. GLADSTONE.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.
(Despatch No. 99, per ship St. Vincent; acknowledged by earl Grey, 15th January, 1847.)

Sir, Government House, 20th May, 1846.

The papers, which accompany this Despatch, relate to certain surcharges which have been made against the Treasurer of New South Wales by the Commissioners of Audit in London; and my object in addressing is to recommend that, under all the circumstances of the case, the surcharges in question may be removed. The case briefly is as follows:—

In the years 1836 and 1837, overpayments to the amount of £193 12s. 2d. were made by the Treasurer of New South Wales to persons employed in the Department of the Surveyor General; but these overpayments were not discovered or at any rate were not noticed, until after a lapse of six years, nor were the surcharges, consequent on the discovery of them, made against Mr. Riddell the Treasurer, until some time in the year 1845.

Mr. Riddell having, towards the end of that year, brought the surcharges under my notice in a letter of which I enclose a Copy, I thought it right to appoint a Board for the investigation of the circumstances which led to them, and accordingly a Board was assembled in February last composed of the Officers named in the margin,* the Deputy Commissary General of Accounts acting as a Member of it with the permission of the Lieut. General Commanding Her Majesty's Troops in the Colony.

A copy of the Report of the Board is enclosed; and I feel that I can do no more than request it may be referred to the Commissioners of Audit, with the recommendation, which I have already ventured to express, that the surcharges may be removed in consideration of the circumstances reported by the Board, namely, the time which has elapsed since the overpayments were

* Marginal note.—The Collector of Customs; The Assistant Commissary General of Accounts; The Clerk of the Legislative Council.
made, the death of one of the parties principally concerned in
the transaction (Mr. John Wallace the Treasurer’s first Clerk),
and the impossibility of ascertaining at this distance of time,
who were the parties who received the money, and who conse­
quently ought now to be called on to refund it.

The Treasurer informs me that he has also himself communi­
cated upon this subject with the Commissioners of Audit.

I have, &c.,
GEO. GIPPS.

[Enclosure No. 1.]

MR. C. D. RIDDELL TO COLONIAL SECRETARY THOMSON.

Sir,
Colonial Treasury, 10th December, 1845.

I have the honor to inform you that I have received a letter
from the Commissioners for Auditing Public Accounts (a copy of
which is hereto annexed), by which you will observe that I am
conditionally surcharged with certain Sums of money arising out
of the transactions of my Department with that of the Surveyor
General so long ago as the years 1836 and 1837.

In the course of the investigation which I have been able to make
into matters of so old a date, I find that I shall have to rest my
defence in a great measure on the characters of the Clerks, who
were at that time in the capacities respectively of Chief Clerk in
the Treasury and Money Clerk in the Office of the Surveyor
General. There are also other circumstances connected with the
surcharges of a nature to render it advisable that they be laid
before some Board of Enquiry in order that, if they can be estab-
lished, I may make use of them in my appeal to the Lords of the
Treasury, to whom I am informed I must address my defence
against the decision of the Commissioners of Audit.

May I, therefore, request you to be so kind as to bring this case
under the notice of His Excellency the Governor, in order that the
nature of the surcharges brought against me may be enquired into.

I have, &c.,
C. D. RIDDELL.

[Enclosure No. 2.]

REPORT BY BOARD.

The Board, appointed by the Honorable the Colonial Secretary’s
letter, dated 16th February, 1846, to enquire into and report upon
certain double entries of payments occurring in the Accounts of the
Honorable the Colonial Treasurer for the year 1836, which have
caused corresponding surcharges to be made on that Officer by the
Board of Audit in England, beg to state that, from the great diffi-
culty of tracing the double payments after a lapse of nine years
and a half, during which time some of the parties who could
throw light upon them have died, and others have left the Colony,
they have found it almost impossible to come to any satisfactory
conclusion.

The Board beg leave to state, however, that it is quite clear that
the payments in question have been twice made by the Colonial
Treasurer, but it is by no means shewn, nor do the Board suppose.
that the Salaries of Mr. Lennox and others were received a second
time by those persons, although it is clear that the sum of £112
was twice received by Mr. Estall, viz., once from the Surveyor General, and again from the Colonial Treasurer, under circumstances of much want of caution on his part, if Estall’s Statement is to be relied on; but it is scarcely credible that so great an error could occur in the Treasury Office as to pay the full amount of £239, after being told by the person claiming the balance that £112 10s. had already been received. The matter is enveloped in a mystery which the Board have been unable to solve.

As regards the system of issuing Warrants for payment of the Salaries of the Roads’ Departments, and of the work of Contractors, the Board find, by explanations of the Colonial Treasurer and of the Auditor General, that it has been the practice to issue what are termed “Advance Warrants,” authorities addressed to the Colonial Treasurer to issue certain sums of money to Departments, to be charged by him in his accounts as Issues to be subsequently accounted for; and that, in accordance with this practice, certain Advance Warrants for the payment of Salaries, etc., in the Roads Department, estimated for specific periods, were issued to the Surveyor General or his Deputy, who was to be held responsible to account for the same to the Colonial Treasurer.

On this branch of the enquiry, the Board beg leave to remark that, had the applications containing the particulars of the services for which the Advances were required been forwarded to the Treasury Office together with the Advance Warrants, no difficulty would have occurred in the adjustment of the accounts, as the Surveyor General would, on the completion of the Services, have produced to the Treasurer Vouchers or Pay Abstracts in Support of the payments under such Advances, and the responsibility of both Departments would thus have ceased. Advance Warrants are followed by the issue of what are termed “Trial Warrants” for the adjustment of the estimated claims to meet which the Advance Warrants were issued. Now as the Treasurer had not been furnished with the particulars of the payments made by the Surveyor General under the Advance Warrants, for the adjustment of which the Final Warrant under which the double payments were made were issued, it is not surprising that some confusion in the accounts has been the result, and for which, in the opinion of the Board, the System rather than the Treasurer is to blame.

On inspection of some of these Final Warrants instead of including, as it is imagined they should have done, accounts for Salaries and services similar to those for which the Advance Warrants were granted, and of which balances might be outstanding, or for which the Estimates might have been in excess of the actual expenditure, and which required adjustment, the Board find that they comprehended accounts for other services and services dissimilar to those for which the Advance Warrants had been previously granted, and which had already been wholly, or in part, paid by the Surveyor General. Although these Final Warrants accompanied by Accounts and Abstracts were eventually forwarded to the Treasurer, yet, as the Advance Warrants did not contain information sufficient to enable the Treasurer to know to which of the Final Warrants they respectively applied, the Board conceive that he may be held excused if confusion in the adjustment of such Warrants did sometimes occur.

To shew the extent of transactions under this system of Advance Warrants, the Board beg to annex a Statement, furnished to them by the Auditor General, of the sums paid from the Colonial Treasury.
under Advance Warrants on account of the Public Service in each year, from 1st September, 1830 (the date of Mr. Riddell’s taking charge of the Treasury Department), to the 31st of December, 1845.

Having offered these observations on what appear to the Board to be defects in the system of issue of Advance and Final Warrants, it is now their duty to Report whether the Salaries for which the two Advance Warrants, respectively dated 2nd March and 6th July, 1836, were granted, were also subsequently paid direct from the Colonial Treasury, and were thus twice paid, either to the parties or to some person or persons obtaining them for the alleged purpose, it is presumed, of paying the amounts to the parties. Upon this branch of the subject, the Board have to offer it as their opinion, founded on the enquiries they have made and on the explanations afforded to them by the Colonial Treasurer and the Auditor General, that the Colonial Treasurer has not only paid to the Surveyor General the Advance Warrants of March and July, above mentioned, comprising the sums of £95 3s. 4d. and £95 7s. 10d. respectively, and brought the same to account, but has also issued direct from the Treasury (but to whom they have been unable to ascertain) cheques comprising the very Salaries which the two sums above mentioned were intended to meet. One of these Cheques drawn on the Bank of Australia, dated 30th August, 1836, for the sum of £95 7s. 10d., being payable to “Parker, Agnew and Lennox, or Bearer,” and the other, a cheque on the Bank of Australasia, dated 17th September, 1836, for the sum of £95 3s. 4d. to “Roads and Bridges, or Bearer.” These cheques bear no endorsement; and although the Board have made every enquiry in their power for the purpose of ascertaining to whom they were paid, their enquiries have proved ineffectual, notwithstanding every facility was afforded to them by the Officers of the Banks in question.

The Surveyor General is, in the opinion of the Board, clearly acquitted of any omission, as far as he was concerned, that would hold him responsible for those sums; he appears not to have received any portion of the “Final Warrants” in these cases: and, from his Bank Pass Books and Cheque Books, and other corroborating evidence, he would seem to be exonerated from any responsibility attaching to the transactions under investigation.

After a most careful and elaborate investigation of the points to which the attention of the Board has been directed, although they have been able to shew when and by whom the said sums were issued, yet they have been unable to ascertain the parties to whom those Sums were paid, and it appears to them that the “Advance Warrants” not only did not contain information sufficient to enable the Treasurer to adjust the Final Warrants, but did not even contain information sufficient to raise a doubt in his mind as to whether the adjustment of the Advance and Final Warrants had been attended to at the Audit Office, previously to the issue to him of the Final Warrant; but whether he should have considered it his duty to ascertain that the Surveyor General had accounted for the Advances made to him, the Board cannot satisfactorily determine.

Considering, however, the objections to the routine of the Departments connected with the issue of money and accounting for the same, and bearing in mind the very long period that elapsed
(nearly seven years) before a final Audit of these accounts was accomplished, which put it out of the power of the Treasurer to recover from the individuals who might be found to have occasioned or received the double payments in question, owing to the Insolvency of one, and the death or absence from the Colony of the others; considering also the promptness of the steps taken by the Colonial Treasurer against the Insolvent Estate, by whom one of the double payments was acknowledged, although explained as having arisen out of the faulty routine observed with regard to the “Advance and Final Warrants” already commented upon, the Board are in hope that, under the whole circumstances of the case, His Excellency the Governor will see reasonable ground for recommending to the Home Authorities, that the Colonial Treasurer be relieved from the Surcharges in question.

J. GIBBES, President.
H. C. DARLING, A.C.G. Accts.
WM. MACPHERSON.

Sydney, 15th April, 1846.

[Sub-enclosure.]

STATEMENTS of Sums paid from the Colonial Treasury as Advances on account of the Public Service, in each year from 1st September, 1830 (the date of the Honble. C. D. Riddell’s taking charge of the Department) to the 31st December, 1845.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1830</td>
<td>£1,935 0 0</td>
</tr>
<tr>
<td>1831</td>
<td>£13,409 17 0</td>
</tr>
<tr>
<td>1832</td>
<td>£12,505 5 4</td>
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<tr>
<td>1833</td>
<td>£16,688 3 11</td>
</tr>
<tr>
<td>1834</td>
<td>£17,913 8 1</td>
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<tr>
<td>1835</td>
<td>£14,559 7 11</td>
</tr>
<tr>
<td>1836</td>
<td>£22,584 13 24</td>
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<td>£73,546 1 7</td>
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<tr>
<td>1844</td>
<td>£60,354 19 6</td>
</tr>
<tr>
<td>1845</td>
<td>£59,697 1 10</td>
</tr>
</tbody>
</table>

£747,222 15 04

Audit Office, Sydney, 31st March, 1846.
On the 20th instant, Dr. Nicholson was presented to me for my allowance of his election, agreeably to the 23d clause* of the 5th and 6th Vict., ch. 76, and, as I saw no reason to disallow his election, he was then confirmed as Speaker.

Dr. Nicholson is a Physician, and one of the Members representing the District of Port Phillip.

GEO. GIPPS.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.
(Despatch No. 26, per ship Trafalgar.)

Sir,
Downing Street, 24 May, 1846.

At the request of the Lords Commissioners of the Treasury, I transmit, for your information and guidance, the accompanying Extract of a Minute of their Lordships, containing the directions which they have given for the abolition of the Department of Accounts in the Colony under your Government.

I have, &c,

W. E. GLADSTONE.

[Enclosure.]

EXTRACT of a Treasury Minute, dated 12th May, 1846.

My Lords have before them their Minute of the 11th July, 1843, in which the following notice is recorded:—

"As the expenditure in New South Wales in consequence of a change of system in regard to the Accounts has been much reduced, and is gradually diminishing, My Lords are of opinion that four persons are sufficient for conducting satisfactorily all the business of the Department of Accounts upon that Station, and my Lords look forward to the probability of their being enabled at no distant period to dispense altogether with this branch of the Department in New South Wales."

My Lords have already directed the transfer of one of the four persons above alluded to as forming the Department of Accounts in New South Wales, and their Lordships consider that the time has arrived when this Establishment may be broken up without inconvenience to the public Service.

My Lords, therefore, desire that a letter may be written to assistant Commissary General Darling referring him to the communication addressed to him by this board on the 21st July, 1843, and state that, in conformity with the intention therein expressed, their Lordships have had under their consideration the state of the Commissariat business in New South Wales, the reduced Amount of the Expenditure, the improved system of Account, and the facilities thereby afforded for a prompt and final Audit by the Commissioners of Audit of the pecuniary transactions of the Commissariat, and their Lordships are of opinion that they may now direct the abolition of the Department of Accounts in New South Wales without any detriment to the public Service.

My Lords desire that, immediately on the receipt of this despatch, Mr. Darling will take the necessary steps for forwarding to the Commissioners of Audit all the Accounts remaining in his office, which have undergone a complete examination, and that he will forthwith return to the Accountants the remaining Accounts

* Note 8.
which have been rendered to him by them, in order that they may forward the said Accounts to the Commissioners of Audit for examination and Audit.

Mr. Darling will furnish the Accountant with Schedules of the Accounts so returned to them, and he will forward Duplicates thereof to this Board.

The remaining Papers, Official Books, Furniture, etc., belonging to the Office of Accounts, Mr. Darling will deliver over to the Officer in charge of the Commissariat at Sydney, with a specification thereof, and he will transmit to this Board a copy of the specification and a Receipt for the delivery of the articles.

Upon the occasion of the abolition of the Department of Accounts in New South Wales, it is satisfactory to my Lords that they are enabled to avail themselves of the further Services of Assistant Commissary General Darling in a new sphere of usefulness, in which they have no doubt that his experience and zeal will be evinced with credit to himself and advantage to the public; and they refer him to a separate Despatch for the particulars of his appointment to the charge of a Department of the Commissariat about to be formed at a new Settlement in North Australia, upon which he will receive the Orders of the Governor and the Officer Commanding in New South Wales.

My Lords have already directed, by their letter of the 23d December, 1845, the transfer of Deputy Assistant Commissary General Mitchell to the Account Department of Van Diemen's Land, and Mr. Darling will select one of the two Deputy Assistants now under his orders to assist him in the duties confided to him in North Australia. The other Deputy Assistant, he will transfer to the Department of Accounts at Van Diemen's Land under the orders of a Deputy Commissary General Hayward, to whom he should be instructed to report himself on his arrival at Hobart Town.

Transmit copy of the foregoing Minute to Deputy Commissary General Ramsay for his information and guidance.

State to Mr. Ramsay that, as the General Instructions of the Commissariat provide for the performance of some points of duty hitherto performed by the Officer of the Account Department, for instance, the certifying of Tenders for Bills, the Countersignature of Warrants and Bills, etc., it is not necessary to give any special directions upon these matters, and their Lordships' rely upon Mr. Ramsay's zeal and activity for a careful observance of the injunctions contained in the Commissariat Instructions with regard to the mode of accounting, and the early transmission of the Accounts to the Commissioners of Audit.

As the abolition of the Department of Accounts will probably require of Mr. Ramsay a more close and attentive examination of the Accounts before they are transmitted, than might have been deemed necessary when they were rendered for examination by that Department upon the spot, My Lords will not object to the additional assistance of a temporary Clerk, if Mr. Ramsay should find such assistance to be necessary; and, in that case, he will offer the appointment to Mr. William Turner, who is at present serving as Clerk to the Bench of Magistrates at Wellington Valley, and whose Brother, Deputy Assistant Commissary General Turner, has entitled himself to their Lordships' approbation by the zeal and activity displayed by him in providing for the wants of the Troops in New Zealand.

*Note 9.
GIPPS TO GLADSTONE.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 27. per ship Trafalgar.)

Sir,

Downing Street, 24 May, 1846.

I have to acknowledge the receipt of your Predecessor's Despatch No. 200 of the 25th of November last, accompanied by two Acts (Nos. 20 and 26 of 1845), enacted by him with the advice and consent of the Legislative Council of New South Wales, the one Entitled, "An Act to reduce for a limited time the Duties on Spirits imported into or distilled in the Colony," and the other Entitled "An Act to amend the Acts now in force respecting the distillation of Spirits, and more effectually to prevent illicit distillation."

Having laid the last mentioned Ordinance before The Queen, I have received Her Majesty's commands to inform you that Her Majesty has been pleased to confirm and allow the same, and you will communicate Her Majesty's decision to the Inhabitants of the Colony under your Government by a Proclamation to be published in the usual and most authentic manner.

With respect to the first of these ordinances (No. 20 of 1845), I shall postpone further addressing you until I shall be in possession of the opinion of the Lords of the Committee of Privy Council for Trade, whom I have consulted on the subject.

I have, &c.,

W. E. GLADSTONE.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 103. per ship St. Vincent; acknowledged by earl Grey, 16th November, 1846.)

Sir,

Government House, 24th May, 1846.

At the request of the Judges of this Colony, I have the honor to solicit authority to charge on the fund, created by Schedule B of the 5th and 6th Vict., ch. 76, a Pension of £73 per annum (4s. per diem) in favor of Mr. Joshua Allott, formerly a Serjeant in the 11th Regiment, but employed for the last 22 years either as Tipstaff or Crier in the Supreme Court of New South Wales, and now aged 86 years.

By Schedule B of the Act above mentioned, the annual sum of £3,000 is provided for the payment of Pensions; and on the fund so secured there are chargeable at present Pensions amounting only to £550, namely, a pension to—

Mrs. E. Smith, £200; Mrs. M. A. Lewin, £50; Mr. J. Nicholson, £200; Mrs. S. Mileham, £100—£550.

On the subject of this proposed Pension, I beg to enclose Copies of two letters from the Chief Justice, and a statement of the age and services of Mr. Allott.

I have, &c.,

GEO. GIPPS.
Request for pension for J. Allott.

Services of J. Allott.

Salary of J. Allott.

Objects of pension list.

Statement transmitted from J. Allott.

1846,
24 May.

CHIEF JUSTICE STEPHEN to SIR GEORGE GIPPS.

Sir,

I have humbly to apply to Your Excellency that our old and faithful Public Servant Joshua Allott, who has been attached to the Supreme Court above 20 years, and is now 84 years of age, may be permitted to retire on a pension; which I earnestly hope may not be less, under the circumstances, than the full amount of his present pay.

Mr. Allott entered the 11th Regiment, now quartered in this Colony, in 1775, and served in it at Toulon, Ostend and Corsica, at the first mentioned of which places he was taken Prisoner. On his liberation he was made a Sergeant. He left the 11th Regiment in the year 1800, and came to this Colony under Governor King in the 102nd Regiment in charge of Convicts.

He was Tipstaff to Sir Francis Forbes in the year 1824, and soon afterwards became Crier, in which situation he has at all times (since my acquaintance with the Court, and invariably up to that period as all who have known him testify) conducted himself in the most admirable manner. About 9 years ago, Mr. Attorney General Plunkett, in the name of the Bar, presented him with a silver cup in testimony of their estimation of his services and character. He has of late, however, suffered much from deafness, and once or twice he has been assisted out of Court in a State of fainting from (as he says) dizziness in the head.

His Salary is 4s. per diem; with 2s. 6d. fee on every Civil trial, and 6d. for every Witness Sworn. During the last 10 years, the amount of these has varied greatly; and, for the last few years, he has shared them with an Assistant.

Considering the principle avowed by Her Majesty’s Government, as I understand, that the Pension List is mainly designated to enable the Local Government to keep its Offices efficiently filled by the removal of deserving Functionaries, incapacitated for active Service, I venture to think that Your Excellency will look on this application favorably; and, considering Mr. Allott’s advanced age, excellent conduct, and very long service, I trust that the Pension may be such as to enable him and his Wife to pass the remainder of their days in Comfort.

I have. &c.

ALFRED STEPHEN.

CHIEF JUSTICE STEPHEN to COLONIAL SECRETARY THOMSON.

Sir,

In compliance with your request, I have obtained from Mr. Allott a Statement, confirmed by Solemn Declaration, of his age and services, which Statement, I transmit in Duplicate herewith.

I regret that any circumstances should have the effect of postponing a pension to so worthy an object, whose great age makes delay unusually dangerous; and, on the other hand, of rendering it impossible for the Judges of the Supreme Court to expect that degree of attendance in the daily exercise of their functions, which an Officer in full health or strength would afford them, and which is so important to themselves and the profession for the long period of delay contemplated.

I am. &c.

ALFRED STEPHEN.
STATEMENT by Joshua Allott (now Crier of the Supreme Court of New South Wales, but formerly a Sergeant, first in His Majesty's 11th, and then in the 102nd Regiment) of his age and services.

1. My age will be in June now coming Eighty six.
2. I entered the 11th Regiment in the year 1777, and was for eighteen years Drill Sergeant to that Corps. I was present with the Regiment at Ostend in Action, where I was taken prisoner. I was at Gibraltar for twelve years; and in prison at Dorray for two years. I exchanged into the 102nd Regiment on its coming out to this country forty five years ago; and was discharged from it, at my own request, about thirty eight years ago.
3. On my discharge, I was given sixty acres of bush land; and that is all I ever have received for my services (beyond my ordinary pay) at any time. I never had a pension or gratuity from the Government in my life.
4. I was appointed Tipstaff of the Court, about twenty two years ago by Sir Francis Forbes. A year or two afterwards, I was appointed Crier; in which situation I have been ever since on a salary of 4s. a day, with a Fee of 2s. 6d. on every Trial, and of 6d. for each Witness sworn.

I, Joshua Allott, do solemnly and sincerely declare that the preceding statement is in all respects true. And I make this Solemn Declaration, under the provisions of the Act of Council in such case made.

JOS. ALLOTT.

Declared at Sydney the twenty-ninth day of April, A.D. 1846, Before me—

J. N. DICKINSON,
Judge of Supreme Court.
proceedings at Law or in Equity by or against the Australian General Assurance Company, and for other purposes therein mentioned."

Having laid this Act before the Queen, I have now to acquaint you that Her Majesty has been pleased to confirm and allow the same.

You will communicate Her Majesty's decision to the inhabitants of the Colony under your Government by a Proclamation in the usual and most authentic manner.

I have, &c.,
W. E. Gladstone.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.
(Despatch No. 105, per ship St. Vincent: acknowledged by Earl Grey, 23rd October, 1846.)

Sir,

26th May, 1846.

I have the honor to report that, previous to the meeting on the 12th instant of the Legislative Council, Mr. Hamilton resigned the seat which he held in the Council as a Nominee of the Crown; and that, subject to Her Majesty's approval, I appointed Mr. Henry Watson Parker to succeed him.

Mr. Parker accompanied me from England as my Private Secretary, and continued to hold that Office to the time of his appointment to the Legislative Council, when he resigned it, as by the proviso attached to the 12th clause of the 5th and 6th Vict., ch. 76, he could not, as a Crown Nominee, hold an Office of emolument within the Colony.

Mr. Parker, about two years ago, married a sister of Mr. James Macarthur of Camden, and by his marriage has acquired a fixed interest in the Colony.

I beg respectfully to express a hope that, on your recommendation, my appointment of Mr. Parker may be confirmed by Her Majesty.

I have, &c.,
GEO. GIPPS.

P.S.—Mr. Hamilton, I am happy to say, resigned solely on account of the inconvenience which an attendance in Council, at a very great distance from his residence, occasioned to him.

G.G.

P.S.—I have the satisfaction of adding that Mr. Parker was, last night, unanimously elected by the Council Chairman of Committees, an Office which, during the last Session, was held by Dr. Nicholson, the present Speaker.

29 May.

G.G.
RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.  1846.
(A circular despatch, per ship Trafalgar; acknowledged by Sir Charles Fitz Roy, 19th October, 1846.)

Sir,

Downing Street, 27th May, 1846.

It is my pleasing duty to announce to you that, on the Afternoon of the 25th Instant at 5 minutes before 3 o’Clock, The Queen was happily delivered of a Princess, to the great joy of the Nation and of all the Royal Family. Her Majesty and the Infant Princess have, through Divine Mercy, continued to do well up to the present time.

I have, &c.,

W. E. GLADSTONE.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.
(Despatch No. 106, per ship St. Vincent.)

Sir, Government House, 28th May, 1846.

I have the honor to report that, on the application of the Establishment Collector of Customs, and the recommendation of Mr. Barnes, who is now at Sydney on a special mission from the Commissioners of Customs, I have established a Branch of the Customs Department at Moreton Bay; and that I have appointed, subject to the approval of the Lords of the Treasury, the two gentlemen named in the margin* to the situations of Sub-Collector and Landing Waiter.

I beg leave to express my hope that, on your recommendation, these gentlemen may be confirmed in the Offices to which I have appointed them.

In addition to these appointments, I have (equally on the recommendation of the Collector and Mr. Barnes) sanctioned the employment of a Coxswain and Boat’s Crew.

I have, &c.,

GEO. GIPPS.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.
(Despatch marked “Separate,” per ship St. Vincent.)

Sir, Government House, 28th May, 1846.

With reference to my Despatch of this day’s date No. 106, in which I have reported the establishment of a branch of the Department of Customs at Moreton Bay, and solicited the confirmation of two gentlemen in the Offices to which I have appointed them, I beg in this separate Despatch earnestly, and

* Marginal note.—Mr. Wm. Augustus Duncan, Sub-Collector; Mr. Wm. Thornton, Landing Waiter.
entirely on public grounds, to press for the confirmation in particular of Mr. W. A. Duncan.

Mr. Duncan is a young man of very great ability and assiduity; and was lately editor of a Periodical,* called the “Weekly Register,” at Sydney. As Editor of this Paper, he, alone of all persons connected with the press of the Colony, supported the policy of the Government in the issue of the Squatting Regulations of the 2d April, 1844, of which Regulations he demonstrated the importance and fairness in a series of very able articles, some of which have, I believe, reached the Colonial Office.

It is within my knowledge that large offers were made to Mr. Duncan by the Pastoral Association or its Agents to induce him to alter the politics of his Paper; and that, on his refusing to do so, it was determined if possible to ruin him; and in fact he was obliged a few months ago to discontinue his Paper.

It may here be necessary to repeat a declaration, I have frequently already made to Lord Stanley, namely, that, during the time I have held the administration of this Government, I have never directly or indirectly connected myself with any Newspaper; to which I may now add that I never inserted, or caused to be inserted, any article in Mr. Duncan's Paper, neither did I ever see any article published in it before it was printed; nor had I any communication, direct or indirect, with Mr. Duncan until after he had ceased to Edit the Paper.

Feeling that Mr. Duncan deserves the support of Government, and that he is beyond doubt competent to fill the situation to which I have appointed him, I beg leave to repeat my earnest hope that he will be confirmed in it.

I have, &c.,
Geo. Gipps.

Sir
Downing Street, 30th May, 1846.

On the 4th May, 1840, Lord J. Russell transmitted to you a copy of certain Regulations, the observance of which, in all Charters or Legislative Enactments relating to the Incorporation of Banking Companies in the Colonies, Her Majesty's Government then considered of much importance.

The Correspondence, which has since taken place on subjects of this nature, and the arrangements, adopted by Parliament in

* Note 10.
regard to Banks of Issue in the United Kingdom, appear to Her Majesty's Government to have rendered necessary some modification of those Regulations, with a view to bring them into exact accordance with the principles on these subjects established in this Country. I accordingly transmit to you herewith a series of Regulations, revised with that object, to be substituted for those of May, 1840.

These Regulations are forwarded to you, not of course as inflexible rules to be in all cases insisted on, but as embodying the general principles to be observed in the preparation of Colonial Acts for the Incorporation of Banking Companies; and Her Majesty's Government consider a compliance with all the more material conditions and restrictions as of much importance to the security of the Communities in which such Banks may be established, and more especially to the poorer classes of such Communities. I must, therefore, impress on you the necessity of using all your legitimate influence to procure their introduction into any Bills, which may be brought into the Legislature of the Colony under your Government, for the Incorporation of Banking Companies; and with this view it might be well that you should communicate with the Promoters of any such Bills, in which these conditions may be omitted, and point out to them that the instructions, which you have received from Her Majesty's Government, would place you under considerable difficulty in assenting to any such Bill, should it pass the Legislature in its actual form. I can hardly doubt that such a communication, aided by an explanation of the grounds on which Her Majesty's Government have proceeded in drawing up these Regulations, would have the desired effect; but if not, and you should nevertheless feel it your duty to assent to the Act, it would be necessary, in transmitting that Act for the signification of Her Majesty's pleasure, that you should accompany it by a full report of the grounds on which you have proceeded.

I have, &c.,

W. E. GLADSTONE.

[Enclosure.]

Regulations and Conditions for the Observance of which Provision should be made in Charters or Legislative Enactments Related to the Incorporation of Banking Companies in the Colonies.

1st. The Amount of the Capital of the Company and Number of Shares to be determined; and the whole of such determined amount to be subscribed for within a limited period, not exceeding Eighteen Months from the date of the Charter or Act of Incorporation.
2nd. Shareholders to be declared a Body Corporate, with common seal and perpetual succession, and other usual corporate powers; and with any requisite proviso that judgment against the Corporation shall attach to all additional liability of the Shareholders, as well as to paid-up Capital and other property of the Company.

3rd. Provision to be made, either by Recital and Confirmation of any Deed of Settlement in these respects or otherwise, for the due Management of the Company’s Affairs by Appointment of Directors, and so forth, so far as shall seem necessary for the security of the Public.

4th. No bye-law of the Company to be repugnant to the conditions of the Charter or Act of Incorporation, or to the Laws of any Colony in which the Company’s Establishments may be placed.

5th. The Corporate Body thus constituted to be specially empowered, subject to the conditions hereafter mentioned, to carry on for and during a limited term of years (not to exceed Twenty-One Years unless under particular circumstances), and within the Colony or Colonies specified in the Charter or Act of Incorporation, but not elsewhere, the business of Banker; and for and during the like term to issue and circulate within the said Colony or Colonies, but in such manner only as shall not be at variance with any general Law of the Colony. Promissory Notes payable in Specie on Demand.

6th. Such Banking Business or Issue of Notes not to commence or take place until the whole of the Fixed Capital of the Company has been subscribed for, and a moiety at least of the Subscription paid up.

7th. The remaining moiety of the Capital to be paid up within a given period from the date of the Charter or Act of Incorporation such period not in general to exceed Two Years.

8th. In all cases in which Shares in the Company’s Stock are transferred between the period of the Grant of the Charter or Act of Incorporation and the actual commencing of business by the Bank, the responsibility of the original holder of the transferred Shares to continue for Six Months at least after the date of the transfer.

9th. The Company not to advance Money on Security of Lands or Houses or Ships, or on pledge of Merchandize, nor to hold Lands or Houses, except for the transaction of its business, nor own ships, or be engaged in Trade, except as dealers in Bullion or Bills of Exchange; but to confine its transactions to discounting Commercial Paper and negotiable Securities, and other legitimate Banking business.

10th. The Company not to hold Shares in its own Stock, nor to make advances on the security of those Shares.

11th. The Discounts or Advances by the Company, on Securities bearing the name of any Director or Officer thereof, as drawer, acceptor, or endorser, not to exceed at any time one-third of the total Advances and Discounts of the Bank.

12th. The Dividends to Shareholders to be made out of Profits only, and not out of the subscribed Capital of the Company.
13th. The total amount of the Debts and Liabilities of the Company, whether upon Bonds, Bills, Promissory Notes, or otherwise contracted, and above the amount of Deposits on Banking Accounts with the Company's Establishments, not to exceed at any time three times the amount of the Capital Stock subscribed and actually paid up.

14th. No Promissory or other Notes to be issued for sums under £1 sterling (or in the North American Colonies £1 Halifax currency), or the equivalent thereof in any other local currency, and not for fractional portions of such Pound or other equivalent amount.

15th. All Promissory Notes of the Company, whether issued from the Principal Establishment or from Branch Banks, to bear date at the place of issue, and to be payable on demand in Specie at the place of date.

16th. The total amount of the Promissory Notes payable on demand, issued, and in circulation, not at any time to exceed the amount of the Capital Stock of the Company actually paid up.

17th. In the event of the assets of the Company being insufficient to meet its engagements, the Shareholders to be responsible to the extent of twice the amount of their subscribed Shares (that is, for the amount subscribed, and for a further and additional amount equal thereto).

18th. Suspension of Specie Payments on Demand at any of the Company's Banking Establishments, for a given number of days (not in any case exceeding sixty) within any one year, either consecutively or at intervals, or other breach of the Special Conditions upon which the Company is empowered to open Banking Establishments or to issue and circulate Promissory Notes to forfeit those privileges, which shall cease and determine upon such forfeiture as if the period for which they had been granted had expired.

19th. The Company to make up and publish periodical Statements of its Assets and Liabilities half-yearly or yearly; showing, under the heads specified in the annexed form, the average of the amount of its Notes in circulation, and other Liabilities, at the termination of each week or month, during the period to which the Statement refers, and the average amount of Specie or other Assets that were available to meet the same. Copies of these Statements to be submitted to the Government of the Colony within which the Company may be established; and the Company to be prepared, if called upon, to verify such Statements by the production, as confidential documents, of the Weekly or Monthly Balance Sheets from which the same are compiled. And also to be prepared, upon requisition from the Lords Commissioners of Her Majesty's Treasury, to furnish, in like manner, such further information respecting the state or proceedings of its Banking Establishments as their Lordships may see fit to call for.

20th. The Charter or Act of Incorporation may provide for an addition to the Capital of the Company within specified limits, with the sanction of the Lords Commissioners of the Treasury; such additional Capital, and the Shares and Subscriptions that may constitute the same, to be subject in every respect, from and after the date of the signification of such sanction, to conditions and regulations similar to those applying to the original Capital.
Form of Return referred to in Regulation No. 19.

Return of the Average amount of Liabilities and Assets of the Bank of during the periods from (1st January) to (30th June 184-), viz.:

<table>
<thead>
<tr>
<th>Liabilities</th>
<th>Amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promissary Notes in circulation not bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Bills of Exchange in circulation not bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Bills and Notes in circulation bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Balances due to other Banks</td>
<td></td>
</tr>
<tr>
<td>Cash Deposits not bearing Interest</td>
<td></td>
</tr>
<tr>
<td>Cash Deposits bearing interest</td>
<td></td>
</tr>
<tr>
<td>To Shareholders for Capital paid up</td>
<td></td>
</tr>
<tr>
<td>To Ditto for Additions declared to Shares</td>
<td></td>
</tr>
<tr>
<td>(if any)</td>
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</tr>
<tr>
<td>To Ditto for Dividends remaining unpaid</td>
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<td>(if any)</td>
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</table>

Total Average Liabilities £

<table>
<thead>
<tr>
<th>Assets</th>
<th>Amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coin and Bullion</td>
<td></td>
</tr>
<tr>
<td>Landed or other Property of the Corporation</td>
<td></td>
</tr>
<tr>
<td>Government Securities</td>
<td></td>
</tr>
<tr>
<td>Promissory Notes or bills of other Banks</td>
<td></td>
</tr>
<tr>
<td>Balances due from other Banks</td>
<td></td>
</tr>
<tr>
<td>Notes and Bills Discounted, or other Debts due to the Corporation, not included under the foregoing heads, and exclusive of Debts abandoned as bad</td>
<td></td>
</tr>
</tbody>
</table>

Total Average Assets £

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**Right Hon. W. E. Gladstone to Sir Charles Fitz Roy.**

(Despatch per ship Thomas Lowry: acknowledged by Sir Charles Fitz Roy, 31st March, 1847.)

Sir,

Downing Street, 30 May, 1846.

I transmit to you herewith a Copy of a Letter from the person described in the margin,* containing an application for information relative to Henry and Wm. Hughes, who are stated to have Emigrated to 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 enquiry.

I have, &c.,

W. E. Gladstone.

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**Mr. J. Hughes to Earl of Aberdeen.**

No. 23 Earl Street.

Honorable Sir,

South Dublin, 18 May, 1846.

I most respectfully beg leave to state that my two Sons, Henry and William Hughes, emigrated from the City of Dublin.

* Marginal note.—The margin is blank.
Ireland, and sailed from the Cove of Cork on the 4th of September, 1846; and it appears that they arrived in Sidney, New South Wales, on the 10th January, 1842. Honorable Sir, I beg leave to inform your Honor that I have not heard any account whatsoever of or from them since the 1st April, 1843, at which period they were working as Shepherds at Mr. Hugh Ross, Oaky Creek, Darling Downs, New South Wales. Honorable Sir, I am quite anxious to hear from them, and I have written more than once after them, but I was not answered, which leaves me very uneasy; and in consequence I am of opinion something must have occurred, and that all is not right with them. Under these circumstances, I most humbly entreat your Honor will have the goodness and kindness to be graciously pleased to cause a diligent search and enquiry to be made after them, in order to ascertain whether they be living or dead at this time, and, if they be living, to be graciously pleased to inform me where they are residing in that Colony, and, if they be dead, to have the goodness to inform me accordingly. Honorable Sir, by your kind compliance with the request, I will be sincerely thankful, and as in duty bound will ever pray.

I have, &c.,

JOHN HUGHES.

Care of Mr. John Walsh, No. 23 Earl Street, South Dublin.

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SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 107, per ship St. Vincent; acknowledged by earl Grey, 17th October, 1846.)

Sir,

Government House, 30th May, 1846.

I have the honor to report that, on the 15th instant, three days after the meeting of the Legislative Council, I laid before that Body a copy of Lord Stanley's Despatch No. 72 of the 17th July, 1845, replying to my own Despatch No. 202, of the 12th September, 1844, on the subject of Mr. Manning's defalcation; and I have to add that, on Thursday last, the enclosed Address from the Council to the Queen was delivered to me by the Speaker and Mr. Lamb, with a request that I would forward it to you for presentation to Her Most Gracious Majesty.

The object of the Address is to request that the amount of Mr. Manning's defalcations may be made good by Her Majesty's Government, on the ground (apparently) that Mr. Manning had been Insolvent in England in the year 1823, and therefore ought to have been regarded as a person disqualified for any situation of trust, at the time he was appointed Registrar of the Supreme Court of this Colony in 1828.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this address will be found in the "Votes and Proceedings" of the legislative council.]
1846.
1 June.

**RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.**

(Despatch No. 30, per ship Trafalgar.)

Sir,

Downing Street, 1 June, 1846.

With reference to my Dispatch No. 21 of the 13th Inst., I have to request that, in submitting the names of Convicts whom you may consider deserving of Conditional Pardons, you will take care so to arrange the Lists as to separate those who may have been convicted in the United Kingdom from such as may have received their Sentence in other places; the object of such classification being to enable the Secretary of State to signify with greater precision the Country or Colony in which the Pardon shall not be available. I have, &c.,

W. E. GLADSTONE.

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**SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.**

(Despatch No. 108, per ship St. Vincent.)

Sir,

Government House, 1st June, 1846.

With reference to my Despatch No. 34 of the 11th Feb., last, wherein I reported the arrival at Port Phillip of the Ship "Stratheden," with 51 Exiles from the Pentonville Prison; I have the satisfaction now to report that these Exiles were disposed of without any expense to the Government.

The net sum of £183 1s. 6d. was realized by the sale (by Auction) of the ship fittings and surplus Stores of the "Stratheden," which sum was paid into the Military Chest.

In my Despatch No. 94 of the 31st May, 1845. I reported that, in the disposal of the Exiles by the ship "Sir George Seymour," an expense had been incurred of £34 16s. 3d. I have, &c.,

GEO. GIPPS.

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**RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.**

(Despatch marked "Military, No. 4," per ship Thomas Lowry.)

Sir,

Downing Street, 2nd June, 1846.

I transmit, herewith, for your information, a copy of a Petition from John Toole, late of the 22nd Foot.

The request which he makes is one that cannot, of course, be complied with; but if, as there is reason for believing, he is a Commuted Pensioner, he would be entitled to claim relief under Lord Stanley’s instruction of the 4th of June last to Sir George Gipps.

I have, &c.,

W. E. GLADSTONE.
[Enclosure.] 81

GLADSTONE TO FITZ ROY.

[1846. 2 June.

Petition from J. Toole requesting land grant.

The Humble Petition of John Toole, late Out Pensioner, 22d Foot,

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

Humbly sheweth,

That, Petitioner from the many flattering Reports circulated by Letters through the United Kingdom representing the great advantages to be met in this Colony, Petitioner commuted his Pension, 1s. 4d. per day, and with his family a Wife and two Children embarked on board the Hibernia for his destination, in hopes to better his condition and to obtain one hundred acres of Land according to promise.

But at the elapse of two months at sea, the Ship (5th Feby., 1833) took fire in 5 S.L. and 20 W. Londe. and destroyed all Property with one hundred and fifty two Persons; thus was Petitioner deprived of all hopes in life, losing his Property £185 in property and twenty nine Sovereigns, not including the several changes of dress to suit himself and family.

Petitioner had a small remuneration from the Inhabitants of Rio de Ja Neiro and this Colony, but a part of the contribution made in this Colony was held over and remains so.

Petitioner applied for a remuneration for his loss, first to Governor Bourke and after to the Secretary at War, and meeting with no redress Petitioner petitioned Our Most Gracious Majesty The Queen in September, 1844.

Petitioner received an answer from the Right Honble. Secretary Sir James Graham, 6th May last, that his Petition was laid before The Queen and the matter was referred for your Lordship's consideration. Under these circumstances, Petitioner begs your Lordship to take his case into consideration, and grant him some ground, as his Children with a portion of his own assistance would be able to cultivate a part, and what should remain can be for grazing ground and other purposes.

Petitioner hopes to be taken into consideration, on account of his loss and hardships in an open boat for seven days with his family, under privations, hardships and dangers and losing his pension, the promise of land that was the occasion of his emigrating, in order to leave his Children something to live on, and to be disappointed in every respect, throwing up a situation in Tullamore, King's County, Ireland, as Supt. of the Night Watch and Collector of Taxes, and under the most respectable characters from Gentlemen of the first respect. Petitioner hopes from the many good actions your Lordship has done that he and his family may not be forgot.

And Petitioner will ever pray,

JOHN TOOLE,
late Pensioner, 22d Foot.

Singleton, Hunter's River, New South Wales, 29th January. 1846.

Petitioner was informed by Sir James Graham that, if any further application was necessary, it should be addressed to Your Lordship.

SER. I. VOL. XXV—F
SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 109, per ship Royal Saxon; acknowledged by earl Grey, 17th November, 1846.)

Sir,

Government House, 2d June, 1846.

I have to apologise for not having earlier reported that, at the commencement of the present year, I reduced the Establishment called "the House of Correction," or the Treadmill in Sydney, by which a saving will be effected of about £500 per annum in the Expenditure on account of Convicts in this Colony.

I beg further to report that, in conformity with what has been done on former occasions of the same nature, I transferred the Machinery of the Treadmill to the Colonial Government, and that it is now erected in the enclosure of the Principal Gaol in Sydney.

The Treadmill will, therefore, in future be a Colonial Establishment, attached to the Gaol, about a mile out of Sydney, instead of a Convict Establishment supported at the expense of the Home Government, and situate within the Town of Sydney.

I have, &c.,

GEO. GIPPS.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 32, per ship Thomas Lowry.)

Sir,

Downing Street, 4 June, 1846.

I have received your Predecessor's Dispatch No. 3 of the 19th of January last, enclosing a copy of a letter from the Bishop of Australia, relative to the proposed division of that Diocese.

Having already, in my Dispatch No. 13 of the 30th of March last, communicated fully with you on that subject, it is only now necessary that I should refer you to that Dispatch. From it you will have learned that any difficulty with regard to the measure in question is now at an end.

I have, &c.,

W. E. GLADSTONE.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 33, per ship Thomas Lowry.)

Sir,

Downing Street, 4 June, 1846.

I have received your Predecessor's Dispatch No. 20 of the 26th of January last, enclosing a letter from Mr. Alastair Mackenzie, the Deputy Sheriff at Port Phillip, in which he requests that he may be removed to some other Office, in which permanence of Income may be secured to him, and he may be free from the preliminary risks attendant on his present appointment.
GIPPS TO GLADSTONE.

In reply, I have to request that you will convey to Mr. Mackenzie the expression of my regret that it is not in my power to render him any assistance in the attainment of his object.

I have, &c,

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W. E. GLADSTONE.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 34, per ship Thomas Lowry.)

Sir,

Downing Street, 4 June, 1846.

I have received Sir George Gipps' Dispatch No. 14 of Appointments the 19th of January last, reporting the three following Appointments which he had made in the course of the year 1845, but which he had previously omitted to mention.

1st. John Buchanan to be Colonial Storekeeper. 2d. J. McCrae to be first Clerk in the Office of the Sub Treasurer at Melbourne; and 3d. Alexander C. Maxwell to be Chief Inspector of Distilleries. I have to convey to you my Sanction of these Appointments.

I have, &c,

W. E. GLADSTONE.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 35, per ship Thomas Lowry.)

Sir,

Downing Street, 4 June, 1846.

I have received Sir G. Gipps' Dispatch No. 186 of the Approval of 13th of Novr. last, forwarding a Copy of an Address from the Legislative Council of New South Wales, requesting him to allot out of the funds, provided by Schedule C of the Constitutional Act, the sum of £1,000 towards liquidating a debt due for the construction of the Jews' Synagogue in Sydney, together with the annual Sum of £150 as a Salary for the Minister of the Synagogue.

I approve of the answer returned by Sir G. Gipps that no funds, provided by Schedule C, could legally be applied to any other purpose than that of Christian Worship.

I have, &c,

W. E. GLADSTONE.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 110, per ship Royal Saxon; acknowledged by earl Grey, 25th September, 1847.)

Sir,

Government House, 4th June, 1846.

I have the honor to request authority to issue Letters of Denization to a person named Dominique Popolare, a Native of the Kingdom of Naples, and of whose application for this favor I herewith enclose a Copy.
As Dominique Popolare came to this Colony a Convict in the year 1810, I do not think it right to forward this application without referring to Lord Stanley's Despatch No. 20 of the 13th March, 1845 (answered by my Despatch No. 161 of the 21st Sept., 1845), wherein a doubt is expressed as to the propriety of extending this indulgence to persons who have been Convicts; but, as even in the case then under consideration no positive prohibition was implied, I feel justified in recommending the case of Dominique Popolare for favorable consideration, as no misconduct of any sort is recorded against him in New South Wales, and his original offence was a Military one, committed so long ago as the year 1808, when he was serving as a Soldier in the garrison of Malta.

I have, &c.,

Geo. Gipps.

[Enclosure.]

D. Popolare to Colonial Secretary Thomson.

Sir, Bathurst, 21st May, 1846.

I have the honor to apply to you to request your assistance in order that I may become a British Subject, having a Wife and family in this Colony and being possessed of landed property here. I am a native of Calabria in the Kingdom of Naples, and was transported to this Colony from Malta in the year 1806 and arrived here in 1809.

I have, &c.,

Dominique X Popolare.

mark per Ship "Indian."

Sir George Gipps to Right Hon. W. E. Gladstone.

(Despatch No. 111. per ship Royal Saxon.)

Sir, Government House, 5th June, 1846.

In a Despatch dated the 28th Febry. last, No. 53, I forwarded to Lord Stanley a Report from the Attorney General of this Colony of the failure of the proceedings, which had been taken against Mr. Bell and Mr. Hamilton, the late House Steward and Contractor of the Female Factory at Parramatta; but I added that these parties would again be brought to trial in the month of April. I have now the honor to report that the Attorney General has recently informed me that, owing to the absence from the Colony of one of the most material witnesses, he will not be able to bring the parties again to trial, so that, I regret to say, there is every prospect that, in the case both of Mr. Bell and Mr. Hamilton, the ends of justice will be defeated.

I have, &c.,

Geo. Gipps.
SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 112, per ship Royal Saxon; acknowledged by earl Grey, 7th December, 1846.)

Sir,

Government House, 5th June, 1846.

Having, in my Despatch of this day's date No. 111, reported that there is no longer any prospect of bringing to a successful issue the prosecution which, more than two and a half years ago, was commenced against Mr. Bell and Mr. Hamilton for fraud and embezzlement at the Female Factory at Parramatta, I have now the honor to submit for your approval that I have caused to be paid out of Convict funds a gratuity of £25 to Alexander Cameron, the person by whose information and exertions the malpractices of Mr. Bell and Mr. Hamilton were principally brought to light.

Alexander Cameron, at the time when suspicion was first awakened against Mr. Bell, was employed as a writing Clerk at the Factory, being then in the condition of a Convict. He obtained a Ticket of Leave on the 1st April, 1844, and a Conditional Pardon on the 15th March, 1845; but still remains at the Factory in the situation of a Clerk, and now receives a salary of 3s. 6d. per diem (without Rations).

I enclose a copy of a letter in his favor from the Visiting Magistrate, Mr. Elliott, covering a Petition from Alexander Cameron himself; and it is within my own knowledge that Cameron has long been very useful at the Factory, and that, at the time when Mr. Bell was dismissed, his services were extremely valuable.

In expressing a hope that this gratuity will be allowed, I have only to add that I should have granted it to Cameron more than two years ago, but that I thought it not right to do so while proceedings were still pending in the case of Mr. Bell, against whom he was a material witness.

I have, &c.,

Geo. Gipps.

[Enclosure.]

MR. G. ELLIOTT TO PRIVATE SECRETARY.

Parramatta, 27th May, 1846.

Sir,

I do myself the honor to forward a petition to His Excellency the Governor from Alexander Cameron, one of the Clerks of the Female Factory, and to request you will be pleased to bring the same under the notice of His Excellency.

At the time Mr. and Mrs. Bell were suspended from their duties, involving a very considerable degree of responsibility, which he performed with the utmost zeal for the Public service, entirely to my satisfaction; and, even since the appointment of Mr. and Mrs. Smyth, he has evinced the greatest desire that the duties of the Establishment should be conducted in an efficient manner, and
has always given more than ordinary assistance in order to accomplish that object. I beg to add it was chiefly through him that the frauds practised at the Factory during Mr. Bell's time were detected, and, also in consequence of having been obliged to attend 15 days at the Supreme Court in Sydney during Mr. Bell's trial, he is out of pocket, somewhere about £4, on that account.

Under all the circumstances of the case, I beg to recommend the prayer of the petition to the favorable consideration of His Excellency, and that He may be pleased to grant such a pecuniary remuneration, as, in the opinion of His Excellency, Cameron's services may appear to deserve.

I have, &c.,

GILBT. ELIOTT, V.J.

[Sub-enclosure.]

The Petition of Alexander Cameron,
To His Excellency Sir George Gipps, Knt., 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 Petitioner has been employed as Clerk to the Female Factory, Parramatta, for the last Six Years, and on all occasions he has endeavoured to discharge his duties with fidelity and zeal.
That, at the time Mr. and Mrs. Bell and others were removed from the superintendence of that Establishment, the petitioner was requested in a particular manner by the Visiting Justice to exercise the most careful vigilance and exertion in order to the maintenance of strict order and regularity among the prisoners, and see that the various requirements for the due fulfilment of the daily routine of business was efficiently performed, until new appointments should be made.

Before new appointments took place, an interval of about five months elapsed. Meanwhile the petitioner in compliance with his instructions was most assiduous in carrying into effect the requirements so imposed on him, and he believes the success attending such efforts gave satisfaction.

The Petitioner, some months ago, addressed the Visiting Justice, in a memorandum, recalling to his recollection the facts just stated, and shortly thereafter was informed by that Officer that he would bring the matter under the notice of Your Excellency. Here the petitioner begs respectfully to remark that the kind of services, to which he refers, was afforded not only during the time of the non-appointment of Storekeeper and Matron; but its continuance became necessary afterwards, and, even up to the present, the petitioner feels bound to state that, notwithstanding the experience which time may be supposed to have brought along with it to his Superior Officers in immediate charge, it has been insufficient to dispense with calls on the exercise of his judgment in matters clearly beyond the sphere of his own duties. Independently of such circumstances the petitioner solicits the attention of Your Excellency to other facts, namely, that, for the interval of 5 months alluded to, a sum of about £250 for salaries, and a like sum for commission on work done by the prisoners which was to have been allowed to Mr. Bell and Mrs. Corcoran, were saved to the Government, and whatever merit may be due for such, the petitioner conceives he ought to share in it.

Such, briefly, is a relation of the facts and of the nature of services on which he ventures thus to ground pretences for a pecuniary gratuity; and, in submitting the same, the petitioner most respectfully prays Your Excellency may be pleased to take the premises into favorable consideration, along with the circumstances of the comparative disproportionate rate of his salary, feeling assured they will come so recommended to Your Excellency's attention as to be deemed not unworthy of being marked with substantial approval for which as etc., etc.,

25 May, 1846.

ALEX. CAMERON.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.
(Despatch No. 36, per ship Thomas Lowry.)

Sir,
Downing Street, 6 June, 1846.

I have received Sir George Gipps' despatches Nos. 22 and 23 of the 29th and 30th of January last, the one enclosing a letter from Captain McLean, the Principal Superintendent of
Convicts in New South Wales; the other forwarding a letter from Mr. Gilbert Elliot, the Police Magistrate of Paramatta, the object of those letters being in each case to solicit the Office of Comptroller General of Convicts in Van D. Land; and I have to request that you will inform the Applicants that the Appointment in question had been filled up previously to the receipt of their Communications.

I have, &c.,

W. E. Gladstone.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.
(Despatch No. 38, per ship Thomas Lowry.)

Sir, Downing Street, 8 June, 1846.

I have caused a copy of your Predecessor's Dispatch Refusal to No. 189 of the 16 Novr. last, wherein he states the reasons for the request made by the Colonial Secretary to be supplied with a copy of the Queen's Regulations for the Naval Service, to be sent to the Lords Comrs. of the Admiralty; and I now transmit to you a copy of the answer returned by their Lordships' direction, in which, as you will perceive, they adhere to their former opinion that it would be inexpedient to place those Instructions in the hands of the Governors of Colonies.

I have, &c.,

W. E. Gladstone.

[Enclosure.]

CAPTAIN HAMILTON TO UNDER SECRETARY STEPHEN.

Sir, Admiralty, 28th May, 1846.

Having laid before my Lords Commissioners of the Admiralty your Letter of the 26th Instant, with an explanation from the Governor of New South Wales of his reasons for requesting to be supplied with a copy of the Queen's Regulations and Naval Instructions, I am commanded to request you will acquaint Mr. Secretary Gladstone that my Lords adhere to the opinion they formerly expressed that it would be inexpedient to place these Instructions in the hands of the Governors of Colonies.

I have, &c.,

W. A. B. Hamilton.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.
(Despatch No. 114, per ship Royal Saxon.)

Sir, Government House, 9th June, 1846.

With reference to my Despatch to Lord Stanley No. 44 of the 19th February, 1846, on the subject of the erection of Lighthouses in Bass' Straits, in which I reported that, by an arrangement between this Government and that of Van Diemen's Land, one of the Lanterns demanded from England was to be
erected on an Island in Kent's Group within the limits of the Government of Van Diemen's Land, I have now the honor to enclose a copy of a letter, recently received from the Colonial Secretary of Van Diemen's Land, expressing the desire of Lieut. Governor Sir Eardley Wilmot that the Lantern intended for Kent's Group may be sent direct from England to Van Diemen's Land, and I beg leave to express my concurrence in this desire.

The Light is to be a revolving one, and one of the four which, in my Despatch of the 21st November, 1845, No. 194, I requested might be supplied at the expense of this Government.

I have, &c,

[Enclosure.]

GEO. GIPPS.

[Enclosure No. 1.]

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 39, per ship Thomas Lowry.)

Sir, Downing Street, 10th June, 1846.

I have received your Predecessor's Despatch, No. 185 of the 12th November last, accompanied by the Copy of an Address presented to him by the Members of the Legislative Council, setting forth the great advantages to be derived by the Colonists, from the construction at Sydney of a Dry Dock capable of holding Men-of-War, and suggesting the employment of Convicts for that purpose.

Having referred the Subject for the consideration of the Lords of the Admiralty, I now transmit to you a copy of that reference, together with a copy of the reply returned by their Lordships' direction, from which you will observe that, while they approve of the work itself, as well as of the locality pointed out by Sir George Gipps, they are not prepared to recommend that the expense of the undertaking should be borne by the British Treasury.

I have, &c,

W. E. GLADSTONE.

Sir, Downing Street, 26th May, 1846.

I am directed by Mr. Secretary Gladstone to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, the copy of a Despatch from the Governor of New South Wales, accompanied by the copy of an Address presented to him by the Members of the Legislative Council, setting forth the great advantages to be derived, not only by the Colonists, but by the Empire at large, from the construction at Sydney of a Dry Dock capable of holding Men-of-War, and suggesting the employment of convicts for that purpose.
The Lords Commissioners will observe that the work in question
has for some time been projected by the Governor himself, who
now supports, by his recommendation, the request preferred by the
Council. Before, however, answering this Despatch, Mr. Glad-
stone would be glad to be apprized of the opinion entertained by
their Lordships in respect of the expediency of adopting the pro-
posed measure.

[Enclosure No. 2.] JAMES STEPHEN.

CAPTAIN HAMILTON TO UNDER SECRETARY STEPHEN.

Sir, Admiralty, 28th May, 1846.

I have laid before my Lords Commissioners of the Ad-
miralty, your letter of the 26th instant, transmitting by desire of
Mr. Secretary Gladstone, a copy of a Despatch from the Governor
of New South Wales, with an Address to him by the Members of
the Legislative Council, setting forth the great advantages to be
derived from the construction of a Dry Dock at Sydney, and sug-
gest ing the employment of convicts for that purpose; and I am
commanded by their Lordships to request you will state to Mr.
Secretary Gladstone that my Lords consider the situation of
Cockatoo Island, which has been indicated, as well adapted to the
construction of a Dry Dock, and that great accommodation would
doubtless be derived from such a work, but that if it is intended
by the Colonial Legislature that the expense should be borne by the
Naval Department, they are not prepared at present to recommend
the Treasury to undertake it.

I have, &c.,

W. A. B. HAMILTON.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 115, per ship Royal Saxon.)

Sir,

Government House, 11th June, 1846.

In my Despatch No. 13 of the 18th Jany., 1846, I partially
replied to the enquiries contained in Lord Stanley's Despatch
No. 82 of the 16th August, 1845, on the subject of the proposed
admission of Leaseholders to the Elective Franchise in New
South Wales, and I added that I had taken measures for obtaining
further information from the Benches of Magistrates
throughout the Colony. I have now to report that I availed
myself of the facilities, afforded by the recent taking of a Census
of the Colony, to obtain as far as possible the information re-
quired; and I have the honor to submit to Your consideration
the result of the enquiries then made.

There are in New South Wales (including Port Phillip) forty
one Benches of Magistrates; and to each Bench a Circular was
written, of which a Copy is enclosed. From thirty four Benches,
answers were received as full and satisfactory as could reason-
ably have been expected; but from the other seven Benches either
no answers were received, or answers which did not convey any
satisfactory information. Making, however, due allowance for
these seven Benches or rather Districts, the answers received
1846.

11 June.

Increase of electors due to extension of franchise.

lead to the conclusion that, by the admission to the Elective Franchise of Leaseholders, paying rent to the amount of £30 a year, and holding Leases originally granted for not less than five years, an addition would be made to the general Constituency of the Colony of about 288 persons.

Should, however, the amount of rent, which is to confer the Franchise, be fixed at £20 instead of £30, the addition to the general Constituency would be about 613 instead of 288; and, as the constituency of the whole Colony was, in the year 1845-6, 8,232, it follows that the admission of the £30 Leaseholders would increase the Constituency about in the proportion of 3½ per cent., and the admission of £20 Leaseholders would increase it in the proportion of nearly 7½ per cent. This is on the supposition that the Franchise is to be extended to persons only who hold Leases originally granted for not less than five years; should this restriction be deemed unnecessary, and the Franchise be granted to persons holding even annual Leases, provided they pay a rent of £20 or £30 per annum, the number of persons admitted to the franchise, not at present enjoying it, would be increased by the addition of about one fifth, making, in the case of £20 Leaseholders, the entire increase about 9 per cent. on the whole Constituency.

In respect to the character or standing in Society of Leaseholders either of £30 or £20, compared with the character or standing of persons now in the enjoyment of the Franchise, the result of the returns, making allowance for some trifling differences in the mode of expression, is that, of 26 Benches who offered an opinion on this point,

20 Benches consider the Leaseholders equal,
3 Benches consider them superior,
3 Benches consider them inferior

in character and standing to the persons now in the enjoyment of the Franchise.

I scarcely think it necessary to burthen this Despatch with copies of all the answers received from the various Districts or Benches; but I enclose Copies of two documents compiled from them by a very intelligent gentleman (Mr. Fitzpatrick), a clerk in the Office of the Colonial Secretary.

I beg leave, in conclusion, to state that, after taking into full consideration the results herein communicated, I see no reason to alter the opinions originally expressed by me on the subject of the admission of Leaseholders to the Elective Franchise, in my Despatch to Lord Stanley No. 249 of the 29th November, 1844.

I have, &c,

GEO. GIPPS.
CIRCULAR LETTER TO BENCHES OF MAGISTRATES.

Colonial Secretary's Office,
Sydney, 6th February, 1846.

Gentlemen,

His Excellency the Governor being desirous of obtaining information on the undermentioned points, which have been referred to His Excellency by the Right Honorable the Secretary of State for the Colonies, I do myself the honor to request that you will have the goodness to afford me such information as it may be in your power to offer in reply to the following queries:

First. What is the probable number of Leaseholders in your District, paying rent for land, or for house and land together, to the amount of £30 per annum, who are not at present qualified, either as Freeholders or Householders, to vote in the Election of Members for the Legislative Council?

Second. What is the probable number of persons of the same class paying rent to the amount of £20, but less than £30 per annum?

Third. How many of these Leaseholders hold their lands on annual lease, and how many for a term of years?

Fourth. What is the average duration of leases granted for a term of years?

Fifth. Are the general character and standing in society of persons holding leases, granted originally for not less than five years, equal or inferior to the character and standing of persons who now enjoy the Elective Franchise, under the fifth clause of the Constitutional Act of the Colony, 5 and 6 Vict., c. 76?

I have, &c.,

The Bench of Magistrates.

[Enclosure No. 2.]

STATEMENT.

ENCLOSED are the results brought out in a tabular form of the several replies received from the various Benches of Magistrates relative to Leaseholders.

The Circular was sent in all to 41 Benches. Of these 23 have given the information sought, 11 state definitely that the queries do not apply to their Districts, either by reason of there being no such Leaseholders or of the Leaseholders being otherwise qualified Electors. 3 state that they cannot obtain the required information, and 4 have not replied at all.

As therefore 7 Districts are thus not brought to account, it is conceived that, to arrive at a correct conclusion, the amounts shewn at the foot of the Table should be proportionably increased more especially as the omitted Districts are those, chiefly in which it might be expected that Leaseholders abound (See margin).*

Thus, of the 34 Districts from which definite replies have been received, there are Leaseholders in 23 and none in the other 11. That is at the rate of 2 to 1. Following this proportion, it is fair to assume that, of the 7 Districts from which no definite replies have been received, there will be Leaseholders in (say) 5, and none in the remainder.

* Marginal note.—No replies from Sydney, Queanbeyan, Carcoar, Paterson. Unsatisfactory from Penrith, Bathurst, Melbourne.
Again the numbers actually returned by the 23 Districts are:

<table>
<thead>
<tr>
<th>Leaseholders</th>
<th>Number of each</th>
</tr>
</thead>
<tbody>
<tr>
<td>£30 Leaseholders</td>
<td>286 or 12 each</td>
</tr>
<tr>
<td>£20 Leaseholders</td>
<td>320 or 14 each</td>
</tr>
</tbody>
</table>

shewing 606 as the total of the 23 Districts, or at the rate of 26 each District.

According to this average, the numbers in the 5 Districts will be:

<table>
<thead>
<tr>
<th>Leaseholders</th>
<th>Number of each</th>
</tr>
</thead>
<tbody>
<tr>
<td>£30 Leaseholders</td>
<td>5 x 12 = 60</td>
</tr>
<tr>
<td>£20 Leaseholders</td>
<td>5 x 14 = 70</td>
</tr>
</tbody>
</table>

which added to former totals make, £30 Leaseholders 286

add 60

—346

£20 Leaseholders 320 add 70

—390

making a grand total of 736 Leaseholders above £20 per annum, who do not possess the franchise.

It will be seen that the proportion between annual Leases and those granted for a term of years is as 1 to 5, there being 103 of the former and 503 of the latter.

Again, the average duration of Leases is given by 2s Benches. The aggregate amount of these averages is 159, which divided by 28 gives 7 years nearly as the average duration throughout the Colony of Leases granted for a term of years.

Finally, 26 Benches have given their opinions relative to the general character and standing in Society of these Leaseholders as compared with those persons who already enjoy the franchise. Allowing for some trifling differences in the modes of expression, the result is that Twenty Benches consider the Leaseholders “equal,” three Benches consider them “superior,” and 3 consider them “inferior” to freeholders or householders.

It will be observed that in two or three cases the average duration of Leases is stated by the Magistrates in Districts* where they report that there are no Leases. In every such case, I have retained the average as it appeared to me that the opinion thus given by the Magistrates from, no doubt, personal knowledge was entitled to the same consideration as the opinions of other Benches. It will likewise be perceived that, in many cases where definite averages have not been named, but merely the probable extremes given, the averages have for the sake of computation been fixed to a certain extent arbitrarily. I beg particularly to call attention to the case of “Belfast,” which differs from all the others. The Bench state that 14 years is the minimum of leases in the Country, and 21 years the minimum in the Town. I have supposed the average to be 21 years, on the principle that the Country Leases will range from 14 to 21, and (it may be) upwards, whilst the Town Leases of course range from 21 upwards to an uncertain extent.

In the case of Campbell Town, the Bench do not state the proportion between annual Leases and Leases for a term of years. It has therefore been arbitrarily fixed at 3 to 12, which is the nearest approach that can be made, by an integral division of the entire number (15) to the average in the other Districts, namely 1 to 5.

6th June, 1846.

* Marginal note.—Bungonia, Yass, Newcastle.
## Tabular Summary of Reports of Benches of Magistrates

<table>
<thead>
<tr>
<th>Benches of Magistrates to whom the enquiry has been addressed</th>
<th>Number of the foregoing who hold their lands</th>
<th>Average duration of Leases, granted for a term of Years</th>
<th>Standing in Society of Persons holding Leases granted for not less than five years, as compared with that of Persons who now enjoy the Elective Franchise</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney (Commissioner of Police)</td>
<td></td>
<td>2 to 25 (say 14)</td>
<td>&quot;fully equal&quot;</td>
<td>No reply received.</td>
</tr>
<tr>
<td>Parramatta</td>
<td>16</td>
<td>8</td>
<td>&quot;equal—if not superior&quot;</td>
<td></td>
</tr>
<tr>
<td>Liverpool</td>
<td>17</td>
<td>5</td>
<td>&quot;Not inferior&quot;</td>
<td></td>
</tr>
<tr>
<td>Campbell Town</td>
<td>1</td>
<td>4</td>
<td>&quot;Not inferior&quot;</td>
<td></td>
</tr>
<tr>
<td>Pinion</td>
<td>1</td>
<td>1</td>
<td>&quot;fully equal—in many cases superior.&quot;</td>
<td></td>
</tr>
<tr>
<td>Camden and Narellan</td>
<td>34</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illawarra</td>
<td>20</td>
<td>5 to 8 (say 6)</td>
<td>&quot;quite equal&quot;</td>
<td></td>
</tr>
<tr>
<td>Bermagui</td>
<td>10</td>
<td>5</td>
<td>&quot;equal&quot;</td>
<td></td>
</tr>
<tr>
<td>Goulburn</td>
<td>5</td>
<td>6</td>
<td>&quot;inferior&quot;</td>
<td></td>
</tr>
<tr>
<td>Bungonia</td>
<td>1</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Braidwood</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broulee</td>
<td>2</td>
<td>6</td>
<td>&quot;generally not equal&quot;</td>
<td>No reply received.</td>
</tr>
<tr>
<td>Queanbeyan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yass</td>
<td>0</td>
<td>3</td>
<td>&quot;fully equal&quot;</td>
<td></td>
</tr>
<tr>
<td>Windsor</td>
<td>30</td>
<td>5</td>
<td>&quot;quite equal&quot;</td>
<td>The Penrith Bench state they cannot obtain the other information required.</td>
</tr>
<tr>
<td>Penrith</td>
<td></td>
<td></td>
<td>&quot;equal&quot;</td>
<td></td>
</tr>
<tr>
<td>Hartley</td>
<td>5</td>
<td>3</td>
<td>&quot;equal&quot;</td>
<td>Cannot obtain the information.</td>
</tr>
<tr>
<td>Bathurst</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Tabular Summary of Reports of Benches of Magistrates—continued.

<table>
<thead>
<tr>
<th>Benches of Magistrates to whom the enquiry has been addressed</th>
<th>Number of the foregoing who hold their lands</th>
<th>Average duration of Leases, granted for a term of Years</th>
<th>Standing in Society of Persons holding Leases granted for not less than five years, as compared with that of Persons who now enjoy the Elective Franchise</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carnarvon</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Wellington</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Mudge</td>
<td>1 0</td>
<td>0 0</td>
<td>2 3 to 7 (say) 6</td>
<td>&quot;about equal.&quot;</td>
</tr>
<tr>
<td>Gosford</td>
<td>1 1</td>
<td>0 0</td>
<td>3 3 to 7 (say) 5</td>
<td>&quot;equal.&quot;</td>
</tr>
<tr>
<td>Newcastle</td>
<td>0 0</td>
<td>0 0</td>
<td>0 0</td>
<td>&quot;quite equal.&quot;</td>
</tr>
<tr>
<td>Raymond Terrace</td>
<td>6 0</td>
<td>7 0</td>
<td>3 13</td>
<td>&quot;considerably inferior.&quot;</td>
</tr>
<tr>
<td>Dunmore</td>
<td>5 3</td>
<td>7 0</td>
<td>2 6</td>
<td>No reply received.</td>
</tr>
<tr>
<td>Maitland</td>
<td>47 37</td>
<td>20 58</td>
<td>(say) 7</td>
<td>Queries do not apply to this District.</td>
</tr>
<tr>
<td>Wollombi</td>
<td>10 17</td>
<td>8 10</td>
<td>(say) 4</td>
<td>.....</td>
</tr>
<tr>
<td>Paterson</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Patrick's Plains</td>
<td>7 5</td>
<td>2 10</td>
<td>(say) 8</td>
<td>.....</td>
</tr>
<tr>
<td>Merton</td>
<td>6 3</td>
<td>4 7</td>
<td>3 7</td>
<td>.....</td>
</tr>
<tr>
<td>Muswell Brook</td>
<td>1 1</td>
<td>4 5</td>
<td>(say) 9</td>
<td>.....</td>
</tr>
<tr>
<td>Scone</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Murruurundi</td>
<td>.....</td>
<td>Queries do not apply to this District.</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Casula</td>
<td>.....</td>
<td>Do</td>
<td>Do</td>
<td>.....</td>
</tr>
<tr>
<td>Macquarie</td>
<td>.....</td>
<td>Do</td>
<td>Do</td>
<td>.....</td>
</tr>
<tr>
<td>Moreton Bay</td>
<td>.....</td>
<td>Do</td>
<td>Do</td>
<td>.....</td>
</tr>
<tr>
<td>Melbourne</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
<tr>
<td>Geelong</td>
<td>40 10</td>
<td>50 60</td>
<td>(say) 7</td>
<td>.....</td>
</tr>
<tr>
<td>Portland</td>
<td>4 0</td>
<td>1 0</td>
<td>4 9</td>
<td>.....</td>
</tr>
<tr>
<td>Hobart</td>
<td>15 8</td>
<td>.....</td>
<td>21 (say) 21</td>
<td>.....</td>
</tr>
<tr>
<td>Alberton</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Probable number of persons holding Leases, 250. p. annum. who are not entitled to the Elective Franchise.</th>
<th>Probable number of persons holding Leases, 250. p. annum. who are entitled to the Elective Franchise.</th>
<th>Total number of Leases 250. p. annum.</th>
</tr>
</thead>
<tbody>
<tr>
<td>395</td>
<td>250</td>
<td>645</td>
</tr>
</tbody>
</table>

Note: The Dunmore Bench state that "most" of the Leases are for a term of years. The numbers have therefore been arbitrarily fixed as 2 to 1. There are said to be no Leaseholders of the description alluded to in the Scone District, who are not otherwise qualified Electors. No satisfactory reply.
GLADSTONE TO FITZ ROY.

[Enclosure No. 3.]

Return showing the Number of Electors on the Electoral Roll, in each of the Electoral Districts of the Colony of New South Wales for each year since the passing of the Act, 6th Victoria, No. 16.

<table>
<thead>
<tr>
<th>Electoral District</th>
<th>Number of Electors, 1843-4</th>
<th>1844-5</th>
<th>1845-6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argyle, County of</td>
<td>133</td>
<td>152</td>
<td>111*</td>
</tr>
<tr>
<td>Bathurst, County of</td>
<td>173</td>
<td>152</td>
<td>218</td>
</tr>
<tr>
<td>Camden, County of</td>
<td>365</td>
<td>386</td>
<td>409</td>
</tr>
<tr>
<td>Cook and Westmorland (united)</td>
<td>249</td>
<td>255</td>
<td>285</td>
</tr>
<tr>
<td>Cumberland, County of</td>
<td>1,391</td>
<td>1,344</td>
<td>1,289</td>
</tr>
<tr>
<td>Cumberland Boroughs</td>
<td>297</td>
<td>278</td>
<td>251</td>
</tr>
<tr>
<td>Durham, County of</td>
<td>353</td>
<td>346</td>
<td>317</td>
</tr>
<tr>
<td>Gloucester, Macquarie and Stanley</td>
<td>244</td>
<td>239</td>
<td>241</td>
</tr>
<tr>
<td>Hunter, Brisbane and Bligh</td>
<td>212</td>
<td>187</td>
<td>204</td>
</tr>
<tr>
<td>Melbourne, Town of</td>
<td>859</td>
<td>591</td>
<td>525</td>
</tr>
<tr>
<td>Murray, King and Geograpia</td>
<td>154</td>
<td>172</td>
<td>257</td>
</tr>
<tr>
<td>Northumberland, County of</td>
<td>352</td>
<td>360</td>
<td>357</td>
</tr>
<tr>
<td>Northumberland Boroughs</td>
<td>270</td>
<td>257</td>
<td>274</td>
</tr>
<tr>
<td>Parramatta, Town of</td>
<td>170</td>
<td>233</td>
<td>239</td>
</tr>
<tr>
<td>Port Phillip, District of</td>
<td>470</td>
<td>475</td>
<td>470</td>
</tr>
<tr>
<td>Roxburgh, Phillip and Wellington</td>
<td>133</td>
<td>159</td>
<td>146</td>
</tr>
<tr>
<td>St. Vincent and Auckland</td>
<td>73</td>
<td>60</td>
<td>60*</td>
</tr>
<tr>
<td>Sydney, City of</td>
<td>3,319</td>
<td>2,823</td>
<td>2,218</td>
</tr>
</tbody>
</table>

* The Returning Officer for the Electoral District of the County of Argyle states that this number includes only the Electors in the Police District of Goulburn, the Clerk of the Bench at Bungonia not having this Year forwarded a Roll for that Police District.

† The Return from St. Vincent and Auckland has not yet been received. The Number of Electors on last Year’s Roll has therefore been returned.

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**RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.**

(Despatch No. 40, per ship Thomas Lowry.)

Sir,

Downing Street, 14 June, 1846.

I have received your Predecessor’s Dispatch marked Separate of the 21st January last, on the subject of the disposal of the Government House and Grounds at Paramatta; and, in reply, I have to refer you to Lord Stanley’s Dispatch No. 130 of the 9th of Novr., 1845, as shewing the terms on which it was permitted that the House should be retained for the Governor’s use.

I have, &c.,

W. E. GLADSTONE.

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**RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.**

(Despatch No. 41, per ship Thomas Lowry.)

Sir,

Downing Street, 15 June, 1846.

I have received Sir George Gipps’ Dispatch No. 205 of the 23d of Novr. last, containing a review of the principal occurrences of the Session of the Legislative Council, which had then just arrived at a close.

---
The Council, I perceive, renewed their request that the whole of the Police charges, and also the Charges for primary Schools should be defrayed entirely out of the general Revenue, and Sir G. Gipps consented for a third time to set aside those provisions* of the Constitutional Act, which regulate and prescribe the payment of those charges from local funds.

Under all the difficulties of the case, and without expressing any opinion as to the mode of dealing with this question in future, I do not perceive that Sir G. Gipps could have adopted any other course than that which he did pursue.

The next question, to which reference is made in the Dispatch before me, relates to the practice adopted by the Legislative Council of presenting frequent Addresses to the Governor requesting him to incur numerous expenses, which had not been provided for in the Estimates laid before that Body. The obvious tendency of such Addresses is, as Sir G. Gipps observes, to nullify the provision in the 34th Clause of the 5 and 6 Vict., C. 76, which enacts that it shall not be lawful for the Council to pass or for the Governor to assent to any Bill appropriating money to the Public Service, unless the Governor shall first have recommended such payment.

I am disposed to concur with Sir G. Gipps in thinking that the best course for the Governor to pursue is not to return a specific answer to each Address of that nature, but to insert such of the Sums asked for, as may be considered reasonable in a Supplementary Estimate to be presented towards the end of the Session, leaving the rest unnoticed except in particular cases, which might be considered worthy of special remark.

On the question, which is most particularly adverted to in the Dispatches Nos. 199 and 204, of the claim of the Council to have all fines, forfeitures and penalties, paid to the Colonial Treasurer instead of to the Queen, I have caused a reference to be made to the Law Officers of the Crown, and, when I shall have received their opinion, I shall be better prepared to address you further on the Subject.

I have, &c.,

W. E. Gladstone.

RIGHT HON. W. E. Gladstone to Sir Charles FITZ ROY.
(Despatch No. 42, per ship Thomas Lowry.)

Sir,

Downing Street, 15 June, 1846.

I have received Your Predecessor's Dispatch No. 206 of the 23d Novr. last, containing a general report of the Financial condition of New South Wales.

* Note 11.
I have read with great satisfaction the statement there made as giving evidence of the encreasing prosperity of the Colony.

The question of raising a Loan for the purpose of Immigration is one which may be most properly considered in connection with the report of the Committee of the Legislative Council on Immigration, which was transmitted with your Dispatch No. 179 of the 27th Octr., 1844, and on which I shall address you on a future occasion.

I have, &c.,

W. E. Gladstone.

Right Hon. W. E. Gladstone to Sir Charles Fitz Roy.
(A circular despatch, per ship Thomas Lowry.)

Sir,

Downing Street, 15th June, 1846.

It has recently been brought to my notice that, in some if not in all of the British Colonies, there exists a material defect in the Law. Persons committing Crimes in any one such Colony, and escaping to another, are, it is said, not liable in the Colony at which they may so arrive to be arrested and imprisoned for the Offence, or to be sent back to the Colony from which they may have escaped. This proposition may, perhaps, be too broadly stated, and I have not the means of narrowing it within the precise limits of the fact. But I believe that it is, at least, very generally true, at least in these Colonies in which the Law of England prevails.

It is, however, evidently unreasonable that, by merely passing the limits which separate from each other different parts of the same Empire, Criminals should escape with impunity. Even when taking refuge in Foreign States, they are in many cases deprived of that impunity by international Treaties. Within Her Majesty's Dominions, they ought apparently to be deprived of it in all cases. This defect of the Law, wherever it exists, is remediable to a certain extent by Enactments of the various Colonial Legislatures. Such Enactments would, indeed, provide a complete remedy, were it not for the difficulty of giving effect to them while the restored Convict might be on the High Seas on his way back to the Colony from which he had fled. To that extent it would be necessary that the unavoidable deficiency in the range of Local Legislation should be supplied by the Authority of Parliament. There can, I conceive, be no reason to doubt that Parliament would so exercise their Authority, if the several Local Legislatures should first put in force all the Powers vested in them for the purpose.

The Act, 6 and 7 Vict., ch. 75, for giving effect to the Treaty for the mutual restitution of Convicts of a certain class between this Kingdom and the United States of America, though not
advancing as far as it would seem necessary to proceed in the case of inter-Colonial restitution of fugitive Criminals, might yet be found useful in suggesting some of the more material provisions of an Act for that purpose.

If in the Colony under your Government the defect of Law, to which I have adverted, should be found to exist, you will suggest to the Legislature of that Colony the enactment of a Law to provide the necessary remedy for that defect, so far as the local limits of their jurisdiction may enable them to do so.

I have, &c.,

W. E. Gladstone.

Sir George Gipps to Right Hon. W. E. Gladstone.

(Despatch No. 116, per ship Royal Saxon.)

Sir,

Government House, 15th June, 1846.

I have the honor to report that, having every reason to suppose that my successor Sir Charles Fitz Roy will arrive in New South Wales in the course of the month of July, I have taken my passage to England in the ship “Palestine,” under an engagement that she is to sail on any day which I may appoint, not earlier than the 10th, nor later than the 31st of that month.

I regret to say that circumstances have obliged me to give up the intention (once expressed to Lord Stanley) of returning by way of India. The “Palestine” proceeds by the ordinary course round Cape Horn, and may I hope arrive in England before the end of November.

I have, &c.,

Geo. Gipps.

Right Hon. W. E. Gladstone to Sir Charles Fitz Roy.

(Despatch No. 43, per ship Thomas Lowry; acknowledged by Sir Charles Fitz Roy, 27th February, 1847.)

Sir,

Downing Street, 16 June, 1846.

I have received Sir George Gipps’ Dispatch No. 15 of the 20th of January last, reporting on the state of the Botanical Garden at Sydney, and notifying the Appointment of Mr. Kidd to the charge of that Garden.

I regret to perceive, from Sir G. Gipps’ report, that the Garden has lost the scientific character which it originally had; and I should wish you to bring the subject before your Executive Council, and obtain from them a report, how far in their opinion it might be practicable to restore that character to the institution, without a Sacrifice of the purposes of recreation, to which it appears to have been of late wholly devoted.

I am inclined to believe that there exists such an intention already on the part of the Council, for I perceive from the Financial Estimates, which accompanied your Dispatch No. 202 of the
23d Nov., 1845, that the Salary of the Superintendent was raised on the Motion of the Colonial Secretary to its former amount of £200 a year, in anticipation of a Scientific person being sent from England to hold that Office.

As that circumstance is not adverted to in Sir G. Gipps subsequent report, I am in some doubt as to the actual position of the question. I have not considered myself justified in taking any measures for the Selection of such a person; but I should wish to be informed whether that Vote is, as I hope it may be, to be considered as intimating the desire of the Legislative Council that the Office of Superintendent should be restored to its former footing; and you will advert to that proceeding in bringing the subject before your Executive Council

I have, &c,
W. E. Gladstone.

Sir George Gipps to Right Hon. W. E. Gladstone.

(Despatch No. 117, per ship Royal Saxon; acknowledged by Earl Grey, 29th June, 1847.)

My Lord,

Government House, 16th June, 1846.

In the month of August, 1845, a barque called the “Coringa Packet” was wrecked* on her passage from Sydney to Ceylon, and twenty four Lascar Seamen were left on a desert Island, or rather Sandbank in Latitude 16° 52' S. and Longitude 149° 56' East.

Immediately on the news of this occurrence reaching Sydney, a Schooner was sent to the rescue of the unfortunate Lascars by this Government; and, in the performance of this service, an Expense was incurred of £294 19s. lid.

As I have every reason to suppose that the Directors of the Anticipated East India Company will gratefully take this charge upon themselves, I have the honor to request that the accompanying documents may be forwarded to their Court, and that the money may be received by Mr. Barnard, the Agent of New South Wales in London.

The documents, which I enclose, are the following:—

1. A precis of the case, shewing the circumstances under which the Schooner “Frolic” was hired, and the services performed by her.

2. A letter from the Resident Councillor at Singapore to the Secretary of New South Wales, reporting the arrival at Singapore of the Schooner “Frolic,” and certifying that the Master and Owners of her had satisfactorily performed their engagement

* Marginal note.—See my Despatch to Lord Stanley, No. 146 of the 3d Sept., 1846.
3. A declaration made by the Treasurer and Auditor of New South Wales that the expense, incurred by this Government in the hire of the “Frolic,” amounted to the sum above stated, namely, £294 19s. 11d.

I have, &c.,

[Enclosures.]

GEO. GIPPS.

[Copies of these papers are not available.]

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 118, per ship Royal Saxon; acknowledged by earl Grey, 4th September, 1847.)

SIR,

Government House, 17th June, 1843.

Referring to my Despatch No. 106 of the 28th ultimo, wherein I reported the establishment of a branch of the Customs at Moreton Bay, I have now the honor further to report that, equally on the application of the Collector of Customs and on the recommendation of Mr. Barnes, I have established a similar branch of the same Department at the Township of Eden (County of Auckland) in Twofold Bay, and have appointed the two gentlemen named in the margin* to the situations of Sub-collector and Landing Waiter.

Mr. Hamon Massie was recommended to me for employment in the Colony by Lord Stanley in a letter, dated 31st May, 1842.

Mr. Edmund Gibbes is a son of the Collector at Sydney, and already a Clerk in the Department of Customs.

I beg leave to express my hope that, on your recommendation, these gentlemen may be confirmed in the situations to which I have appointed them.

I have, &c.,

GEO. GIPPS.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 44, per ship Thomas Lowry; acknowledged by Sir Charles Fitz Roy, 1st February, 1847.)

SIR,

Downing Street, 18 June, 1846.

I have received your Predecessor’s Dispatch No. 207 of the 25th of Novr. last, with a Requisition for Medicines, Stationery, Printed Forms, etc., for the Convict Service in New South Wales for the year ending 31st March, 1847, accompanied by the Copy of an explanatory letter from the principal Medical Officer in that Colony.

Having referred that Requisition for the revision of the Director General of Military Hospitals, I now transmit to you an Extract of the answer which has been received from Sir

* Marginal note.—Hamon Massie, Sub-Collector; Edmund Gibbes, Landing Waiter.
J. McGrigor; and I have to desire that you will call upon the Principal Medical Officer for the explanation suggested by Sir J. McGrigor, and communicate to me the result.

I have to add that I have recommended the Lords Commissioners of the Treasury to comply with the Requisition which you have forwarded, subject to certain alterations which have been suggested by Sir J. McGrigor. I have, &c.,

W. E. GLADSTONE.

[Enclosure.]

EXTRACT of letter from Army Medical Department, dated 6 June, 1846.

In regard to one of the items in this list, Viz.: 20 Gross of Vials in sorts, I would suggest that the Principal Medical officer be called upon to explain upon what data he made this demand for Vials, as it appears from his returns that above 48 Gross of those Articles remained in store 31st March, 1845, and that 11½ Gross of them were issued during the previous year; consequently the demand for Twenty Gross added to the quantity in store (48 Gross) would be equal to Six years' consumption at the rates of the previous years' issues; and this unexplained excess of demand over previous issues is further increased by taking into account the Six Gross of Vials included in the last annual supply of Medicines from London, dated 5 Septr., 1845.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 119, per ship Royal Saxon; acknowledged by Earl Grey, 25th September, 1847.)

Sir,

Government House, 18th June, 1846.

I have the honor to request permission to issue Letters of Denization to Augustus Dreutler, a Native of Germany, who emigrated to this Colony about four years ago, and is desirous of enjoying in it the advantages of a British Subject.

Mr. Dreutler is a Protestant, aged 33 years, and carries on business as a Warehouseman in the City of Sydney.

His application, which I enclose, is recommended by persons of great respectability.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

THE Petition of Augustus Dreutler of Pitt Street in the City of Sydney, in the Territory aforesaid, Warehouseman, To His Excellency Sir George Gipps, Knight, Captain General and Governor in chief of the Territory of New South Wales and its Dependencies,

Sheweth,

That your Petitioner is a native of Germany from which country he emigrated to this Colony upwards of four years ago.

That your Petitioner, since his arrival in the said Colony, has resided in the City of Sydney aforesaid and has kept a Warehouse there for the sale of Foreign Goods of his own importation.
1846.
18 June.

Petition of A. Dreutler.

Testimony in favour of A. Dreutler.

That your Petitioner is in the thirty fourth year of his age, and is of the Protestant Religion.

That your Petitioner, being possessed of considerable property and desirous of settling in the said Colony, is anxious that such of the privileges and advantages enjoyed by Her Majesty's natural born subjects, as your Excellency may have the power of granting with the sanction of Her Majesty, may be extended to him.

Your Petitioner, therefore, humbly prays that your Excellency will submit this his humble Petition to the favorable consideration of Her Majesty the Queen in order that your Excellency may be authorised to grant unto him Letters Patent under the Seal of the said Territory by virtue whereof your Petitioner, on the observance of the formalities required by Law, may be entitled to all the rights, privileges and advantages of a natural born subject, which under similar circumstances Foreign Protestants resident in British Settlements are allowed to enjoy.

And your Petitioner will ever pray. etc. AUGUSTUS DREUTLER.

Certificate.

We certify we have known the above named Augustus Dreutler for some years; that his conduct, as far as it has come under our observation, has been exemplary; and that to the best of our belief the several particulars set forth in the above Petition are true.

WM. HAMILTON HART,
Supt. of the Bank of Australia.

GEORGE AILEN.
CHAS. FALCOKER, J.P.

19 June.

Request for letters of denization for C. Bath.

Petition of C. Bath.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 120, per ship Royal Saxon; acknowledged by earl Grey, 25th September. 1847.)

Sir,

Government House, 19th June, 1846.

I have the honor to request permission to issue Letters of Denization to Charles Bath, a Native of Germany, who emigrated to this Colony upwards of ten years ago, and is married to a Scotch Emigrant.

Mr. Bath is a Protestant, 37 years of age, and carries on business as a Licensed Victualler in the City of Sydney.

His application, which I enclose, is very respectfully recommended.

I have, &c.,

Geo. Gipps.

[Enclosure.]

The Petition of Charles Bath of George Street, in the City of Sydney, in the Territory aforesaid, Innkeeper,

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

Sheweth,

That your Petitioner is a native of Germany, from which country he emigrated to this Colony upwards of ten years ago.

That your Petitioner, since his arrival in the said Colony, has resided in the City of Sydney aforesaid; and, for the last five years of his residence there, has held a Publican's General License.
That your Petitioner about nine years ago married in the said Colony a Scotch Emigrant, by whom he has had issue one child.

That your Petitioner is in the thirty eighth year of his age, and is of the Protestant Religion.

That your Petitioner, having acquired Property and being desirous of settling in the said Colony, is anxious that such of the privileges and advantages enjoyed by Her Majesty’s natural born Subjects, as your Excellency may have the power of granting with the authority of Her Majesty, may be extended to him.

Your Petitioner therefore humbly prays that your Excellency will submit this his humble Petition to the favorable consideration of Her Majesty the Queen, in order that your Excellency may have the power of granting with the authority of Her Majesty, may be extended to him.

And your Petitioner will ever pray, etc., CHARLES BATH.

CERTIFICATE.

We certify that we have known the above named Charles Bath for several years, during which period his conduct, as far as it has come under our observation, has been exemplary and that to the best of our belief the several particulars set forth in the above Petition are true.

CHAS. WINDSEY.
Senr. Police Magistrate.

J. L. INNES, J.P.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

Sir, Downing Street, 20th June, 1846.

With reference to Sir George Gipps’ Despatch No. 56 of the 21 April, 1843, reporting the circumstances under which he had sanctioned the temporary Establishment of a Custom House Station at Broken Bay Harbour in New South Wales, and to Lord Stanley’s reply, with its Enclosure, of the 18th November of the same year, I now transmit, for your information and guidance, the Copy of a Report, which has been addressed to the Lords Commissioners of the Treasury by the Commissioners of Customs, from which you will perceive that, for the reasons assigned by them, they consider that it will be desirable to continue the Custom House in question, and that they await the Report of the Collector at Sydney in order to enable them to decide upon the nature and extent of the Establishment which may ultimately be required at Broken Bay. I have, &c.,

W. E. GLADSTONE.

[Enclosure.]

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

Sir, Treasury Chambers, 3rd June, 1846.

With reference to the communication made to this Department by direction of Lord Stanley on the 18th September, 1843, I am commanded by the Lords Commissioners of Her Majesty’s Treasury to transmit herewith, in order that it may be submitted
for the further information of Mr. Secretary Gladstone, a copy of a Report from the Commissioners of Customs, relative to the formation of a Custom House at Broken Bay Harbour, New South Wales.

I am, &c.,
C. E. TREVILYAN.

[Sub-enclosure.]

REPORT BY COMMISSIONERS OF CUSTOMS.

MAY it please your Lordships,

Your Lordships having referred to us the annexed letter from Mr. Stephen, transmitting by desire of Lord Stanley a Copy of a Despatch from the Governor of New South Wales, reporting the circumstances under which he had sanctioned a Custom House Station at Broken Bay,

We beg to refer to our report to your Lordships of the 4th October, 1843, No. 1539, upon this subject, and to state that we have recently received a report from the Collector of this Revenue at Sydney in return to our order of Inquiry, from which it would appear that the Customs Establishment stationed at Broken Bay had been successful in checking the smuggling, which had been formerly carried on at that place, and that it is desirable that it should be continued; previously however to reporting to Your Lordships our opinion as to the extent of establishment that should be ultimately stationed at Broken Bay, we have directed the Collector at Sydney to report to us in detail the duties which have been performed by the Coastwaiter and Boat’s Crew at Broken Bay since 1843, and to transmit to us a statement shewing the description and value of the seizures, which have been made at that place since the period above referred to; and we have directed the Collector to report at the same time, after conferring with the Governor, his opinion as to the nature and extent of Customs Establishment that should be permanently stationed at Broken Bay; and, upon the receipt of that Officer’s reply, we will report further to Your Lordships upon the subject.

R. B. DEANE. J. GOBLETT.
C U L L I N G CHAS. SMITH. C. TREVILYAN.

Customs House, 21 May, 1846.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 121, per ship Royal Saxon; acknowledged by earl Grey, 6th November, 1846.)

Sir,

Government House, 20th June, 1846.

I have the honor herewith to forward a Memorial, which has been addressed to you by the Mayor and Town Council of Melbourne, on the subject of the Defences of that place, together with a copy of a letter with which it was forwarded to me by Mr. La Trobe.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[A copy of the memorial and the letter, dated 10th June, 1846, will be found in a volume in series III.]

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 122, per ship Royal Saxon; acknowledged by earl Grey, 31st July, 1847.)

Sir,

Government House, 21st June, 1846.

With reference to the question of the separation of the Port Phillip District from the rest of the Colony of New South Wales, on which I had the honor to address Lord Stanley on the
29th April, 1846, in a Despatch No. 90, I think it right to forward a copy of a Memorial recently addressed to me by the Mayor and Town Council of Melbourne, praying that I will use my influence to prevent the "implegment of the Lands and Revenues" of Port Phillip in conjunction with those of the middle district; and will further promote the separation of the Port Phillip District from the rest of the Colony.

The Memorial is without date, but was received by me on the 19th instant.

[Enclosure.] GEO. GIPPS.

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

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.
(Despatch No. 123, per ship Royal Saxon.)

Sir, Government House, 22d June, 1846.

I have the honor to report that, on the recommendation of the Principal Medical Officer, contained in a letter of which I enclose a Copy, I have authorized the payment to Mr. Croft, acting in the Colony as Apothecary to the Convict and Military Medical Depot, the issue from the 5th instant of an allowance for Lodging money at the rate of £108 per annum, being apparently the rate to which he is entitled by the Regulations of the Army; and I further beg leave to request, as suggested in the letter of the Principal Medical Officer, that I may have authority to pay Mr. Croft the sum of £124 7s. 6d., being the amount to which he appears to be entitled for arrears.

I enclose a copy also of letter which was addressed by Mr. Croft to the Principal Medical Officer.

I have, &c.,

GEO. GIPPS.

[Enclosures.]

[Copies of these letters are not available.]

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.
(Despatch per ship Thomas Lowry; acknowledged by Sir Charles Fitz Roy, 30th January, 1847.)

Sir, Downing Street, 23 June, 1846.

I have received from Patrick Glissan, Esqr., M.D., of Windsor, N. S. Wales, a Memorial, dated the 1st of Decr., 1845, bringing under my consideration his desire to obtain some employment in the service of H.M.'s Government.
1846.
23 June.
Report required.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 124, per ship Royal Saxon; acknowledged by earl Grey, 13th December, 1846.)

Sir,

Government House, 23d June, 1846.

In a Despatch to Lord Stanley dated the 29th March, No. 72, I reported the return to this Colony of Dr. Leichhardt and his companions, after having successfully achieved an Expedition to Port Essington, and I added that they had, on their unexpected reappearance, been greeted with the warmest expressions of satisfaction and congratulation by all classes of Her Majesty's subjects.

I have now the honor, in continuation, to report that a sum amounting to upwards of £1,400 has been raised by public subscription for the purpose of affording to Dr. Leichhardt and his companions a lasting proof of the estimation, in which their fortitude and perseverance are held by their fellow Colonists; and that a Petition was presented to me on the 11th instant, most respectably and numerously signed, praying that a sum of money might be granted to the same parties out of the public Revenue. Prior, however, to the presentation of this Petition, a motion had been made in the Legislative Council (by Mr. Cowper, a representative Member) for an Address to myself, praying that I would place on the Estimates a sum of £1,000 as a gratuity to Dr. Leichhardt and his party, to be paid out of the fund raised by taxes, duties, rates and imposts, and which is at the disposal of the Governor and Council.

Feeling that, for many reasons, a gratuity of this nature should rather be paid out of the Crown Revenue than out of the general funds of the Colony, I instructed the Colonial Secretary to inform the Council, when the discussion on this proposal was to come on, that I would take on myself the responsibility of making the payment out of the Crown Revenue instead of the general funds of the Colony; and I have now to report that I have done so, and humbly to submit what I have done for approval.
GIPPS TO GLADSTONE.

I enclose herewith copies of the following documents:

No. 1. A copy of the Petition, praying that Dr. Leichhardt and his party may receive a gratuity out of the public funds.

2. Copy of the "Votes and Proceedings" of the Legislative Council on the 9th inst., shewing the nature of the motion brought forward by Mr. Cowper.

3. Plan of distribution of the Leichhardt Fund raised by public subscription, and amounting to £1,400.

4. Copy of the order given by myself on the 20th inst. for the payment of a gratuity of £1,000 to Dr. Leichhardt and his companions, and shewing the manner in which the money is to be divided.

I have, &c.,

GEO. GIPPS.

[Enclosures Nos. 1, 3 and 4.]

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

[Enclosure No. 2.]

[A copy of this paper will be found in the "Votes and Proceedings" of the legislative council.]

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch marked "Separate," per ship Royal Saxon.)

Sir,

Government House, 23d June, 1846.

With reference to my Despatch No. 124 of this day's date, in which I have had the honor to report to You the payment of £1,000 out of the Crown Revenue to Dr. Leichhardt and his companions, I consider it right to state separately the reasons which induced me to pay this money out of the Crown Revenue, contrary to the precedent which it may appear I myself established, in allowing the expenses attendant on the expedition of Sir Thomas Mitchell to be paid out of the Ordinary Revenue, as reported in the Despatches marked and numbered as in the margin.*

1. The gratuity to Dr. Leichhardt is one for services actually performed, and for services which in all former cases (except those now in progress under Sir Thomas Mitchell) have always been paid out of the Crown Revenue, and are, I would submit, legitimately chargeable on it.

2. The Expedition, now in progress under Sir Thomas Mitchell, is one which I never approved of, and for which consequently I could not take on myself any responsibility, as I should have done, had I recommended the payment of the cost of it out of the Crown Revenue.

* Marginal note.—No. 203, 7th Decr., 1843: No. 184, 11th Novr., 1845.
3. I think it right to discourage as far as possible the presentation to the Governor of Addresses from the Legislative Council, asking for appropriations of the public money, on which subject I may refer to what I have said in my Despatch to Lord Stanley No. 205 of the 23d November, 1845.

4. I scarcely expect that the Territory passed over by Dr. Leichhardt will be allowed long to continue a part of New South Wales; and I can but apprehend that, had I allowed this money to be paid by the Legislative Council, a grievance might at some future period be established on the allegation that territory was taken from them, the discovery of which had been paid for out of their own Revenue.

Trusting that for these reasons you will approve of my conduct in this matter, I have only respectfully to request that the Expenditure in question may receive your sanction.

I have, &c,
GEO. GLPPS.

24 June.

Petition transmitted re revenues and separation of district of Port Phillip.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 125, per ship Royal Saxon; acknowledged by earl Grey, 11th November, 1846, and 31st July, 1847.)

Sir,

Government House, 24th June, 1846.

With reference to my Despatches on the subject of the proposed separation of Port Phillip from the rest of the Colony, I have the honor herewith to forward another Petition to the Queen, which reached me on the 18th instant.

It is intituled:

"The humble Petition of the undersigned inhabitants of the District of Port Phillip in the Colony of New South Wales," and the prayer of it is,

"That Her Majesty will adopt such votes and resolutions as should be best calculated in the judgment of Her Majesty to prevent the indiscriminate pledging of the land funds of the two Districts, as security for a joint debt, and obtain for the District of Port Phillip entire separation from the Government of the Colony of New South Wales."

In acknowledging the receipt of this Petition, I have caused it to be intimated to the Petitioners, that, as the signatures are for the most part on unconnected sheets, I greatly fear it can only be officially received as the Petition of those who have signed the first sheet of it.

I have, &c.,
GEO. GIPPS.

[Enclosure.]

[A copy of this petition will be found in a volume in series III.]
SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 126, per ship Royal Saxon; acknowledged by earl Grey, 18th November, 1846.)

Sir, Government House, 25th June, 1846.

With my Despatch No. 97 of the 18th ultimo, I enclosed a Copy of the Speech with which I, on the 12th May, opened the Session of the Legislative Council. I have now the honor to report that on the 13th instant I closed the Session* by Proclamation; and to submit to you a short statement of the occurrences of the Session.

2. Shortly after its commencement, namely, on the 15th May, I presented to the Council a Bill (Copy enclosed), the object of which was simply to continue the present Squatting Act (2d Vict., No. 27) for one year.

3. The debate on this Bill took place on the 3d and 4th June; and on the latter day it was rejected, all the representative Members present (the whole of them Squatters except four I believe) voting against it.

4. On the same day, an Address to myself was adopted by the Council (Copy enclosed), in explanation of the reasons why the Council would not pass the Bill.

5. To this Address, which was presented to me on the 9th June, I did not think it right to return any written or formal answer, though on receiving it from the Speaker I addressed to him a few words which will be alluded to in another Despatch (see my Despatch No. 127 of this day's date).

6. On the same day, namely, the 9th instant, I sent down to the Council my Financial Minute for the year; and, in this Minute, I explained, as far as I judged it necessary to do so, the course which I intended to pursue in consequence of the rejection of the Bill to continue the Squatting Act. This Financial minute is forwarded with my Despatch No. 129 of this day's date.

7. Two days afterwards or on the 11th June, Mr. Wentworth gave notice that he should on the next day move that the House do adjourn until the 21st day of July (or for five weeks and four days), with the avowed intention† of not meeting again for the despatch of business until after I should have left to the Colony.

8. On the 12th, Mr. Wentworth's motion for an adjournment was carried; on the 13th I prorogued the Council by Proclamation (Copy enclosed) until Tuesday, the 25th August.

9. In the meantime, other proceedings, which, though of minor importance, were strongly indicative of the temper of the

* Note 12.
† Marginal note.—See the printed "Votes and Proceedings" of the Council ad diem, page 52, No. 9.
dominant party in the Council, had taken place, as will be seen by reference to the printed Journal of its proceedings enclosed herewith.

10. On the 5th June, Mr. Windeyer brought forward a motion* for an "Address of thanks to Her Majesty for the change she has been graciously pleased to make in the head of the Colonial Department of Her Government." On this occasion, the House was counted out.

11. The same motion was, however, again brought forward on Friday, the 12th day of June (the last day of the Session); but, after much abuse of Lord Stanley, and particularly with reference to the answers to the Addresses of the Council contained in His Lordship's Despatches marked in the margin,† which I laid before the Council on the 15th May, the motion for an Address of thanks was withdrawn, and one carried, which was substituted for it by the Opposition themselves, for "an Address to Her Majesty, and Petitions to both Houses of Parliament, that they will be pleased to reform the system, upon which the Colonial Department of Government is conducted."

12. On the last day but one of the Session, namely, on the 11th June, other Resolutions‡ respecting an alleged illegal appropriation of public moneys were brought forward by Mr. Lowe; but, as these Resolutions were aimed more particularly at myself, I shall report on them in a separate Despatch (see No. 128 of this day's date). I have, &c.,

[Enclosure No. 1.]

Geo. GIPPS.

[A copy of this bill will be found in a volume in series IV.]

[Enclosures Nos. 2 and 4.]

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

[Enclosure No. 3.]

[This was a copy of the "Government Gazette Extraordinary," dated 18th June, 1846.]

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 127, per ship Royal Saxon; acknowledged by earl Grey, 18th November, 1846.)

Sir,

Government House, 25th June, 1846.

In the 5th Paragraph of my Despatch No. 126 of this day's date, I have stated that I did not think it right to give any written or formal answer to the Address from the Legislative

* Marginal note.—"Votes and Proceedings" ad diem, page 41.
† Marginal note.—18th, 19th and 20th August, and 1st and 5th Sept., 1846.
‡ Marginal note.—"Votes and Proceedings" ad diem, page 51, No. 6.
Council respecting the non-renewal of the Squatting Act, which was presented to me on the 9th instant by a Deputation, consisting of the Speaker and the Mover and Seconder of the Address (Mr. Windeyer and Mr. Lord); but that I, on receiving the Address from the Speaker, said to him a few words which I should allude to in another Despatch.

These words were reported by the Speaker to the Council, and I have no doubt as correctly as he could remember them; but I had taken the precaution, immediately after the Speaker left my room, of writing down in the presence of my private Secretary and Aide de Camp, who were also present at my interview with the Speaker, the words which I actually used; and, on comparing them with the words reported by the Speaker to the House, a slight and not quite an immaterial difference will be perceived; the latter words, taken from the printed Proceedings of the day, are placed in the accompanying paper (No. 1) in juxta position with my own words.

The second Paper, which I have the honor to enclose, is a Copy of a Memorandum which I have thought it right to place on Record in the Office of the Colonial Secretary, and which it is my intention (in some manner or other) to make public before I leave the Colony.

I need scarcely observe that my chief object in publishing this Memorandum will be to make known to the Colony my sense of the very offensive imputations intended to be conveyed in the Address.

I have, &c.,

Geo. Gipps.

Statement by the Speaker of the words used by the Governor.

"Mr. Speaker,

"I am happy to say that this is an Address which requires no reply, nor do I intend to give it any. I thought it right to give the Council the opportunity of passing the Bill, if they thought fit. Perhaps I thought they would not pass it, and they have not; but I do not see why, on that account, responsibility should be cast on me."

Statement by the Governor of the words actually used by him.

"Mr. Speaker,

"I am happy in thinking that this Address does not require any Answer from me, and it is not my intention to make any.

"I thought it right to give the Council an opportunity of renewing this Act, though I did not much expect that they would renew it. I have given them that opportunity, and they have refused to renew it. Whatever may be the consequences to the Colony of their rejection of it, those consequences will rest with them."

* Marginal note.—See page 43 of the Votes and Proceedings forming Enclosure No. 4 to my Despatch No. 126 of this day's date.
† Marginal note.—Meaning any formal or written Answer.
1846.
25 June.

Memorandum
by Sir G. Gipps
re verbal reply
to address of
council and
reasons for
same.

1. I think it right, before I quit this Colony, to place on record the words (as far as I can recollect them) which I addressed to the Speaker of the Legislative Council, on the 9th instant, when he presented to me the Address voted by the Council, in explanation of the reasons why the Council would not renew the Crown Lands Occupation Act (2nd Vict., No. 27).

As soon as the Speaker had retired, I committed these words to paper in the presence of my Private Secretary and Aid-de-Camp, who were also present at my interview with the Speaker. The words were

"Mr. Speaker,

"I am happy in thinking that this Address does not require any answer from me, and it is not my intention to make any. I thought it right to give the Council an opportunity of renewing the Act, though I did not much expect that they would renew it. I have given them the opportunity, and they have refused to renew it.

"Whatever may be the consequences to the Colony of their rejection of it, those consequences will rest with them."

2. I deem it proper also to leave on record in the Colony a statement of the reasons why I did not deem it necessary or proper to give a written or formal reply to the Address of the Council.

3. Passing by the studied discourtesy of the Address, there were expressions in it, which, had I returned any formal answer to it, I must have expressly declared to be untrue. I will refer only to the following:

"Because we are not disposed to continue summary powers, which have been used to support a claim to tax by Prerogative alone, the validity of which, we, as the Representatives of the People, can never recognize."

4. No constitutional lawyer, whose opinion is entitled to any respect, has, I believe, ever asserted that to take a payment for the use of Crown Land is to impose a Tax. The contrary has been maintained, down to the most recent times, by lawyers of the highest eminence in England, by the British Government, and by the British Parliament.

5. I have never, to my knowledge, claimed for the Crown any right or power, which is not recognised by the Act of Parliament expressly passed for the Government of New South Wales, or which will not, as I at least confidently expect, be confirmed by the Act now under the consideration of Parliament to regulate the administration of the public Lands in the Australian Colonies.

Government House, Sydney, 25 June, 1846. GEOBGE GIPPS.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 128, per ship Royal Saxon; acknowledged by earl Grey, 18th November, 1846.)

Sir,

Government House, 25th June, 1846.

In the last paragraph of my Despatch No. 126 of this day's date, I stated that I should notice in a separate Despatch
some Resolutions brought forward on the 11th inst. in the Legislative Council by Mr. Lowe, intended to charge on me the illegal appropriation of a portion of the public Revenue of this Colony.

Being, by the prorogation of the Council, deprived of any other means of replying, before I leave the Colony, to the allegations contained in these Resolutions, of which, however, I should remark that the first only was carried, I have thought it right to place on Record in the Office of the Colonial Secretary a Memorandum, which I shall most probably in some shape or other publish to the Colony before I embark for England. Of this Memorandum, I have now the honor to enclose a copy.

In addition to what is contained in it, I feel it necessary only to refer to my Despatch to Lord Stanley No. 26 of the 3d Febry., 1845, and to His Lordship's reply No. 79 of the 5th August, 1845.

I have the honor herewith to enclose the following documents:

1. A printed Copy of the Votes and Proceedings of the Legislative Council on the 10th instant, containing the Resolutions which Mr. Lowe on that day gave notice that he would bring forward on the morrow.

2. A printed copy of the Votes and Proceedings of the next day, the 11th instant, shewing that Mr. Lowe on that day did bring forward his proposed Resolutions, and that the first only of them was carried, the Resolution, which alone contained direct charges of misappropriation of the public money, being rejected, and an amendment carried which, though moved by a Member opposed to Government, virtually admitted the right of the Government to appropriate these monies, so long as certain Acts of the Old Council remained unrepealed.

3. The Memorandum referred to, as having been placed by me on Record in the Office of the Colonial Secretary.

I have, &c.,

[Enclosures Nos. 1 and 2.] GEO. GIPPS.

[These were copies of the "Votes and Proceedings" of the legislative council.]

[Enclosure No. 3.]

MEMORANDUM No. 1, Placed on Record in the Office of the Colonial Secretary, 25th June, 1846.

1. By the Votes and Proceedings of the Legislative Council of the 11th June, 1846, it appears that the following Resolution was adopted by the Council on that day:

"That, subject to the three Schedules, A, B and C, it is the undoubted right of this Council, and of Her Majesty's Subjects within the Colony of New South Wales, to have all taxes, rates, duties, and imposts, levied on the said subjects, whether with the advice and consent of this or any former Council, appropriated to..."
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HISTORICAL RECORDS OF AUSTRALIA.

1846.  

Memorandum by  
Sir G. Gipps in  
reply to resolu­ 
tion of legis­ 
lative council.

the public service within the said Colony, by Ordinances to be for
that purpose enacted by the Governor, with the advice and con­
sent of this Council, and in no other manner."

2. I feel it necessary, before I quit the Colony, to record my dis­
sent from the claim so comprehensively put forth in this Resolu­
tion; and I dissent, because I consider that, after the words “sub­
ject to the three Schedules A, B and C,” the Resolution ought to
have gone on to say, and consistently with the other provisions,
conditions and intentions of the Constitutional Act, passed by Par­
liament for the government of the Colony.

I consider it to be the undoubted intention of the Constitu­
tional Act that District Councils should be established in the
Colony, no less than ten clauses of the Act* being taken up in
defining the constitution, duties and powers of those Councils.

3. I consider it to be the undoubted intention of the 42nd clause
of the same Act, that the making, maintaining, and improving any-
new or existing road, street, bridge, or other communication.
through any District of the Colony, should be provided for by the
local Council of that District, and that all tolls, rates or assess­
ments, within any District, should be raised, collected and expended
under the authority of the same Council.

5. Believing such to be the intention of the Constitutional Act;
and believing it not to be the intention of that Act that moneys,
raised by turnpike tolls, should be appropriated by Acts or Or­
dinances of the Governor and Legislative Council. I cannot assent
to the doctrine so comprehensively attempted to be laid down in the
Resolution passed by the Council on the 11th instant: and I must
consider it to be the duty of the Governor of this Colony, so long
as the clauses relating to District Councils in the Constitutional
Act remain unrepealed, to withhold his assent from any Act passed
by the Legislative Council, declaring or implying that the Council
has a right to appropriate moneys arising from turnpike tolls.

6. The case, however, appears to me to be different in respect
to moneys arising from fees taken in the Courts of Request or in
the Insolvent Courts, and I see no reason, of a constitutional
nature, why these should not be appropriated by annual Acts of
the Governor and Legislative Council, provided only the Acts or
the parts of the Acts, which authorise the application of them to
the support of the Officers of the Courts, be previously repealed.
Nothing, certainly, was ever farther from my wishes than to have
the sole power of appropriating these moneys vested in the
Governor.

7. It will be remembered that, in the Session of 1844, the Council
refused to make any provision for the Administration of Justice,
beyond that which is made by Schedule A, and that, in consequence
of their refusal, I, in the speech with which I, on the 30th Decem­
ber, 1844, closed that Session, made use of the following words:—

"As you have, gentlemen, declined to take into consideration the
Estimates, which early in the Session I laid before you, for the
Administration of Justice in the year which is now ensuing, I have
only to express my hope that the funds, which the Law had previ­
ously placed at my disposal, may be found sufficient to keep open
the ordinary tribunals of the Colony. The resources which are
within my reach, I shall rigorously devote to the purposes to which
they are applicable; but I shall not suffer myself to exceed, in any
manner, the authority which I constitutionally hold, nor to set
aside the instructions of Her Majesty."

* Marginal note.—Clauses 41 to 50.
8. In consequence of the pledge, which I thus gave, to exert all
my lawful authority in order to keep open the Courts of the Colony.
I applied the Fees, taken in the Insolvent Court and in the Courts
of Request, to the payment of the Officers of those Courts, having
been previously assured by the Judges and the Law Officers of the
Crown that it was lawful for me so to do; and I may here observe
that the Council itself has virtually admitted such an application
of them to be lawful by the rejection of the second Resolution,
proposed for their adoption on the 11th instant.
9. At the commencement of the year 1844, had I not made the
use I did of those Fees, I must have shut up the Insolvent Courts
and Courts of Request, and I preferred exercising a power, which
I was assured I lawfully possessed, to shutting up these Courts,
which I knew would be prejudicial to the Colony.
10. It does not seem to me necessary here to enter into the ques­
tion, whether I might or might not have assented to an Act, had
one been passed by the Legislative Council, declaring the appro­
priation of these Fees to be vested in the Governor and Council:
It may be sufficient for my present purpose to observe that, had
such an Act contained no permanent provision for the support of
the Courts, I might possibly have withheld from it my assent.

Government House, Sydney, 25 June, 1846. GEORGE GIPPS.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.
(Despatch No. 129, per ship Royal Saxon; acknowledged by earl Grey, 18th November, 1846.)

Sir,
Government House, 25th June, 1846.

I have the honor herewith to enclose Copies (printed) of the Financial papers, which, pursuant to custom, I laid before the Legislative Council on the 9th instant; they consist of,
1. My Annual Financial Minute, containing an exposition of the financial state of the Colony.
2. The Estimates of Expenditure for the year 1847.
3. The several Returns relating to Expenditure under the Schedules A, B and C, required by the 38th and 39th Sections of the Constitutional Act of the Colony, 5th and 6th Vict., ch. 76. The Accounts, prepared by the Auditor General of the Revenue and Expenditure of 1845, and which were forwarded in my Despatch to Lord Stanley No. 76 of the 4th April, 1846, were also laid before the Council with the financial papers above mentioned.

At page 3 of the Financial Minute (Enclosure No. 1), the passages are marked which relate to the measures rendered necessary by the refusal of the Council to renew the Squatting Act, reported in my Despatch No. 126 of this day’s date.

I have, &c.,

[Enclosures.]

Geo. Gipps.

[Copies of these papers will be found in the “Votes and Proceedings” of the legislative council.]
SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch marked “Private and Confidential,” per ship Royal Saxon; acknowledged by Earl Grey, 18th November, 1846.)

Sir,

Government House, 25th June, 1846.

In my public Despatches* of this day's date, I trust I have sufficiently vindicated my proceedings during the recent short Session of the Legislative Council, as well as the step I took on the 13th instant in proroguing the Council until a time beyond that at which my successor may be expected to arrive in the Colony.

The adjournment of the Council from the 12th June to the 21st July, though doubtless intended to perplex me, was in reality a measure of great convenience to me, for it gave me what I thought a fair opportunity of proroguing them; and I shall, if necessary, before I give up the Government, extend the prorogation, so as to relieve Sir Charles Fitz Roy from the necessity of meeting them immediately on his arrival in the Colony. The state of public business will not require them to meet until the middle of October, or even the beginning of November. I am assured (though it is scarcely credible) that the opposition party did not expect I should prorogue the Council.

The rejection of the Bill to continue the Squatting Act will not be productive of any real inconvenience to the Government. Indeed I feel well satisfied with the course which events have taken during the last six weeks; and I am sure that I occupy at the present moment a very strong position in the Colony, as strong at least, I may venture to say, as at any previous period of my Government.

GEO. GIPPS.

P.S.—The intelligence from New Zealand, which will be conveyed to England by this Packet, is distressing. Captain Grey wrote to me, after his return to Auckland from Wellington, in good spirits (his letter† was a private one); but he did not then know of the attack which the Natives made on our Troops in the Valley of the Hutt on the 16th May. I do not apprehend that any ill consequences will result from that attack, further than some additional discontent, perhaps, on the part of the Company's Settlers; but, from accounts which reach me (indirectly), I cannot but apprehend that our own Soldiers are becoming dissatisfied; desertions certainly are not uncommon.

The duty on the men is, I understand, very hard; and they are without barracks or comforts of any sort; even insufficiently supplied, it is said, with clothing in a climate which is both wet and cold, they are, however, not unhealthy.

* Marginal note.—Nos. 126, 127, 128, 129.  † Marginal note.—14th May, 1846.
The "Castor," Capt. Graham, is at Sydney refitting, but will return as soon as possible.

We shall send to Auckland by the "Castor" £15,000 in specie, of which £10,000 will be for the Troops, and £5,000 for the Civil Government, on account of the money which Captn. Grey is authorized to draw on the Lords of the Treasury.

I cannot conclude without expressing my apprehension that the expenditure of British money in New Zealand may shortly come to be reckoned in sums vastly larger than fives or tens of thousands.

GEO. GIPPS.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 31, received via Melbourne; acknowledged by Sir Charles Fitz Roy, 30th December, 1846.)

Sir,

Downing Street, 26th June, 1846.

I transmit to you herewith a Copy of a Dispatch, which I have this day addressed to the Acting Superintendent at Port Phillip, conveying Instructions for his guidance in the disposal of a party of 299 Exiles proceeding by the Ship "Maitland" from Milbank, Pentonville and Parkhurst Prisons.

You will perceive that it has been decided that, if it should be found impracticable to provide for the maintenance and subsistence of the whole of these Exiles at Port Phillip, such as cannot be provided for should be at once sent on to Sydney, and they will be disposed of in the manner stated in Lord Stanley's Dispatch to Sir G. Gipps of the 27th of July, 1844.

I have, &c,

W. E. GLADSTONE.

[Enclosure.]

RIGHT HON. W. E. GLADSTONE TO ACTING SUPERINTENDENT OF PORT PHILLIP.

Sir,

Downing Street, 26 June, 1846.

On the 27th of July, 1844, Lord Stanley conveyed to your Predecessor general instructions, with regard to the disposal of a party of Exiles from Pentonville and Parkhurst Prisons. I have now to acquaint you that a party of Two hundred and Ninety Nine Exiles from Milbank, Parkhurst and Pentonville Prisons proceed to Port Phillip by the Ship which carries this Dispatch.

It is the desire of Her Majesty's Government that so many of these Exiles as may be able to obtain employment and subsistence at Port Phillip should be retained there under arrangements precisely similar to those detailed in Lord Stanley's Dispatch above referred to. And that, if there should be still any number of them for whom it may not be possible to find employment, they should be
forthwith sent on to Sydney, arrangements having been made with
the owners of the Ship for their conveyance thither if necessary.
In that event, you will forward with them the accompanying
Dispatch addressed to the Governor of New South Wales.

I am, &c.,

W. E. GLADSTONE.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

* (Despatch No. 130, per ship Royal Saxon; acknowledged by
earl Grey, 26th November, 1846.)

Sir,

Government House, 26th June, 1846.

I have the honor to forward herewith, for Her Majesty's
most gracious allowance, engrossed Copies on Parchment of
Four Acts, passed by the Legislative Council and assented to by
myself, in the short Session which commenced on the 12th May
last and ended on the 13th instant; The Acts are:

9th Vict., No. 31. "An Act to continue for two years, 'An Act
to facilitate the apprehension of transported felons, and of­
fenders illegally at large, and of persons found with arms, and
suspected to be robbers.'"

The object of this Act is to continue, for two years longer, the
Act known in the Colony by the name of the "Bushrangers
Act," which I regret to say cannot yet be dispensed with. It
was introduced by the Attorney General with my concurrence.

9th Vict., No. 32. "An Act to continue for a limited time an
Act, intituled, 'An Act for regulating the constitution of Juries,
and for the trial of issues in certain cases in the Supreme Court
of New South Wales,' and further to amend the law relating to
trial by Jury."

The object of this Act is simply to continue the existing Jury
Laws, which would otherwise expire on the 30th of the present
month.

A permanent Jury Law has been prepared by the Attorney
General; but the consideration of it could not be entered on in
the late Session.

9th Vict., No. 33. "An Act to amend an Act, intituled, 'An
Act to amend the laws relating to the Savings Bank of New
South Wales and Port Phillip respectively.'"

By the Savings Bank Act of 1843 (7th Vict., No. 6), interest
at the rate of 3½ per cent. was guaranteed to persons who with­
draw their money from the Savings Bank before the 31st Decem­
ber in any year; but, in the year 1845, this rate of interest was
found to be too high, and thence arose the necessity for the pre­
sent Act, repealing the part of the former Act which made it in
certain cases compulsory on the Trustees to pay interest at the
rate of 3½ per cent., even though the state of the funds of the
Bank might not be such as to warrant it. Interest will nevertheless, I am happy to say, be paid for the present year at a rate of not less than 3½ per cent.; and I may take this opportunity of adding that I consider the Savings Bank to be in a very satisfactory condition, notwithstanding the difficulty, which I have on some former occasions alluded to,* of finding profitable employment for the sums deposited in it.

9th Vict., No. 34. "An Act to amend an Act, intitled, 'An Act to make provision for the safe custody of, and prevention of offences by, persons dangerously insane, and for the care and maintenance of persons of unsound mind.'"

The Lunatic Asylum of New South Wales is a Colonial Establishment, and the Convicts, who are maintained in it as patients, have hitherto been paid for out of Convict funds. The Asylum, however, became of late so crowded, that it was necessary either to remove the Convicts or to add to the Building. The former was considered most advantageous to the Home Government, as the Convict patients so removed can now be maintained at less cost (the males in the Hospital at Liverpool, the Females in the Factory at Parramatta) than in the Asylum; whereas, when the arrangement for placing the Convicts in the Asylum was adopted eight years ago, the Convict buildings were all so crowded that there was no room in them for Lunatics.

It being found, however, among the Convict Lunatics in the Asylum, there were some whose sentences had expired since their admission, a doubt was started as to the legality of their removal. The Act was therefore introduced by the Attorney General to remove the doubt, and it is removed by the 2d clause; the 1st and 3d clauses meet minor inconveniences, on which it can scarcely be necessary to offer any explanation.

I beg leave to recommend that these four Acts may be left to their operation.

I have, &c.,

Geo. Gipps.

[Enclosures.]

[These were copies of the acts of council.]

Sir George Gipps to Right Hon. W. E. Gladstone.
(Despatch No. 133, per ship Royal Saxon; acknowledged by Earl Grey, 23rd March, 1847.)

Sir, Government House, 28th June, 1846.

I have the honor to enclose a Copy of a Government Order which I issued on the 1st May last, with a view to expedite, as far as I judged it right and proper, the clearing off of the Convict Establishment in the Colony.

* marginal note.—See my Despatch No. 203, 29th Nov., 1845.
**1846.**

**28 June.**

Indulgences offered to well-behaved convicts.

This Order or Notice holds out the expectation (not of absolute promise) of a Ticket of Leave to every Convict, who may have behaved well during three consecutive years, and a Conditional Pardon to any one, who may have held his Ticket of Leave with good conduct during three further consecutive years.

I have purposely delayed reporting the issue of this Order until the present time, in order that before doing so I might have some experience of the working of it; and I am happy now to be able to add that I expect the operation of it will be safe and salutary.

I have, &c.,

GEO. GIPPS.

[Enclosure.]

[A copy of this order, dated 1st May, 1846, will be found in the "Government Gazette"]

**29 June.**

Transmission of papers on rejection of squatting act by legislative council.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 134, per ship Royal Saxon: acknowledged by earl Grey, 27th November, 1846.)

Sir, Government House, 29th June, 1846.

I have the honor to forward herewith Copies of certain documents explanatory of the course which has been adopted by this Government, in consequence of the refusal of the Legislative Council to renew the Squatting Act, 2d Vict., No. 27.

Enclosure No. 1 contains Copies of three Circulars issued to the Commissioners of Crown Lands in the Squatting Districts: the 1st of them was issued on the 3d April, and of course before it could be known whether the Act would be renewed or not, in fact it was only a preparatory one. The 3d is a Confidential document, issued as well as the 2nd on the 20th instant.

Enclosure No. 2 contains copies of certain Minutes of the Executive Council respecting the renewal of Licenses for the occupation of Crown Lands, made on the 17th and 23d instant, when this subject was brought by me under the consideration of the Council.

I have, &c.,

GEO. GIPPS.

[Enclosure No. 1.]

[1] MR. W. ELYARD, JR., TO COMMISSIONERS OF CROWN LANDS.

Colonial Secretarv's Office.

Sir. Sydney. 3rd April, 1846.

I am directed by His Excellency the Governor to draw your attention to the fact that the Crown Lands Act, 2 Vict., No. 27, as continued by the 5 Vict., No. 1, will expire on the 30th day of June next: and consequently that the duties which are assigned to you by the first of these Acts, and the peculiar powers which you possess under it will cease on that Day, unless the Act be in the mean time renewed.
With reference to my Circular of the 23rd December last, I am also to remind you that, by the appropriation Act passed in the last Session of the Legislative Council, 9 Vict., No. 24, provision is made for the payment of the Border Police only until the 30th June next, after which Date it is doubtful whether His Excellency will have any funds at his disposal applicable to the maintenance of that force.

You will take the earliest opportunity of making this known amongst the men serving in the Border Police, who receive pay from the Government; and you will warn them that, unless previously renewed, their engagements with the Government will cease on the said 30th June next.

You will understand that the granting of Licenses for the occupation of Crown Lands and the charging of Fees on such Licenses will in no way be affected by the expiration of the abovementioned Acts; nor the duties with which you are charged in respect to recommending the renewal or the withholding of Licenses.

I have, &c.

for the Colonial Secretary.

W. ELYARD, JUN.

[2] COLONIAL SECRETARY THOMSON TO COMMISSIONERS OF CROWN LANDS.

Colonial Secretary’s Office,
Sydney, 20th June, 1846.

In my Circular letter of the 3rd April last, I adverted to the fact that the Crown Lands Act, 2nd Victoria, No. 27, as continued by the 5th Victoria, No. 1, would expire on the 30th Day of the present Month, and I reminded you that, by the Appropriation Act passed in the then last Session of Council, 9 Victoria, No. 24, provision was made for the payment of the Border Police only until the 30th Instant, after which date it was doubtful whether His Excellency the Governor would have any funds at his disposal, applicable to the maintenance of that force.

I am now directed to inform you that, as no Act has been passed for continuing the Crown Lands Act, and as His Excellency has no funds on which he can charge the expense of the Border Police after the above Date, such of the Men forming your party of Border Police, as receive pay from the Government, must, on the 30th Day of the present month, be discharged in accordance with the intimation contained in my former letter. But it will be competent for you to retain, until further orders, a portion not exceeding one half of the Division, if any collision has recently taken place between the White population and the Aborigines, or any such collision may appear to you to be apprehended, reporting, however, in such case your proceedings immediately for the approval of the Governor, and furnishing a full statement of the grounds on which you have deemed it necessary to act on the discretion thus given to you.

I have to request that you will immediately report to me the number of men attached to your Party (including Aborigines) who do not receive pay from the Government.

These you will supply with Rations until you receive directions to the contrary.
I am also instructed to intimate to you that you will continue in the receipt of your present Salary and allowances, which, however, as well as all other necessary expenses of your Establishment, will, from the 1st Proximo, be paid out of the Crown Revenues.

I have, &c.,

E. DEAS THOMSON.

[3] CONFIDENTIAL CIRCULAR TO COMMISSIONERS OF CROWN LANDS.

Confidential Circular to Commissioners of Crown Lands.

Sir,

In my separate Circular letter of this Date, I have apprised you that no Act has been passed to continue the provisions of the Crown Lands Occupation Act, 2 Vic., No. 27; and I am directed by His Excellency the Governor to call your attention to the altered position, in which you will be placed by the expiration of that Act.

You will of course understand that all the powers will cease, which you have been accustomed to exercise under the 2nd Victoria, No. 27, but that the powers will remain which you hold as a Bailiff or Agent of the Crown, or under the provisions of the 4th Will. IV, No. 10, as amended by the 5 Will. IV, No. 12.

It is conceived that you will have no power whatsoever to settle Disputes between the occupiers of Crown Lands, or to call for any Returns of Stock, etc., and it will scarcely be safe for you to endeavor to remove Intruders. But, on the other hand, it will still be unlawful for anyone to occupy Crown Lands without a License from the Government.

It is scarcely necessary for me to remind you that it is your duty to report to the Government the case of every person in your District, who may be in the occupation of a Station or Run without a License, in conformity with the Notice of 14 September, 1840.

You will bear in mind that a Bill for the regulation of Crown Lands in this Colony is now before the Imperial Parliament, and that it may be expected to pass into a Law and arrive in the Colony in the course of the next six Months. Although the entire provisions of this Bill or Act cannot be known until it arrive in the Colony, there is reason to believe that it will restore to Commissioners of Crown Lands the power of removing Intruders, given to them by the 2nd Clause of the Colonial Act now about to expire.

The suspension therefore of the most important of your powers will in all probability be but temporary.

I enclose a Copy of the Bill introduced into Parliament by Mr. Hope in August last, which, although it is not yet law, will enable you to form a tolerable estimate of the powers which you will enjoy under it, when it shall have been passed in England and become operative in the Colony.

I would in a particular manner draw your attention to the 7th Clause of this Bill, which proposes to authorize the Governor to grant a Lease without competition to any person, who may have been in continued authorized occupation of his Run for five years. You will observe, and will not fail to make it known in your District, that any person, who may for a time however short be in
unauthorised that is to say unlicensed occupation of his Run, will forfeit the claim which he might otherwise be entitled to prefer for a Lease of his Run or of any part of it without competition under the Clause referred to. You will, however, make this known in your District rather in the way of friendly information or advice to the Squatters, than in the manner of a threat.

It is intended to issue a Public Notice in the course of a few days, declaratory of the terms on which Licenses will be issued for the year commencing 1st July, 1846; and these terms will, in all probability, be the same as those on which Licenses were issued for the current year as set forth in the Notice of 10th July last.

With reference to the duties devolving on you in your Magisterial capacity, I am to observe that, although you will be in no greater degree answerable for the preservation of order in your District than other Individual Magistrates, it is nevertheless expected of you that you will use your most strenuous efforts for the preservation of the public peace.

On the subject of the Aborigines, I may possibly have occasion again to address you; at present, however, I am to remind you of the anxious solicitude, which is felt for their protection by Her Majesty’s Government and Parliament, and to refer you to what I have said on this head in my public letter of this Date.

I have, &c.

[Unsigned.]

[Enclosure No. 2.]

Proceedings of the Executive Council on the 17th and 23rd June, 1846, relative to the terms on which Pasturage Licenses should be granted for the year commencing on the 1st July, 1846.

Extract from Minute No. 46/12, dated 17 June, 1846.

Members present:—His Excellency the Governor; The Right Rev. the Lord Bishop of Australia; The Honorable the Colonial Secretary; The Honorable the Colonial Treasurer.

Referring the Council to the Notice, issued by their advice on the 10th July, 1845, and remarking that final and complete Regulations respecting the occupation of Crown Lands beyond the Boundaries of location could not be framed, pending the decision of Parliament on Mr. Hope’s Bill for the amendment of the Crown Land Sales Act, 5 and 6 Vict., cap. 36, His Excellency the Governor desired the opinion of the Council as to the terms on which Pasturage Licenses should be granted for the year about to commence on the 1st July next.

The Council advised that Licenses for the ensuing year should be issued on the same terms as those upon which they have been granted during the current year, which terms are laid down in the Notice on the 10th July, 1845; it being however understood that, as, in consequence of the non-renewal of the Act of Council 2 Vict., No. 27, no further Returns of Stock will be rendered to the Government, the prices which will be charged for Licenses must of necessity be regulated by the last Returns received from the Commissioners.
The Council, however, desired that, before this advice be acted upon, the opinion of the Law Officers of the Crown should be taken as to whether there are any legal objections to the adoption of their recommendation.

Extract from Minute No. 46/13, dated 23 June, 1846.

Members present as before.

With reference to the Proceedings on the 17th June Instant, when the Council recommended, subject to the opinion of the Law Officers, that Pasturage Licenses for the ensuing year should be issued on the same terms as those upon which they have been granted during the current year, His Excellency the Governor stated to the Council that, in accordance with His directions, the Clerk had communicated to the Attorney and Solicitor General the nature of the Council's recommendation, and had requested them to wait on the Council this day for the purpose of giving their opinion. The Attorney and Solicitor General were in attendance accordingly.

The Attorney and Solicitor General were introduced and stated to the Council that they saw no objection to the issue of a Notice declaring that Licenses for the occupation of Crown Lands beyond the limits of location for the ensuing year will be granted upon the same terms as those set forth in the Notice of the 10th July, 1845: but, on reference to the language used in the 17th section of the Crown Lands Act, 5 and 6 Vict., cap. 36, they recommended that all such licenses should in future be signed by the Governor. And in order to place any person, retaining possession of a run without a written License therefor, in the undoubted position of an intruder against the will of the Crown, and thus to deprive him of all right to maintain an action of trespass by virtue of his possession, as well as to render him a trespasser himself against the Crown, or any individual having a License from the Crown for the occupation of the lands in his holding, the Attorney and Solicitor General recommended the introduction into the Notice of a Clause to the following effect:—

"That such licenses must be taken out by all occupiers of such lands; and that every person, who shall after the 30th September next occupy any such lands by his stock or otherwise, without holding a written license for the occupation of the same lands, under the hand of the Governor of the Colony, will be deemed to be an Intruder upon the lands and possession of Her Majesty the Queen and will hold the same against the will of the Crown; and all cattle, sheep or other stock found on any such lands, and which shall not belong to a person or persons holding such license as aforesaid for the occupation of the same lands will be deemed to be trespassing thereon and will be liable to be removed and impounded accordingly."

The Attorney and Solicitor General having withdrawn, the Council advised that a Notice in accordance with their recommendation of the 17th June should be forthwith issued, and that the clause proposed by the Law Officers should form part of such Notice.

Francis L. S. Merewether.
Clerk of the Council.

Executive Council Office, Sydney, 30 June, 1846, No. 46/127.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 135, per ship Royal Saxon; acknowledged by
earl Grey, 20th November, 1846.)

Sir, Government House, 30th June, 1846.

I have the honor herewith to enclose a Petition, which Petition trans­mitted from Mr. Thomas Bell has, by the extraordinary termination of his trial reported in my Despatch No. 111 of the 5th instant, been emboldened to address to you.

Having frequently and fully reported on Mr. Bell's case in the Despatches numbered and dated as in the margin,* I feel that, in transmitting this Petition, it remains for me only to state that, though during the early years of Mr. Bell's employment at the Factory I considered him an active, a zealous, and a very useful Officer, I have every reason to believe that, in the years 1842 and 1843, he fell into bad practices; and since that time I have considered him entirely unworthy of confidence, or of any indul­gence from Her Majesty's Government; indeed I cannot but be of opinion (as stated in the last of the Despatches quoted in the margin), that in his case the ends of justice have been signally defeated.

I have, &c.,
GEO. GIPPS.

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

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 136, per ship Royal Saxon.)

Sir, Government House, 30th June, 1846.

I had the honor on the 13th inst. to receive by the Post Office Packet "Agincourt" Your Despatches numbered from 25 to 37, written in the month of February; I also at the same time received the Duplicates of Your Despatches numbered from 8 to 24 (except No. 19), of which I presume that the Originals must have been sent by the Packet ship "Abel Gower," which is supposed to have left England in the early part of February, but which has not reached this Colony.

I regret that I shall, on account of my approaching embarka­tion for England, be obliged, I fear, to leave the greater part of these Despatches to be answered by my successor.

I have, &c.,
GEO. GIPPS.

* Marginal note.—Nos. 185, 43, 53, 111, 13th Nov., 1843, 18th Feby., 1844, 28th Feby. and 5th June, 1846.
1846.
30 June.

Sir George Gipps to Right Hon. W. E. Gladstone.
(Despatch No. 137, per ship Royal Saxon.)

Sir,

Government House, 30th June, 1846.

I had the honor to receive, on the 25th instant, Your Despatch No. 9 of the 3rd January, 1846, wherein it is mentioned that you had not succeeded in finding, in my Despatch No. 129 of the 10th August last, any report of Mr. Callaghan's appointment to the Office of Crown Prosecutor at Quarter Sessions; I consequently beg leave to state that Mr. Callaghan's appointment was reported in my Despatch to Lord Stanley No. 29 of the 6th February, 1845.

Mr. Callaghan has now held the appointment of Crown Prosecutor since January, 1845, and has performed the duties of the Office to the entire satisfaction of the Government and the Public. I therefore venture to repeat my recommendation that he may be confirmed in it.

I have, &c,

GEO. GIPPS.

1 July.

Sir George Gipps to Right Hon. W. E. Gladstone.
(Despatch No. 138, per ship Palestine; acknowledged by earl Grey, 18th January, 1847.)

Sir,

Government House, 1st July, 1846.

Correspondence I feel it right, before I give up this Government, to transmit to you a Copy of a letter which was lately addressed by the Assistant Commissary of Accounts to the Secretary of this Colony, on the subject of certain allowances made to Clergymen in this Colony under the authority of a Despatch from Lord Glenelg, dated the 12th May, 1836, No. 154, as also a Copy of the answer which by my direction was returned to Mr. Darling's letter.

Looking at the small amount ever contributed by the Home Government towards the religious instruction of the Convict or other population of New South Wales, since the first foundation of the Colony in the year 1788, I can scarcely think the Lords of Her Majesty's Treasury will desire to withdraw the allowance made by them on the recommendation of Lord Glenelg in 1836.

I have, &c,

GEO. GIPPS.

3d July.

Sir George Gipps to Right Hon. W. E. Gladstone.
(Despatch No. 140, per ship Palestine.)

Sir,

Government House, 3d July, 1846.

On the receipt of Lord Stanley's Despatch No. 108 of the 31st August, 1845, I took measures for procuring from Mr.
La Trobe the explanation required by that Despatch, in respect to various transactions alluded to in the Report from the Chief Protector of Aborigines, which was forwarded with my Despatch No. 41 of the 23d Feb'y., 1845; and I have the honor herewith to forward a Copy of a letter from Mr. La Trobe, giving the Explanation required.

I have, &c.,

[Enclosure.] GEO. GIPPS.

[A copy of this letter, dated 18th June, 1846, will be found in a volume in series III.]

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 46, per ship Tasmania.)

Sir, Downing Street, 4 July, 1846.

I transmit to you herewith Copies of a correspondence with the Board of Treasury from which you will perceive that the sum of two Thousand Pounds has been recovered from the Surety of Mr. Manning, and that it will be paid under the directions of the Lords Commissioners into the Local Treasury. It will then be placed at the disposal of the Supreme Court, to be applied as that Court may direct, for the relief of the Sufferers by Mr. Manning’s default.

I have, &c.,

W. E. GLADSTONE.

[Enclosure No. 1.]

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

Sir, Treasury Chambers, 15 June, 1846.

With reference to the communications from this Department of 23d June and 3d January last, respecting the Security of Mr. Manning, the late Registrar of the Supreme Court at New South Wales, I am commanded by the Lords Commissioners of Her Majesty’s Treasury to state to you for the information of Mr. Secretary Gladstone that the sum of £2,000 has been recovered from Mr. Manning’s Surety, and to request that you will move Mr. Gladstone to cause my Lords to be informed whether he sees any objection to the payment of the said sum to the Agent General for New South Wales on account of the Colonial Government.

I am, &c.,

C. E. TREVELYAN.

[Enclosure No. 2.]

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

Sir, Downing Street, 20th June, 1846.

I have laid before Mr. Secretary Gladstone your Letter of the 15th instant, and I am directed to acquaint you in reply, for the information of the Lords Commissioners of the Treasury, that Mr. Gladstone conceives that the money which has been recovered from Mr. Manning’s Surety should be placed at the disposal of the Supreme Court of New South Wales, to be applied as that Court may direct for the relief of the sufferers by Mr. Manning’s default.

I am, &c.,

JAS. STEPHEN.
1846.

Correspondence re disposal of money recovered.

[Enclosure No. 3.]

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

Sir,

Treasury Chambers, 29th June, 1846.

With reference to your Letter dated the 20th instant, I have it in command to acquaint you, for the information of Mr. Secretary Gladstone, that the Lords Commissioners of Her Majesty’s Treasury see no reason to dissent from the proposition therein submitted to them in regard to the disposition of the amount that has been received from Mr. Manning’s Surety; and you will further state that my Lords will be prepared to give Directions for the payment of the said amount either to the Colonial Treasury at New South Wales, or to the Agent General in this Country on account of the Colonial Government, as Mr. Gladstone may see fit to suggest.

I am, &c.,

C. E. Trevelyan.

[Enclosure No. 4.]

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

Sir,

Downing Street, 4 July, 1846.

Having laid before Mr. Secretary Gladstone your letter of the 29th Ultimo, I am directed to acquaint you in reply, for the information of the Lords Commissioners of the Treasury, that Mr. Gladstone would suggest that the sum of money which has been recovered from Mr. Manning’s Surety should be paid to the Colonial Treasury in New South Wales, and Mr. Gladstone will give directions to the Governor for the appropriation of it in the manner pointed out in my Letter of 20th ulto.

I am, &c.,

J. Stephen.

Right Hon. W. E. Gladstone to Sir Charles Fitz Roy.

(Despatch No. 47, per ship Tasmania.)

Sir,

Downing Street, 4 July, 1846.

I have received your Predecessor’s Despatch No. 19 of the 25th of January last, reporting that, in consequence of the opinion expressed to him by Mr. Barnes, the Collector of Customs in Van D. Land, that the present Establishment of Landing Waiters in the Customs Department at Sydney was inadequate to the business of the Port, he had made two new Appointments to that branch of the Public Service in the persons of Mr. Henry Callander and Mr. De Courcy Bremer, at a Salary in each instance of £200 per annum.

Having communicated a Copy of that Dispatch to the Lords Commissioners of the Treasury, their Lordships have apprised me that they await the receipt of further reports and information respecting the state of the Customs Department at Sydney, before they can form an opinion as to the necessity for a permanent addition to it of two Landing Waiters. In the meantime, therefore, you will understand that the arrangements in question are to be considered as entirely temporary.

I have, &c.,

W. E. Gladstone.
GLADSTONE TO FITZ ROY.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY. (Despatch No. 48, per ship Tasmania.)

Sir,

Downing Street, 4 July, 1846.

I have received your Predecessor's Dispatch No. 10 of the 15th of January last, requesting permission to issue Letters of Denization to Frederick Brequet and Louis Petavel, Natives of Switzerland, who have been for the last four years settled at Port Phillip; and I have to authorise a compliance with that application.

I have, &c.

W. E. GLADSTONE.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY. (Despatch No. 49, per ship Tasmania.)

Sir,

Downing Street, 4 July, 1846.

I have received Sir George Gipps' Dispatch No. 33 of the 8th of Feb. last, requesting permission to issue Letters of Denization to Edward Austin, a Native of Bavaria, who had been for seven years resident in the Town of Bathurst, and I have to authorise a compliance with that recommendation.

I have, &c.

W. E. GLADSTONE.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY. (Despatch No. 50, per ship Tasmania.)

Sir,

Downing Street, 4 July, 1846.

I have laid before The Queen your Predecessor's Dispatch No. 201 of the 23d Novr. accompanied by an Act which had been passed by yourself and Council, entitled, "An Act to exempt from duty for a limited time Metallic Ores imported into New South Wales," and I have received Her M.'s Commands to inform you that Her Majesty has been graciously pleased to confirm and allow the same.

You will communicate Her Majesty's decision to the inhabitants of the Colony under your Government by a Proclamation to be published in the usual and most authentic manner.

I have, &c.

W. E. GLADSTONE.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY. (Despatch No. 51, per ship Tasmania; acknowledged by Sir Charles Fitz Roy, 17th February, 1847.)

Sir,

Downing Street, 4th July, 1846.

I have received your Predecessor's Despatch, dated the 23d November, 1845, and numbered 196, accompanied by the transcripts of two Acts passed by the Legislature of New South Wales in the same Month, intituled No. 28 "An Act to give to valid Mortgages of Sheep, Cattle and horses, priority for a

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limited period according to the date of the Registration thereof, and for other purposes therein mentioned”; and No. 30 “An Act to repeal an Act, entitled, ‘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 Mortgagor,’ and to substitute for a limited time other provisions in lieu thereof.”

Her Majesty has been pleased to confirm and allow both of these Acts.

Her Majesty in Council will, in pursuance of the Statute 5 and 6 Victoria, C. 76, Sec. 32, disallow the Act passed by the Legislature of New South Wales, in the 7th year of Her Majesty’s Reign, intituled “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 Mortgagor.”

The effect of these Measures will be to sanction until the end of the year 1848 and no longer, in the present new and modified form, the system of mortgaging Wool and Sheep, to which, as a permanent system and in its original form, Lord Stanley expressed so decided an objection. The disallowance of the Act so objected to had become inevitable, since, otherwise, it would have revived on the expiration in the year 1848 of the repealing Act.

Under the arrangement as it will now stand, it will be open to you to bring the subject of a further continuance of these, or any equivalent measures, under the consideration of the Government, in case you shall hereafter see cause to think that the decision of Lord Stanley should be reviewed.

The provision in the 5th Clause* of the Act, No. 28, respecting the effect of the disallowance of the original Act is, I think, superfluous, if not improper. It is a well established rule that the disallowance of a Colonial Act operates prospectively from the receipt by the Governor of the order of disallowance, and does not operate retrospectively so as to invalidate any Act which may have been done in pursuance of the disallowed Law. But, as a different opinion appears to have been expressed in New South Wales, and as the property affected by any such question is of such serious magnitude, I have not thought it right to insist on this objection. At the same time, I am unwilling to part with the subject without thus recording my opinion that this enactment is unnecessary, as it might be very inconvenient, in some future case, if Her Majesty’s Government were understood to have acquiesced in the supposed necessity for it.

I have, &c.,
W. E. Gladstone.

* Note 14.
GIPPS TO GLADSTONE.

1846.
4 July.

RIGHT HON. W. E. GLADSTONE TO SIR CHARLES FITZ ROY.

(Despatch No. 52, per ship Tasmania.)

Sir,
Downing Street, 4 July, 1846.

I have received a Memorial from Mrs. J. Caroline Carrington, dated Sydney, 21st October, 1845, praying for Compensation for the losses and injuries alleged to have been sustained by her late husband, a Member of the legal profession at Port Phillip, from the proceedings of Mr. Justice Willis in his Judicial capacity; and I have to request that you will acquaint the Memorialist that this is a case in which it is beyond the province of the Executive Government to interpose.

I have, &c,
W. E. GLADSTONE.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 141, per ship Palestine; acknowledged by Earl Grey, 30th January, 1847.)

Sir,
Government House, 4th July, 1846.

Referring to my Despatch No. 103 of the 24th May last, wherein I recommended that a Pension of four shillings per diem should be granted to Mr. Joshua Allott, Crier of the Supreme Court, aged 86 years, I have now the honor to report that, in consequence of the earnest representations made to me by the Judges of the increasing infirmities of Mr. Allott, I have caused him to be relieved from the performance of any further duties, and the payment of his Pension to commence from the 1st July instant.

I have, &c,
GEO. GIPPS.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 142, per ship Palestine; acknowledged by Earl Grey, 12th March, 1847.)

Sir,
Government House, 5th July, 1846.

With reference to Lord Stanley's Despatch No. 120 of the 5th October, 1845, and prior correspondence on the subject of the seizure of the Schooner "Shamrock," which Vessel was ordered by the Lords of the Treasury to be returned to its owners, the Messrs. Campbell of this place, I have the honor herewith to transmit a second Memorial from the Messrs. Campbell to the Lords of the Treasury setting forth that the sum of £102 16s. 4d. has been withheld from them by the Collector of Customs at this Port.

I also enclose a Copy of a letter from the Collector on the same subject.

* Note 15.
The simple facts of the case are as follows:

The decision of the Lords of the Treasury "that the Schooner should be returned to the Messrs. Campbell" could not be strictly acted on, because the Schooner had been sold by the Seizors. The money therefore produced by the sale of the Vessel, or rather the portion of that money remaining in the hands of the Collector, was tendered by that Officer to the Messrs. Campbell; but, out of the produce of the sale, the sum of £102 16s. 4d. had been paid for expenses attendant on the seizure and condemnation of the Vessel. The remainder or £307 3s. 8d. (the Vessel having been sold for £410) has been accepted by the Messrs. Campbell under protest, and the object of their Petition is to obtain the difference.

I have, &c.,

Geo. Gipps.

[Enclosures.]

[Copies of these papers are not available.]

Sir George Gipps to Right Hon. W. E. Gladstone.

(Despatch No. 143, per ship Palestine.)

Sir,

Government House, 6th July, 1846.

I have had the honor to receive Your Despatch No. 10 of the 4th January, 1846, in which, after adverting to the case of the unfortunate ship "Mary" wrecked in Bass Straits on her Voyage from Sydney to England, you suggest the propriety of adopting in the Colony the Passengers Act, 5th and 6th Vict., ch. 107; and I have the honor to report for your information that, in the month of August, 1845, soon after the shipwreck of the "Mary," a proposal was made to me by the Harbour Master of Sydney (Lieut. Moriarty, R.N.) that the Passengers Act should be adopted, under the authority given to Governors of Colonies by the 38th Clause of it; but, after mature consideration, I came to the conclusion that little good could be expected to result from the simple adoption of it. The "Mary" would not have come under the operation of the Act, had it even been in force at the time she sailed from Sydney, as she had not thirty passengers; and, moreover, she was surveyed, and pronounced to be seaworthy by a competent board of Surveyors, of whom the Agent for Lloyds was one.

In December last, the question was again brought before me, and again I came to the same conclusion. I shall now, however, leave the matter in the hands of my successor, who can of course, should he see fit so to do, bring the correspondence which has
taken place on the subject before the Legislative Council in the course of its next Session, with a view to the enactment of some local regulations under the 47th clause of the Act.

I have, &c.,

GEO. GIPPS.

EARL GREY TO SIR CHARLES FITZ ROY.

(A circular despatch, per ship Tasmania; acknowledged by Sir Charles Fitz Roy, 21st December, 1846.)

Sir,

Downing Street, 7th July, 1846.

I have the honour to inform you that Her Majesty has been pleased to entrust to my care, as one of the Principal Secretaries of State, the Seals of the Colonial Department.

I have, &c.,

GREY.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 144, per ship Palestine; acknowledged by earl Grey, 3rd June, 1847.)

Sir,

Government House, 7th July, 1846.

I have the honour to receive your Despatch of the 24th January, 1846, No. 21, wherein I am required to furnish information called for by the Lords of the Treasury in respect of the Salaries of the Astronomer at Parramatta and the keepers of the Meteorological Journals at the South Head (Sydney), Port Macquarie, and Melbourne.

In respect to the Astronomer, I have, in reply, the honor to state that the authority for charging his Salary on Home funds was first given in a Despatch from Lord Goderich to Governor Darling of the 30th July, 1827, No. 41; and that, by another Despatch dated the 6th January, 1829, No. 81, the Salary of the Astronomer (Mr. Rumker) was fixed at £300 a year. The present Astronomer, Mr. Dunlop, was appointed in London in 1831; and he informs me that all preliminaries were settled at the Colonial Office with Lord Howick and a gentleman whose name he cannot now recollect. The date of his appointment, according to the Blue Book, is 7th May, 1831; but he did not arrive in the Colony until the 6th November in that year.

The Meteorological Journals at the South Head, Port Macquarie and Melbourne, were established in March, 1840, in consequence of the receipt of Lord Glenelg’s Circular Despatch of the 29th November, 1838. The persons employed to keep them were: Convicts of the Class known by the name of “Specials” or gentlemen Convicts, that is to say, educated men, who were never placed in assignment or employed at hard labour, and who were consequently maintained at the expense of the Home.
1846.  
7 July.

Payments to keepers of journals.

Publication and preservation of meteorological journals.

Government, without a return of any sort being made for their labour, unless when employed as clerks in any Public Department, and the practice of so employing them has of late years been generally condemned and almost entirely abandoned.

Considering the keeping of the Meteorological Journals to be an object of Science, expressly recommended to me by the Secretary of State, I felt myself justified in employing Convicts of this description or so-called “Specials” in the work; and, as they were necessarily placed in solitary and remote Stations, I caused the sum of 1s. 6d. per diem to be paid out of Convict funds to each of three so employed, that being the amount which it was calculated they had previously each cost the Government for Rations, Clothing, etc., the issue of which was, from the commencement of their being employed in keeping these Journals, of course discontinued. The authority for their payment from Convict funds was given in a letter from the Colonial Secretary to the Deputy Commissary General, of which a Copy is enclosed; it was also reported in the Quarterly Schedule of Appointments to Office for the 30th June, 1840, which was forwarded with my Despatch of the 4th October of that year, No. 145.

Abstracts of the Registers are published weekly in the Government Gazette of the Colony, and the Registers themselves are preserved in triplicate with the Records of the Colony. Of these respective documents specimens are sent herewith.

Trusting that this explanation may prove satisfactory, I shall not, without your express orders, make any alteration in the arrangement respecting the keeping of the Journals; but I have to remark that the class of so-called Special Convicts is fast disappearing in the Colony, and that the expense is one which must very shortly cease.

1 have, &c.,

[Enclosures.]

[Copies of these papers are not available.]

GEO. GIPPS.

8 July.

Payment for interest on debentures in London.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 145, per ship Palestine.)

Sir, Government House, 8th July, 1846.

With reference to my Despatches dated and numbered as in the margin,* I have the honor to report that I have this day paid into the Military Chest the sum of £217 4s., to meet the payment by Mr. Barnard of the interest on Debentures, which will fall due in London on the 31st December, 1846.

I have, &c.,

GEO. GIPPS.

* Marginal note.—6th Augt., 1845, No. 124; 18th Janv., 1846, No. 12.
Sir,

Downing Street, 9th July, 1846.

An application has been received at this Department from the father of Mr. C. Carpenter, late Surgeon of the Emigrant Ship "Cataraque," to be permitted to receive the amount of remuneration to which his son would have been entitled, if he had landed with the Emigrants from that Ship at Port Phillip.

From the enclosed Copy of a report from the Colonial Land and Emigration Commissioners, it appears that the sum of £183 10s. is the amount of that remuneration, and the Lords Commissioners of the Treasury having authorised the transfer of that amount from the Commissariat Chest Fund to the account of Mr. Barnard, the Colonial Agent, as an advance on account of expenses of Emigration to New South Wales to be paid to the legal Representatives of Mr. Carpenter, I have to request that you will forthwith repay that advance to the Commissariat Chest on that Station.

I have, &c.,

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Sir,

Colonial Land and Emigration Office, 5th June, 1846.

With reference to the concluding portion of your Letter of the 24th of April on the subject of the Gratuity of the late Mr. Chas. Carpenter, Surgeon of the "Cataraque," We have the honor to state that on enquiry we learned that Mr. Carpenter had made a Will, in which he appointed his brother the Revd. Thos. Carpenter sole Executor, and that this gentleman has informed us that it is his intention to prove the Will without delay.

With regard to the amount which would have been payable to the late Mr. Carpenter, seeing that from the published accounts the whole number embarked may be presumed to have been alive at the time of the Wreck, we estimate the sum at £183 10s., being at the rate of 10s. per head on 367 Emigrants who embarked; and We would beg leave to recommend that the Lords Commissioners of Her Majesty's Treasury may be moved to advance to the Agent General for Crown Colonies the above amount with a view to its being paid to the legal representative of Mr. Carpenter for the service in question.

We have, &c.,

T. FREDK. ELLIOT.
C. ALEXANDER WOOD.

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 146, per ship Palestine.)

Sir,

Government House, 9th July, 1846.

I have had the honor to receive Your Dispatch, No. 23 of the 31st January, 1846, enclosing an Extract from a Report by
the Commissioners of Customs, recommending the reestablishment of the Office of Comptroller of Customs in New South Wales, and desiring that I will furnish any observations which occur to me as necessary in connexion with the revival of the Office in question.

In reply, I have the honor to state that I have great reason to fear that the Establishment of the Customs was reduced too low, when the Office of Comptroller was abolished; and that I consider the reestablishment of the Office to be very necessary. In this opinion the Collector of Customs concurs, as also does Mr. Barnes, who has been at Sydney for several months past on a Special Mission for the purpose of enquiring into the state of the Customs Department.

I enclose a Copy of a Memorandum on the subject, which has been handed to me by the Collector.

I have, &c.,

Geo. Gipps.

[Enclosure.]

[A copy of this memorandum is not available.]

SIR GEORGE GIPPS TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 147, per ship Palestine; acknowledged by earl Grey, 19th January, 1847.)

Sir,

Government House, 9th July, 1846.

It was represented to me in the month of February last by Mrs. Chisholm, a lady who has on many occasions made herself useful to this Government in matters connected with the disposal of Emigrants, that, during the course of the great Immigration which took place into this Colony, many Children had been left in Great Britain or Ireland in consequence of the inability of their Parents to pay the sum of money, varying from £2 to £5, which, prior to the 7th January, 1842, was demanded by the parties calling themselves Bounty Agents for the passage of each Child.

Having enquired into this matter, and received on it a Report from Mr. Merewether, the Agent for Immigration, I caused, on the 26th May last, a Notice to be issued, of which a Copy is enclosed.

As soon as the conditions required by the Notice have been in each separate case complied with, the applications will be forwarded by the Secretary of this Colony to the Commissioners of Colonial Lands and Emigration, with all necessary information, in order to the establishment of the identity of the Children.
The number of Children, for whom a passage has been applied for, is up to the present date,

Males, 37, Females 32,
as shewn in the accompanying Return.

I trust my proceedings in this matter will meet your approbation.

I have, &c,

Geo. Gipps.

[Enclosure No. 1.]

[This notice, dated 26th May, 1846, was printed in the "Government Gazette."]

[Enclosure No. 2.]

RETURN of Bounty Immigrants’ Children, for whom free passages have up to the present date been applied for at Sydney under the Notice of the 26th May, 1846.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>M</th>
<th>F</th>
<th>Total under 14 years</th>
<th>14 to 16 years</th>
<th>Above 16 years</th>
<th>Total above 14 years</th>
<th>General Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 to 10 years</td>
<td>13</td>
<td>19</td>
<td>4</td>
<td>7</td>
<td>17</td>
<td>26</td>
<td>3</td>
</tr>
</tbody>
</table>

Francis L. S. Meredith,
Agent for Immigration.

EARL GREY TO SIR CHARLES FITZ ROY.

-(Despatch No. 2, per ship Tasmania; acknowledged by Sir Charles Fitz Roy, 16th May, 1847.)

Sir,

Sir George Gipps’ Dispatch No. 194 of the 21st of Novr. last has been received at this Department, with a copy of a Report of a Committee of the Legislative Council on the subject of the erection of Lighthouses in Bass’ Straits.

A copy of that Dispatch having been transmitted for the consideration of the Lords Comrs. of the Admiralty, I transmit for your information a copy of a letter from the Secretary to that Board.

I have given instructions to the Colonial Agent for obtaining proper estimates of the cost of the Lamps and Machinery for the Lighthouses, in order that they may be procured and sent out with the least possible delay; and I have directed that, in the execution of this Service, he should obtain the advice and assistance of the Elder Brethren of the Trinity House, and that he should place himself, as suggested by Sir George Gipps, in communication with Captain Blackwood, R.N. I have, &c,

Grey.
1846.
10 July.

Report on proposed lighthouses in Bass strait.

Mr. H. Corry to Under Secretary Stephen.

Sir,

Admiralty, 3rd July, 1846.

I have laid before my Lords Commissioners of the Admiralty your Letter of the 28th of May, transmitting, by desire of Mr. Secretary Gladstone, a Copy of a Despatch from the Governor of New South Wales, with Copies of the proceedings of the Legislative Council relative to the Erection of Lighthouses at Bass' Straights, and I am commanded by their Lordships in reply to express their satisfaction at learning that the Legislative Council of New South Wales has so humanely and promptly taken measures to render secure the navigation of Straits hitherto so dangerous.

My Lords are of opinion that the four Lighthouses, for which the Council has provided, appear to be amply sufficient for the safe navigation of the Straits, and the positions selected for them seem to be equally judicious, vizt.:

On Otway Point; King's Island (North End); Kent Island; Cape Howe.

On the first named point, it would be expedient that the Light should be elevated above the Sea from 150 to 250 feet according to the nature of the ground, and that it should revolve in order to prevent its being mistaken for casual fires or lights on the shore. Its revolution should be rapid, say twice in a minute, so as to distinguish it from the other revolving lights, which for the same reason should be one of slow movement.

That on King's Island should shew a fixed light, and to insure its being seen at a great distance and in all directions, it must be placed on the summit of the North end, which is between 500 and 600 feet high.

The light on Kent Island should revolve, so as to prevent any confusion with the fixed lights on King's Island, and it should make its revolutions about twice in three minutes, by which means it could never be mistaken for that on Cape Otway.

It also must stand on the summit, so as to be visible all round the Compass.

On Cape Howe a fixed Light will be proper; and, as it ought to be seen at some distance and yet not be remote from the shore, my Lords think it would require a Column of 80 or 00 feet high.

I have, etc.,

H. Corry.

Sir George Gipps to Right Hon. W. E. Gladstone.

(Despatch No. 148. per ship Palestine; acknowledged by Earl Grey, 15th March, 1847.)

Sir,

Government House, 10th July, 1846.

Before I relinquish the Government of this Colony, I think it right, as an act of justice to a deserving individual, to bring before you the case of a Mr. Homersham, and to submit my earnest request that he may be reinstated in the situation in the Customs at Sydney, from which he was dismissed in consequence of a letter from the Commissioners of
GIPPS TO GLADSTONE.

Sir George Gipps to Right Hon. W. E. Gladstone.

Government House, 10th July, 1846.

With reference to my Despatch No. 145 of the 8th instant, I have the honor to report that I have paid into the Military Chest the further sum of £70 10s. 8d., finding that that additional sum will probably be required to meet the Interest on Debentures payable by Mr. Barnard on the 31st December next.

I have, &c.,
GEO. GIPPS.
When Sir George Gipps sailed from Sydney in the ship "Palestine" on the 11th of July, 1846, Sir Maurice O'Connell, being the senior military officer, assumed the administration of the government. He held office until the arrival of Sir Charles Fitz Roy on the 2nd of August following.
DESPATCHES,
JULY, 1846.

SIR MAURICE O'CONNELL TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 1, per ship Eagle; acknowledged by Earl Grey, 11th January, 1847.)

Sir,
Government House, 14th July, 1846.

I have the honor to report to you the departure of Sir George Gipps, the Governor of this Colony, in the Ship "Palestine," which sailed from Port Jackson on Saturday the 11th instant for London direct. I enclose for your information a copy of the Supplement of the Government Gazette published on the 13th Instant, containing the various addresses presented to Sir George Gipps on his retirement from the administration of the Government of the Colony, with the answers which he returned to them.

Amongst these addresses will be found one from the Executive Council to which I had great pleasure in attaching my signature, in testimony of the unfeigned respect I have entertained for the public and private character of Sir George Gipps during the whole period I have had the honor to be associated with him as a Member of his Government.

It is further my duty to report to you that, in conformity with the provision contained in Sir George Gipps' Commission bearing date the 5th October, 1837, immediately on his departure I assumed, as Senior Officer in Command of Her Majesty's Forces within the Territory, the administration of the Government of the Colony, and I took the required Oaths before His Honor Alfred Stephen, Esquire, Chief Justice of New South Wales, and the Members of the Executive Council, on Monday the 15th Instant.

The Supplement of the Government Gazette above referred to also contains a copy of the Proclamation which I caused to be issued on the occasion.

I have, &c.,

M. C. O'Connell.

[Enclosure.]

[This was the supplement to the "Government Gazette," dated 18th July, 1846.]
EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 3, per ship Tasmania.)
Downing Street, 16th July, 1846.

Sir,

I have received Sir George Gipps' Dispatch, No. 42 of the 17th of Feb. last, addressed to my Predecessor, enclosing a Petition to the Queen from the Municipal Council of the Town of Melbourne, praying that, in the event of a Loan in aid of Immigration to New South Wales being sanctioned by Her Majesty, the Land Revenue of the District of Port Phillip may not be pledged in conjunction with that of New South Wales generally.

You will acquaint the Memorialists that I have laid the Memorial before the Queen, who was pleased to receive it very graciously, but that there exists no intention at present on the part of Her Majesty's Government of sanctioning the Loan which the Petitioners deplore.

I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 4, per ship Tasmania; acknowledged by Sir Charles Fitz Roy, 17th February, 1847.)

Sir,

Downing Street, 17th July, 1846.

With reference to my Predecessor's Desp. No. 51 of the 4th Inst., I transmit to you herewith, to be promulgated in the usual and most Authentic Manner, the enclosed Order of the Queen in Council, disallowing the Act of the Legislature of New South Wales, 7 Vict., No. 3, entitled 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."

I also enclose the Certificate, required by the Statute 5 and 6 Vict., Chap. 76, Sec. 32, of the day on which such Act was received at this Department.

I have, &c.,

GREY.

[Enclosure No. 1.]

ORDER-IN-COUNCIL.

At the Court at Buckingham Palace the 6th of July, 1846.

PRESENT:—The Queen's Most Excellent Majesty; His Royal Highness Prince Albert; Lord Chancellor; Lord President; Lord Privy Seal; Duke of Bedford; Marquess of Aberdeen; Marquess of Anglesey; Marquess of Clancarne; Earl of Jersey; Earl of Beborough; Earl of Clarendon; Earl Grey; Earl of Auckland; Lord John Russell; Viscount Palmerston; Viscount Morpeth; Lord Campbell; Mr. Fox Maule; Sir John Hobhouse, Bart.; Sir George Grey, Bart.; Mr. Macaulay; Mr. Chancellor of the Exchequer.

Whereas, by an Act passed in the 5th and 6th years of Her Majesty's reign, entitled "An Act for the Government of New South
O'CONNELL TO GLADSTONE.

Wales and Van Diemen's Land," it is amongst other things enacted that, whenever any Bill which shall have been presented for Her Majesty's assent to the Governor of the said Colony of New South Wales shall by such Governor have been assented to in Her Majesty's name, the Governor shall by the first convenient opportunity transmit to one of Her Majesty's Principal Secretaries of State an authentic Copy of such Bill, so assented to, and that it shall be lawful, at any time within two years after such Bill shall have been so received by the Secretary of State, for Her Majesty by Order in Council to declare Her disallowance of such Bill; and that such disallowance together with a Certificate under the hand and Seal of the Secretary of State certifying the day on which such bill was received as aforesaid being signified by the Governor to the Legislative Council of the said Colony by speech or Message to the said Council or by Proclamation in the New South Wales Government Gazette, shall make void and annul the same from and after the day of such signification. And Whereas, on the 15th of September, 1843, the Governor of the said Colony assented in Her Majesty's name to a Bill passed by the Legislative Council of the said Colony, intituled, "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, and to substitute for a limited time other provisions in lieu thereof," which Bill was received by the Right Honorable Lord Stanley, then one of Her Majesty's Principal Secretaries of State on the 22nd day of July, 1844; and Whereas it is expedient that the said Bill should be disallowed; Now therefore Her Majesty, in pursuance of the said Act, and, in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth by this present order by and with the advice of Her Majesty's Privy Council declare Her disallowance of the said Bill.

And the Right Honorable Earl Grey, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

W. L. BATHURST.

[Enclosure No. 2.]

CERTIFICATE.

I, HENRY, EARL GREY, being one of Her Majesty's Principal Secretaries of State having the Department of the Colonies, do hereby certify that the Act, passed in the 7th year of Her Majesty's Reign, entitled, "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," was received at this Department on the twenty second day of July, 1844.

Given under my hand and Seal, this 17th day of July, 1846.

GREY.

SIR MAURICE O'CONNELL TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 2, per ship Eagle.)

Sir, Government House, 18th July, 1846.

In attention to Your Despatch of the 12th February, 1846, addressed to Sir George Gipps requesting information on behalf of the person named in the margin* relative to her husband

* Marginal note.—Sarah Fidkins.
Roban Fidkins, I have the honor to transmit herewith a copy of a letter from Mr. Howe, one of the Magistrates acting for the District of Campbelltown in this Colony, containing the necessary particulars respecting the individual in question. It will be perceived that there is a discrepancy as respects his Christian name, and the year of his emigration to this Colony, the party calling himself Urban not Roban Fidkins and the year of his arrival being 1817 and not 1814 as stated by his wife. There is little reason, however, to doubt that he is the individual referred to.

I have the honor further to report to you that a Copy of Sarah Fidkins' letter has been transmitted to Urban Fidkins.

I have, &c.,
M. C. O'Connell.

[Enclosure.]

MR. W. HOWE TO COLONIAL SECRETARY.

Sir, Police Office, Campbelltown, 17th July, 1846.

In reply to your letter of the 2nd Instant enquiring about the individual named in the margin,* I have the honor to furnish you with the following particulars:—

A person calling himself Urban Fidkins resides near Denham Court in the District of Liverpool; he states he came by the Ship "Fame" in March, 1817; that he left Portsmouth on the 9th October, 1826, and wrote to his friends in June, 1844, to the care of James Sansbury, Banbury, Oxon. Fidkins is now acting as Schoolmaster at one Atkinson's near Denham Court.

I have, &c,
W. Howe, Junr., J.P.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 6, per ship Tasmania.)

Sir, Downing Street, 21st July, 1846.

The Letter and its Enclosure, of which the accompanying are Copies, have been addressed to one of my Under Secretaries by the Colonial Land and Emigration Commissioners.

* Marginal note.—Roban Fleskin or Fidkin.
GREY TO FITZ ROY.

You will observe that it has reference to a statement which appeared in the papers printed for Parliament relating to New South Wales, as having been made by Dr. Udney in his Evidence before a Committee of Council in that Colony, and affected the characters of certain Members of the Land and Emigration Office, whom it accused of uttering expressions injurious to the interests of New South Wales.

In compliance with the Commissioner's request, I have to desire that you would submit the explanation now afforded by them on this subject to the Legislative Council, in order that any unfavorable impression, which they may entertain of the conduct thus imputed by Dr. Udney to the Gentlemen in question, may be corrected.

I have, &c,

GREY.

[Enclosure No. 1.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Sir, Colonial Land and Emigration Office, 7th July, 1846.

We have the honor to report that we observed, in the evidence given by Dr. Udney before a Committee of Council in New South Wales, a statement that between three and four years ago Mr. Wilcocks of Plymouth and Alderman Andrews of Belfast, officers in land having called at the Office of this Board, every effort was used to dissuade them from proceeding to New South Wales, and that, whilst injurious expressions were employed regarding that Colony, Books were offered to them to convince them and their friends of the superiority of other places.

We thought it our duty to endeavour to ascertain the correctness of this statement by enquiry of the two Gentlemen referred to by Dr. Udney.

We have received the enclosed reply from Mr. Wilcocks, by which it appears that he never had any communication whatever at this office on such topics as those referred to, and that the only enquiries he ever made of the kind took place several years ago at the office of the separate Commission, which existed in the Adelphi for the Colony of South Australia.

We have made every effort to trace out the Gentleman alluded to as Alderman Andrews of Belfast, but no such person can be ascertained ever to have been known at Belfast.

Every person in the employment of this Commission has strict orders not to disparage any of the Colonies, nor to praise one at the expense of others; and we should be very glad if it be deemed right to place the Governor of New South Wales in possession of the present report, in order that he may have the means of correcting, if necessary, any impression that any of the Gentlemen in this office had been guilty of the serious impropriety implied in Dr. Udney’s Statement.

We have, &c,

T. FREDK. ELLIOT.
C. ALEXR. WOOD.
Extract of a letter from Dr. J. B. Wilcocks, dated Plymouth, 26th June, 1846, to S. Walcott, Esqre.

"Shortly after the commencement of my connection with Mr. John Marshall in 1839, I was in London when that Gentleman mentioned Dr. Udney's name to me, stating that he was the author of a Book, called an "impartial examination of all the Authors on Australia"; that he was a zealous promoter of Emigration to New South Wales; and that he was about to give lectures on Emigration in reference to that Colony in various parts of England; and that he would soon be at Exeter (where I was then residing) in the course of his Tour; and requested me to assist him in the object in view, which I promised to do. Subsequently I received a letter from Dr. Udney referring to Mr. Marshall's introduction, and stating the day he expected to be in Exeter; he afterwards arrived and found his way to my house, at which during his stay in Exeter and his subsequent return to it he received that hospitality and attention which it is usual to shew to a stranger coming recommended by a person of respectability. During the time Dr. Udney was in Exeter, he delivered several Lectures at the Athenaeum, the use of which I obtained for him, in which the advantages of emigration to New South Wales, particularly in Mr. Marshall's ships were highly lauded, while South Australia and all the other Colonies were deprecated. When not engaged in lecturing, Dr. Udney employed himself in distributing Mr. Marshall's circulars, with other publications on the advantages of emigration to New South Wales, and in visiting various places in execution, I believe, of his commission from that Gentleman to appoint Agents for him.

"At this period the Australian Colonies were as new to me as to large masses of other persons whose attention had not been specially directed to them. My own attention had in fact been engaged only in consequence of the departure of some friends the previous year (1838) in one of Mr. Marshall's ships to Sydney, and whose first letters containing glowing descriptions of the Colony I was then just receiving.

"During my visit to London, I had called at the office of the South Australian Commissioners in the Adelphi, with a view to obtain information on some points, I forget what now, and I recollect that, in mentioning New South Wales, some observations in depreciation of that Colony were made; the 'third Annual Report of the Colonization Commissioners for South Australia' was given to me. I afterwards called at the Rooms of Messrs. Capper and Gole, somewhere in West Strand, who were then known by their public Advertisements and was received (I think by Mr. Capper) most courteously, and he presented me with a work he had recently published, I do not recollect its title, but I think it was a history of South Australia. Now these circumstances, I have no doubt, I mentioned to Dr. Udney in the course of conversation as illustrative of the active exertions which the friends of each particular Colony were making; and, out of these very ordinary and in no way improper circumstances, has Dr. Udney's evidence arisen no doubt from a misconception on his part.

"The Visit to the South Australian Commission, and one interview of a few minutes with yourself on the subject of our Agency
in Plymouth after Mr. Marshall's Bankruptcy, are, as far as I can recollect, the only calls I have ever made at any 'Commission'; and on this latter occasion I do not think I even saw a clerk, for I rang the Door Bell, and, unless I mistake greatly, was shewn up to your room by the Porter. I can, therefore, most distinctly deny of evidence of having made such statements as attributed to me by Dr. Udney. J. R. Wilcocks

Who Alderman Andrews of Belfast may be, I know not. This is the first time I ever heard of him."

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 7, per ship Tasmania.)

Downing Street, 22d July, 1846.

Sir,

Your Predecessor's Dispatch, No. 195 of the 22d Novr. last, was received at this Department, in which he entered into an explanation of a question which had been raised by the Legislative Council of New South Wales, with regard to the payment of rewards to Informers with a view to the discovery and prevention of illicit Distillation, the Council having denied the right of the Executive Government to deduct the amount of such rewards from the gross proceeds of the Duties levied without the express authority of Acts of the local Legislature.

Mr. Secretary Gladstone having referred that question for the consideration of the Law Officers of the Crown, they have reported that they entertain some doubt upon the subject, but are disposed to think that rewards to Informers for giving information of the evasion of duties are not within the words, which appear in the 36 Clause of the Constitutional Act (5 and 6 Vict., c. 76), "Costs, charges, and expenses incident to the collection, management and receipt of the Revenue," and that the Council are, therefore, right in their view of the question.

The Law Officers have further suggested that, if those rewards are considered necessary for the detection of illegal Distillers, an Act should be passed to authorise them, which would of course set the question at rest. You are, therefore, authorised to introduce a Bill for that purpose into the Legislative Council, if you should consider such a measure to be necessary.

I have, &c,

GREY.

SIR MAURICE O'CONNELL TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 4, per ship Eagle; acknowledged by earl Grey, 10th January, 1847.)

Sir,

In conformity with the direction contained in your Despatch to Sir George Gipps of the 12th February, 1846, I have the honor to report that, having called on Mr. Ralph Ruddell of
Melbourne through the Superintendent of Port Phillip for a Copy of the letter, he addressed to the Secretary of State on the 16th August, 1845, requesting that a small Cattle run may be allotted to him with permission to pay for it by certain annual instalments, Mr. La Trobe has obtained from Mr. Ruddell a Copy of the letter referred to, or as nearly so as he is now able to supply. I beg leave to enclose herewith a Copy of Mr. La Trobe's letter to the Colonial Secretary of this Government, forwarding the Copy of the communication in question.

In transmitting this document, it is scarcely necessary for me to do more than express my entire concurrence in Mr. La Trobe's opinion that neither of Mr. Ruddell's proposals can be complied with without a complete departure from existing rules and regulations, nor indeed as regards the proposed mode of payment for the run, without an infraction of the provisions of the Crown Lands Sales Act, 5th and 6th Victoria, Cap. 36.

I have, &c.,

M. C. O'Connell.

[Enclosure.]

[A copy of C. J. La Trobe's letter, dated 11th July, 1846, with the enclosure, will be found in a volume in series III.]

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 8, per ship Tasmania.)

Sir, Downing Street, 25 July, 1846.

With reference to my Predecessor's Despatch, and its enclosures No. 46 of the 4th Instant, I have now to inform you that the Lords Commissioners of the Treasury have given directions for the payment to the Treasury of New South Wales by the Officers in charge of the Commissariat in that Colony of the sum of Two thousand Pounds in such manner as you may require, being the amount recovered from the Security of Mr. Manning, late Registrar of the Supreme Court.

I have, &c.,

Grey.

SIR MAURICE O'CONNELL TO RIGHT HON. W. E. GLADSTONE.
(Despatch No. 5, per ship Eagle.)


In conformity with the instructions conveyed to Sir George Gipps in Lord Stanley's Despatch No. 34 of 9th March, 1843, I have now the honor to transmit herewith the Annual Account rendered by the Colonial Treasurer of New South
Wales of the sums received and payments made for the services and purposes specified in the Schedules A, B and C, annexed to the Act, 5th and 6th Victoria, Cap. 76, for the Year 1845.

For any explanation of the items of this Account which may be desired, I beg to refer to the Quarterly Accounts current of the Colonial Treasurer of the Receipts and Expenditure under the Schedules referred to, with the Vouchers in support of the same, which, I am informed, have been transmitted by the Auditor General of this Colony to the Commissioners of Audit in London.

I have, &c.,

M. C. O'Connell.

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

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 9, per ship Tasmania; acknowledged by Sir Charles Fitz Roy, 27th December, 1846.)

Sir, Downing Street, 27th July, 1846.

An application has been received at this Department from Mr. J. A. Jackson, dated Sydney, 27th December, 1845, referring to the circumstances under which he had tendered his resignation of the Office of Colonial Secretary at South Australia and urging his claims to re-employment in the Colonial Service.

It is unnecessary to enter into a statement of the circumstances of this case, which had reference especially to the period during which he held the Office of Treasurer under the same Government. But, the Lords Commissioners of the Treasury having in the year 1843 expressed their opinion that, unless Mr. Jackson succeeded in explaining his conduct, his employment in the Public Service should still be discontinued, it was thought proper on receiving the recent application from Mr. Jackson to ascertain from the Lords Commissioners whether, from that communication or from any other explanations rendered by him either to their Lordships or to the Commissioners of Audit, they were led to consider that Mr. Jackson had succeeded in removing the imputation which had rested on his character in connection with the circumstances referred to.

I transmit to you herewith copies of the Correspondence with the Board of Treasury, and I have to request that you will communicate them to Mr. Jackson. Adverting to the effect of Mr. Trevelyan's Letter, it is impossible for me to hold out to Mr. Jackson a prospect of employment under this Department.

I have, &c.,

GREY.
[Enclosure No. 1.]

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

Sir,

Downing Street, 4 June, 1846.

With reference to your Letter of the 27th November, 1843, and to the opinion of the Lords Commissioners of the Treasury, therein expressed, that, unless Mr. Jackson should succeed in explaining his conduct in reference to the sum of money, the proceeds of the Land Revenue of South Australia, which had been retained in the Bank of South Australia without the knowledge of the Governor, it was inexpedient that he should be again employed in the public Service, I am directed by Mr. Secretary Gladstone to transmit the enclosed Letter from that Gentleman for the consideration of their Lordships, and to request that you will move the Lords Commissioners to acquaint him whether, from this or from any other explanations should such have been rendered by Mr. Jackson either to their Lordships or to the Commissioner of Audit, they are led to consider that Mr. Jackson has succeeded in removing the imputation which then rested on his character in connection with the transaction referred to.

I have, &c.

JAS. STEPHEN.

[Sub-enclosure.]

MR. J. A. JACKSON TO LORD STANLEY.

My Lord,

Sydney, New South Wales, 27 December, 1845.

When in England last year, I had the honor of a correspondence with your Lordship in the course of which, in a Letter dated 3rd August, 1844, I submitted to your Lordship's consideration the grounds upon which I conceived I had claims upon Her Majesty's Government for re-employment in the public Service of the Colonies, and that Your Lordship was unable to make any promise on the subject of my application. It is with great reluctance that, at this distance of time, I again bring myself under your Lordship's notice and beg your Lordship to turn your attention from subjects of high and pressing importance to the case of an individual humble as myself. My excuse for this intrusion must rest on the belief which I have never ceased to entertain that I have claims upon the justice of your Lordship, and that Your Lordship is ever ready to listen to an appeal made upon such a representation. And yet, my Lord, however well founded those claims may be, I should not thus trespass on your Lordship's attention, were the fact not that, after many ineffectual efforts in this place, at Port Phillip and in Van Diemen's Land since my return to these Colonies twelve months ago to obtain means of support for my family, I have at length before me the immediate prospect of destitution. It may be very unusual to me I assure your Lordship it is very humiliating thus to address Her Majesty's Secretary of State. But most truly did I say in my Letter to Your Lordship of July 17th, 1844, that my acceptance of Office in South Australia has been the cause of my ruin; though I did not then foresee that all hopes of a retrieval were entirely cut off. I now discover that the devotion of time spent by me in South Australia at the most critical period of my life and to avocations of no value whatever in the ordinary pursuits of life has been of irreparable injury to me. Opportunities of profit and advancement have been lost, which can never occur again; at the same time, friends have died, others from distance of time and place have become estranged in the great vicissitudes which have fallen upon these Colonies; misfortunes have overtaken others, and I have seen a young family increasing around me at once demanding renewed efforts on my part to obtain employment and limiting my power of seeking it to this remote quarter of the Globe. Whether Your Lordship did not preclude my entertaining hope of re-employment, when I was in England; and I now earnestly beg your Lordship to nominate me to some Office in the Australian or Eastern Colonies of the Crown, compatible with those which I have already had the honor to fill in Her Majesty's Service.

In making this renewed application to Your Lordship, there are a few points which I think I may properly bring under your Lordship's consideration. In my Letter to Your Lordship from this Country, dated 19 August, 1843, reference was
made (more particularly in the accompanying correspondence which had shortly before passed between myself and Governor Grey's Private Secretary) to certain instructions from the Colonization Commissioners to the Colonial Treasurer of South Australia. I feel, my Lord, that no proposition can be clearer than that, where a Public Accountant has responsibilities, he must have some correlative rights; and that among the letter are these: First, there should be left no room for doubt what are the rules and regulations by reference to which his accounts are to be audited; Second, that an Accountant at this end of the Globe should have a prompt and efficient local Audit of his Accounts before their transmission for final Audit to England, by which errors being promptly pointed out would in almost every possible instance admit of ready correction and their recurrence be easily prevented for the future. Now I must beg leave to say that whatever circumstances and chiefly I believe my own spontaneous suggestion may have given an admitted importance to the instructions in question, and caused them to be referred to as pointing out proper principles of public Accountancy; they at no time came recommended to my notice in a formal or authoritative manner, so as to stamp them my responsible instructions; but that, so far to the contrary on my appointment to the Office of Colonial Treasurer, I had them wholly unheeded in practice, and if I had been an inefficient treasurer.

In my same Letter of August, 1843, your Lordship was apprised of a certain Memorandum, which, in November, 1839, I submitted to Colonel Gawler from whom it received a flattering approval. With exception of the last paragraph, this Memorandum embodied a detail of practice suggested for improving (as far as I could gather it) the actual mode of conducting the Public Accounts of the Colony; and I may presume Governor Grey furnished your Lordship with a Copy of it in compliance with a request, which I made to that effect. The original document was accompanied with many forms of Accounts prepared by me, of which Copies were afterwards at the Governor's desire forwarded by me to all heads of Public departments; and I think it must be apparent on the face of it that at least it evinced an anxiety on my part to render myself an useful Public functionary. It certainly was my opinion at the time that greater experience has caused me to modify it since, that the various suggestions embraced in this paper were all of them called for by existing circumstances, though in saying this I would be understood to contemplate merely the form and arrangement of the Memorandum embodied in the paper, without delay for a rectification of any errors caused by their neglect or inadvertence. This unfortunate omission I only learned from the English Commissioners of Audit nearly two years after my first Quarter's Accounts were closed and sent in; and in the neighbouring Colonies of New South Wales and Van Diemen's Land, I believe the practice is (as it afterwards became in South Australia upon my representation) not only to prepare all Warrants in the local Audit Offices, but also all Vouchers of Expenditure, so that they are fully guaranteed against error before being sent to the Colonial Treasuries; though still I presume they would receive a formal Audit after being made Treasury Vouchers, and before their transmission to England. But the Audit Offices of these Colonies were established with experienced Clerks and are superintended by old and experienced Officers from the Army Commissariat of Accounts. The consequent advantages to the Colonial Accountant are incalculable. In South Australia throughout the period of my public Accountancy, it is perhaps only fair to others to say the Auditor General was also Sheriff of the Colony, probably never had any appropriate experience and had little and but inefficient clerical assistance. The Audit Office was indeed only established against error before being sent to the Colonial Treasuries; though still I presume they would receive a formal Audit after being made Treasury Vouchers, and before their transmission to England. But the Audit Offices of these Colonies were established with experienced Clerks and are superintended by old and experienced Officers from the Army Commissariat of Accounts. The consequent advantages to the Colonial Accountant are incalculable. In South Australia throughout the period of my public Accountancy, it is perhaps only fair to others to say the Auditor General was also Sheriff of the Colony, probably never had any appropriate experience and had little and but inefficient clerical assistance. The Audit Office was indeed only established against the time of my appointment.

I say, my Lord, that heads of Departments were individually responsible for the correctness of their accounts. But I had solicited Colonel Gawler's attention to the necessity of this being felt by these Officers as something more than a mere formality, and accordingly at a large Meeting of all the public functionaries of the Colony convened by the Governor for the purpose early in the year 1840 (according to a practice usual at the time, and which unfortunately led to some neglect of the practice of written instructions), this responsibility was very emphatically impressed upon them; and assumedly the now notorious fact that, as Treasurer, I never was interrogated upon the accuracy of individual vouchers, left me no room to doubt that in their local audit every inquiry had been made of those Officers, necessary to their elucidation or correction, and satisfactorily replied to before their transmission to England.
I cannot forbear troubling Your Lordship with a few remarks on another point, already brought under your Lordship's notice in my letter from Sydney of August, 1843. I refer to the observations made by the local Audit Board called into existence by Governor Grey in the course of that year, on what they termed my "deliberate recommendations to set aside" my instructions. I expressly stated, in the memorandum to which they refer, that the practice had been to obey Warrants without any demur, and it was submitted that this practice "should continue." There is surely, my Lord, an obvious difference between broadly recommending instructions to be "set aside," and suggesting as here is done that a practice already established should, although opposed to certain instructions, for reasons which appeared cogent, be permitted to continue. The one case assumes the instructions to be presently existing to full and admitted force and duly acted upon, and that then they were recommended to be no longer followed; the other that, if they ever had such character, they had grown into practical disuse. A reference to them at all by me was perhaps a superfluous caution.

There is another observation I would beg to offer on this particular branch of the subject. I have no desire to shrink from any responsibility justly attaching to any act of mine; but I think I may fairly point out that the document, which the Local Board subject to such summary censure, was in no such summary censure, was of a nature not wholly public and official. It is the suggestion of an inferior to a superior functionary, and it is to be presumed, before acting upon, would receive from the latter all the grave consideration which his responsibility, so much greater in ordering than mine in suggesting, would require at his hands.

The more regular course indeed, it is surmised, would have been for the superior authority to have issued public orders, founded if he pleased on my suggestions, but ostensibly emanating from himself.

Had this usual mode of proceeding been adopted, a single act of mine would not thus have appeared to my disadvantage and been held up as it has been. I cannot avoid saying, in a tone if not in a spirit of hostile advocacy. Indeed an attentive examination of the remarks of the Audit Board, in close connexion with my own and Colonel Gawler's actual expressions, appears to me in more than one instance to evidence a want of due care in drawing out general conclusions from the express terms before them; the more objectionable this that these conclusions are condemnatory of others. They remark that explicit orders are deliberately recommended to be set aside "in anticipation of the Governor occasionally acting contrary to express Instructions, etc." Your Lordship will find that the principal grounds of my suggestions were that "the exigencies of the Public Service must frequently require that disbursements should be made without time being given for reference to the Commissioners at home; and that the Governor remarks that the Public Service in this Province urgently demands that considerable expenses should from time to time be incurred not sanctioned by any specific Warrant from the Commissioners." My recommendations and the Governor's approval of them, therefore, really rested upon grounds quite opposed to those stated by the Board. I had in view a course of expenditure in the midst of which I suddenly and I must say I quite unexpectedly found myself, so extensive that my first quarter's accountancy numbered, if my memory serves me correctly, nearly nine hundred (900) separate credit vouchers, and amongst the immense detail and minute that the Board espoused in these documents, I believe I am quite within bounds in saying that nineteen twentieths had no express sanction from any authority in the Mother Country. It was really because what was contemplated as only occasional and exceptional had become the rule, that my recommendations now in question were made.

In truth, My Lord, there is a contagion of the mind which requires so small degree of vigilance to guard against in cases like the present. When once there arises a rumour that those in Office in former times have committed errors, it is so common for men to join in indiscriminating condemnation of the past. Faults, imprudences, inadvertencies become all magnified; while the qualifying circumstances, in connexion with which the same acts would be meritorious which viewed singly are exposed to censure, are forgotten or lost sight of. Pardon these reflections, My Lord; but in this instance all the hidden motives of vanity and self interest would be peculiarly called into action to back those general tendencies; the vanity of exhibiting superior tact and sagacity in detecting error, and the self interest which would prompt a new functionary to the display of uncommon zeal and energy. My Lord, it is my conscientious belief, without desiring to reflect upon the honor and integrity of any man that a just and impartial judgment on such conduct could only be formed by those who, having full powers and opportunities to enquire into the past, should have no possible interest in my condemnation, should regard it as their duty to ascertain not only what was wrong but was meritorious and excusable in the conduct of public functionaries, and should if that can be hoped for in human nature be wholly exempt from prejudice of any kind.

May I hope that what I have now laid before Your Lordship, added to former representations, will incline Your Lordship to a favorable consideration of my
renewed request for re-employment; and, should I be so fortunate as to obtain the offer from Your Lordship of any appointment in the Colonies to which, having reference to my past experience, it might be thought I was eligible, I would respectfully request Your Lordship to address to me at this place to the care of Messrs. Griffiths, Fanning and Co.

I have, &c.,

J. ALEX. JACKSON.

[Enclosure No. 2.]

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

Sir,

Treasury Chambers, 20 July, 1846.

In reply to your communication of the 4th of June last, I am commanded by the Lords Commissioners of Her Majesty's Treasury to request that you will state to Earl Grey, that it has not appeared to My Lords that the circumstances, adduced in Mr. Jackson's letter of 27 Decr. last, afford any satisfactory vindication of his conduct in the respects adverted to in the report of the Colonial Land and Emigration Commissioners of 11 Augt., 1843, with reference to which the opinion expressed in their Lordships' Letter of the 27th Novr., 1843, was signified to the Secretary of State.

I am, &c.,

C. E. TREVELYAN.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch marked "Separate," per ship Tasmania; acknowledged by Sir Charles Fitz Roy, 23rd December, 1846.)

Sir,

Downing Street, 31st July, 1846.

I wish to bring under your notice the name of Mr. George F. B. St. John, who, I perceive from the returns, holds the appointment of Commissioner of Crown Lands for the County of Bourke in the Port Phillip District; and I should be glad if it should be in your power to forward his interests with a due regard to those of the Public Service, and without prejudice to the just claim of other Officers of Your Government.

I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch marked "Separate," per ship Tasmania; acknowledged by Sir Charles Fitz Roy, 21st June, 1847.)

Sir,

Downing Street, 31 July, 1846.

I transmit to you herewith a Copy of a Letter from the person described in the margin,* containing an application for information relative to David Lang, who is stated to have Emigrated to 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 enquiry.

I have, &c.,

GREY.

* The margin is blank in the original.
1846. 31 July.

[Enclosure.]  

Mr. John Lang to ———.

Gentlemen,

I respectfully address your honorable Board to solicit information from you respecting a Man of the name of David Lang, who was a Pensioner belonging to the 6th Regt. Foot, and who compromised with Government for a certain Sum of Money about 14 or 15 years ago (instead of his pension); and I believe that he was sent out of England to New South Wales. I want to know where he is located out there, and the part he is at (if he is still alive) and where I am to address him.

I am, &c.,

Baxenden, near Accrington, Lancashire.  

John Lang.
Sir Charles Augustus Fitz Roy, Kt., arrived in Port Jackson on the 2nd of August, 1846, and assumed office as captain-general and governor-in-chief on the following day.
DESPATCHES.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 11, per ship Walmer Castle.)

Six Aug., 1846.

I have laid before the Queen the Acts passed by the Legislature of New South Wales in the year 1845, the transcripts of which accompanied the Dispatches of Sir G. Gipps to Lord Stanley, dated the 23d Novr., 1845, and numbered respectively 199 and 204.

I subjoin a schedule of the Titles, Dates, and numbers of those Acts.

Sir G. Gipps has pointed out in the Acts numbered 8 (respecting the delivery of Coal in Sydney) and 10 (respecting diseased Sheep) and 15 (for the regulation of the Customs) a deviation from the usual and constitutional method of imposing Fines and pecuniary penalties. They are, in all those Acts, made payable not to the Queen, but to the Treasurer of New S. Wales, the produce being expressly declared to be subject to be appropriated by future Acts of the local Legislature. The evident deviation in certain acts from usual method for appropriation of fines and penalties.

Indeed the avowed design of this innovation is to obviate a claim, which, under the Constitutional Act of the Colony, it is supposed the Crown might otherwise make to the proceeds of all such fines, penalties, and forfeitures, if granted as usual to Her Majesty; that Act having placed at the disposal of the Legislative Council the produce of all "Taxes, Rates, Duties, and Imposts only"; and those words, it is maintained, do not extend to a fine, to a penalty, or to a forfeiture.

I will not pause to discuss this question of Law. Assuming that in strictness the case of fines, penalties and forfeitures is omitted in the Act, and further assuming that the result of that omission is to leave that source of Revenue at the disposal of the Crown, I can have no difficulty in stating that it is a right on which the Queen will not be advised to insist; but which Her Majesty promptly and unreservedly surrenders to the Legislative Council. The Sum set apart for a Civil List is as large a part of the Revenue of the Colony (other than the land Revenue) as Parliament designed to withdraw (or as it is really desirable to withdraw) from the control of the local Legislature. On the part of Her Majesty's Government, I entirely disclaim
1846.
6 Aug.

Objections to grant of fines and penalties to colonial treasurer.

Amendments proposed in acts.

Suspension of decision re acts.

Acts under consideration.

Allowance of remaining acts.

any wish to augment that deduction. Consequently, to any Acts which may be passed, imposing fines, penalties and forfeitures, and placing the produce of them at the disposal of the Legislative Council, no objection must be made on the ground of that provision, unless indeed the provision should be so framed as to take away or interfere with the Royal prerogative of Pardon.

But to the present Acts, or to any others which may be hereafter passed, granting fines, penalties or forfeitures to the Colonial Treasurer, there are serious objections. Such Legislation violates the Constitutional principle, that to the Sovereign alone is due whatever becomes payable by the Queen’s subjects as a reparation, or as a penalty for a breach of the Law. It brings into grave doubt (if it does not defeat) the right of the Crown to pardon in such cases. It must incumber all legal proceedings against Offenders by the difficulties incident to the circumstance that the Treasurer is not a Corporation Sole, but that, with the death or resignation or removal of that Officer, the right of suit or prosecution would rest in his representatives, or remain with himself, instead of passing to his Successor in Office.

You will, therefore, suggest to the Legislative Council the propriety of amending these Acts by granting to the Queen the fines and penalties they impose, and by reserving to the appropriation of the local Legislature the proceeds of such fines and penalties, subject to Her Majesty’s undoubted right to pardon the Offenders and to remit the penalty.

Until I shall be apprised of the result of that recommendation, Her Majesty’s decision on these Acts will be suspended.

On the Acts 16, 17, 18 and 19, Suspending the Sydney and Melbourne Corporation Acts, and disposing of the Surplus Police funds of those Towns, Her Majesty will not (at least for the present) make any Order. They will of course continue in force so long as no such Order shall reach you.

The Acts No. 13 to amend the Law for the preservation of the Ports, and No. 29 for Auditing the Accounts of the Ordinary Revenue, are still under the consideration of Her Majesty’s Government, and will form the subject of a future communication.

Subject to the exceptions already mentioned, Her Majesty is pleased to confirm and allow all the Acts enumerated in the subjoined Schedule.

I have, &c.,

GREY.

[Enclosure.]

[This was a list of the titles of acts of council, 9 Vict., Nos. 1 to 30, and the Australian general assurance company act.]
GRAY TO FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 14, per ship Walmer Castle; acknowledged by Sir Charles Fitz Roy, 21st February, 1848.)

Sir,

Downing Street, 10th August, 1846.

Mr. Secretary Gladstone having referred for the consideration of the Lords Commissioners of the Treasury Sir G. Gipps' Dispatch, No. 214 of the 29th Sept., 1844, with the explanation which accompanied it from the Treasurer of New South Wales, relative to a Contingent Account kept by him, I now transmit for your information and guidance a Copy of a letter from the Assistant Secretary to the Treasury, with a Copy of a Report of the Commissioners of Audit on the subject, and I have to request that you will procure and transmit to me the Certificate required by the Lords Commissioners of the Treasury in regard to the due transfer of all the items from the Separate to the General Account adverted to in the Report of the Commissioners of Audit, together with a Certificate shewing that the final balance of the Separate Account had been duly brought into the General Account, and to the credit of the Colonial Government.

I have, &c.,

GREY.

[Enclosure.]

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

Sir,

Treasury Chambers, 31st July, 1846.

I transmit herewith by command of the Lords Commissioners of Her Majesty's Treasury a copy of a Report of the Commissioners of Audit, dated 26th June, on your letter of the 16th of April, 1845, transmitting copies of a dispatch and correspondence relative to a Contingent account kept by the Treasurer of New South Wales; and I am to request that, in submitting the same to Earl Grey, you will observe to his Lordship that my Lords entirely concur in the remarks of the Commissioners of Audit upon the very irregular transactions to which the report has reference.

Their Lordships request you will further state to Earl Grey that, as the control and supervision of the Colonial Funds at New South Wales has devolved, from the end of the year 1843, on the local Government and Legislature, My Lords deem it only necessary further to observe that, in order to the exoneration of Mr. Riddell from responsibility in respect of the contingent Fund previously to that date, the Commissioners of Audit should be furnished with the more specific Certificate from the local Auditor in regard to the due transfer of all the items from the separate to the general account, to which they have adverted in their report, and likewise with a Certificate showing that the final balance of the separate account had been duly brought into the general account, and to the credit of the Colonial Government. You will, therefore, further move Earl Grey to instruct the Governor of New South Wales to cause the said certificates to be furnished.

I am, &c.,

C. E. TREVELYAN.
My Lords,

We have had under our consideration your Lordship's Order of Reference of 26th April, 1844, on a letter from the Colonial Office dated 16th April, 1845, with copies of a dispatch of 29th September, 1844, from the Governor of New South Wales, and Correspondence between the Treasury and the Secretary of the Colony (which are herewith returned) explanatory of a contingent account kept by the Treasurer, the Entries of which it was considered had not appeared in the public accounts rendered to this office as more fully brought under your Lordship's notice by our report of 26th February, 1844, No. 80.

On the 1st July, 1845, we received from Mr. Lithgow, the Auditor General of New South Wales, in a letter dated Sydney, 26th November, 1844, Copies of the Correspondence above mentioned, accompanied by the contingent account in question, with that declaration of the treasurer annexed thereto, and likewise a Certificate of the Auditor General, that the account had been prepared after examination of the several books, vouchers and documents, and that, having carefully revised the examination, he considered the account to be correct.

Upon these papers, we have the honor of observing to Your Lordships that we find the account to comprise transactions of £68,248 in amount, extending over a period exceeding 8 years, vizt., from 28th June, 1836, to 31st August, 1844, and to consist of three parts or divisions, vizt.:

1. Receipts from Public Officers to liquidate their abstracts of contingent expense, and the payments made to the several Claimants out of the sums so received.

2. The second division of the account comprises receipts from various sources of Revenue temporarily placed to the Treasurer's contingent account, until finally credited in the Abstracts of Collections of Revenue, in all which cases references are given as regards the receipts to the particular part of the Treasurer's General public account, in which the sums so received are in the aggregate brought by him to the credit of the Colony, and as regards the payments to the several cheques upon the Bank issued by him in detail to the several Claimants.

3. The third and last division consists of what are termed "Miscellaneous Transactions," in which are comprised interest from the Colonial Bank on the deposits of the contingent account, and some other items not specifically referable to either of the two preceding heads or divisions, including likewise certain transactions of Mr. P. L. Campbell with the funds of the account, whilst he was acting Colonial Treasurer in the absence of his principal Mr. Riddell, relative to which we shall before concluding our report, have more particularly to offer some remarks to your Lordship.

From the above description of the account, your Lordships will perceive that there is now reason to suppose that the items of which it is composed are identical in the Treasurer's General account, and do not exist, as stated in our Report of 26th February, 1844, above adverted to, a separate and distinct account of sums not otherwise accounted for, and in support of this opinion we may state that, after an attentive inspection of the Account, and a comparison of some of the more recent entries (Receipts) with the Treasurer's General accounts still undisposed of in this office, we find that those entries agree.

We therefore apprehend that this account may be regarded either as a supplementary statement, having reference to transactions in the Treasurer's accounts, which have already been disposed of, or are in the course of examination, and that the sums comprised therein have been virtually incorporated with those General Accounts, although not in the amounts and under the dates in which they were received and paid, or in such a manner as to shew that any such contingent account existed, when we first had occasion to report to Your Lordships on the subject.

Under these circumstances, and after the careful examination which has apparently been given to all the transactions by the Auditor General on the spot, as shewn by his Certificate on the account, and presuming that this Certificate would not have been given, unless the Auditor General had satisfied himself that this Contingent account had been virtually incorporated with the general account, we apprehend that Your Lordships will concur with us in opinion that to institute such a comparison in detail of those two accounts, extending over a period of eight years, and involving a reexamination into transactions which have for the most part been already passed, would not be attended with any adequate advantage: nevertheless we think it proper to add that it would have been more satisfactory if the Auditor General had distinctly stated in his Certificate that such a comparison had been instituted by him, and that it is desirable that this point should still be ascertained by reference to the Colony. For, unless this were part of the Auditor General's Examination, or unless he had at least ascertained that all the transactions therein comprised were in fact included in the Treasurer's General account as such, there is now reason to suppose that the items of which it is composed are identical in the Treasurer's General account, and do not exist, as stated in our Report of 26th February, 1844, above adverted to, a separate and distinct account of sums not otherwise accounted for, and in support of this opinion we may state that, after an attentive inspection of the Account, and a comparison of some of the more recent entries (Receipts) with the Treasurer's General accounts still undisposed of in this office, we find that those entries agree.

We therefore apprehend that this account may be regarded either as a supplementary statement, having reference to transactions in the Treasurer's accounts, which have already been disposed of, or are in the course of examination, and that the sums comprised therein have been virtually incorporated with those General Accounts, although not in the amounts and under the dates in which they were received and paid, or in such a manner as to shew that any such contingent account existed, when we first had occasion to report to Your Lordships on the subject.
GREY TO FITZ ROY.

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Items of Credit in the Contingent account were virtually included in the General account, there would be nothing to shew that the same sums might not have been taken Credit for twice, vizt., in both accounts.

We cannot however refrain from again observing on the irregularity which attaches to the proceedings of having established an account of this nature, which it appears took place without the Governor's knowledge or interference, whereby receipts, purely on account of the public Service, were for a time at least kept out of sight; and on this point we see no reason for altering the views submitted in our report of 26th February, 1844; it does not appear, however, that upon the whole and with certain exceptions hereinafter to be noticed, the Credits were kept out of the Treasurer's General Account for any very lengthened period, but were entered therein principally at the times when he began to draw his cheques upon the bank for payment of the Services, which these particular funds were designed to liquidate.

As far as regards the items of account in which the Governor had called upon him for explanation, we consider Mr. Riddell's explanation to be satisfactory subject to the proposed amended Certificate above adverted to; and we concur with Sir George Gipps in the opinion expressed by him to the Secretary of State that Mr. Riddell had unreservedly furnished every information, and that there is nothing connected with the Case to Cast any Impression upon the integrity of his Character.

At the same time, we do not consider that, either in the origin of the account or in any of the circumstances of the case as explained in the present papers, Mr. Riddell was exonerated from the duty of bringing the sums comprised in the contingent account to credit in his general account, immediately the same came into his hands, or that he was justified in allowing balances in the contingent account to accumulate at interest, no part of which latter receipt as before observed was accounted for in his General account as Treasurer, till after a lapse of nearly seven years.

The most important part of this case, however, both as affecting individual responsibility and duty, and as shewing the abuse of which proceeding of this nature are susceptible, turns upon the transactions of Mr. P. L. Cambell, acting Treasurer during Mr. Riddell's absence from the Colony on leave, with regard to the moneys connected with the Case to Cast any Impression upon the integrity of his Character.

We see no reason to dissent from the conclusion to which Mr. Riddell has thus come; at the same time we consider that, although no defalcation may have resulted, the transaction was most objectionable and irregular. We are not aware, however, that any steps can now be taken in the matter, as we understand that Mr. Campbell is no longer in the Public Service.

It may be proper to add that it appears from the Governor's Letter that he had, as early as April, 1843, given orders for finally closing the Contingent Accounts and for carrying all such receipts and all receipts for interest, together with the Balance of the Account, at once into the Treasurer's General Account, excepting only certain
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receipts which had been included in the Contingent Account for the "Poundage
Account," which service it appears is regulated by a specific Act of the Local
Legislature, and the Funds not applied to general Colonial Service.

As the examination in this Office of the Colonial Account of New South Wales,
except only as regards those of the Civil List voted by the Colony and of the Casual
and Territorial Revenue Funds under the provisions of the 5th and 6th Victoria,
Cap. 76, ceases from 31st December, 1843, the control and examination of the
matters in question devolves exclusively on the authorities of the Colony, with whom
it will therefore rest to take care that the directions of the Governor are duly acted
upon, and the service properly regulated for the future.

W. L. HERBERT.
H. F. LETTRELL.
A. GRANT.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 16, per ship Walmer Castle; acknowledged by
Sir Charles Fitz Roy, 30th January, 1847.)

Sir, Downing Street, 12 August, 1846.

I transmit to you herewith an Extract of a letter from
the Most Revd. Dr. Polding, in which he calls my attention to
the form of Oath administered to Solicitors and others on their
admission to practise in the Supreme Court of New S. Wales,
and which he alleges to be repugnant to the religious feelings of
several Gentlemen connected with the Court. Dr. Polding fur­
ther states, on the authority of those Gentlemen, that the adminis­
tration of that oath is not essentially required, that the late
Chief Justice Sir J. Dowling invariably directed another form
of Oath to be taken, and that the matter entirely rests with the
Chief Justice for the time being.

I have to request that you will enquire into this subject; and,
unless there should appear to be obstacles of which I am not
aware I should wish the oath in question to be so altered as not
to be offensive to persons of any religious persuasion.

Under any circumstances, I should be glad to be informed of
the result of your enquiry.

I have, &c,

GREY.

[Enclosure.]

EXTRACT of a Letter from The Revd. Dr. Polding to Earl Grey,

"I HAVE been desired by several Gentlemen connected with the
Supreme Court of Sydney to request Your Lordship's interference.
"With considerable pain, they hear an Oath, administered, at
variance with their religious feelings, to Solicitors and others who
seek admission into the practice of the Court. They assure me
the administration of this Oath is not essentially required; that
the late Chief Justice Dowling invariably directed another form
of oath to be taken; that the matter entirely rests in the option
of the Chief Justice for the time being. They feel that an intima­
tion from Your Lordship will be sufficient to do away with a prac­
tice which, whilst it promotes no public good, tends to keep alive
an estrangement of feeling by the very means intended to bind
society in its several graduations more closely together.

"They, therefore, most respectfully solicit and I beg leave on
behalf of the Catholic Community in the Australian Colonies to
unite in the prayer, that Your Lordship will give such directions as may shield them from the pain inflicted on their feelings by the administration of an Oath, not required, as I am assured, by the Law of England or of the Colony on the admission of Solicitors, etc., to practise in the Supreme Court."

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**EARL GREY TO SIR CHARLES FITZ ROY.**

(Despatch No. 17, per ship Walmer Castle.)

Sir, Downing Street, 12 August, 1846.

I have received Sir George Gipps' Dispatch No. 44 of the 19th of Feb. last, enclosing Copies of a correspondence which had passed between the Government of New South Wales and that of Van Diemen's Land, relative to the erection of Lighthouses in Bass' Straits; and, with reference to my Dispatch No. 2 of the 10th Ultimo, I transmit to you copies of a further correspondence with the Board of Admiralty on the same subject.

The Lamps and other Machinery required from this Country will be sent out with as little delay as possible. I have, &c.,

GREY.

[Enclosure No. 1.]

**UNDER SECRETARY STEPHEN TO CAPTAIN HAMILTON.**

Sir, Downing Street, 20th July, 1846.

With reference to former correspondence on the subject of Request for the erection of Lighthouses in Bass' Straits, I am directed by Earl Grey to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, the enclosed copy of a further Despatch from the Governor of New South Wales on that subject; and I am to request that you will move the Lords Commissioners to acquaint his Lordship whether there is anything in the present Despatch, which would lead them to alter the opinion expressed in your Letter* of the 3d Instant.

Lord Grey would be glad to be favored with an early answer to this letter in order that the Lamps and other articles required to be sent out from this Country for the Lighthouses may be procured with as little delay as possible. I have, &c.,

JAS. STEPHEN.

[Enclosure No. 2.]

**CAPTAIN HAMILTON TO UNDER SECRETARY STEPHEN.**

Sir, Admiralty, 22d July, 1846.

Having laid before my Lords Commissioners of the Admiralty your letter of the 20th instant, enclosing copies of a Despatch from the Governor of New South Wales on the subject of the erection of Lighthouses in Bass' Straits, I am commanded by their Lordships to acquaint you, for the information of Earl Grey, that there is not anything in the present Despatch which would lead my Lords to alter the opinion expressed in my communication of the 3d Instant; and I am further to inform you that they consider it advisable that the Machinery for the Four Lighthouses should be sent out from this Country. I have, &c.,

W. A. B. HAMILTON.

* Note 16.
1846.
12 Aug.

Confirmation of spirits duties temporary reduction act.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 18, per ship Walmer Castle.)

Sir,
Downing Street, 12 August, 1846.

With reference to my Predecessor's Dispatch No. 27 of the 24th of May, I have to acquaint you that I have laid before the Queen the Act, which was passed by the Governor of New South Wales, with the advice and consent of the Legislative Council (No. 20 of the 8th Novr., 1845), entitled "An Act to reduce for a limited time the Duties on Spirits imported into or distilled in that Colony."

Her Majesty has been graciously pleased to confirm and allow this Act; and you will communicate Her Majesty's decision to the Inhabitants of the Colony under your Government by a Proclamation to be published in the usual and most authentic manner.

I observe, however, that the Act in question simply reduces the amount of Duty chargeable upon each Class of spirits in New South Wales, without in any way altering the relation between those Duties. It is, therefore, right that you should be informed that, should provision be made by the Customs Bill of this Session for effecting the object, already contemplated by Her Majesty's Government, of equalising the Colonial Duties on British Produce, the Distinction, now in force and continued by the above mentioned Act, between Spirits the produce of the United Kingdom or of the British Possessions in America, and other Spirits of British Origin, will have to be abandoned.

I have, &c.,
GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 19, per ship Walmer Castle; acknowledged by Sir Charles Fitz Roy, 30th January, 1847.)

Sir,
Downing Street, 12 August, 1846.

Mr. Secretary Gladstone having referred to the Colonial Land and Emigration Commissioners Sir G. Gipps' Dispatch, No. 28 of the 31st of Jan., 1846, accompanied by Returns relating to Land and Emigration which had been called for by Lord Stanley, I now transmit to you for your information a copy of a letter from that Board. I have to request that you would transmit the Returns which have been omitted for the Port Phillip District, and I beg to call your attention to the points adverted to in the Memorandum of the Land Board.

I have, &c.,
GREY.
GREY TO FITZ ROY.

[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY STEPHEN.

Colonial Land and Emigration Office,

Sir, 31st July, 1846.

We have the honor to acknowledge your letter of the 29th of May last, accompanied by certain returns relating to lands and emigration, which have been forwarded by the Governor of New South Wales in compliance with Lord Stanley's Circular Despatch of the 22nd March, 1845.

These returns, so far as they extend, appear to have been prepared with great care, and contain much useful information.

We feel it necessary, however, to point out that the statements relating to the lands sold or let on lease, etc., do not include the Port Phillip District. By the explanatory letter from the Colonial Treasurer enclosed in the present Despatch, it appears that he had not the documents in his office, from which the returns for that District could be framed. It is nevertheless very essential that the information should be obtained if possible; and, as Sir George Gipps makes no allusion in his Despatch to any steps for remediing the deficiency, we would suggest that the present Governor should be requested to take measures for procuring the land returns from the Port Phillip district at an early period.

We have embodied in the enclosed Memorandum a few minor points which we have noticed in looking through the returns; and we would submit to Earl Grey that it may be desirable to forward it at the same time to the Governor for his information and for any observations he may wish to offer.

We have, &c,

C. ALEXANDER WOOD.

[Sub-enclosure.] FREDERIC ROGERS.

MEMORANDUM.

1. In the returns of lands sold or under lease, etc., the column relating to the appropriation of the proceeds is left blank.

The Colonial Treasurer, in his letter transmitting the returns to the Colonial Secretary, referred him for information on this point to the Auditor General, from whom it will be proper that a succinct statement on the subject should in future be obtained for insertion in the returns.

2. A remission of £50 in the purchase of land appears to have been granted in 1845 to a Sergeant in the Army. A statement of the authority for remission would appear to be requisite.

3. In the County of Hunter in 1845, one country Lot of 26 Acres was sold for £6 5s., being at the rate of 6s. per acre. An explanation of this transaction seems to be necessary.

4. One Country Lot of 60 Acres in the County of Gloucester appears to have been sold in 1844 for £54, or 18s. per acre, and one of 54 acres in the County of Stanley for £48 12s., being also at the rate of 18s. per acre.

5. In 1845, in the County of Macquarie, one Country Lot of 30 Acres was sold for £27, or at the same rate as the preceding.

It is presumed that in these last three cases the deposits had been forfeited, and the lots purchased by payment of the balance. It would however be desirable that in such instances a brief explanation should be inserted in the column of remarks.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 21, per ship Walmer Castle.)

Sir, Downing Street, 18 August, 1846.

I have received Sir G. Gipps' Dispatch No. 72 of the Despatch 29th March last, reporting the return of Dr. Leichhardt and his acknowledgment.
party, after having successfully accomplished the undertaking of penetrating from the settled Districts of New South Wales to Port Essington.

I fully participate the feeling of satisfaction, which your Predecessor expressed at the successful result of this Expedition; and you will express to Dr. Leichardt the high sense which Her M.'s Government entertain of his Services, and their acknowledgment of the great personal Sacrifices, which he appears to have made in pursuing the enterprise.

I enclose a Copy of a letter which I have received from a Gentleman who appears to have been in some degree associated with Dr. Leichardt, in which he urges the claims of Dr. Leichardt upon the Government.

I consider that the service, which he has performed, is one of sufficient importance to give him a strong claim upon the Colony of New South Wales; and I have to request that you will bring the subject under the consideration of the Legislative Council.

I have, &c.

[Enclosure.]

GREY.

MR. C. P. HODGSON TO EARL GREY.

My Lord, Mark Lane, 12th August, 1846.

On the 1st of October, 1844, Dr. Leichardt (after having, by the assistance of a few private friends and the investment of his own entire personal fortune in the cause, collected many requisite materials for a Six months' cruise) left the Darling Downs. The amount of his finances had obliged him to dispense with many necessaries essential to comfort and even health; but that spirit of enterprise, which eventually carried him throu the journey, was not to be checked by trifles.

With a limited allowance of flour for Six Months at the rate of six ounces per diem, of soup at 2 oz. per diem, and of Meal at 4 oz. per diem, he determined to undertake his adventure. A series of difficulties and the loss of 200 lbs. of Flour compelled him to reduce the number of his party only to allow those proceeding a better chance. Two, therefore, returned; and the little band was thus reduced to eight.

Within Six Weeks from this time, numerous reports came in asserting his destruction at a certain place, and it was not till 10 months had elapsed that these rumours could be contradicted. From the length of his absence, however, fears were still entertained of his safety, until, by letters from Singapore, the grateful news arrived of his safe arrival at Port Essington with a loss of a talented Naturalist, Mr. Gilbert.

His Services, My Lord, are these: at his own expense, after having spent the last penny he possessed in the World on the expedition, he has discovered a route or overland passage to connect Moreton Bay with Port Essington, the N.W. Cape of Australia.

As a Geographical Survey alone, his journey has been advantageous; tho' perhaps no immediate benefit may result from it. No doubt his own journal will plead for him; but a distance of 1,500 miles in a direct line passed over for the first time by a band
of Volunteers, who made a Six Months' scanty supply their miserable subsistence for Sixteen, may appear to your Lordship, I trust, a feat worthy of some consideration.

Fully aware of his poverty and honorable pride, as an old comrade and friend, I beg most respectfully to make this appeal to Your Lordship.

Though by birth a German, his education and associations are English; his equipment was increased by English money, and his cruise has been to England's benefit; moreover the remainder of his party were English, who likewise have not a penny remaining.

Trusting Your Lordship will pardon my importunity, as I only plead for an absent friend, I leave the matter to Your Lordship's better judgment.

I have, &c.,

CHAS. PEMBERTON HODGSON.

SIR CHARLES FITZ ROY TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 1, per ship Margaret.)

Government House, 18th August, 1846.

I have the honor to inform you that I arrived in this Colony on Sunday, the 2nd Instant, and that I landed and was sworn into the administration of its Government on Monday, the 3rd.

I have, &c.,

CHAS. A. FITZ ROY.

SIR CHARLES FITZ ROY TO RIGHT HON. W. E. GLADSTONE.

(Despatch marked "Private and Confidential," per ship Margaret.)

Government House, Sydney, N. S. Wales, 19th August, 1846.

My dear Sir,

In my official despatch of this date No. 1, I had the honor to inform you of my arrival in this Colony. I regret to say that the public mind here is still considerably agitated upon the questions, which have caused so much excitement during the last few years, and that this excitement, far from having subsided, seems to have acquired additional strength, in consequence of the unfortunate dissensions* that occurred between my Predecessor and the Legislative Council during its recent Session.

Arriving in the Colony, as I have done, entirely free from bias on any of the questions in dispute, I could not fail to observe that these dissensions, originating in the first instance in differences of opinion on public measures, have ultimately led to a virulent private feeling of animosity on the part of several leading Members of the Legislative Body towards Sir George Gipps, who, I feel compelled to say, suffering as I understand he was from ill health, did not always restrain himself from meeting the display of these feelings in a corresponding spirit. Thus caustic communications from one side led to coarse and disrespectful rejoinders from the other, until at length the session was abruptly terminated by the Council, who assumed

* Now 17.
the right of adjournment to a distant day; a proceeding which Sir George Gipps retaliated by proroguing the Council to the latter end of this month, under the impression that, before that time, he would be relieved from the charge of the Government.

It is not necessary that I should expatiate on the mischief likely to result to the public service from such a state of affairs, and I need not point out the difficulties I shall have to encounter in re-establishing on a more wholesome footing the intercourse between the Executive and the Legislature or a more reasonable state of feeling towards the Home Government, or, to speak more correctly, towards the Colonial Department, on the part of many of the leading and most influential members of the community; for I cannot but think that the feeling of jealousy and distrust, now too prevalent, is as deeply to be deplored, as it is unnatural in a Colony, so rapidly rising and increasing both in wealth and importance, and so entirely English in its origin and habits as this is. I, therefore, feel it to be my first duty to address myself to this task, and I proceed to explain the steps, which I propose to take in order to accomplish it.

First, as the estimates necessary to provide for the public expenditure of the current year were not passed before the termination of the recent session in the unfortunate manner I have described, it becomes desirable that the Legislature should be convened as soon as practicable to pass the estimates, and to complete the ordinary Legislative business of the year, and accordingly, after consulting the Speaker (a measure of courtesy which, from its having been unusual here, I have reason to believe has had a good effect), I have summoned it to meet on the 8th of next month. I shall then have an opportunity of becoming acquainted with the characters and dispositions of the several Members, and, without committing myself by giving any opinion on the points on which they were opposed to Sir Geo. Gipps, I shall strive, and I hope successfully, to restore something like harmony between the Executive and the Legislature.

Secondly, As soon as I conveniently can after the close of the Session, I propose to visit as many of the interior districts as the time I can spare from my other duties will admit of; as well as some of the squatting districts beyond the boundaries of location. On my return, I trust I shall be competent and prepared to offer you such an opinion, and to propose such measures as may meet with your approbation.

I feel that I have taken full advantage of the kind permission, which you granted me before I left England, to address you freely and unreservedly whenever I might consider it desirable
to do so; but I trust you will believe that, in commenting frankly on the causes which have resulted in so much discontent here, I have not been actuated by an ungenerous spirit towards my Predecessor, whose undoubted talents and unflinching integrity command my highest respect.

Feeling, however, that, unless he had been in error as to some of his measures, so strong an opposition to his administration of this Government could not have been maintained, and knowing that he has proceeded to England impressed with the conviction that he has nothing to retract or modify, with respect to the points at issue between, I believe I might truly say, the whole Colony and himself; and, as moreover I must acknowledge, that I can see no prospect of administering this Government beneficially for the public service or with credit to myself, if I follow blindly in Sir Geo. Gipps' footsteps, or expect that (having to deal with a Representative Body fully aware of its own power to thwart every Government measure, whenever it may be so inclined) I can overbear single handed all opposition, or carry out measures, obnoxious not only to the views of the Legislature, but to the opinions of almost every influential person in the Colony, not excepting the majority of my own immediate advisers, the Privy Council, I am most anxious that Her Majesty's Government should come to no final decision, until I have had sufficient experience in the Colony to form my own judgment, and to stamp a value upon such advice or opinion as I may feel it my duty to offer. I have, &c.,

CHAS. FITZ ROY.
near Melbourne, in the District of Port Phillip, where he is engaged in Agricultural pursuits, and I beg strongly to recommend him to your favorable consideration. I remain, &c.

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(A circular despatch, per ship Walmer Castle; acknowledged by Sir Charles Fitz Roy, 22nd May, 1847.)

Sir, Downing Street, 22nd August, 1846.

I transmit to you herewith the Copy of an Address presented to Her Majesty by the House of Commons, praying for certain information in regard to Lighthouses in the Colonies and British Possessions abroad. There are not in this Office the means of making a Return to this Address, and I have, therefore, to request that you will furnish me with the information necessary for that purpose, so far as concerns the Colony under your Government.

I have, &c.,

GREY.

[Enclosure.]

HOUSE OF COMMONS.

Resolved,
Lunae, 3° die Augustii, 1846.

That an humble Address be presented to Her Majesty that She will be graciously pleased to give directions that there be laid before this House a Return of all Lighthouses in the Colonies and British Possessions Abroad; showing the date at which each Lighthouse was erected; the original cost thereof, and from what funds defrayed; the annual expense since its first erection and from what source the same was paid:—Also, an Account of the annual Receipts and application of all Monies received as Tolls for such Lighthouses.


EARL GREY TO SIR CHARLES FITZ ROY.

(A circular despatch, per ship Walmer Castle; acknowledged by Sir Charles Fitz Roy, 28th July, 1847.)

Sir, Downing Street, 24th August, 1846.

I transmit to you herewith the Copy of an Address presented to Her Majesty by the House of Commons, praying for information in regard to the receipt and apportionment of Fees in the several Crown Colonies. A part of the information required by this Address could no doubt be obtained from the Blue Books; but, as it would not be possible from those Books to make up a complete Return, I transmit the Address to you, and have to request that you will furnish me with all the particulars required by it, so far as relates to the Colony under your Government.

I have, &c.,

GREY.
Address.

House of Commons,

Resolved, Mercurii, 12° die Augusti, 1846.

That an humble Address be presented to Her Majesty that Return required She will be graciously pleased to give directions that there be laid before this House an Account of the aggregate amount of all Fees of every kind, received in each of the Public Offices in each of the Crown Colonies; stating the name of the Office and a Schedule of the several Fees charged in each Office, and for what service done, in each of the years 1844 and 1845; stating also the authority by which the Fees are now charged, and the manner in which they are appropriated; if paid to any of the Officers in any of the Departments, the Account to state the names of such Officers and the amount in each year received by each of them.


Earl Grey to Sir Charles Fitz Roy.

(Despatch No. 24, per ship Walmer Castle.)

Sir, Downing Street, 24 August, 1846.

I have received Sir George Gipps' Dispatch, No. 57 of the 3d of March last, transmitting a further Appeal from Mr. Edward Mayne against his removal from the office of Commissioner of Crown Lands in New South Wales.

You will acquaint Mr. Mayne that I do not perceive any grounds for altering the decision in this case. I have, &c.,

Earl Grey to Sir Charles Fitz Roy.

(Despatch No. 25, per ship Walmer Castle.)

Sir, Downing Street, 24 August, 1846.

Sir George Gipps' Dispatches Nos. 37, 38 and 39 have been received at this Department containing an explanation of the expenditure for the year 1845 under each of the Schedules A, B and C, appended to the Constitutional Act of Parliament, 5 and 6 Vict., Cap. 76.

Having referred those Dispatches for the consideration of the Lords Commissioners of the Treasury, I transmit to you a Copy of a letter in reply from the Assistant Secretary to that Board, and I have to acquaint you that Her Majesty's Government approve of the appropriations submitted in these Despatches.

I have, &c.,

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

Sir, Treasury Chambers, 3rd August, 1846.

With reference to your letter of the 4th Ultimo, and the enclosed Despatches from the Govr. of New South Wales, I am
1846.
24 Aug.
Approval of expenditure from statutory appropriations.

commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Earl Grey, that my Lords have not seen reason to object to the disposition, proposed by Governor Sir Geo. Gipps in the Despatch No. 38, of the un-pended Balance of the Grant for the year 1844 for services comprised in the Schedule B, annexed to the Act of 5 and 6 Vic., Cap. 76, relating to New South Wales, or of the Balances that may remain unexpended on the Grants for the same services or for the services in Schedule A for the year 1845; and that my Lords do not disapprove of the payments in the cases of Mr. Lewis or of John Cadman referred to in the Despatch No. 39.

I am, &c.,

C. E. TREVELYAN.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 28; per ship Walmer Castle.)

Sir, Downing Street, 24 August, 1846.

I have received Sir George Gipps' Dispatch addressed to Lord Stanley of the 25th of March last, No. 67, and I have to signify to you my approval of the decision, to which he there reports he had come, in regard to the proposed reservation of Minerals in New South Wales.

I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 27; per ship Walmer Castle; acknowledged by Sir Charles Fitz Roy, 22nd April, 1847.)

Sir, Downing Street, 25 August, 1846.

With reference to Lord Stanley's Dispatch and its Enclosures to Sir George Gipps, No. 137 of the 1st of December, 1845, respecting a Petition from the Members of the Town Council at Melbourne that the Mails from England to Port Phillip might be landed direct at that Port instead of being conveyed to Sydney or elsewhere, I now transmit to you the Copy of a further communication from the Secretary to the Postmaster General upon the subject.

You will perceive that the result of a reference made by that Department to the Post Office Commissioners in New South Wales is unfavorable to the project of Landing any Bags at Port Phillip, the objections of the Post Master General being founded as well upon the supposed delay which would be thereby incurred to the mails for Sydney, as on the additional expenses involved in such an arrangement.

As I am unwilling, however, to dismiss the subject without a full investigation of the alleged difficulties, you will inform them that, if they can point out any mode by which the objections stated in Colonel Maberley's letter can be obviated, I shall be happy to bring the subject again under the consideration of the Post Master General.

I have, &c.,

GREY.
GREY TO FITZ ROY.

[Enclosure.]

**COLONEL MABERLY TO UNDER SECRETARY HAWES.**

Sir,

General Post Office, 14 August, 1846.

With reference to Mr. Hope's letter of the 11th August, 1845, I am directed by the Postmaster General to acquaint you, for the information of Earl Grey, that the Petition of the Members of the Town Council of Melbourne for the Mails from England to Port Phillip to be landed direct at that Port, instead of being conveyed to Sydney, having been referred to the Commissioners of Enquiry into the Post Office arrangements in New South Wales, his Lordship has lately received their reply on the subject, embodied in their General Report, and they express their opinion that such a measure would be detrimental to the Colony by causing the delay of the Mails for Sydney.

I am directed to add that, taking into consideration this opinion of the Commissioners and the additional expense which would be incurred by the proposed arrangement, to which allusion is made in my letter† to Mr. Stephen of the 25th November last, his Lordship is not disposed to entertain the prayer of the Memorialists.

I have, &c.

W. MABERLY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 28, per ship Walmer Castle; acknowledged by Sir Charles Fitz Roy, 2nd April, 1847.)

Sir,

Downing Street, 28 August, 1846.

I have received Sir George Gipps' Dispatches Nos. 70 and 71 of the 28th of March last, the former transmitting a Copy of a letter addressed to him by the Bishop of Australia, expressing a desire to resign his Seat in the Executive Council, the latter forwarding a communication from his Lordship requesting that the position and rank may be assigned, which the Bishop of the Diocese of Australia is to occupy after he shall have ceased to be a Member of the Executive Council.

I fully appreciate the Motives which have led the Bishop to Acceptance of that decision; and, in intimating to his Lordship that The Queen has been graciously pleased to accept his resignation of his Seat in the Executive Council, I have to request that you will at the same time express the sense which Her Majesty entertains of his Services whilst a Member of that Board.

I do not perceive that any officer of Your Government can with such fitness and propriety be appointed to the vacant seat in the Council as the Attorney General.

In other Colonies, the appointment of the Chief legal Adviser of the Governor to the Executive Council has proved highly beneficial to the interests of the Government. I shall, therefore, transmit to you the necessary Instrument for placing the Attorney General in the Council in the room of the Bishop.

* Note 18. † Note 19.
The question incidentally adverted to by Sir George Gipps of appointing an officer for the purpose of assisting and advising the Governor in all matters connected with the administration of the domain of the Crown shall meet with further consideration.

With reference to the question of the relative position of the Bishop in the Colony, it will remain wholly unaltered by his retirement from the Council, and he would acquire precedence over the Chief Justice if a local law should be passed repealing so much of the existing Charter of Justice as is opposed to that arrangement.

I am not prepared to object to the Enactment of such a Law, if it should in the opinion of the Legislative Council be proper to do so, and if no objection should be raised to it on the part of the Chief Justice. Of course such a Law if passed should have a permanent effect, and should not have respect to the persons by whom the offices in question are at present filled.

I have, &c,

GREY.

Sir Charles Fitz Roy to Right Hon. W. E. Gladstone.
(Despatch No. 3, per ship Emerald Isle.)

Sir, Government House, 28th August, 1846.

With reference to Lord Stanley's Despatch, No. 106 of the 1st September, 1845, and to my Predecessor's, Sir George Gipps' reply thereto, No. 86 of the 25th April, 1846, relative to an application from Her Majesty's Consul at Warsaw, requesting information respecting some property supposed to have been left by a Polish Jew, named Ansezel Davidowies Dewis, who, it is stated, died in New South Wales; I have now the honor to report that the inquiry, which Sir George Gipps informed Lord Stanley he had instituted in Van Diemen's Land, has turned out equally fruitless with that previously made in this Colony.

It does not appear that any man of the name ever resided in Van Diemen's Land.

A Copy of the reply, which has been received from Van Diemen's Land, is herewith enclosed.

I have, &c.,

Chs. A. Fitz Roy.

[Enclosure.]

Colonial Secretary Bicheno to Colonial Secretary Thomson.

Van Diemen's Land.

Sir, Colonial Secretary's Office, 1st August, 1846.

I am directed by Lieutenant Governor Sir John Eardley Wilmot to acknowledge the receipt of your letter of the 30th April last, in which you transmitted copies of a correspondence respecting a Polish Jew named Dewis, who was represented to have died possessed of some property in one of the Australian Colonies, and you will perceive from the enclosed correspondence that every
FITZ ROY TO GLADSTONE.

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 for the second Quarter of the current year of the prices of food and clothing, the wages of labour, and other particulars as required to be furnished by the Agent of Immigration in this Colony, for the information of the Commissioners of Colonial Lands and Emigration.

It may be necessary for me to remark that, at the request of Mr. La Trobe, the Superintendent of Port Phillip, I have sanctioned the discontinuance of the practice which has hitherto been adopted of making but one General Return for the entire Colony.
And with reference to the answers of the Immigration Agent to Questions Nos. 5 and 8 in the two Returns, I venture to express a hope that Her Majesty's Government may see the importance of a speedy renewal of Emigration to this Colony.

I have, &c,

[Enclosure.] CHS. A. Fitz Roy.

[A copy of this return is not available.]

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EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 30, per ship Walmer Castle.)

Sir, Downing Street, 30 August, 1846.

I have received your Predecessor's Dispatch No. 78 of the 9th of April last, and I have to signify to you my approval of the arrangements he there states have been made for uniting the two offices of Clerk to the Executive Council and Immigration Agent in New South Wales, as well as of the appointment of Mr. Merewether to discharge the duties of both at an increased Salary of Six hundred Pounds per annum. I have, &c,

GREY.

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SIR CHARLES FITZ ROY TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 6, per ship Emerald Isle.)

Sir, Government House, 31st August, 1846.

I have the honor to report that I have given directions for the transmission, by the present Mail, to the Colonial Department through the hands of the Agent for this Colony in London, of two bound Copies of the Votes and Proceedings of the Legislative Council during the first Session of the current year.

I have, &c.,

CHS. A. FITZ ROY.

and of third volume of acts of council.
SIR CHARLES FITZ ROY TO RIGHT HON. W. E. GLADSTONE.

(Despatch No. 8, per ship Emerald Isle; acknowledged by Earl Grey, 20th February, 1847.)

Sir, Government House, 31st August, 1846.

I have the honor to transmit Copies of a Correspondence, addressed to the Colonial Secretary of this Government by the Police Magistrate of the City of Sydney and the Consul of the United States, together with the opinions of the Crown Law Officers of the Colony relative to a case, which occurred some time before my arrival, arising out of a complaint made by a Seaman of the American Whaler "Ocean" against an Officer of that Vessel for an Assault while lying in Port Jackson.

You will perceive that the American Consul denies the right of the Sydney Magistrates to adjudicate in cases arising between the Officers and Seamen of American Ships while lying in the Harbour of Port Jackson; while the Attorney and Solicitor General sustain that right with regard to the case in question, but at the same time request that the case and correspondence may be reported to you, in order that they may learn the Policy of the British Government in such cases.

With reference to the above, I only feel it necessary to observe that, from the numerous American Merchant Vessels continually frequenting Port Jackson, it appears to me desirable that the Crown Law Officers should be put in possession of the information they seek.

I have, &c,

CHS. A. FITZ ROY.

[Enclosure No. 1.]

MR. C. WINDEYER TO COLONIAL SECRETARY THOMSON.

Sir, Police Office, Sydney, 7 May, 1846.

I have the honor to enclose the information and Complaint of S. B. Gifford, an American Seaman belonging to the "Ocean," an American Whaler lying at Mossman's Bay in Port Jackson, charging an Assault against an Officer of the said ship. As it is suggested that the Defendant does not attend to the Summons of the Magistrates under the idea that they have no jurisdiction, I have the honor to request that the opinion of the Crown Law Officers may be obtained upon the point, for the information and guidance of the Sydney Bench.

I have, &c,

CHAS. WINDEYER,
Senr. Police Magistrate.

[Sub-enclosure No. 1.]

INFORMATION AND COMPLAINT OF S. B. GIFFORD.

Stephen Barker Gifford, Cooper, on board the Ship "Ocean," now lying in Mossman's Bay in the Harbour of Port Jackson, in the City of Sydney and Colony of New South Wales, doth, and saith before me, Charles Windeyer, Esquire, a Magistrate of the City of Sydney and Colony of New South Wales, between the hours of 10 and 11 o'clock on Saturday night last, the 2nd Officer of the said Barque,
180 HISTORICAL RECORDS OF AUSTRALIA.

1846, 31 Aug.

Information and complaint of S. B. Gifford.

whose name is George Downer, without any just cause or provocation, knocked me down with his fist and afterwards kicked me in the face. I charge him therefore the aforesaid individual with having unjustifiably assaulted me, and I pray for redress, and the costs of this Information.

Sworn Police Office, Sydney, 4th May, 1846. Before:— CHAR. WINDETER, J.P.

S B. Gifford STEPHEB B. GIFFORD.

4 6 Paid.

Subpoena 2 2

6 8

Subpoena 1 10

8 6


STEPHEN B. GIFFORD, re-sworn, states:

The Information now read is true. The Ocean is an American Vessel and the assault was committed on me on board the Ship, while lying at Mossman's Wharf in this Harbour of Port Jackson.


HY. SMITH, J.P.

The defendant does not appear, it being stated to the Bench that he Defendant did not consider himself within the summary Jurisdiction of the Sydney Bench, he being an American Subject, and the offence, if any, having been committed on board an American Ship in the Harbour on another American subject.

Adjd. Sine die.

NEW SOUTH WALES, To Mr. John Wearin, Chief Inspector in Sydney Police. You are hereby commanded to summon George Downer, Second Mate on board the Ship Ocean, now lying on the Harbour of Port Jackson, to attend at the Police Office, Sydney, on Wednesday the Sixth day of May Instant at the hour of Ten in the Forenoon, then and there to answer a complaint of Stephen B. Gifford for assaulting his person.

Given under my hand, this 4th day of May, One thousand eight hundred and forty six. CHABLES WINDETER, J.P.

James Vincent, Constable in the Water Police, being duly sworn, saith that, on the 5th day of May, 1846, he served a Copy of this Summons personally on George Downer, Second Mate on board the Ship "Ocean" lying in the Harbour of Port Jackson.

Sworn, JAMES VINCENT.

Sworn this 6th day of May, 1846, at the Police Office, Sydney, Before:— H. MACDERMOTT, J.P., Mayor.

[Sub-enclosure No. 2.]

OPINION of the Attorney General and the Solicitor General on a communication from the Bench of Magistrates, Sydney, relative to a complaint made by a seaman of the American Whaler "Ocean" against an Officer of that Vessel of assault whilst lying in Port Jackson.

We are satisfied that the Magistrates of Sydney have power to entertain the complaint of S. B. Gifford, and that they are bound to afford him the protection of the British and Colonial laws, whilst within this Port: but, should any question arise whether the assault charged was justifiable correction of the seaman for a breach of his duty as such, this should be determined according to the American Merchant Seaman's Law.

The fact of both parties being Citizens of the United States on board of an American Ship renders the Offence cognizable in the Courts of their own Country, but does not give to those Courts exclusive Jurisdiction except in respect of Acts done within the actual dominions of the States or on the high Seas beyond a league from the shores of any foreign nation.

In the present case, the assault charged appears to have been committed (assuming the truth of Gifford's deposition) whilst the Ship "Ocean" was lying at a Wharf in one of the Small Coves of Port Jackson, within the Queen's Dominions, but whether on board or on shore is not shown; and we think it too clear to admit of a doubt that all acts (without distinction of degree) criminal by the British laws, committed on board or on shore in this situation, and a fortiori on shore, are punishable by the Colonial Officers of Justice as being breaches of Her Majesty's Peace, notwithstanding that the individuals immediately concerned are both subjects of a foreign State. We think, moreover, that the party assaulted is entitled to the protection