GREY TO FITZ ROY.

1848.
14 April.

Proposed visit of ship of war.

Propriety of directing that some one of the Ships of War on that Station should visit the Settlement in order that, if possible, some means may in communication with Captain McArthur be devised of preserving the Buildings from the destruction to which they are now subjected.

I am, &c.,

H. MERIVALE.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 71, per ship Faithful; acknowledged by Sir Charles Fitz Roy, 8th May, 1848.)

Sir,
Downing Street, 15 April, 1848.

I have to inform you, with reference to my despatch Proposed visit of ship of war.

No. 70 of the 14th instant, that the Lords of the Admiralty have apprized me that they have desired Commodore Plumridge, should an opportunity offer to send a Vessel of War to Victoria, for the purpose of devising some plan, in conjunction with Captain McArthur, for the preservation of the Public Buildings in that Settlement. Their Lordships have at the same time expressed an apprehension that the opportunities of a Vessel calling there will very seldom occur.

I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 72, per ship Faithful; acknowledged by Sir Charles Fitz Roy, 16th October, 1848.)

Sir,
Downing Street, 20 April, 1848.

I herewith transmit to you the Copy of a letter to the Commission and Lords Commissioners of the Treasury from the Board of Customs, stating that Mr. Gibbes had resigned his appointment as Landing Waiter and Searcher at Twofold Bay in the Port of Sydney, and I have to desire that you will send back the Commission and Instructions intended for Mr. Gibbes which were transmitted to you in my despatch No. 227 of the 23d of September last.

I have, &c.,

GREY.

[Enclosure.]

MR. W. MACLEAN TO MR. H. TUFNELL.

Sir,
Custom House, 14th March, 1848.

With reference to my letter of the 3d September last, No. 1,493, enclosing the Commission and Instructions of Mr. Edmund Gibbes, appointed Landing Waiter and Searcher at Two Fold Bay in the Port of Sydney, in order that the same might be forwarded to H.E. the Governor of New South Wales.

I have it in command to acquaint you for their Lordships' information that it appears, by a Report from the Collector at Sydney, dated the 19th September, that Mr. Gibbes has resigned the situation in question. I am, therefore, to return his warrant.

* Note 29.
HISTORICAL RECORDS OF AUSTRALIA

1848.

20 April.

Commission and
instructions for
E. Gibbes to be
returned.

herewith and to signify the request of the Board that their Lord-
ships will be the means of the necessary communication being
made to the Governor of New South Wales, with a view to the
return of Mr. Gibbes' Commission and Instructions for the pur-
pose of being cancelled.

I am at the same time to add that, adverting to the state of
trade at Two Fold Bay, the Board do not consider it necessary at
present that the Office of Landing Waiter should be filled up.

I am, &c.,

W. MACLEAN.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 94, per ship Tropic; acknowledged by earl Grey,
8th November, 1848.)

21 April. My Lord, Government House, 24th April, 1848.

I have the honor to enclose the copy of a letter which I
have received from the Board of National Education in this
Colony, requesting me to take the necessary steps for procuring
from the National Board of Ireland a person properly trained
in one of their Model Schools, and competent to undertake the
duties of Master of the Sydney Model School, and which I
have the honor to request that Your Lordship would com­
 municate to the National Board of Ireland.

Remittance for In compliance with the wishes of the Board of National
Education contained in the last paragraph of the accompanying
letter, I have given directions for the payment to the Deputy
Commissary General at this place of the sum of one hundred
and fifty pounds, in order that an equal amount may be obtained
from the British Treasury by the Colonial Agent to enable
him to defray the expense of the passage to this Colony of a
Master and Mistress for the Model Schools on the Nationa1
System, should your Lordship approve of their being procured
from the National School Board of Ireland.

The above amount will be paid out of funds at the disposal
of the Legislative Council; and I have the honor to request that
Your Lordship will cause an equal sum to be issued to Mr.
Barnard.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

BOARD OF NATIONAL EDUCATION TO COLONIAL SECRETARY THOMSON.

Sir, Sydney, 2nd March, 1848.

At a meeting of this Board held on the 14th Instant, it was
resolved that His Excellency the Governor should be respectfully
requested to take the necessary Steps for procuring, from the
National Board of Ireland, a person properly trained in one of
their Model Schools, and competent to undertake the duties of
Master of the Sydney Model School, and that it be a further request to His Excellency that, in making such communication, he
will be pleased to state that this Board consider it indispensable that the person so appointed should be a married man, his wife undertaking the duties of mistress of a Model Girls School, in which case the Board recommend that the Salary for the joint Services of this couple should be £300 per annum, exclusive of House rent; and we have the honor now to solicit that His Excellency will communicate our wishes, as expressed in the above resolution, to the Commissioners for the Superintendence of National Schools in Ireland.

We further beg to inform His Excellency that, at the same meeting a resolution was also passed, requesting He would be pleased to take the necessary Steps to instruct the Colonial Agent, Edwd. Barnard, Esq., to advance a sum, not exceeding £150, for the passage money of any Master and Mistress who may be Selected in accordance with the foregoing resolution, which we now hope His Excellency will be pleased to do.

We have, &c.,

T. H. PLONKETT.
CHARLES NICHOLSON.
W. S. MACLEAY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 95, per ship Tropic; acknowledged by Earl Grey, 8th November, 1848.)

My Lord,

Government House, 25th April, 1848.

With reference to my Despatch No. 94 of the 24th instant on the subject of the proposed selection by the National Board of Ireland of a Master for the Sydney Model School, I have the honor to enclose a letter addressed by the Board of National Education in Sydney to the Commissioners for the Superintendence of National Schools in Ireland, reporting the proceedings of the Board up to the present time, which I have been requested to forward through Your Lordship.

I have, &c.,

CMS. A. FITZ ROY.

[Enclosure.]

BOARD OF NATIONAL EDUCATION TO COMMISSIONERS FOR NATIONAL SCHOOLS IN IRELAND.

My Lords and Gentlemen,

Sydney, 22d March, 1848.

We have the honor to inform your Honorable Board that, the Legislative Council of New South Wales having during its last session appropriated the sum of £2,000 for this current Year for the purpose of commencing Schools in the Colony on the General System, which has been established with so much success under Your honorable Board in Ireland, His Excellency the Governor of Appointment New South Wales has been pleased to constitute us, John Hubert Plunkett, Esquire, Her Majesty's Attorney General, Charles education.
1848.
25 April.

Funds expected for extension of national system of education.

Public opinion in favour of national system.

Request for assistance and advice of commissioners in Ireland.

Model schools founded at Sydney.

Request for selection of master and mistress from normal schools at Dublin.

Salary with house rent proposed.

Nicholson, Esquire, M.D., Speaker of The Legislative Council, and William S. Macleay, Esquire, the undersigned, a Board of Commissioners for carrying into effect the above resolution of the Legislative Council, and for the superintendence of such General Education throughout the Colony.

Although the sum of money voted for this present year, as above stated, be small, as about to be employed in projects as yet partaking somewhat the character of an experiment, we have every reason to believe that such means will be afforded by the Colonial Executive and Legislature, as may be deemed requisite for the eventual extension of this System throughout the Colony. We are the more inclined to indulge this anticipation from knowing that, while the General System has in former days been much opposed in New South Wales, and its advantages and disadvantages have been for many years under discussion, it has nevertheless been gradually obtaining many advocates from the ranks even of those who were formerly opposed to it. The general feeling now seems to be that no other System can be so advisable for our vast pastoral districts, where the population is very thin, scattered and of various religious persuasions. The expense inevitably connected with denominational Schools has moreover made it almost impossible, with any advantage, to establish these except in towns of considerable population, and even in the Towns the popular opinion appears to be rapidly verging towards the necessity of having Schools established there on the General System.

Under these circumstances, we are induced to address Your Honorable Board, hoping not only that we may be allowed the great advantage of considering ourselves, henceforward, to be in communication with it, but that we may also rely on obtaining such assistance and advice as it can conveniently afford us in our humble attempts to initiate and follow out in New South Wales the excellent System, which, in the midst of so much difficulty and opposition, Your Honorable Board has completely established in Ireland.

One of our first objects has been to establish a Model School* for Boys and another for Girls in the City of Sydney, from which we trust in time to be able to send teachers to the various Country Districts, where it may be deemed advisable to establish Schools under local Patrons.

For this purpose we have applied, through His Excellency the Governor, for a married couple who may have been trained in the Normal Dublin Schools, the husband to be Master of our Model School for Boys, and the Wife to be Mistress of the Model School for Girls.

The only Certificates, we require with them, will be from two or more of Your Honorable Board as to their moral character and their competency to teach, according to the System adopted in the Irish National Schools. We conceive that, in a healthy country like this, where food is so cheap, a Salary of £300 per annum, with house rent for man and wife, will present sufficient inducement to an active and respectable couple, of competent information, to Emigrate to New South Wales; and we have applied to His Excellency the Governor to instruct Edward Barnard, Esquire, the Colonial Agent, Cannon Row, Westminster, to place £150 at the disposal of the persons who may be selected, to pay for their

* Note 30.
FITZ ROY TO GREY.

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But, for obvious reasons, we have deemed it necessary that, previous to the payment of this £150, the Master selected should enter into a Bond subjecting himself to a penalty of £300 in the event of either himself or his wife relinquishing their respective appointments within a period of three years after their arrival in this Colony. One of the greatest difficulties, which in our apprehension we shall have to encounter, will be the procuring regularly our necessary supplies of the Books published under the authority of Your Honorable Board, as well as of the other mechanical means of instruction. Printing is so expensive in this Colony that we have no hope of supplying our Schools with such Books, except by importation from Europe. Accordingly we on the — January last applied to His Excellency the Governor to instruct Edward Barnard, Esquire, to pay £300 for a complete series of the Books of Your Board; and we have this day advised that another sum of £300 should be furnished for a like purpose. This last £300, however, we have more particularly wished to devote to purposes of primary instruction, as may be seen by the List of Books, etc., wanted, which we have the honor herewith to enclose; and we venture to express a hope that, in pursuance of the terms of the 7th Report of Your Honorable Board, it will be pleased to direct that we may be supplied with these books at the same price as that at which they are furnished to the National Schools of Ireland.

JOHN H. PLUNKETT.
CHARLES NICHOLSON.
W. S. MACLEAY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 96, per ship Tropic.)

My Lord,

My Lord, Government House, 36th April, 1848. 26 April.

I have the honor to forward herewith to Your Lordship the copy of a letter which has been addressed to me by the Principal Medical Officer enclosing a Memorial from Mr. William Richardson, until lately Surgeon in the Colonial Medical Department of New South Wales, but who has now been transferred to Van Diemen's Land.

From Mr. Richardson's high character and meritorious services while employed in the Convict Establishment of this Colony, I have much pleasure in being enabled to recommend to Your Lordship's favourable consideration the prayer of his Memorial, which is that he may be permitted to retire from the Service with such allowance as is usually granted to the Junior Class of Surgeons in the Army after serving 22 years.

I have, &c.,

CYS. A. FITZ ROY.

[Enclosures.]

[Copies of these papers are not available.]
Sir Charles Fitz Roy to Earl Grey.

(My Lord, Government House, 27th April, 1848.)

At the request of Dr. James Eckford, until lately Surgeon in the Colonial Medical Department of New South Wales, but who has been now transferred to Van Diemen's Land, I have the honor to enclose a Memorial which he has addressed to Your Lordship, praying employment as a Medical Officer in the Penal Establishment, which he states is about to be formed at Pentland Island, or in any other part of the United Kingdom.

This Memorial, although dated on the 1st March last, was only placed in my hands by Dr. Eckford on the 10th instant, and I enclose a Certificate from the Principal Medical Officer which accompanied it.

I have, &c.,

CHS. A. Fitz Roy.

[Enclosure No. 1.]

The Memorial of Dr. James Eckford, Surgeon for a period of nearly Twelve Years in the Medical Department for the Convict Service in New South Wales.

Humbly Sheweth:—

that your Memorialist was appointed in 1836 a Medical Officer in the Medical Department for the Convict Establishments in New South Wales, maintained at the expense of the Home Government; an application for the above appointment accompanied with a strong recommendation on behalf of your Memorialist was made in that year by Alex. Haldane, Esq. (Nephew of the late Admiral Duncan), to the present Secretary of State for the Home Department, Sir G. Grey, when under Secretary for the Colonies, who was pleased to reply to Mr. Haldane's application in favorable terms; that, in consequence of orders having been received by His Excellency Sir Chas. Fitz Roy to discontinue all the existing Penal Establishments in New South Wales, Your Memorialist's services will consequently be discontinued in Australia; under these circumstances, he trusts that he may humbly be allowed to set forth his claims for re-employment in the Penal Establishments about to be formed in various parts of the United Kingdom, in order that Criminals sentenced to Transportation might serve or undergo their Probation in places nearer and more immediately under the control of the Home Government, than in a Penal Colony at a great distance from the Mother Country, and who on their deportation are to receive "Tickets of Leave" in Australia. Your Memorialist having perceived on reading the Debates in the House of Commons, if correctly reported, that it is the intention of the Right Honble. Baronet, Sir G. Grey, Secretary of State for the Home Department, to select such Officers to similar appointments in the Mother Country, as they may be required from time to time, who may have acquired experience in
the management of Criminals Transported to New South Wales, and whose services may have been discontinued in consequence of the Abolition of the existing Penal Establishments in Australia.

Your Memorialist would feign hope that, upon account of his services in the Convict Department in New South Wales and also upon account of his having had charge of the North District of Northumberland in England during the prevalence of Epidemic Cholera, being appointed to that duty by the late Dr. Abercrombie, Her Majesty's Physician for Scotland, and having been Assistant for some time to Her present Majesty's Physician for Scotland, Dr. W. P. Alison, to whom your Memorialist can refer, and also to the Right Honble. Chas. Hope, the Lord Justice General of Scotland, as to his opinion respecting Your Memorialist's Treatise on Epidemic Cholera, when it prevailed in Great Britain, and also to the fact of Your Memorialist having had charge for the past seven Years of the largest Convict Hospital in the Colony of New South Wales, capable of containing Three Hundred Patients; that, in consideration of the above services, the Right Honble. the Secretary of State for the Colonies might be pleased to forward this Memorial in order that it may be brought under the notice of the Right Honble. Sir G. Grey, the Secretary of state for the Home Department, as a candidate for re-employment as a Medical Officer in the Penal Establishment about to be formed at Pentland Island or in any other part of the United Kingdom that the Right Honble. the Secretary of State for the Home Department might think fit to appoint him. Your Memorialist would subjoin recommendations for such employment from those whom he has served under in the Penal Colony of New South Wales; and, in the event of his re-employment in the Mother Country, it will prevent any claim being made on his part for compensation from the Home Government for loss of service arising from a Reduction of the Convict Service in New South Wales.

Your Memorialist remains, etc.,

JAMES ECKFORD, M.D.,
Surgeon in the Medical Department for the Convict Service in New South Wales.

The Right Honble. Earl Grey,
Her Majesty's Principal Secretary of State for the Colonies, London.

[Enclosure No. 2.]

STATEMENT BY DR. DAWSON.

Principal Medical Off. Office,
New South Wales, 12 Febly., 1848.

DURING the four Years in which I have been the Principal Medical Officer, Superintending the Convict Medical Department in this Colony, Dr. Eckford has been the Senior Asst. Surgeon in charge of the General Hospital at Liverpool containing from 150 to 200 Beds. He has always been zealous and attentive in the performance of his duties. The Hospital under his charge has always been in good order. I consider him to be a good Officer and a talented and well educated Physician and Expert Surgeon.

W. DAWSON, M.D.,
382 HISTORICAL RECORDS OF AUSTRALIA.

Sir Charles Fitz Roy to Earl Grey.
(Despatch No. 99, per ship Tropic.)

My Lord, Government House, 29th April, 1848.

I have the honor to acknowledge the receipt of Your Lordship's Circular Despatch of the 8th July last, transmitting five copies of the 4th Volume of the published Reports of the Cases heard before the Judicial Committee of the Privy Council, and to state that, in pursuance of Your Lordship's desire, the Colonial Agent General has been authorised to pay to P. Smith, Esqre., the Chief Clerk of Your Lordship's Office, the sum of £7 17s. 6d., the price of the work, out of a sum which will be remitted to him from the General Revenue at the disposal of the Legislative Council, to make small payments on account of the public Service of New South Wales.

I have, &c.,

CHS. A. Fitz Roy.

Sir Charles Fitz Roy to Earl Grey.
(Despatch No. 100, per ship Tropic.)

My Lord, Government House, 30th April, 1848.

With reference to my Despatch No. 33 of 10th February last, forwarding the Returns relating to Land and Emigration required by Lord Stanley's Circular Despatch of the 22d March, 1845, and stating that the necessary information regarding Port Phillip had not then been supplied, I have now the honor to transmit Supplementary Returns.

1. Of all Lands sold during the year ended on 31st December, 1847.

2. Return relative to Land under Lease or License, or subject to Quit Rents, for the year ended on the 31st December, 1847.

I have, &c.,

CHS. A. Fitz Roy.

[Enclosures.]

Copies of these returns are not available.

Earl Grey to Sir Charles Fitz Roy.
(Despatch No. 75, per ship Achilles.)

Sir, Downing Street, 1 May, 1848.

In the Report of the Superintendent of Port Phillip, which accompanied your despatch No. 124 of the 18th June last, with regard to the Exiles sent out in the Ship "Thomas.
Grey to Fitz Roy.

Arbuthnot," reference is made to the leaky state of the Vessel from the Deck downwards. I have thought it right to institute some enquiry into that circumstance, and I transmit, for your information, Copies of a Correspondence with the Home Department and the Board of Admiralty.

I have, &c.,

Grey.

[Enclosure No. 1.]

Under Secretary Merivale to Mr. S. M. Phillipps.

Sir,

Downing Street, 27 December, 1847.

I am directed by Earl Grey to transmit to you the copy of a despatch* from the Governor of New South Wales, with two others from the Superintendent of Port Phillip, announcing the arrival in that Port of the Ship "Thomas Arbuthnot," with 288 Exiles on board (a list of whose names is also enclosed) and reporting the manner in which those persons had been disposed of.

I am to request that, in laying those papers before Secretary Sir G. Grey, you would call his early attention to the state of the Vessel, during her voyage, as represented by Mr. La Trobe, in order that the proper enquiry may be made in the matter.

I am, &c.,

H. Merivale.

[Enclosure No. 2.]

Mr. S. M. Phillipps to Under Secretary Merivale.

Sir,

Whitehall, 15th March, 1848.

Adverting to your Letter of the 27th December last, transmitting a Copy of a Despatch from the Governor of New South Wales, reporting the arrival at that Colony of the ship "Thomas Arbuthnot" and the leaky state of that Vessel. I am now directed by Secretary Sir George Grey to transmit to you for the purpose Reports which has been received from the Comptroller of Transport Services covering several Reports received by the Board of Admiralty in reference to the alleged leaky condition of the Exile Ship "Thomas Arbuthnot."

I have, &c.,

S. M. Phillipps.

[Sub-enclosure No. 1.]

Mr. J. Meek to Mr. S. M. Phillipps.

Sir,

Admiralty, 3rd March, 1848.

In answer to your letter of the 8th January last, I beg to enclose for the Letter information of Secretary Sir George Grey a Copy of a Letter with its enclosures transmitted received from the Brokers of the "Thomas Arbuthnot," relative to her leaky state during the Voyage to Port Phillip in May last.

I have, &c.,

James Meek.

[Sub-enclosure No. 2.]

Mr. W. Phillipps to Mr. J. Meek.

Sir,

2 Royal Exchange Buildgs., 21 Feb., 1848.

In reply to your Letters of the 13th and 17th Inst., I beg to enclose you Letters a letter received this morning from Capt. Thomson, as also one enclosed from the transmitted. Surgeon Superintendent Mr. Henry Baker, which will I trust satisfy their Lordships and yourself that the Decks of the Exile Ship "Thomas Arbuthnot," did not leak on her passage from this to Port Phillip in the early part of last year.

I have, &c.,

W. Phillipps.

* Marginal note.—No. 121, 13 June, '47.
1 May.

Denial of statement re leakages in deck.

In reply to yours of yesterday's date, calling upon me for the information of the Admiralty for the cause or reason of the leaky state of the Deck of the Ship "Thomas Arbuthnot" on the passage from England to Port Philip last year, I beg to inform you that I had no complaint directly or indirectly that such was the case, as the enclosed note from H. Baker, Esqre., Surgeon Superintendent of the Convicts, will prove, and the general health of the Convicts on landing in Australia will prove, not having one single Sick man, nor one farthing claim against the Ship for damage of Government.

At various times, the Scuttles during the absence of the Surgeon were opened without permission and let in a considerable quantity of Water, the offenders when detected were punished. This circumstance may have given rise to the report that the Deck was leaky from above, and during wet weather the necessity of admitting air obliged the Hatches to be constantly kept off, which may at times have caused dampness on the Convict Deck.

JOHN THOMSON.

[Sub-enclosure No. 4.]

MR. H. BAKER TO CAPTAIN THOMSON.


In answer to your Letter of yesterday's date, wishing to know if I had made any complaint of the leaking of the Thomas Arbuthnot, I beg leave to state that I made no report whatever, and I remain, &c.

THOMAS BAKER, Surgeon, R.N.

[Enclosure No. 3.]

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

Sir, Downing Street, 19 April, 1848.

With reference to your Letter of the 15th Ultimo, I am directed by Earl Grey to transmit to you, for the consideration of Secretary Sir G. Grey, the enclosed copies of a correspondence with the Board of Admiralty on the subject of the Report made by the Superintendent of the Settlement at Port Phillip, as to the leaky state of the "Thomas Arbuthnot" Emigrant Ship.

Lord Grey would suggest that this report be communicated to the Controller of Transport Services, with a request that such precautions should be adopted as he might think suitable, with a view to prevent the recurrence of the inconvenience which appears to have existed on this occasion.

I am, &c.,

H. MERIVALE.

[Sub-enclosure No. 1.]

CAPTAIN HAMILTON TO UNDER SECRETARY MERIVALE.

Sir, Admiralty, 30th March, 1848.

With reference to your Letter of the 25th Instant, enclosing an extract of a Report from Mr. Latrobe, Her Majesty's Superintendent of the Settlement at Port Phillip, alluding to the leaky state of the "Thomas Arbuthnot" Emigrant Ship, and requesting that Mr. Henry Baker, the Surgeon Superintendent on board that Vessel, might be called upon to report whether or not he observed any leakage in that Vessel during her passage to Port Phillip, and the particulars relating thereto, I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Earl Grey, the copy of a Letter received from Mr. Henry Baker, on this subject.

I am, &c.,

W. A. B. HAMILTON.

[Sub-enclosure No. 2.]

MR. H. BAKER TO ———.

Sir, Maldon, 28th March, 1848.

I have to acknowledge the receipt of your Letter of yesterday, and I beg leave to acquaint you, for the information of my Lords Commissioners of the Admiralty, that I did observe the "Thomas Arbuthnot" Exile Ship to leak during our passage to Port Phillip.
I observed it first on or about the 20th December, 1847, in going round to Spithead from Woolwich. The Leakage was principally in her top sides, but it only occurred in rough Weather, and then the lee side was rather troublesome. The beds however being removed, the Exiles did not suffer; and, the hold being perfectly dry, no injury was done to the provisions.

HENRY BAKER, Surgeon, R.N.

[Sub-enclosure No. 3.]

TO CAPTAIN HAMILTON.

Sir, Downing Street, 25 March, 1848.

I am directed by Earl Grey to transmit to you for the information of the Lords Commissioners of the Admiralty the enclosed Extract of a Report from Mr. Thomas Latrobe, H.M.'s Superintendent of the Settlement at Port Phillip, upon the arrival of the body of 288 Exiles in the Ship "Thomas Arbuthnot." It will be seen that, in reporting favourably upon the "Arbuthnot," in other respects, Mr. Latrobe alludes to "the leaky state of the Vessel" from "the deck downwards."

Some enquiry having been instituted into the subject at the instance of the Secretary of State for the Home Department, Lord Grey has seen a reply offered by the Brokers of the Vessel, in which amongst other matters they forward the following letter from Mr. Henry Baker, the Surgeon Supt. of the Vessel:

"In answer to your letter of yesterday’s date, wishing to know if I had made any complaint of the leaking of the 'Thos. Arbuthnot,' I beg leave to state that I made no report whatever, and I remain, &c."

Considering the importance of conclusively ascertaining whether or not the Further information was fit for the service on which she was employed, I am directed by Earl Grey to suggest that it would be more satisfactory to obtain a Statement from the Naval Surgeon, not whether he had ever reported about the leakage before, but whether the Ship did in fact leak. I am to request, therefore, that you will move the Lords Commissioners of the Admiralty to call upon that Officer to report whether or not he observed any leakage in the "Thos. Arbuthnot" during her passage to Port Phillip, and if so to state when it began, and to what extent it prevailed, adding any general remarks which the subject may appear to him to require.

I have, &c.

[Sub-enclosure No. 4.]

EXTRACT of a Report from Her Majesty's Superintendent, dated Melbourne, 6th May, 1847.

"They seem to have been healthy and with few exceptions, well behaved during the Voyage; and the only cause of complaint, it appears to me, is that of the C. J. La Trobe, Leaky state of the Vessel from the deck downwards. This certainly has been the cause of considerable inconvenience, and fully accounts for the appearance of the Lower Decks not being so clean and orderly, as might be remarked in other Vessels, employed in the Service."

[Enclosure No. 4.]

SIR DENIS LE MARCHANT TO UNDER SECRETARY MERIVALE.

Sir, Whitehall, 26th April, 1848.

I have received and submitted for the consideration of Secretary Sir George Grey your letter of the 19th instant, with its enclosed copies of a correspondence, which has taken place between the Colonial Department and the Board of Admiralty, respecting the alleged Leaky condition of the Exile Ship "Thomas Arbuthnot," and I am to acquaint you, for the information of Earl Grey, that, in compliance with his Lordship's suggestion, Sir George Grey has made a communication to the Lords Commissioners of the Admiralty on this subject, with a request that such precautions should be adopted as their Lordships may deem suitable with a view to the future prevention of the defect which appears to have existed on this occasion.

I am, &c.,

DENIS LE MARCHANT.
Remittance for immigration purposes.

1848.
1 May.

Sir Charles Fitz Roy to Earl Grey.
(Despatch No. 101, per ship Chaseley.)

My Lord,

Government House, 1st May, 1848.

Referring to my Despatch No. 59 of the 28th February last, I have the honor to inform Your Lordship that a Warrant has been prepared in favour of Deputy Commissary General Ramsay for the further sum of £10,000, to form a remittance to England towards defraying the expenses of Emigration to New South Wales; and that the Certificate from Mr. Ramsay of the receipt of the money will be forwarded to the Emigration Commissioners in London with a view to their receiving a corresponding amount from the British Treasury.

With this sum of £10,000, the total amount now issued from the Colonial Treasury on account of Emigration will be £80,000.

I have, &c.,

Chs. A. Fitz Roy.

3 May. Despatch acknowledged.

Statement by A. Martin.

Additional land grant claimed by A. Martin.

Report on claims of A. Martin.

Sir Charles Fitz Roy to Earl Grey.
(Despatch No. 103, per ship Chaseley; acknowledged by Earl Grey, 25th December, 1848.)

My Lord,

Government House, 3d May, 1848.

I have the honor to acknowledge the receipt of Your Lordship's Despatch No. 231 of the 29th September last, instructing me to apply to Lieut. A. Martin, R.N., for a copy of a letter, which he had forwarded direct to Your Lordship, bringing under your consideration his claim to an additional Grant of Six hundred and forty acres of Land, and further desiring me to transmit to Your Lordship the copy referred to, accompanied by such Report as I might consider the case required.

Having accordingly applied to Lieut. Martin, I have now the honor to transmit a copy of his reply, from which it would appear that the letter in question was addressed to Your Lordship in the shape of a Memorial by Lieut. Martin's Agents, and that he is not in possession of a copy of that document. He, however, enters into a recapitulation of his case and of the circumstances which he believes entitle him to an additional Grant. The facts of the case as recorded in the Office of the Colonial Secretary of this Government are as follows.

Mr. Martin, on his arrival in this Colony in January, 1832, applied for Land as an Officer of twenty years' standing, and was accordingly authorized a remission of £300 in the purchase, under the Regulations of the 1st August, 1831, which were
highly favourable to him in as much as that they gave that amount to all Officers, of whatever rank, after twenty years' service; whereas, by those of March, 1832, he would only have been entitled to £200 according to his rank. Lieut. Martin accordingly selected and purchased 640 acres of Land for £336, paying the balance of £36.

It would appear that, in his Memorial to Your Lordship, he has represented that he originally came to this Colony in 1829, and returned home to bring out his family under an impression that he would be entitled to a Grant of 1,280 acres under the Regulations then in force, and he alleges that he suffered from the delay he experienced in obtaining his land; but there is nothing on Record to show that he had any grounds for entertaining this impression, or that he made any application for land prior to the month of January, 1832. I cannot, therefore, consider Lieut. Martin entitled to the land he applies for; and, with regard to the delay he complains of, it is on record that his selection of land was made on the 2d of February, 1832; that it was measured and advertised for sale on the 28th May, 1832, and put up for sale (after three months' notice according to the then existing Regulations) on the 31st August following.

I have, &c.,

Chs. A. Fitz Roy.

[Enclosure.]

[A copy of this paper is not available.]
decision of the Commissioners of Customs according to the 
practice of the Service, I have to beg that Your Lordship will 
be pleased to recommend the case of Mr. Andrews to the favor­
able consideration of the Commissioners.

I have, &c.,

CHS. A. FitzRoy.

[Enclosure No. 1.]

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

Superintendent's Office.

Sir, Melbourne, 1st April, 1848.

I have the honor to state, for His Excellency's information, 
that the Acting Collector of Customs at this Port has forwarded 
to me an application from Mr. R. H. Andrews to be allowed the 
amount of Dr. Ainslie's and Dr. Hobson's account, herewith 
enclosed, for medical attendance, amounting to Eleven pounds 
eleven shillings, consequent upon his having been injured by a fall, 
the man ropes being insecurely fastened, while in the execution of 
his duty on the 24th January last, in boarding the Immigrant ship 
"Sir Edward Parry" as Customs' and Health Officer, by his arm 
being severely dislocated and fractured.

This charge, the Acting Collector submits, is a just claim upon 
the local Government, such provision being made in the United 
Kingdom under the Act of Parliament 5th and 9th Victoria, ch. 87, 
sec. 69, for Officers of the Customs' Revenue similarly circum­
stances.

I have, &c.,

[Sub-enclosure.] C. J. LA TROBE.

ACCOUNT.

Mr. Andrews

Dr. to H. W. Ainslie, M.D.

December 24, 1847.—Surgical attendance, reducing severe dislocation of the 
wrist and fracture of the Radius, Splints, Bandages, etc.

December 25, 1847.—Attendance during the night, also re-dressing with Dr. 
Sullivan.

December 29 to January 4, 1848, inclusive.—Visits to Melbourne, Dressing.

£10 10s.

R. H. Andrews, Esq.

To the Executors of the late Dr. Hobson.

To Medical Attendance, £1 1s.

1848, February 10.

[Enclosure No. 2.]

STATEMENT BY MR. J. GIBBES.

Customs House, Sydney, 14 April, 1848.

I am not prepared to say what the practice of the Service may be 
in cases of this kind.

The 89 section of the 87 chap. of 8 and 9 Victoria (or the 
Smuggling Act) provides for accidents, which may arise from 
Officers coming into collision with Smugglers, but not, I apprehend, 
for casualties which may arise under ordinary circumstances.

I am at the same time of opinion that this is a case deserving of 
the favourable consideration of the Government: The income of this 
Officer being small, the injury received very severe, and the 
accident having occurred from no carelessness of his own whilst 
in the execution of his duty.

J. Gibbes, Collector.
SIR CHARLES FITZ ROY TO EARL GREY.

My Lord,

Government House, 6th May, 1848.

I have the honor to transmit to Your Lordship copy of a Memorial addressed to me by the Mayor, Aldermen and Councillors of Melbourne in the District of Port Phillip, praying that, as Her Majesty has been pleased very recently to elevate the Town of Melbourne to the rank of a City, and as moreover official information has been published that it is the intention of Her Majesty’s Government to erect the District of Port Phillip into a Separate Colony, the claims of the Corporation of Melbourne to have conferred on their Chief Officer the same title that is enjoyed by the Chief Officer of the Corporation of Sydney may be favourably entertained.

Having submitted this Memorial to my Executive Council, I have the honor, with their advice, to request that Your Lordship will bring the prayer of the Memorialists under Her Majesty’s gracious consideration.

I beg to explain that the designation assigned to the Mayor of Sydney is that of “Right Worshipful,” as approved by Lord Stanley’s Despatch of 3d July, 1843, No. 98, whilst that of the Mayor of Melbourne is simply “Worshipful.”

I have, &c.

[Enclosure.]

CHS. A. FITZ ROY.

THE Memorial of the Mayor, Aldermen, and Councillors of Melbourne.

To His Excellency Sir Charles Augustus Fitz Roy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies and Vice Admiral of the same, etc., etc.

Sheweth:—

That Your Memorialists beg leave to represent to Your Excellency that, upon the occasion of creating the Corporation of Sydney, the Mayor of that City was distinguished by the Title of Right Worshipful in consideration of Sydney being the Metropolis of the Colony and also a City: And, since Her Majesty has been pleased to elevate the Town of Melbourne to the rank of a City, and Official information has been published that it is the intention of the Imperial Government forthwith to erect the District of Port Phillip into a separate Colony, Your Memorialists respectfully request Your Excellency’s favorable attention to the claims of the Corporation of Melbourne to have conferred upon their Chief Officer the same title as is enjoyed by the Chief Officer of the Corporation of Sydney.

And Your Memorialists as in duty bound will ever pray, etc., etc.

JOHN KING, Town Clerk.

A. RUSSELL, Mayor of Melbourne.
HISTORICAL RECORDS OF AUSTRALIA.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 107, per ship Chaseley; acknowledged by earl Grey, 27th January, 1849.)

My Lord,

Government House, 7th May, 1848.

I have the honor to transmit the Reports for 1847 of the Officers of this Government employed in the protection or civilization of the Aborigines. I have, &c.,

CNS. A. FITZ ROY.

SCHEDULE of Annual Reports of the Protectors of the Aborigines of New South Wales, forwarded with Despatch No. 107 of 7 May, 1848.

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Port Phillip District.

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Chief Protector Port Phillip. Reverend Mr. Watson.

[Enclosure No. 1.]

ANNUAL Report on the state of the Aborigines, in the District of Moreton Bay for the year ending the 31st December, 1847.

Sir,

In my last annual Report on the state of the Aborigines, I was under the painful necessity of enumerating sundry atrocities committed by them in various parts of this District; it is, therefore, with much pleasure that I have now the honor to state, for his Excellency the Governor's information, that, with the exception of two or three stations in the vicinity of the coast, the Squatters have nowhere been molested; indeed at all the stations I have visited, I have everywhere found the Aborigines received upon a friendly footing, experience having no doubt taught them that the occupation of their Wilds by the White man, so far from curtailing their means of existence, has rather augmented them; in some few instances I have found an Aborigine intrusted with a flock.
of sheep, and am informed that, when they can be prevailed upon to engage in the avocation of Shepherds, they acquit themselves in a satisfactory manner; the only drawback is the difficulty of retaining them long in the same occupation; but even this I am in hopes might be much diminished by encouraging them by the weekly payment of a small sum in money, of the value of which they seem to be well aware: on my own Station I have found this plan very efficacious. The Aborigines of the Coast, however, are less tractable, and the German Mission and the Stations of Messrs. Archer, Griffin and Mason have all more or less suffered from their marauding propensities: only one man has lost his life and another severely wounded during the past year; as they were both Sawyers, a class of men but too apt to give provocation, it is difficult to say who may have been the aggressors. On the other hand, the Aborigines of Moreton Island, in saving the lives of the persons thrown on shore by the melancholy wreck of the Sovereign, Steamer, fully bear me out in the opinion I have always entertained that they are not naturally a blood-thirsty race. The very liberal rewards, granted to these individuals for their meritorious exertions by Government, will I have no doubt have a very beneficial effect upon the Coast Blacks generally; upon the whole therefore, without schools or any attempt at moral or religious training, I may venture to assert that the Aborigines of the Moreton Bay District are progressing in habits of Civilization.

I have, &c,

S. SIMPSON, C.C.L.

[Enclosure No. 2.]

MR. C. ROLLESTON TO COLONIAL SECRETARY THOMSON.

Crown Lands Office.

Darling Downs, 1st January, 1848.

Sir,

In transmitting, for the information of His Excellency the Governor, my Annual Report upon the condition and prospects of the Native Tribes frequenting the District of Darling Downs, I may observe generally that very little improvement has taken place in their conduct or habits during the course of the past year. The Tribes frequenting the older settled parts of the District have kept up a friendly intercourse with the Whites, and at most of the Stations some of their numbers are employed at times in various occupations such as looking after Sheep, Cattle and Horses, or carrying wood and water for the Stations, for which services they are remunerated with clothing and rations; beyond this I see but little prospect of advancing them; and, from my experience of them as a class, I believe it is as great a degree of civilization as they are capable of being brought to.

At the newly settled stations on the outskirts of the District, several aggressions have been made upon the stock of the Squatters, attended in one instance, I am sorry to say, by loss of life to an unfortunate shepherd, having Charge of a Flock of Sheep at the time this attack was made upon the newly made station of Mr. David Perrier, in the neighbourhood of the river Severn, by the Blacks frequenting the dense scrubs, which line the banks of that River.

A Flock of Sheep was driven away and many of them destroyed, and three Horses were killed at the same time. From the nature and character of that part of the Country, depredations of this
kind must naturally occur and cannot be prevented, since, from the secure shelter afforded by these scrubs, the Natives inhabiting them are more daring and ferocious than those occupying the more open parts of the District.

The Police force at the disposal of the Benches of Magistrates is not only insufficient but useless as a protective force, where the Blacks are concerned, and beyond my own personal influence I have no means of checking their well known aggressive habits.

But I beg to assure His Excellency that no exertions on my part shall be wanting to create and maintain between the Whites and the Natives frequenting the district those amicable relations, which are the first and almost only means within my power of civilizing and improving them.

I have, &c,
CHR. ROLLESTON, C.C. Lands.

P.S.—I may mention that a great number of the Natives have died lately from the prevailing Epidemic, the Influenza.

MR. O. FRY TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office.
Sir, Clarence River, 17th January, 1848.

In reporting upon the state of the Aborigines in this District during the year 1847, it gives me pleasure to be able to state that the catalogue of outrage, which I am called on to detail, is considerably less than that of any previous corresponding period, since the District was first occupied by Europeans. Indeed, were it not for the exception caused by the tribe in the vicinity of Mr. Courts' Station on Kangaroo Creek, it might have been asserted that their conduct generally had been such as to afford no room for dissatisfaction. The exception to which I refer consists in the murder on the 23rd February last of a youth named Jeremiah Sullivan under circumstances which led to the conclusion that it was committed by the Blacks; and in some cases of Cattle Killing alleged to have taken place on the same Station. It is exceedingly probable, however, that the guilt attaching to these transactions may with more justice be imputed to Mr. Courts himself, than to those actually concerned in them, as the revelations, recently made in prosecuting him for the offence for which he at present stands committed, abundantly prove his treatment of the Aborigines to have been distinguished by the most barbarous inhumanity.

On the Richmond, the theatre of so much former disturbance, the various tribes have remained remarkably tranquil during the past year, so much so as to lead me to hope that crime of an aggravated nature need not in future be anticipated in that portion of the District.

The principle, which has always prevented the Aborigines of New Holland from abandoning their nomadic habits, appears to be in full force throughout the District of Clarence River, for, although they are in daily intercourse with the whites, I am not aware of an instance of any individual having been prevailed on to enter service or permanently reside upon the Stations. If, however, they have rejected the benefits of civilisation, they seem also to have remained uncontaminated by its vices, for traces of drunkenness and dissipation are not to be discovered amongst them.

I have, &c,
OLIVER FRY.
Mr. R. J. Massie to Colonial Secretary Thomson.

Crown Lands Office.

Sir,

Macleay River, 31st Dec., 1847.

In compliance with the usual Regulation, I do myself the honor of forwarding my annual report on the state of the Aborigines in this District. I have little to add to the reports made by me during previous years, as scarcely any change has taken place either in the position or prospects of the Natives; there is the same hopeless apathy, the same wandering habits, the same want of consideration and forethought for the morrow which are the distinguishing features in Savage Nations in general, but in the Aboriginal population of Australia in particular. At the same time, I am happy to be able to state that no collision has occurred between the Whites and the Aborigines in this district during the past twelve months, nor has there been therein the slightest disposition on the part of the natives to molest or injure the occupants of Out-Stations even in remote situations, where naturally they are most exposed to attacks of this nature. So far this is satisfactory; but, on the other hand, the Natives have for some time past systematically been in the habit of spearing and destroying Cattle at four or five stations to the great loss and consequent complaint of their owners. I do not mean to aver that the Natives destroy them wantonly, or from the mere love of mischief; their sole object I have no doubt is from the diminished supply of their usual and natural food to obtain the means of sustenance. How to combat, or put a stop to this habit on their part (bad in itself, but still worse as it irritates the white population and tends to create an ill feeling between the two races), I know not. It is almost impossible to catch them in the Act as they have cunning enough never to kill any cattle except in most remote situations, and at times when, from circumstances of which they first make themselves fully aware, there is no chance of their being discovered by the Stockmen or seen by the Police. Several letters have been addressed by different Gentlemen to the Bench of Magistrates at this place on the subject and have been referred to me by the Bench. I can only give the same answer to all parties that I will exert any influence I have over the Aborigines effectually to suppress and put an end to this habit, although I must confess there are many and great difficulties in the way. If they could be seen the remedy is plain and simple; but, as I have before stated, the only way it is discovered is by Beasts occasionally coming in with portions of spears sticking in them or by the remains of dead Beasts being found in the deserted camps of the natives. With a view however of stopping the depredation, I have made a Requisition for a number of Scarlet Blankets, Pocket Knives and Tomahawks, which I purpose giving to those Tribes who will furnish me with information when any members of their own or of a neighbouring Tribe propose committing an offence of the kind, and also as a reward to themselves for abstaining from anything of the sort; and I sincerely trust that my application may be acceded to by the Government.

The collisions between the different Tribes in this part are as frequent as ever. They are, however, rarely attended with loss of life. As I am not one of those, who think the Aborigines should
be allowed the unrestricted exercise of their own barbarous laws and customs, which in themselves are totally subversive of any thing approaching civilization, I have disowned them by every means in my power, and flatter myself that in some instances my efforts have been attended with success. So far as I can learn, the increase in the native population during the past year has been very trifling, and the deaths but few; nor have I heard of any case of illness of a serious nature. To arrive at anything like a correct return of the number of Aborigines in this district, I find to be utterly impracticable. The total, however, does not in my opinion exceed three hundred to four hundred souls.

As to ever effectually civilizing or reclaiming from their Savage mode of life the Natives of this Colony, I must confess, after some years intimate acquaintance with and consideration of the subject, appears to me almost hopeless. In their intercourse with the white population they have quickly acquired a good many of the bad habits of what is called civilized Society without their General condition being improved so as to afford them a compensation for those evils; and, so far as the point of advancement has been made in our attempts at Civilization, it clearly admits of a doubt whether we have not inflicted an injury rather than conferred a benefit on them.

The task, however, may gradually become an easier and more cheering one, and, as the difficulties are great, so the gratification will be proportionately increased when we are able to witness the manners of a people, who have as yet so little cause to look upon their intercourse with the Whites as a blessing or an advantage, amended and their general condition improved and ameliorated.

I have, &c.,

ROBERT J. MASSIE, C.C. Lands.

[Enclosure No. 5.]

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


Sir,

In attention to your Circular Letter of the 31st Utimo, I now do myself the honor of reporting to you on the condition of the Aboriginal Tribes in the District of New England during the past year; and it again gives me great pleasure to be enabled to inform you that no act of Atrocity or Aggression, that I am aware of, has been committed by the Aborigines on the Life or Property of the occupants of the Crown Lands during that period; neither has any case of ill treatment of the Natives by the Shepherds or Workmen of the Districts come within my knowledge.

In any other respect, there is no indication whatever of any change for the better either in the moral or social condition of the Tribes; they continue quiet, indolent, and inoffensive, frequenting the Stations for the purpose of procuring Tobacco and occasional supplies of Food and Clothing, in exchange for which they are generally employed as hewers of wood and drawers of Water, and sometimes more permanently as shepherds, stockmen and Servants.

In numbers the Natives have not apparently decreased, nor do they appear to me to be so much subject to Disease as formerly, a
change perhaps attributable in some measure to their females having less intercourse with the shepherds and labourers than in other years, the disproportion in the sexes of the British population having greatly diminished in the District.

The Climate of the Table land of New England is rigorous and severe during the Winter Months, and the Aborigines suffer much from cold and wet at night; and I would, therefore, beg to recommend that the Annual issue of Blankets and Clothing should be continued to them as heretofore, under the Superintendence of the Magistracy of the District; and it would be very desirable indeed if some provision could be made for the maintenance and Medical attendance of the Sick, the aged and Infirm, who are unable to provide support for themselves.

In conclusion, I beg to reiterate my own anxious endeavour in my ordinary intercourse with the Aboriginal Tribes to carry out as much as may be in my power the Instructions and intentions of Her Majesty's Government. I have, &c.


[Enclosure No. 6.]

MR. R. MITCHELL to COLONIAL SECRETARY THOMSON.


Sir,

In reporting upon the state of the Aborigines in this District for the past year, I have the honor to point out that I confine myself to the Country included within the boundaries proclaimed by His Excellency the Governor on the 4th December last, especially as that portion of Country, now designated the Gwydir District, has occupied the attention of Mr. Commissioner Bligh for the period alluded to. It is, therefore, with great satisfaction I have to report that, throughout the tract of country now under my control, no loss of life has been sustained by the White Inhabitants, while at the same time no outrages have been committed on their property by the Aborigines. On the contrary. I have the gratification to narrate that, on the occasion of a Stockholder having lost his way in an arid country between the Narran and the Barwan Rivers, the Natives were most indefatigable in their endeavours to track him, although I regret to say that they were in this instance unsuccessful. I have heard that large meetings of natives have taken place in the settled parts of the Balloon River giving room for a suspicion of hostile intention on their parts; but I am satisfied that with a due caution and considerate treatment no fears need be entertained in that quarter.

It has ever been remarked in the northern Districts that the Natives, when first brought into communication with Europeans, are quite inoffensive and most attentive to the wants of the Stranger who meets them, most desirous to conciliate and to shew the resources of their Country as far as their abilities will allow them; and it is not until they are corrupted either by the White Inhabitants or by the demi-civilised Aborigines who accompany them from other parts of the Colony that any bad consequences ensue.

The wild native is, therefore, in my opinion a much more respectable being than he who has derived his ideas of civilisation from Stock-keepers and servants in the Interior, or than he who, having been carefully tended and educated driven by an innate
1848.  
7 May. 

Report on aboriginals in district of Liverpool plains:

The impulse to the haunts of his tribe avails himself of the knowledge he has acquired in converting a tribe of natives, whose habits were previously simple and whose wants were few, into an organised band of murderers and cattle stealers.

Such is said to be the case with the Aborigines of the Macintyre River and to the northward of it, where so many murders have recently happened; and who are supposed to be under the directions of Natives such as I have described. I have been informed that the native boy, so carefully educated by the late Mr. Stephen Coxon at the Normal Institution, is at present perfectly useless, associates with the blacks, and is vicious in every respect. I may also mention that the result of considerable attention bestowed upon Native Boys in this District by Mr. Otto Baldwin has been unsatisfactory.

In considering, therefore, the sixth paragraph of Lord John Russell's Despatch to Sir George Gipps, No. 132, I continue to be of opinion that any money lavished upon the education of the Natives would be thrown away: although I consider a certain sum should be devoted to their protection.

There is no question that they are frequently illused by the white people, especially when remote from the surveillance of Police; in fact a recent occurrence at the Clarence River, in which a Stockholder is charged with poisoning several members of a tribe, is (if true) sufficient to shew at what a low price the life of a native is estimated. There is one custom so common in the Interior that it may probably be unnecessary for me to point it out which is the habit of taking their women from the Natives and frequently by force. So perfectly indifferent are the lower class of people to the feelings of the Aborigines in such matters that they actually traffic with these Gins: and I was informed not long since by a respectable party that a Stockman residing on the Boomi Creek had sold a Native Woman to another Stockman for a Mare and Foal.

I have perceived no change in the social condition of the natives since my last return. They are rapidly diminishing in number, and have not in any instance evinced a desire to reside at any particular spot.

There are no schools, and, as regards the state and prospects of the Aboriginal races, I beg leave to express a conviction that the more their intercourse with that class of Europeans whom they at present meet is extended, the more rapidly will their numbers decrease and the more deplorable will their prospects become.

I have, &c.

RODERICK MITCHELL,

[Enclosure No. 7.]

MR. R. ROOHL TO COLONIAL SECRETARY THOMSON.

Crown Lands Office, Gwyder.

Sir,

In forwarding to you a Report on the condition of the Aborigines in the District of Gwyder during the past year, I do myself the honor to observe that there is little in the character of the Native Tribes in any way distinguishing them from those of the inner Districts.

* Note 31.
In every case, the same wandering improvident habits and after partial civilization, the same readiness for occasional desultory labour in the service of the Whites appear to be their characteristic.

In the long settled parts of the District, they appear to have attained that which may be considered their maximum of civilization, that is to say, they are perfectly peaceable and harmless both to the persons and the property of the Settlers, and wander in their usual manner from Station to Station, performing a variety of services for the sake of the food and tobacco, which form the common remuneration of their labour.

I may, however, mention that the Blacks of this particular neighbourhood, who belong chiefly to the Walroy and Queenbul tribes, have in one particular outstepped their more distant brethren in having acquired a sense of the value of money, which is now the compensation for their labour most in request, and more highly prized by them than an equivalent quantity of perhaps the identical article in which they immediately expend the money earned. I regret to say that this harmless and even useful character is by no means applicable to the Aborigines of what may be called the frontier of the District, comprising that portion of the Macintyre or Barwan River from Mertawa (the Station of Mr. Howe) downwards to Turrembout, a Station abandoned some years since on account of its dangerous position, together with Calandoon, an Ana branch of the Macintyre and Collygs Creek, a tributary of that River from the North East.

The greater part of this Country has been taken up by the Squatters within the last two years, and the Natives are consequently at this moment in that state of semi-civilization in which they have always found most dangerous, having seen just sufficient of the white man to excite a feeling of revenge for his intrusions and a desire to possess themselves of his wealth, without having learnt sufficiently to appreciate his means of punishing and resenting aggression.

The Outrages by the Aborigines in this quarter have been unusually frequent during the past year, scarcely any of the Stations within the limits referred to have escaped without the loss of many of their Cattle; and in some instances, to which I shall more particularly refer, the life of unoffending individuals has been taken in a most wanton manner by these Savages, whose aggressions upon the Cattle extended even as far inwards as the Gwyder River, during the months of October and November last, when they congregated to the number of between three and four hundred at a Station known as “Gourable,” midway between the Gwyder River and the Macintyre for the purpose of holding a “Boorah” or Ceremonial for the admission of the Youths to the rank and privileges of manhood.

On this occasion, much injury to the stock of various Settlers was done by the Natives both on their road to and from “Gourable,” and also during the time that the ceremony lasted.

The cases, in which life has been taken by the Natives during the past year, are three. In the month of June last, the body of a man, who is described as a sort of half witted person travelling in search of employment, was found in the Macintyre River under circumstances which led to the conclusion that he had been murdered by the Blacks for the sake of the few articles of clothing.

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I may, however, mention that the Blacks of this particular neighbourhood, who belong chiefly to the Walroy and Queenbul tribes, have in one particular outstepped their more distant brethren in having acquired a sense of the value of money, which is now the compensation for their labour most in request, and more highly prized by them than an equivalent quantity of perhaps the identical article in which they immediately expend the money earned. I regret to say that this harmless and even useful character is by no means applicable to the Aborigines of what may be called the frontier of the District, comprising that portion of the Macintyre or Barwan River from Mertawa (the Station of Mr. Howe) downwards to Turrembout, a Station abandoned some years since on account of its dangerous position, together with Calandoon, an Ana branch of the Macintyre and Collygs Creek, a tributary of that River from the North East.

The greater part of this Country has been taken up by the Squatters within the last two years, and the Natives are consequently at this moment in that state of semi-civilization in which they have always found most dangerous, having seen just sufficient of the white man to excite a feeling of revenge for his intrusions and a desire to possess themselves of his wealth, without having learnt sufficiently to appreciate his means of punishing and resenting aggression.

The Outrages by the Aborigines in this quarter have been unusually frequent during the past year, scarcely any of the Stations within the limits referred to have escaped without the loss of many of their Cattle; and in some instances, to which I shall more particularly refer, the life of unoffending individuals has been taken in a most wanton manner by these Savages, whose aggressions upon the Cattle extended even as far inwards as the Gwyder River, during the months of October and November last, when they congregated to the number of between three and four hundred at a Station known as “Gourable,” midway between the Gwyder River and the Macintyre for the purpose of holding a “Boorah” or Ceremonial for the admission of the Youths to the rank and privileges of manhood.

On this occasion, much injury to the stock of various Settlers was done by the Natives both on their road to and from “Gourable,” and also during the time that the ceremony lasted.

The cases, in which life has been taken by the Natives during the past year, are three. In the month of June last, the body of a man, who is described as a sort of half witted person travelling in search of employment, was found in the Macintyre River under circumstances which led to the conclusion that he had been murdered by the Blacks for the sake of the few articles of clothing.
which he carried with him; and immediately afterwards one
Bradley, a Hutkeeper of Messrs. Campbell and Smith at Eeloogaba,
on Mininnie or Collygo Creek, was slain in the Hut by certain of
the Natives in whom he had foolishly placed too great confidence,
allowing them access to the hut at all seasons.

In this case there seemed not only a total absence of provoca­
tion, but I have reason to suppose that the Natives had been
 treated with extraordinary kindness and liberality by the de­
ceased; and no motive beyond the plunder of the Hut can be
 assigned as having instigated them to the commission of this
murder.

One of the suspected Natives named "Tinker," having been
captured by the Settlers, was subsequently killed in a desperate
Struggle between himself and those who had him in custody.
Upon this matter, I held an official enquiry, and am of opinion
that he was necessarily slain by his captors in their own defence.

Warrants were issued for other Natives accused of this murder;
but it has hitherto proved impossible to arrest any of them, more
particularly as the police as now constituted is barely sufficient
for the coercion of the white population.

In the third instance, a boy of eleven years old, a son of Mr.
James Mark, residing about four miles from the scene of Bradley's
murder, was most cruelly murdered and mutilated by the Abori­
gines, and in this case there seems to be no possibility of ever
identifying those by whom the murder was committed. The only
instance within my knowledge, in which any of the Aborigines
have been killed by the Whites during the last twelve months
(with the exception of that already mentioned), is that of a Black
named "Talbot" who was justifiably shot by a solitary Hut­
keeper, while endeavouring with others to force an entry into a
Hut on a Station of Mr. Pringle's in the same neighbourhood.
Since that time no other case of violence on either side has come
to my knowledge; but there is much reason to fear that the whole
of this tract of country, which is interspersed with dense Brigalow
Scrubs, affording an impenetrable retreat to the Natives, must
from its character continue for many years to be subject to occa­
sional outrages of this description.

There is, I am sorry to say, too much ground for supposing
that a general spirit of ill feeling and sense of injury on the part
of the Natives is kept up by the too common practice of taking
their women from them, for the prevention of which no sufficient
remedy exists.

I have, &c.

RICHARD BLIGH, COMT. C. LANDS.

[Enclosure No. 8.]

and in district

Report on the Aborigines by Graham D. Hunter, Commissioner
of Crown Lands, District of Bligh, for the year 1847.

In my former Reports, I had occasion to mention the very
unsettled state of the Aborigines in the more distant parts of this
District, For the last twelve months has generally been tranquill.
I can with almost a certainty state that there has not been a
collision between the Aborigines and the Stock-Holders in this
District; I cannot conceive any particular change in the Aborigines
relating to their condition. They are much employed by the
Settlers, more so than in former years; at every Station some are
FITZ ROY TO GREY.

employed; those who have been employed at the stations any time are found not to be easily compelled (by other Natives) to return to the bush, although they will fall back to their former wild habits, but eventually return to the station they have been employed at, provided they have been well used by the settler and his servants; to punish them severely for leaving what might be called their employment would be cruel and unjust; in any instance when I have found punishment inflicted by the stockholder or his servants. I have considered it my duty to take special notice. In the neighbourhood of large Establishments, I still find the Aborigines decreasing in number; there does not appear but in few instances that the natives have children; this I must attribute to the great intercourse they have with the white men, which there can be little doubt is carried on to some extent. I am not aware of any particular case, which I would consider it necessary to take notice; there is so much difficulty in procuring information in these matters; however in making my visits to the different stations in the District, I have endeavoured to prevent to the utmost in my power any intercourse with the females of the Aborigines; this always tending to cause some outrage to be committed, which often ends in bloodshed; in all cases, where a collision has taken place, it is traced back to the females having been taken from the Men by the White people. To present the prospects of the Aborigines would be a matter of some difficulty, and I should say nearly impossible; their welfare can only be maintained by giving to those employment, who are willing to benefit by it; in most instances, there is great trouble to induce them to any kind of Labour, although there are exceptions which has been stated in this report. On the McQuarie River, dividing this District from the Wellington District, there is still a Police Station (a Sergeant and two Men), which is of the greatest importance to the peace of this and the adjoining District of Wellington. I cannot but feel satisfied that the Station of the Mounted Police being placed there is the principal cause of the tranquility of this and the adjoining District, keeping both the White and Black population in subjection, which is as much required in the Servants of the Squatters as the Aborigines.

GRAHAM D. HUNTER, C.C.L.

[Enclosure No. 9.]

MR. W. C. MAYNE TO COLONIAL SECRETARY THOMSON.

Commissioner of Crown Lands Office,

Wellington, 1st January, 1848.

Sir,

I do myself the honor to forward the annual Report on the Aborigines in this District, for the information of His Excellency the Governor.

I consider the number of all ages to be about 800, but from the wandering habits of these people it is extremely difficult to form any thing even approaching an accurate estimate; and from themselves it is quite impossible to obtain an idea of their probable numbers, as I have never met one even amongst the most civilised that can count up to fifty. Of the number at which I have estimated them, fully one half belong to Tribes in the longer settled and less remote parts of the District, are quite peaceable and inoffensive, and frequently visit the Stations, where they obtain food, such
as the heads of animals Slaughtered, Milk, etc. Some few of them
remain pretty constantly at some of the Stations, acting as
assistants to Stockmen and Bullock drivers (the most favourite
employment with them), occasionally shepherding, herding the
Milch Cows, bringing up the horses from the bush when wanted,
and fetching wood and Water for use at the huts. These are
rewarded with Food, Tobacco (their prime luxury), Clothing, and
in some instances receive wages; in this immediate neighbour­
hood hardly any of them will work except for money.

The great majority, however, lead a wandering life, subsisting
chiefly by hunting and fishing within the limits of the Town (or
beat) of the Tribe; to anything of settled or permanent employ­
ment, they have an invincible dislike. At Sheepwashing or other
work, which lasts but for a short time and is accompanied with
bustle and excitement, they will exert themselves, being rewarded
by Food, Tobacco, Spirits in small quantities, and Clothing; and in
the Scarcity of labour are frequently of great assistance to the
Settlers at their Shearing time; but I look on it as utterly hope­
less to endeavour to fix them in the habits or pursuits of settled
industry, or to civilize them unless by removal in infancy from
even the possibility of contact with or control by the Adults.

The remainder of the number, at which I have estimated the
Aborigines in the District, belong to the "Myall" or Wild Tribes
on the Bogan, the extreme lower Macquarie, and the country lying
back from the Lachlan, and to those in the immediate neighbour­
hood of the more remote Stations situate on the outskirts of the
District. The Myall Tribes, except in cases where they have been
thinned by infectious or Epidemic disease, are always the most
numerous, are quite wild and savage, and subsist entirely by
hunting, fishing and occasionally by slaughtering the outlying
Cattle of the extreme Stations. Those belonging to the Tribes in
the immediate vicinity of the remote Stations are now on terms
of amity with the Whites there, and, though not to be trusted to
the same extent, are on pretty nearly the same terms at the
Stations as the Aborigines in the older and more settled parts of
the District. I am happy to be able to report that, during the past
year, there has not been to my knowledge a single case of collision
with the Blacks, a result that I attribute in a very great measure
to the presence of the Detachment of the Mounted Police at
Warren, which has acted as a check on the Bogan and Lower
Macquarie tribes, whose aggressions in past years caused much
alarm and serious loss to the Settlers there, and led to collisions,
involving a lamentable but necessary sacrifice of life. Generally
I have every reason to believe that the Aborigines are humanely
-treated at the Stations; that there are instances of harshness and
severity being exercised towards them, I have little doubt from
the class of men who form the Majority of men, Stockmen and
Hutkeepers, but none such have come to my knowledge; and I
feel satisfied that there is in this respect a marked and glowing
improvement attributable in a great measure to the increased
number of females resident at Stations and to the civilizing and
humanizing influence their presence is certain to produce.

I have, &c.,

W. C. MAYNE, C.C. Lands.
FITZ ROY TO GREY.

[Enclosure No. 10.]

REPORT upon the condition, etc., of the Aborigines inhabiting the Lachlan District during the year 1847.

Question 1st. Relating to the Condition of the Natives. The condition of the Aborigines is in no way improving, neither do their habits change, and no moral advancement can ever take place as long as they adhere to their present love for a wandering life; and I deem it impossible to induce them to forget or resign their natural savage habits. I have known and witnessed instances where Native children have been left by their parents when very young, perhaps not more than five or six years of age, with Europeans, who have fed, clothed, and paid every attention to wean them from their wild customs, and for a few years these children have remained in appearance perfectly contented and become very useful as Stockmen, Shepherds, Bullock drivers, etc.; but, as soon as they attain man's estate, they invariably evince a desire to again join their tribe, and nothing will persuade them to remain and, having once left their Master, they rarely return to him, and frequently become the instigators and leaders in the attacks made upon the Settlers. The natives who are termed civilized, "those frequenting the old inhabited Districts," cannot be induced to follow any settled occupation, although they will occasionally do light work for a short period.

Question 2d. Their Numbers. There are upwards of five hundred Aborigines in the Lachlan District.

Question 3rd. Residence of any particular place. The Aborigines have no fixed residence, but each Tribe has its own particular portion of Country, which they seldom leave for any long period, except when going on an expedition for the purpose of attacking some neighbouring Tribe or holding a Jubilee. They wander from place to place, generally forming their Camps in the vicinity of the Settlers' stations during the Winter; and in the Summer they proceed to their favourite hunting and fishing grounds.

Question 4th. 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. It is usual for the men to have from one to five or six Wives, called "Gins," which they frequently treat in the most cruel and barbarous manner. Many lives are lost in the engagements which occur between neighbouring Tribes in endeavouring to carry off the Gins, and it often happens that the Gins are slaughtered rather than allow the victorious party to possess them.

Question 5th. The present state and prospect of the Natives. The Aborigines continue in their wild and savage state, and it is impossible to improve their future prospects, so long as they remain averse to the restraints of a Civilised life, and their nature will not bear much confinement. As the Country becomes inhabited by Europeans, the Natives gradually disappear and their numbers are fast decreasing owing to their intercourse with Europeans, and cases of Infanticide also frequently occur. The Settlers generally treat the Natives with kindness in giving them provisions; they are at all times willing to clothe and pay them for their labour; but I have generally

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found the Aborigines more ready to work for Blankets and Tobacco, than any other kind of payment. No Collision has taken place between the Natives and Europeans in this District during the last twelve months.

EDGAR BECKHAM, C.C. Lands, Lachlan.

[Enclosure No. 11.]

REPORT on the State of the Aboriginal Natives in the Murrumbidgee District, 1st January, 1848.

1. Supposed Number, 1,500.
3. Change in their Social Condition. The Aboriginal Natives have suffered severely during the prevalence of the recent Epidemics in consequence of their having no protection from the vicissitudes of the weather or Medical aid under their sufferings. There have been many deaths amongst them, and some of them the best men of their Tribes. They frequently apply to the Settlers for Medicine, and will take anything that is given them in that way; and there is too much reason to believe that the Dispensing in such cases is both unsuited and injudicious. It has come to my knowledge that sheep medicines have been administered to them, producing violent salivation followed by their inordinate drinking of cold water has caused Death.

It is much to be desired that the Government would establish some Medical relief for the Aboriginal Natives, as neglected disease must have a tendency to spread amongst them and thereby become dangerous to Society in general. I have before noticed their readiness to afford assistance to save life or recover the bodies of those unfortunately drowned; two instances of which occurred recently, one at Billybong and the other at Thule Creek; notwithstanding this, however, from the still prevailing evil of the servants at the Stations cohabiting with their women, a severe case of their vengeance came under my notice when on circuit last November. Some Aboriginal Natives having castrated a Servant, named Thomas Ward, Ticket of leave Holder, Hutkeeper to Messrs. Hill and Crichton at Walla Walla Station, whom they detected in intercourse with the Gin of one of them.

5th. State and Prospects. They do not remain so much at the old established Stations as they did three or four years past, and the young men do not employ themselves as hitherto. The Chiefs seem to dread it as an innovation on their ancient habits, and the few, who may be employed shepherding or otherwise, are obliged to resume their original Garb and migrate with the Tribe.


[Enclosure No. 12.]

MR. J. LAMBIE to COLONIAL SECRETARY THOMSON.
Commissioner of Crown Lands Office.

Sir,
Cooma, Manor, 6th January, 1848.

In reference to your letter of the 2nd of July, 1841, requiring an Annual Report respecting the Aborigines, I do myself the honor to state that no material change has taken place in their condition.
during the past year. In their disposition and conduct, they con-
tinue quite harmless, and live on friendly terms with the settlers.
A few of the Blacks accompanied some Graziers, who removed
their stock into Gipps Land, and indeed great numbers now pass
the greater part of the year in that District. The Aborigines are
fast decreasing in numbers, and it is needless to say that generally
they retain their old wandering and unsettled habits and seem as
much as ever disinclined to remain long in any particular place.
There have been no collisions with the Whites that I have heard
of; but it has been reported to me that five died of Influenza,
during the time this disease was so prevalent among the White
people a short time ago. The Blacks continue as heretofore to
assist the Settlers in Hay making, reaping, sheep washing, and other
kinds of work; but they cannot be depended on as the means of
supplying labour, the deficiency of which is beginning now to be
so severely felt.

The accompanying Census exhibits an approximation of their
numbers as near as I could procure it; but the difficulty of obtain­
ing anything approaching a correct account has been greatly in­
creased from so many of the Manero tribes migrating to Gipps
Land, and intermixing with those who inhabit the Country extend­
ing along the Ninety Mile Beach. I have, &c

JOHN LAMMIE.

[Sub-enclosure.]

CENSUS of the Aborigines of the District of Manero for the year

ended 31st December, 1847, accompanying Report of the Honorable

the Colonial Secretary, dated 6th January, 1848.

---|---|---|---
Gundary, Boyalea, and Bootally | 3 | 10 |
Wippiga, Pillia Zilbe and Myula | 24 | 16 |
Windella, Marabrine, and Bowregga | 90 | 62 |
Biggah | 85 | 71 |
Twofold Bay | 28 |
Fambo | 12 | 5 |
Care Howe | 36 | 25 |
Waharatta and Cambelong | 50 | 9 |
Mowenbar | 10 | 8 |
Snowy River | 29 | 20 |
Total | 378 | 244 |

[Here followed eight reports on aborigines in the district of
Port Phillip, which will be found in a volume in series III.]

[Enclosure No. 21.]

[A] REVD. WILLIAM WATSON TO COLONIAL SECRETARY THOMSON.
Apsley Aboriginal Mission.

7th February, 1848.

Sir,

I do myself the honor to transmit, for the perusal of His
Excellency the Governor, a brief Report of the Apsley Aboriginal
Mission for the year 1847. We have nothing striking or remark­
able to report, but we believe that true Christianity is silently
working its way into the hearts of some of the Aborigines under
instruction. In this Colony there are many impediments to a
Christian Mission, which are unknown in Missions where the country has not been colonised by Europeans. The known poverty of the Missionary and his inability to supply the Natives with those luxuries which they can receive at any other Establishment; how highsoever wages may be, there is no small number of men in the Interior who spend the whole of their proceeds on the Aborigines. The indolent habits of the Native men lead them to yield to any means for the sake of an unearned Substance. This is the case with such Aboriginal Natives as have never been under religious Instruction, or who have made little acquaintance with the Scriptures of Truth. I firmly believe that there is not a single native, who has, under our instructions, become able to read and understand his Bible, but is exceedingly jealous of his Wife and that is one reason why such married Natives and who are engaged as Draymen, when they go to Sydney with their Teams, are anxious to leave their wives on our Establishment in order that they may be preserved from evil. We have been enabled to proceed so long in our labours among the Aborigines, even when deserted on every hand, that, unless something very serious and particular occurs to prevent us, when His Excellency the Governor has evidenced an interest in their evangelization by so promptly and so kindly contributing towards the furtherance of this great work, we cannot for a moment bear the thought of abandoning our position. It is not for the Natives around us and in immediate connexion with us only that we labour. The Number of the Aboriginal Inhabitants in the interior is not small. I may be deficient in information, but I am not acquainted with any other Mission to the Aborigines except our own. Throughout the extensive District of Wellington, the Aborigines are acquainted with our Mission; very many when sick come or are brought to us for Medical Aid, and, through the gracious Providence of God, it has very rarely happened that any Aboriginal Native brought to us for Medical Aid has failed of perfect recovery. Such have received Religious Instruction; they have returned to their respective Tribes, reported the cures they have experienced, and the instructions they have heard, and who before the great day of accounts will be able to say to what extent our humble attempts have promoted the glory of God. One effect however is produced, and that is the expense incurred by us for medicines for the Aboriginal Natives. I am very thankful to observe an increasing interest in the Aboriginal Natives manifested by respectable Settlers. Some have called on me to Baptize not only half caste children, but also pure Aborigines, and have engaged to see to their Christian Education. This is a very interesting feature, and one which I hope to see more prevalent. It is something when we see a Magistrate, his brother and sister becoming Sponsors for a pure Aboriginal (Black) Child.

I have, &c.

WILLIAM WATSON.


We are thankful to say that the Aborigines connected with the Mission continue to improve. The number on the Mission during the year was twenty seven, besides many occasional visitors. One has been added. Two have been baptized, two have died, and one has left. Of those that died, one was a boy of fourteen years of
age, whom I brought some years ago a considerable distance behind me on horseback from the Bush. He has learnt to read and write, and was acquainted with the Church Catechism. A short time before his death, he went to Mr. Templey's at Nyaman (two miles from the Mission) where he was taken ill and gradually pined away. When he was too weak to read the Word of God, he requested that it might be read to him; this was done till a short time before he died. The one who has left is a young female about sixteen years of age. She was a very clever girl. She had attained to considerable proficiency in Scriptural knowledge, and was an excellent needlewoman. She was peculiarly neat in her dress, and in everything she had to do. We had reason to believe that she was under the influence of deep religious impressions. In her infancy, her mother had given her to an aboriginal Native as his future wife, and it was only with the promise that we would give her to him that we succeeded in persuading the Mother to leave her with us. She was an inmate of our house for upwards of eight years, and we were extremely sorry to lose her; but we had promised to give her up, and the man was repeatedly sending messages to her; so we were constrained to yield. During the short time that has elapsed since she left, we have repeatedly heard of her expressed desire to return. On the Third of May, the Lord Bishop of Australia honored the Mission with a visit, when, having heard the Natives catechised, etc., His Lordship expressed himself highly pleased with them. There were on that occasion twenty three present. During the year, we took possession of the Section of Land at Blake's fall, which the late Governor Sir George Gipps kindly allotted to us for a location for the Mission. The land was so thickly wooded with heavy timber that we could not find a clear spot for a garden. We were able to clear only a very small portion of ground to sow with wheat, and that not before the month of August which was late in the season. We reaped about fifteen Bushels; but that is a supply for three weeks only. Providentially we had a small quantity spared of the crop of the previous year. How to provide wheat for 1848 I know not. The expenses incurred in forming this Establishment and supporting so many natives is very great. The first annuity of fifty pounds and the donation of Blankets, with which His Excellency the Governor was so kind as to favour us in 1847, was a great and a very seasonable assistance, for which we desire to express our most sincere gratitude. We formed a Missionary Establishment and supported the Mission for about seven years, entirely at our own expense. These we were persuaded from our own knowledge that real good had been done; and, believing that, if persevering efforts were put forth, more good would be done, we felt disposed to the utmost of our abilities to prosecute the Mission. How much more are we now encouraged to persevere, when His Excellency the Governor has kindly come forward to patronise and assist us. We trust that we shall be enabled to go on hoping that many of these Aboriginal Natives will rise up at the day of Judgment to call all those blessed, who remembered them in their low estate and contributed to bring them to an acquaintance with the only true God and Jesus Christ, whom He has sent.

WILLIAM WATSON.

Apsley Aboriginal Mission. 7th February, 1848.
EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch marked "Military, No. 13," per ship Achilles.)

Sir,

Downing Street, 9th of May, 1848.

With reference to my Despatch, No. 12, Military, of the 18th of March last, I transmit herewith, for your information, Copies of a Letter and of its enclosures, which have been received from the Board of Treasury, relative to the disposal of Barrack Buildings, etc., in New South Wales.

I have, &c.,

GREY.

[Enclosure.]

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

Sir, Treasury Chambers, 2d May, 1848.

With reference to your Letter of the 18th of March on the subject of the disposal of Barrack Buildings, etc., in New South Wales, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit, for the information of Earl Grey, the enclosed Copy of a communication which My Lords have directed to be addressed to the Master General and Board of Ordnance.

I have, &c.,

C. E. TREVELYAN.

[Sub-enclosure.]

MR. C. E. TREVELYAN TO SECRETARY TO ORDNANCE.

Sir, Treasury Chambers, 2d May, 1848.

Prosed dis With reference to your Letter of 14th February last upon the subject of the disposal of Barrack Buildings and Land in New South Wales, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit, for the information of the Master General and Board of Ordnance, the accompanying Copies of a Letter from the Colonial Office, and of a Despatch,* enclosed therein, from Earl Grey to Governor Sir Charles Fitz Roy, and I am to request you will state to the Master General and Board that, subject to the reservations of Lands or Buildings that may be required either for Military or for Colonial purposes, as contemplated by the Instructions conveyed to Governor Sir C. Fitz Roy by that Despatch, My Lords consider it will be advisable that such of the Buildings and Lands vested in the Ordnance Department, as may not be so reserved, should be sold in such manner as the Governor may direct, the proceeds being paid into the Commissariat Chest. And I am further to request you will move the Master General and Board to furnish their Officers in New South Wales with such authority and directions as may be necessary in this respect.

I have, &c.,

C. E. TREVELYAN.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 110. per ship Chaseley; acknowledged by earl Grey, 25th November, 1848.)

My Lord, Government House, 10th May, 1848.

"A Return of the number of Exiles sent out to Port Phillip from the several Penitentiaries in England and stating the number from each Penitentiary" having been applied for in an Address presented to me by the Legislative Council of this Colony, I deem it my duty to put Your Lordship in possession of a Copy of a Despatch addressed to me by Mr. La

* Marginal note.—4 May, '47.
Trobe in furnishing this Return, and submit for Your Lordship's consideration Mr. La Trobe's suggestion of the benefit which the Port Phillip District would derive from a retrospective application of the principles "laid down in Your Lordship's Despatch No. 213 of the 3d September, 1847," so that "an equal number of free female Emigrants, to be sent out at the charge of the British Treasury, might be awarded to this District of the Colony as an equivalent to the exiles already introduced."

Her Majesty's Government must be so fully aware of the evils that arise from the great disproportion of the sexes in these Colonies that I need scarcely add that it is extremely desirable that every practicable means of diminishing this disproportion should be adopted.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.

[A copy of C. J. La Trobe's letter, dated 20th April, 1848, will be found in a volume in series III.]

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 111, per ship Chaseley; acknowledged by Earl Grey, 22nd November, 1848.)

My Lord, Government House, 11th May, 1848.

With reference to my Despatches Nos. 31 of 2d February and 71 of 27th March last, I have the honor to enclose a Petition addressed by the Inhabitants of Maitland to Her Majesty The Queen respecting the projected changes in the Constitution of this Colony.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

The humble Petition of the undersigned Inhabitants of the District of Maitland, New South Wales.

To the Queen's Most Excellent Majesty.

Respectfully Showeth: That the publication of the Despatch, dated 31st July, 1847, from Your Majesty's Principal Secretary of State for the Colonies, Indicating a change in the Constitution of this Colony, by which (among other things) the system of District Councils is to be perpetuated and the Legislative Assembly is to be placed with respect to those District Councils in the relation of representative and constituent, has filled us with the utmost apprehension and indignation.

That any measure establishing municipalities similar in principle to the District Councils attempted to be created by the Act of Parliament, 5 and 6 Vict., cap. 76, would be so repugnant to
1848.
11 May.

Petition against changes in constitution from residents in district of Maitland.

That the change in the Constitution of this Colony, proposed in the before mentioned Despatch, would have the effect of depriving us of the Elective franchise, which we maintain to be our inalienable right as British subjects.

That we cannot but be persuaded that, by delegating our right to elect our representatives, we are deprived not only of that choice to which we are entitled, but also of that constitutional control over our Legislature without which no people can be considered free.

That we see nothing in the Erection of Port Phillip into a separate Colony to justify the extraordinary change which is, by the before mentioned Despatch, proposed to be made in the Constitution of the Colony.

Your Petitioners therefore humbly pray that your Most Gracious Majesty will not assent to any change in the Constitution of this Colony which shall not have received the previous sanction of the Colonists at large.

And your Petitioners as in duty bound will ever pray.

[Here follow the signatures.]

12 May.

Former despatches re new military barrack.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 112, per ship Chaseley.)

My Lord,

Government House, 12th May, 1848.

In my Predecessor's Despatches of 17th August, 1840, No. 112, and 8th May, 1843, No. 65, the whole arrangement connected with the erection of a New Military Barrack in the vicinity of Sydney was brought under the notice of the Secretary of State, and the arrangement made between the Ordnance Department and the Colonial Government likewise reported.

Under that arrangement, it was agreed that new buildings should be erected so as to afford equal accommodation with that contained in the Old Barracks, provided that the total sum to be advanced from Colonial funds should not exceed £60,000. This sum having been all paid from the Colonial Treasury in aid of the new buildings, I deemed it proper to call on the Commanding Royal Engineer to furnish an account of the expenditure of the money so advanced, showing the different buildings.
on which the amount had been laid out, the several purposes for which intended, with the accommodation afforded; and, perceiving from the return furnished that a Hospital had been erected, whereas no such accommodation was afforded in the old building, I caused it to be intimated to him that the late Governor Sir George Gipps never admitted the claim of the Ordnance to build a Hospital out of the £60,000 appropriated by the Colony for the erection of the New Barracks; and requested him to state the sum which had been applied in the erection of the Hospital, so that it might not be included in that sum. The Commanding Royal Engineer in his reply (of which I enclose a copy) states that the exact sum which has been applied in the erection of the Hospital cannot be furnished, as in posting the items of Expenditure the sums expended on the several portions of the establishment could not be kept distinct; and he proposed therein that the Ordnance, on taking possession of the New Barracks and relinquishing the Old, should put the Colony in possession of the present Military Hospital* in consideration of the amount of expense incurred by the Colonial Chest in the erection of a Hospital Establishment at the New Barracks. This proposal I submitted to the Legislative Council by message on the 18th ultimo, and the Council, in their reply, having expressed their entire concurrence in the proposed arrangement, I have the honor to submit the matter for Your Lordship’s consideration and approval.

I have, &c.,

Chs. A. Fitz Roy.

[Enclosures.]

[A copy of the royal engineer’s letter is not available; the message and reply will be found in the "Votes and Proceedings" of the legislative council.]

**EARL GREY TO SIR CHARLES FITZ ROY.**

(Despatch No. 77, per ship Achilles.)

Sir,

Downing Street, 13 May, 1848.

With reference to my despatch No. 64 of the 4 April last, I have to inform you that I have been apprised by the Lords Commissioners of the Treasury that their Lordships have caused the Order of Her Majesty in Council, Constituting Geelong in the District of Melbourne a free Warehousing Port, to be transmitted to the Commissioners of Customs for their information and guidance.

I am, &c.,

Grey.

* Note 32.
EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch marked "Military, No. 14," per ship Achilles.)

Sir, Downing Street, 13th of May, 1848.

I have to acknowledge the receipt of the Duplicate of your despatch, No. 226 of the 16th of November last, with the copies therein enclosed, of an Address to yourself from the Corporation of Sydney, and of your reply, relative to the defence of the Harbour of Port Jackson, in reply to which I can only refer you to the instruction which I addressed to you on the subject on the 4th of March last, No. 11 Military.

I have, &c.,
GREY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 113. per ship Chaseley; acknowledged by earl Grey, 29th November, 1848.)

My Lord, Government House, 13th May, 1848.

With a view to the satisfactory adjustment of the Accounts between this Government and the Colonial Agent General in England, it is my duty to transmit to Your Lordship the copy of a communication recently made to the Colonial Secretary by the Colonial Auditor General, wherefrom it would appear that various sums specified by the Auditor General, which have been remitted from the Colonial Treasury, some of them so far back as March, July, August and September, 1846, and amounting in the whole to Five thousand nine hundred and twenty eight pounds, three shillings and two pence, do not appear to have been carried to the Credit of the Colony in the Accounts of the Colonial Agent General up to the 30th September, 1847.

I have, &c.,
CHS. A. FITZ ROY.

[Enclosure.]

MR. W. LITHGOW TO COLONIAL SECRETARY THOMSON.

Sir, Audit Office, Sydney, 1st May, 1848.

With reference to your letter, No. 275 of the 24th March, 1847, on the subject of Remittances in advance to the Colonial Agent General in England. I have the honor of pointing out, for the information of His Excellency the Governor, that the undermentioned Sums, which were remitted from the Colonial Treasury on the dates Stated opposite to each respectively, do not appear to have been carried to the Credit of the Colony, in the Accounts of the Colonial Agent General, up to the 30th September, 1847, viz.:

5 March, 1846—For the purchase of Type £209 S 1
10 July, 1846—To pay Interest on Debentures up to 31st December, 1846 £287 14 S
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 August</td>
<td>For Services specified in the Colonial Agent General’s Letter to the Colonial Secretary, dated 5 March, 1846</td>
<td>£388 3 0</td>
</tr>
<tr>
<td>9 September</td>
<td>For the purchase of Books for the Library of the Legislative Council</td>
<td>2,083 6 4</td>
</tr>
<tr>
<td>4 November</td>
<td>To purchase Stationery for the year 1848</td>
<td>2,473 9 4</td>
</tr>
<tr>
<td></td>
<td>Two Ledgers</td>
<td>2,165 14 8</td>
</tr>
<tr>
<td></td>
<td>Instruments for Surveyors of Distilleries</td>
<td>28 0 0</td>
</tr>
<tr>
<td></td>
<td>Pier Glasses and Paper for the new Government House</td>
<td>195 0 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,395 14 8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>£5,928 3 2</td>
</tr>
<tr>
<td></td>
<td>Amounting in all to Five thousand, nine hundred and twenty-eight pounds, three shillings and two pence.</td>
<td></td>
</tr>
</tbody>
</table>

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

Earl Grey to Sir Charles Fitz Roy.
(Despatch No. 78, per ship Achilles.)

Sir,
Downing Street, 14th May, 1848.

With reference to the Schedule of applications and special payments in New South Wales for the Quarter ending 30th June, 1847, which accompanied your Despatch No. 167 of the 21st August last, and was referred to the Lords of the Treasury, their Lordships have made the following observations in regard to an issue of £200, reported to have been made to Mr. Stephen Partridge, as a gratuity of two years salary on the abolition of his Office of Superintendent of Convicts at Port Macquarie under the terms of a Despatch from one of my Predecessors, dated 29th of September, 1831.

Their Lordships have stated that the arrangement you have authorised in the case of Mr. Partridge does not appear to them to be objectionable; but that, advertting to the regulations in regard to granting allowances to public Officers, on retirement or reduction of Office, adopted subsequently to the date of the above mentioned Despatch, they consider it would be advisable that no retired allowance should be assigned by you without a previous reference to Her Majesty’s Government. You will also
bear in mind that gratuities on reductions of office after periods of service, which may not entitle the holders to any permanent allowance, are usually granted at the rate of one Month's Salary for each year of Service.

GREY.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 114, per ship Chaseley; acknowledged by earl Grey, 1st February, 1849.)

My Lord,
Government House, 14th May, 1848.

Referring to my Despatch of the 13th January last No. 13, reporting to Your Lordship certain alterations which I had sanctioned in the Customs' Department at Melbourne, I now do myself the honor to inform your Lordship that, under the recommendation of Mr. La Trobe as contained in his letter of the 29th ultimo, of which I enclose a copy, I have sanctioned the continuance of the employment of Mr. William Jackson Thomas as fourth Clerk, subject to the approval of the Board of Customs.

I have, &c.,
CHS. A. FITZ ROY.

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

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 115, per ship Chaseley; acknowledged by earl Grey, 19th December, 1848.)

My Lord,
Government House, 15th May, 1848.

With reference to my Despatch No. 86 of the 5th April last, reporting the arrangements that had been made with the Government of Van Diemen's Land respecting the breaking up of the Convict Establishment in this Colony, and more especially referring to that part of it wherein I informed your Lordship that, at the recommendation of the Lord Bishop of Sydney, I had authorized a passage to England to be provided for the Reverend Mr. Walpole (late Chaplain to the Convict Department) and his family, that gentleman's services not being required in Van Diemen's Land, and the Bishop having informed me that no employment could be found for him in this Colony.

I have now the honor to transmit copies of a correspondence that has passed between the Deputy Commissary General, the Bishop of Sydney, and the Colonial Secretary of this Government, from which Your Lordship will perceive that the Deputy
Commissary General having raised objections to the Bishop's proposal on the grounds that it is not the practice of the Service to provide passages for the wives, children or female Servants of Officers, and that Mr. Walpole was not sent out from England as a Chaplain for Convict service, but was locally appointed so recently as the 1st February, 1848, under which circumstances he apparently had no claim on the Home Government. I caused the matter to be again referred to the Lord Bishop, and that, upon his representation that the Reverend Mr. Walpole had resigned other appointments to accept that of Convict Chaplain now suddenly abolished, and there being no means of employing him either in Van Diemen's Land or this Colony, his Lordship considered it but fair that he should receive some compensation for the inconvenience and loss he had sustained, I agreed to sanction the Lord Bishop's amended proposal that the Reverend Mr. Walpole be allowed a gratuity to the amount of his salary for the broken period up to the end of the present year.

It is right that I should state that, without meaning to impute to the Lord Bishop the slightest intention to mislead me in this matter, I was certainly led to infer from a conversation I had with his Lordship, previously to his making his first proposal, that the Reverend Mr. Walpole had held the appointment of Convict Chaplain for many years, and therefore that his case was one of greater hardship than it in reality appears to be.

Under all the circumstances of the case, however, as now explained, I trust your Lordship will not refuse to sanction the expense I had incurred.

I have, &c,

CHS. A. FITZ ROY.

[Enclosure No. 1.]

MR. W. ELYARD, JR., TO DEP. COMMISSARY-GENERAL RAMSAY.

Colonial Secretary's Office,

Sydney, 11th April, 1848.

Sir,

Referring to my letter of the 5th Instant, No. 48/73, intimating to you that the Salary of the Revd. Mr. Walpole for affording Religious Instruction to Convicts in the District of Sydney is to be discontinued from the 30th of this month, I am now directed by His Excellency the Governor to inform you that, under the recommendation of the Right Reverend the Lord Bishop of Sydney, it is proposed to provide a passage to England for the Revd. Mr. Walpole and his family, and to request that you will state whether, under the Regulations of the Service, it would be proper to issue the money to Mr. Walpole to enable him to provide his own passage, etc., or whether the passage should be charged by the Commissariat.

I have, &c,

for the Colonial Secretary,

W. ELYARD, Junr.
1848, 15 May.

DEP. COMMISSARY-GENERAL RAMSAY TO COLONIAL SECRETARY

THOMSON.

Sir,

Commissariat Office, Sydney, 12th April, 1848.

I have the honor to acknowledge the receipt of your letter of yesterday, date No. 48/77, on the subject of a passage to England for the Revd. Mr. Walpole and family; and, in reply to your enquiry whether under the regulations of the Service it would be proper to issue the money to Mr. Walpole to provide the passage, or whether it should be engaged by the Commissariat, to state for the information of the Governor that, by the rules of the Service, no expense is ever incurred by Government for the passages of Officers' Wives, Children or female Servants; the regulated allowance granted to an Officer to find his own passage from this Colony to England is £75, in which case the selection of a Vessel and arranging with the Master is left to the individual himself.

I would respectfully remark, for the consideration of His Excellency, that Mr. Walpole was not sent from England as a Chaplain for Convict Service, but was locally appointed, and, having been employed only since the 1st February, 1846, from which time he has been in the receipt of £300 a year from the Commissariat Chest, under which circumstances he has apparently no claim upon the Home Government.

I have, &c.

T. AT. RAMSAY, D.C.G.

[Enclosure No. 3.]

MR. W. ELYARD, JR., TO BISHOP OF SYDNEY.

Colonial Secretary's Office, Sydney, 13th April, 1848.

Recurring to the subject of the recommendation contained in Your Lordship's letter of the 21st March last, that a free passage to England should be granted to the Revd. J. K. Walpole and his family by way of compensation for the loss of his situation as Chaplain to the Penal Establishments in this Colony, I am directed by the Governor to refer for any observations, which your Lordship may desire to offer on it, the enclosed communication from the Deputy Commissary General, in which that Officer states his objections to such a measure; as under Mr. Ramsay's report His Excellency greatly fears that He would not be justified in authorizing a passage to England for Mr. Walpole.

I have, &c.

for the Colonial Secretary.

W. ELYARD, JR.

[Enclosure No. 4.]

BISHOP OF SYDNEY TO COLONIAL SECRETARY THOMSON.

Sir,

Sydney, 13 April, 1848.

I have the honor to return, as requested in your letter dated this day, the communication received by you from the Deputy Commissary General on the subject of the Revd. J. K. Walpole's passage to England.

In compliance with the desire of His Excellency the Governor, as expressed in a Minute upon this communication, that I should have opportunity of offering any observations, I avail myself of
His Excellency's kindness to say that it is not in my power to regard the case of Mr. Walpole exactly in the light in which it is placed by the Deputy Commissary General. The allowance of Seventy-five pounds (£75) for a passage would be granted, I presume, to an Officer proceeding in discharge of public duties, but Mr. Walpole's case is that of a Clergyman whose office has been abolished by order of the Home Government. The circumstance of Mr. Walpole not having been sent out at the public Expense from England to fill that office does not appear to me to weaken his claim to consideration under the inconvenience and loss which he is sustaining from a measure which he was not led beforehand to expect. On the contrary, I should rather feel assured that the Government, not having been at the expense of his passage out, and being therefore to that extent a gainer, might be more readily disposed to comply with his application for the means of conveyance to England.

Acting under the official communication which you have been previously directed to make to me, I had already Stated to the Revd. Mr. Walpole that His Excellency had authorised his being supplied with a passage home for himself and family at the public expense. I feel, therefore, that I am bound in honor to be personally responsible to Mr. Walpole for the fulfilment of my pledge. But I would submit that, if the proposed arrangement should be considered irregular or contrary to established usage, the difficulty might be met, and substantial justice done, if Mr. Walpole could be allowed to receive his salary for the broken period of eight months, from the 1st May ensuing (when he has at present notice that it will be discontinued) until the close of the present year. The amount would very nearly correspond with the cost of a passage to England, and I trust His Excellency will be of opinion that as a final measure, under the peculiar circumstances of the case, this will not be an unreasonable allowance.

I have, &c,

W. G. SYDNEY.

[Enclosure No. 5.]

MR. W. ELYARD, JR., TO DEP. COMMISSARY-GENERAL RAMSAY.

Colonial Secretary's Office,
Sydney, 29th April, 1848.

Sir,

With reference to your communication of the 12th Instant, No. 305, in which you state your objections to furnish the passage to England recommended by the Right Reverend the Lord Bishop of Sydney, to be granted to the Revd. J. K. Walpole and family on the discontinuance of his appointment of Chaplain to the Penal Establishments, I do myself the honor to inform you that His Lordship, to whom your letter was referred, has now recommended that Mr. Walpole be allowed his Salary up to the end of the present year.

I am further to apprise you that, under the peculiar circumstances of Mr. Walpole's case as detailed in a communication addressed to me by His Lordship on the 13th of this month, that gentleman having resigned other appointments to accept that of Convict Chaplain now suddenly abolished, and there being no means of employing him either in this Colony or in Van Diemen's Land, it appears to me but fair that he should receive some compensation for the inconvenience and loss he has sustained.
The Governor considers His Lordship's proposal, as now amended, to be reasonable, and therefore approves of your preparing a Warrant for the issue to Mr. Walpole of a Gratuity equal to the amount of his Salary for the broken period of the remainder of the present year.

I have, &c,

For the Colonial Secretary,
W. Elyard, Junr.

[Enclosure No. 6.]

Dep. Commissary-General Ramsay to Colonial Secretary Thomson.

Sir,

Commissariat, New South Wales,

Sydney, 28th April, 1848.

I have the honor to acknowledge the receipt of your letter No. 48/55, conveying the Governor's authority for the issue to the Revd. Mr. Walpole of 9 months' Salary, and to request His Excellency's instructions whether Mr. Walpole is to receive 9 months' Pay at the rate of £200 per annum, which is the amount of the Salary attached to his appointment (see enclosure to your letter No. 85 of 13th May, 1840) or at £300 per annum, £200 of which is salary and £130 an extra allowance granted it is presumed for keeping a horse and other Expenses.

I respectfully suggest for the consideration of His Excellency that, as in similar cases, Mr. Walpole Should only receive compensation at the rate of his Salary exclusive of all allowances.

I have, &c,

T. W. Ramsay. D.C.G.

[Enclosure No. 7.]

Mr. W. Elyard, Junr., to Dep. Commissary-General Ramsay.

Colonial Secretary's Office,

Sir,

Sydney, 6th May, 1848.

I do myself the honor to acknowledge the receipt of your letter of the 28th Ultimo, enquiring, with reference to my communication of the 26th April, whether the Revd. Mr. Walpole is to receive a gratuity of nine months' pay on the reduction of his Office of Chaplain to the Penal Establishments at the rate of £200 a year, being the amount of his Salary, or of £330 per annum which comprises both his Salary and an allowance for keeping a horse, etc.

In reply, I am directed to inform you that as the Governor Stands pledged to the Right Reverend the Lord Bishop of Sydney for the payment to Mr. Walpole of the latter amount, the same must be issued on His Excellency's responsibility.

I have, &c,

For the Colonial Secretary,
W. Elyard, Junr.

Earl Grey to Sir Charles Fitz Roy.

(Despatch No. 79, per ship Achilles.)

Sir,

Downing Street, 16 May, 1848.

I have to acknowledge the receipt of your despatch No. 118 of the 28 May, 1847, covering the Copy of a Memorial
from Mr. G. W. Evans, praying that the Sum of £336, which
he was compelled by the Judgment of the Supreme Court to
pay to the Commissariat Chest in satisfaction of a bond to that
amount given by him for Cattle received on loan from the
Government Herds may be returned to him together with the
Costs of the Suit.

I have also received a letter from Mr. Evans, dated 24th
December last, from Van Diemen's Land, bringing these cir­
cumstances under my notice, and referring to the Memorial in
question.

The Lords of the Treasury, to whom the case was referred,
have recently informed me that they have issued the necessary
Instructions to Deputy Commissary General Ramsay for the
repayment to Mr. Evans of the Sum of £336 recovered upon his
bond, together with the amount of costs incurred by him as
Defendant, which are stated to be about £400; but the exact
amount of which should be proved to your satisfaction pre­
viously to the issue being made. Their Lordships, however,
have been unable to sanction the payment of Interest prayed
for by the Memorialist at the same rate as that which was
charged to him upon the amount of his bond, because they do
not consider him free from the imputation of negligence in not
requiring his bond to be delivered up to him when the Cattle
were returned, and thus having it to produce when the payment
of the debt was insisted upon by the Government.

In the event of Mr. Evans having returned to New South
Wales since the date of his letter of the 24th December, I have
to desire that you will apprise him of the substance of this
despach.

I have, however, addressed a similar communication to the
Lieutenant Governor of Van Diemen's Land.

I have, &c.,

GREY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 116, per ship Chaslely; acknowledged by earl Grey,
15th December, 1848.)

My Lord,

Government House, 16th May, 1848.

I have the honor to transmit copies of two letters
addressed to the Colonial Secretary by the Emigration Agent
of this Colony, covering the reports on the Emigrant ships
"Hyderabad" and "Lady Peel," the former of which vessels
arrived at Sydney on the 19th and the latter at port Phillip
on the 16th of February last.
These Reports were only placed in my hands on the 5th and 8th instant respectively, the delay having been caused by the circumstances stated by Mr. Merewether in his remarks on the Ship "Hyderabad" and by Mr. La Trobe in his letter of the 6th April annexed.

Your Lordship will perceive that Mr. Merewether's opinion of the Immigrants by the "Hyderabad" is not favourable; and I would beg to call your Lordship's particular attention to his remarks on the unsatisfactory manner in which the Surgeon Superintendent of that Vessel performed his duties, and the delay and difficulty that occurred in obtaining from him the reports and statements required of him.

I would also call Your Lordship's attention to the inefficiency of the single females as domestic Servants, and to the want of morality displayed after their arrival by several among them.

Your Lordship will further be made aware by Mr. La Trobe's Report that the selection of the Surgeon Superintendent of the "Lady Peel" was equally unfortunate, and that his conduct would appear to have been even more discreditable than that of the "Hyderabad." The gratuities of both these persons have been withheld.

I regret to have further to report to Your Lordship that charges of a very serious nature, affecting the characters and conduct of the Surgeon Superintendent, Master and Officers of the "Subraon" (which Vessel arrived at Sydney on the 12th ultimo) are now in course of investigation before the Immigration Board; and I greatly fear will result in proving that a great degree of immorality and misconduct occurred on board that Vessel.

In conclusion, I take the liberty to point out for Your Lordship's consideration Mr. La Trobe's suggestion that Naval Medical Officers should alone be employed on this service.

I have, &c.

CHS. A. FITZ ROY.

[Enclosure.]

[These papers have been omitted.]

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 80, per ship Achilles.)

Sir,

Downing Street, 17th May, 1848.

I have to acknowledge the receipt of your Despatch No. 7 of the 8th of January last, announcing the Establishment of a Boundary line between the Colonies of New South Wales and
FITZ ROY TO GREY.

South Australia, and enclosing the Copy of a Proclamation of the Lieutenant Governor of that Colony on the subject.

In reply, I have to signify to you my approval of the care with which this work appears to have been accomplished.

I have, &c.,

GREY.

Sir Charles Fitz Roy to Earl Grey.

(Despatch No. 117. per ship Chaseley; acknowledged by earl Grey, 27th November. 1848.)

My Lord,

Government House, 17th May, 1848.

I have the honor to transmit the copy of a letter addressed to the Colonial Secretary of this Government by Dr. John Sullivan, Surgeon Superintendent of the ship “Sir Edward Parry,” recently arrived here with Juvenile Immigrants, forwarding copies of a correspondence which passed between the Secretary to the Colonial Land and Emigration Commissioners and himself previously to his leaving England, and submitting his claim for additional remuneration for the successful performance of the service on which he was employed.

I have also the honor to transmit the copy of the Report of the Immigration Agent (Mr. Merewether), to whom the claim was referred, and to state that, having given full consideration to the circumstances of the case, and particularly to the facts reported by Mr. Merewether, namely, that Dr. Sullivan has, notwithstanding the increase from 10s. to 12s. per head awarded him by the Commissioners, obtained a less amount of payment for a service whose conduct and management have given the highest satisfaction, than the Surgeon of the Emigrant ship “Hyderabad,” whose conduct it will be my duty to bring under Your Lordship’s notice in another Despatch; and that, had Dr. Sullivan been appointed subsequently to, instead of before the arrangement for the increase to be thenceforth given to Surgeons of Emigrant ships, as notified to me in Your Lordship’s Despatch No. 280 of the 22d December last, under which arrangement Dr. Sullivan, having performed seven voyages to this Colony, would have been entitled to £42 16s. more than he has received, I have deemed it my duty to sanction Mr. Merewether’s recommendation that Dr. Sullivan should be “allowed a gratuity of £40 in consideration of the peculiar nature of the duties imposed upon him, and the very satisfactory manner in which he discharged them.”

I have, &c.,

Chs. A. Fitz Roy.

[Enclosure.]

[Copies of these papers are not available.]
Despatches acknowledged re staff in customs department.

Report transmitted.

Approval of staff arrangements in customs department.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 81, per ship Achilles.)

Despatch acknowledged.

Sir,

Downing Street, 18 May, 1848.

I have to acknowledge the receipt of your despatch No. 183 of the 17th September last, covering Copies of a letter and its enclosures from the Collector at Sydney relative to the Order given by the Commissioners of Customs for the removal of Mr. P. Stewart from Sydney to Melbourne.

I have also received your despatch No. 214 of the 24th October last, reporting the death of Mr. Hunt, Acting Collector of Customs at Melbourne, and the temporary appointment of Mr. Llewellyn to that Office; and I now transmit to you the Copy of a Report of the Commissioners of Customs, which the Lords of the Treasury have sent to me on this subject, with an intimation that it has not appeared to their Lordships to be necessary that any additional or altered Instructions should be given respecting the case of Mr. Stewart.

I have, &c.,

GREY.

Extract from Report of The Commissioners of Customs, dated 5th April, 1848.

"With reference to the Governor's second despatch, dated the 24th October, 1847, stating the arrangements which he had made for the Service at Melbourne, in consequence of the death of Mr. Hunt, the Acting Collector, We beg to state that, having recently received a communication from the Collector at Sydney, stating that, in consequence of Mr. Hunt's death, the Governor had directed Mr. Llewellyn, Clerk to the Collector at Sydney, to proceed to Melbourne for the purpose of acting as Collector, as H.E. did not consider Mr. Stuart fit to be entrusted with an Office of so much responsibility, we have caused the Collector, in reply to his communication above referred to, to be informed that we concur in opinion with the Governor, and have approved of the arrangements which have been made for the service at Melbourne, pending the reinstatement in Office of Mr. Cassell, the Acting Collector; and we beg to add that we will lose no time in providing for the duties of the Office of Landing Surveyor at Melbourne, which has become vacant by the decease of Mr. Hunt, and submitting an arrangement for that purpose for the consideration of Your Lordships.

"THOS. T. FREMANTLE.
"H. RICHMOND.
"J. G. LUSHINGTON.
"F. GOULBURN."

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 82, per ship Achilles.)

Despatch acknowledged.

Sir,

Downing Street, 18 May, 1848.

I have to acknowledge the receipt of your despatch No. 248 of the 19th December last, with its enclosure, and I
have to convey to you my approval of the Judicial arrangements, which you had found it necessary to make in consequence of your having granted leave of absence for 18 months to Mr. Therry, one of the Judges of the Supreme Court, to enable him to proceed to this Country.

With further reference to the application, which you state had been made to you by that gentleman, to be allowed, while absent, the half Salary of his Office, by receiving, in addition to the moiety of the Solicitor General's salary (£400), a sum of £350 per annum from the Surplus on Schedule B, I have to acquaint you that, should your anticipations in regard to this surplus be realized to such an extent as will enable you to comply with Mr. Therry's wishes without inconvenience, I shall have no objection, considering the length of his public Service, to the whole £750 being paid to him. For the present, on the information of which I am possessed, I can only sanction the payment to him of £400 per annum, through the Colonial Agent, and Mr. Therry has been informed that the issue of the remainder must depend upon the result of your answer to this despatch.

I have, &c.,

GREY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 120, per ship Chaseley; acknowledged by earl Grey, 24th November, 1848.)

My Lord,

Government House, 20th May, 1848.

I have the honor to transmit herewith the Blue Book of this Colony for the year ended on the 31st December, 1847; and, in compliance with the instructions contained in the Secretary of State's Despatch No. 101 of 5th May, 1842, I proceed to offer such remarks upon the condition of the Colony as may be interesting to Your Lordship.

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>
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<tbody>
<tr>
<td>1846</td>
<td>£86,037</td>
</tr>
<tr>
<td>1847</td>
<td>£98,424</td>
</tr>
</tbody>
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showing an increase of £12,387 which is attributed to the increase of population and the high rate of wages.

The ad valorem duties produced in the year

<table>
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<tr>
<th>Year</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£27,779</td>
</tr>
<tr>
<td>1847</td>
<td>£33,563</td>
</tr>
</tbody>
</table>

The duties on Tobacco produced in the year

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£53,400</td>
</tr>
<tr>
<td>1847</td>
<td>£54,786</td>
</tr>
</tbody>
</table>

The Wharfage and Harbour duties amounted in 1847 to £4,714 1s.
The Revenue produced by the Post Office and the Expenditure stand thus:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£17,924</td>
<td>£16,165 15 7</td>
</tr>
<tr>
<td>1847</td>
<td>19,214 10 10</td>
<td>17,629 9 0</td>
</tr>
</tbody>
</table>

An Act of Council (11 Vict., No. 18) was passed on 17th September, 1847, levying an Assessment on Stock beyond the Settled Districts and came into operation on the 1st January, 1848. There was therefore no revenue from this service for the year 1847 except £1,195 8s. 2d., the arrears of previous years.

The Fees on Licenses to occupy Crown Lands and to cut Timber, which are part of the Crown Revenue, produced

<table>
<thead>
<tr>
<th>Year</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£39,724 18 1</td>
</tr>
<tr>
<td>1847</td>
<td>43,820 3 7</td>
</tr>
</tbody>
</table>

The Revenue derived from Fees of Office was

<table>
<thead>
<tr>
<th>Year</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£10,931 18 10</td>
</tr>
<tr>
<td>1847</td>
<td>11,976 8 1</td>
</tr>
</tbody>
</table>

The Fees taken in all the Courts of Justice, which amounted

<table>
<thead>
<tr>
<th>Year</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£4,530 0 6</td>
</tr>
<tr>
<td>1847</td>
<td>7,917 0 5</td>
</tr>
</tbody>
</table>

The Accounts of the Colony are made up in accordance with the principle laid down in the Constitutional Act, 5 and 6 Vict., C. 76.

The Ordinary Revenue, that is to say, the Revenue derived from Taxes, Duties, Rates and Imposts, was

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£270,550 9 9</td>
</tr>
<tr>
<td>1847</td>
<td>275,343 0 11</td>
</tr>
</tbody>
</table>

therefore the Revenue of 1847 exceeded that of the previous year by £4,792 11s. 10d., in addition to £2,504 4s. 7d. recovered from Sureties of Mr. J. E. Manning and adjustment of advances to the Colonial Agent General, making in the whole the Ordinary Revenue to amount to £277,897 5s. 6d.

The Expenditure chargeable on the Ordinary Revenue was

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£281,164 6 11</td>
</tr>
<tr>
<td>1847</td>
<td>302,286 17 7</td>
</tr>
</tbody>
</table>

therefore the Expenditure of 1847 exceeded that of the previous year by £21,122 10s. 6d., and the

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1847</td>
<td>£302,286 17 7</td>
</tr>
<tr>
<td>and the Ordinary Revenue being .</td>
<td>277,397 5 6</td>
</tr>
<tr>
<td>the Expenditure exceeded the Re-</td>
<td></td>
</tr>
<tr>
<td>venue by</td>
<td>24,889 12 1</td>
</tr>
</tbody>
</table>

Your Lordship will perceive that there is a discrepancy in the amount of the Ordinary Revenue for 1846, as stated in the Blue Book of that year and the Blue Book now forwarded. This is occasioned by certain advances made from the General or Ordinary Revenue, having been placed under that Head in the comparative statement for 1846-1847.

Heretofore it has been the practice to insert these advances with other temporary transactions; but it is now considered preferable to keep all payments from the General Revenue under that Head.
FITZ ROY TO GREY.

The amounts, which occasion the apparent difference in 1846, are:

1st. Remittances in advance to the Colonial Agent General £14,987 2 10
2d. Advances towards the erection of the new Military Barracks 12,000 0 0

£26,987 2 10

Blue Book, 1846 254,177 4 1
Blue Book, 1847 281,164 6 11

Under the new arrangement a similar discrepancy will not again occur.

Crown Revenue, pp. 58 to 60.

The following is a statement of the Crown Revenue for 1847.

Territorial.

Land Sold £59,112 4 8
Quit Rents 14,730 1 0
Depasturing Licenses 42,741 13 11
Timber Do 744 0 0
Rents, Leases, etc., within the Boundaries 3,477 2 0

Total £122,822 1 7
Casual Revenue 21 12 7
Special Receipts 1,640 14 0

£124,484 8 2

Under sanction of Your Lordship's Despatch No. 11 of 6th August, 1846, the Casual Revenue or Droits of the Crown were carried in 1847 to the credit of the General Revenue; but the sum of £21 12s. 7d., above specified, consisted of Collections at Port Phillip in 1846 which were not, however, credited in Sydney until 1847.

The Charges on the same Revenue for 1847 were.

Survey and management £22,753 5 3
Immigration and Quarantine 1,049 7 11
Interest on Debentures 5,101 4 4
Aborigines 2,230 4 4
Miscellaneous 3,094 14 6
Revenue returned 2,396 15 2
Debentures paid off 8,900 0 0

£120,635 11 6

There is therefore a balance on the Crown Revenue, after all the outstanding debentures have been paid off, amounting to £3,848 16s. 8d.

Convict Expenditure, pp. 115 and 116.

The Expenditure under this Head continues to decrease. It was in 1846 £27,713 4 9
1847 25,517 17 8

The number of Convicts in the Colony according to the Blue Book for 1847 on 31st December of that year was 6,654, being a decrease on the previous year of 4,907.
Local Revenues, pp. 117 to 121.

The local Revenues of the City of Sydney amounted in 1847 to £11,409 9s. 6d.; those of the Town of Melbourne £4,908 4s. 6d. The District Councils are in the same state of abeyance as in my last Report.

Military Expenditure, pp. 125 and 126.

No expense has been incurred by the Colony on account of the Military Defences; and the only Military Expenditure is that of the Mounted Police amounting to £6,476 10s. 6d. The amount paid for gratuities to Officers and Soldiers out of Colonial funds for guarding Convicts employed on public works for the Colony was, in 1847, £730 19s. 8d.

Legislation, pp. 151 to 162.

The Reports on the Acts passed by the Legislative Council in 1847 were forwarded in my Despatch No. 241, of 16th December, 1847.

Councils and Assemblies, pp. 163 to 168.

No observation under this Head seems necessary.

Civil Establishment, pp. 169 to 382.

This Head appears to require no report.

Security for discharge of duties, pp. 385 to 394.

This Head appears to require no report.

Pensions, pp. 395 to 399.

The Pension List shows a decrease in 1847. The Pensions payable in the Colony were

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£664  2 6</td>
</tr>
<tr>
<td>1847</td>
<td>576 15 0</td>
</tr>
</tbody>
</table>

Recapitulation of the Establishment, pp. 400 to 404.

No observation seems necessary.

Foreign Consuls, pp. 405 to 406.

There are only two Consuls in the Colony, French and American.

Population, pp. 407 to 468.

The last Census was taken on the 2d March, 1846, and the general summary which was appended to the Blue Book of 1846 is again included in the Blue Book of 1847, and will be found at page 411. The population was shewn at that date to be 189,609 souls, exclusive of Port Essington.

Recapitulation of Establishment, pp. 400 to 404.

Ecclesiastical Returns, pp. 469 to 494.

The number of Clergymen receiving Salaries from the Government in the year 1847 was 134, being 7 less than in the previous year.

The amount secured for public worship under Schedule C of the Act 5 and 6 Vict., c. 76, is distributed under the arrangement sanctioned by the Secretary of State's Despatch No. 19 of 17th February, 1846.
In the Session of 1847, a sum of £2,000 was placed on the Estimates, and voted by the Legislative Council, for the introduction of the Irish National system of Education into the Colony. For the purpose of carrying out this system, a Board has been appointed which is presided over by the Attorney-General. This Board have proposed to establish a Normal School in Sydney with a view of providing Teachers for the Country Districts, and have sent home for a Schoolmaster and Mistress, and for Books of instruction; further than this, no steps have as yet been taken; but it is expected that the system will come into operation early in the ensuing year; and I am convinced it is the only one which can be carried out with beneficial effect among the scattered population of the Country Districts; and a further sum of £2,000 has been placed on the Estimates for 1848. The number of other Schools is stated, at page 507, to be 438, being 42 more than there were in 1846. The number of Scholars in 1847 was 21,621.

The Coin in the Colony was
in 1846 .......................... £847,316 0 0
" 1847 .......................... 654,186 0 11

The Paper Money in circulation was
in 1846 .......................... £210,210 0 0
" 1847 .......................... 240,670 0 0

The Exchange varied from par to 3 per cent. premium.

The Imports (Port Phillip included) were
in 1846 .......................... £1,630,522 0 0
" 1847 .......................... 1,982,023 0 0

The Exports (Port Phillip included) were
in 1846 .......................... £1,487,258 0 0
" 1847 .......................... 1,870,046 0 0

The Export of Wool from the whole Colony was

<table>
<thead>
<tr>
<th></th>
<th>Lbs.</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>16,479,520</td>
<td>£1,019,985</td>
</tr>
<tr>
<td>1847</td>
<td>22,379,722</td>
<td>1,272,118</td>
</tr>
</tbody>
</table>

The value of Tallow exported was

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>28,107</td>
</tr>
<tr>
<td>1847</td>
<td>105,186</td>
</tr>
</tbody>
</table>

The increase in the quantity of Tallow exported during the past year bears out the remarks under this Head in my last Report.

The Returns of produce and live Stock will be found at page 540; but it is doubtful whether the Agricultural Tables can be depended on for accuracy.

The Manufacture of Tweed Cloth is progressively improving. Indications of Copper of a valuable description have been discovered in various parts of the Colony. The Molong Mine continues to be worked with a fair prospect of success; but the want of Miners has hitherto prevented other Mines from being opened and worked.
Grants of Land, pp. 547 to 553.

No observation seems necessary. An improvement is shown in the amount received for the sale of lands.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>£28,255 0 0</td>
</tr>
<tr>
<td>1847</td>
<td>62,081 7 10</td>
</tr>
</tbody>
</table>

Gaols and Prisoners, pp. 555 to 594.

The following Returns of the comparative state of Crime in the Colony may be interesting.

Convictions in the Supreme Court.

<table>
<thead>
<tr>
<th>Year</th>
<th>Murder</th>
<th>Other Felonies</th>
<th>Misdemeanours</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>7</td>
<td>173</td>
<td>44</td>
</tr>
<tr>
<td>1847</td>
<td>10</td>
<td>166</td>
<td>33</td>
</tr>
</tbody>
</table>

Convictions in Courts of Quarter Sessions.

<table>
<thead>
<tr>
<th>Year</th>
<th>Felonies</th>
<th>Misdemeanours</th>
<th>Criminals executed</th>
<th>Of which the number of undefended cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>350</td>
<td>77</td>
<td>1</td>
<td>26</td>
</tr>
<tr>
<td>1847</td>
<td>281</td>
<td>61</td>
<td>6</td>
<td>29</td>
</tr>
</tbody>
</table>

Miscellaneous Returns, pp. 595 to 625.

A variety of Returns is given at the end of the Blue Book as printed for the Legislative Council; a Table of the contents will be found at page 598, and they disclose a great body of useful statistical information.

In conclusion, I would beg to observe that, although much property has changed hands during the course of the year, and I regret to have to report that many of the oldest and most respectable inhabitants have suffered severely from pecuniary losses and the depreciated value of landed property within the settled districts, I see no reason to report less favourably of the general prosperity of the Colony than I did in my Report on the Blue Book for 1846; and it is to be expected that, with the renewal of Immigration and the decrease of the price of labour, that prosperity will not be diminished.

I have, &c.,

CHS. A. FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 83, per ship Achilles.)

Sir,

Downing Street, 24 May, 1848.

I have the honor to acknowledge your despatches No. 238 and 239 of the 6th of December last, the first of them reporting the New Counties, which it is proposed to proclaim in New South Wales, and the second containing an account of the
Grey to Fitz Roy.

Various arrangements, which are contemplated for bringing into effect the regulations contained in Her Majesty's Order in Council of the 9th March, 1847, respecting the occupation of the unsold Lands of the Crown.

I must at the outset express my gratification at the promptitude with which you and the Executive Council have applied yourselves to these important questions, and at the clear and judicious manner in which it is proposed to carry into effect the purposes of Her Majesty's Order in Council.

On the former of the two subjects above referred to, I have to authorize you not only to proclaim the 28 New Counties which you have now proposed, but, in case you should deem it expedient, any others which may be sufficiently surveyed for the purpose before the 31st December next. The representations made in favor of including in the "Settled Districts" the land for ten miles round Belfast appear to rest upon strong grounds; but to this question I shall revert upon receiving the further report which you give reason to expect.

The various measures reported in your despatch No. 239 appear well calculated to accomplish their ends, and all of them seem to me free from objection. I am glad to perceive that, as I anticipated, when I addressed you in my former despatch No. 34 of the 27th February last, the Surveyor General has found it in his Power to propose Plans, which, with some modifications by the Executive Council, will reduce the estimated amount of the annual expense for carrying on the requisite Surveys of land in the Middle District, in order to place the Squatters in possession of the Leases designed for them, from £20,000 to £7,500 per annum.

I am, &c,

Grey.

Earl Grey to Sir Charles Fitz Roy.

(Despatch No. 84, per ship Achilles.)

Sir,

Downing Street, 24 May, 1848.

I have received your despatch No. 225 of the 15th November, 1847, enclosing a Memorial addressed to me by Mr. W. Glaister, a Clerk in the Office of the principal Superintendant of Convicts in New South Wales, who, in consequence of the loss of his appointment from the breaking up of the Convict Establishment, prays for Employment in Her Majesty's Customs, and I have to request you will inform Mr. W. Glaister that the disposal of appointments in the Customs Department does not rest with myself, but with the Lords of the Treasury.

I am, &c,

Grey.
1848.
24 May.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 124, per ship Chaseley.)

My Lord,
Government House, 24th May, 1848.

With reference to my Despatch No. 43 of 20 February last, reporting for the information of the Right Honble. the Secretary at War that I had intimated to Mr. Brereton that, on his obtaining the Probate of the Will of Patrick McArdle and transmitting it to the War Office, the amount of £39 6s. 3d. would be paid over to him; I have the honor to enclose copy of a letter which Mr. Brereton has addressed to the Colonial Secretary, stating that it is impossible for him to procure a Probate of McArdle’s Will, having already forwarded the Will to the Secretary of State.

I have, &c.,
CHS. A. FITZ ROY.

[Enclosure.]

MR. R. G. BRERETON TO COLONIAL SECRETARY THOMSON.
Sir,
Armadale, New England, 4th April, 1848.

In answer to your communication of the 17th February last, relative to the sum of £39 6s. 3d. bequeathed to me by Patrick McArdle, a Convict per “Portsea,” I most respectfully beg to inform you that it is impossible for me to procure a Probate to his Will, having already (July, 1843) forwarded the Will, as also several Official Documents appertaining to the above sum, to the Right Honorable the Secretary at War.

Waiting your reply, whether it Shall be necessary for me to write the War Office for the Will to be transmitted to me, I have, &c.,
ROBT. GORDON BRERETON.

25 May.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 85, per ship Achilles.)

Sir,
Downing Street, 25 May, 1848.

I have received your despatch No. 233 of the 23d of November last, reporting that, with the approval of the Legislative Council, you had resolved to proceed with the Construction of a Dry Dock, within the Harbour of Sydney, capable of receiving Ships of War.

I have to express my satisfaction that so useful a work has been undertaken, and I am of opinion that it will afford a very advantageous mode of employing the Convicts under Colonial Sentences.

I am, &c.,
GREY.
FITZ ROY TO GREY.

SIR CHARLES FITZROY TO EARL GREY.

(Despatch No. 125, per ship Chaseley.)

My Lord,

Government House, 25th May, 1848.

I have the honor to acknowledge the receipt, by the ship "Jane Catherine" on the 20th ultimo, of your Lordship's Despatches enumerated in the margin*; by the ship "Sydney" on the 21st ultimo of Your Lordship's Despatches noted in the margin; and by the "Sir Edward Parry" this day of Your Lordship's further Despatches also noted in the margin.

I have, &c,

CHS. A. FITZ ROY.

EARL GREY TO SIR CHARLES FITZROY.

(A circular despatch, per ship Achilles.)

Sir,

Downing Street, 26th May, 1848.

I have to desire that, in future, whenever any Despatch, which you may address to me, consists of more than one sheet, you will cause the paragraphs to be numbered, in order that a more easy reference may be made to the several heads into which the subject may be divided, and to adopt the same practice with respect to the Enclosures contained in such Despatch. This will be greatly facilitated if you address similar instructions to the Officers of your Government, for the conduct of their correspondence with you. I shall, of course, observe the same practice in the Despatches, which I may have occasion to address to you.

I take this opportunity of calling your attention to other instructions, connected with the mode of conducting your correspondence with this Office (C. 6, Sections 5 to 16, in the Book of Colonial Regulations), which, if punctually attended to, would materially facilitate the despatch of Public Business. I have further to desire that you will furnish at least 6 copies of all printed Documents transmitted as Enclosures to your Despatches, as well as of the printed Laws already required by the Colonial Regulations.

I have, &c,

GREY.

SIR CHARLES FITZROY TO EARL GREY.

(Despatch No. 127, per ship Chaseley.)

My Lord,

Government House, 27th May, 1848.

In reply to Your Lordship's Despatch No. 263 of Despatch acknowledged, 5 November, 1847, containing an enquiry respecting the fate acknowledged.

of Henry Davis, who is stated to have been discharged from the 24th Regiment in 1843 and appointed Overseer of Convicts in this Colony, I have the honor to inform Your Lordship that, having referred to the Principal Superintendent of Convicts, that Officer has reported that he is unable to trace the arrival in New South Wales of the above named individual; but that, as a great many discharged Soldiers were about that period forwarded to Van Diemen’s Land, it is possible that Henry Davis may have proceeded to that Colony.

I have, &c.,

Cns. A. Fitz Roy.

28 May.

Despatch acknowledged re ordnance stores at Hobson’s bay.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 128, per ship Chaseley.)

My Lord, Government House, 28th May, 1848.

I have had the honor to receive Your Lordship’s Despatch “Military” No. 8 of 30 October, 1847, respecting the preservation of certain Ordnance ammunition and stores, which had been forwarded to Hobson’s Bay by the Ordnance Officers at Sydney in March, 1847; and, in reply, I have the honor to enclose an extract from a letter which I have received from the Superintendent of Port Phillip in answer to a communication which I caused to be made to him on the subject.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

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

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 87, per ship Achilles.)

Sir, Downing Street, 29th May, 1848.

With reference to my despatch of the 18 instant, No. 82, I have to acquaint you that, under the circumstances represented in the accompanying Copy of a letter from Mr. Barnard, the Colonial Agent, I have caused the necessary authority to be conveyed to him for the payment to Mr. Therry, to the end of the second quarter of the present year, of his absent allowance in full, vizt., at the rate of £750 per annum.

I have, &c.,

GREY.
Mr. E. Barnard to Under Secretary Merivale.

Sir,

5 Cannon Row, 19 May, 1848.

I have the honor to inform you, for the information of Earl Grey, that I have been authorized by the Governor of New South Wales to pay to Mr. Justice Therry half salary at the rate of £750 per annum, namely, at the rate of £400 per annum from Schedule A of the Act 5th and 6th Victoria, Cap. 76, and at the rate of £350 per annum from the Surplus of Schedule B, should the Secretary of State approve of the difference between the £750 and £400 being so paid. As the necessary sum appears to have been paid into the Commissariat Chest to enable me to make the issues to Mr. Therry at the rate of £750 per annum, I have the honor to request his Lordship's instructions on the subject for my guidance.

I have, &c,

Edward Barnard.

Excerpt of a letter from the Colonial Secretary of New South Wales, dated 8th January, 1848.

"The half salary of Mr. Therry, if paid to him in full, would amount to £750. Request for payment to Therry. If, under the arrangement which has been made for the performance of his duties during his absence, the sum of £400 (four hundred pounds) only can be paid to him on this account out of Schedule A. Should, however, the Secretary of State approve of the difference between this amount and his half salary, namely, £350 (three hundred and fifty pounds) being allowed to Mr. Therry from the surplus of Schedule B, I have to request that you will pay him accordingly out of the balance before mentioned for the Quarters ending March and June."

Sir Charles Fitz Roy to Earl Grey.

(Despatch No. 129, per ship Chaseley; acknowledged by Earl Grey, 18th December, 1848.)

My Lord,

Government House, 29th May, 1848.

A Memorial, of which the enclosed is a copy, has been recently presented to me by a number of persons who, in 1832 and 1833, commuted their Pensions as retired Soldiers in order to enable them with their wives and families to emigrate to this Colony.

I also forward a Memorial addressed to Your Lordship by the same persons, soliciting compensation for the money paid by them for the passage from England to New South Wales of themselves and their families, or a grant of Land at the minimum price of land at the time of their arrival in lieu of such passage money.

I have caused the writers to be informed that, in compliance with their request, their Memorial should be forwarded to your Lordship; but that I could not hold out to them any hope that the prayer of it would be granted.

I have, &c.

[Enclosures.]

[Copies of these papers are not available.]
EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 88, per ship Achilles.)

Downing Street, 30 May, 1848.

Sir,

I have received your despatch No. 6 of the 8th of January last, in which you report that, from some inadvertence or misapprehension of the subject, the amendment pointed out as necessary in the local Act, No. 8 of the 9th Victoria, had not yet been made; but you request that the Act in question might not be disallowed, as the amending Bill would be introduced into the Council early in the ensuing Session, and, as the Legislature had already affirmed the principle which was prescribed by Her Majesty's Government to be kept in view in the appropriation of Fines levied under the authority of Acts of the local Legislature, and which principle had been overlooked in the case in question.

Your despatch did not reach this Office until after the expiration of the period allowed by the 32d Clause of the Constitutional Act, within which it would have been competent to Her Majesty to disallow the local Act.

I have, therefore, advised Her Majesty to confirm and allow the subsequent Act No. 2 of the Second Session of 1846, amending the previous Act, as there appeared to be nothing objectionable in the last Act, and Her Majesty has been pleased to allow it accordingly.

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

I am, &c.,

GREY.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 130, per ship Chaseley; acknowledged by earl Grey, 27th November, 1848.)

Government House, 30th May, 1848.

At the request of Mr. Samuel Frederick Milford, Master in Equity and Curator of Intestates' Estates in New South Wales, I have the honor to forward a letter, which he has addressed to Your Lordship, praying an increase to his salary which now amounts to £1,000 per annum.

I also enclose copy of a letter addressed to the Colonial Secretary by the Chief Justice, to whom I caused this application to be referred in the first instance; and I beg to add that, as I do not consider the Salary attached to the united Offices of Master in Equity and Curator of Intestates' Estates to be
FITZ ROY TO GREY.

From the increase of the duties which have lately devolved upon me as Curator of Intestate Estates in the Colony of New South Wales, and the circumstances of having been called upon to give security for the due performance of those duties, I hope I am not improperly laying before your Lordship a claim for an increase of Salary, which I apprehend your Lordship, if you shall think fit, has power to recommend her Majesty to grant out of that part of the Colonial revenue reserved for the uncontrolled disposal of the Crown.

Prior to the month of August, 1842, when I was appointed to the Office of Master in Equity of the Supreme Court of New South Wales (which includes the duties of all the Officers of the Court of Chancery in England), the Registrar of the Supreme Court, under the Act of Parliament, 9 Geo. 4, c. 83, had collected the estates of persons dying intestate in the Colony without leaving next of kin there, and had paid their debts, for which he had been allowed to retain for his own emolument, beyond his salary, £5 per cent. on money collected by him.

There was at that time a Master in Equity of the Court, who had a salary of £800 per annum. In August, 1842, I, being then in England and a practising barrister there, was appointed to the office of Master in Equity at a salary of £1,000 per annum with an intimation that I should probably be called on to perform the duties of Curator of Intestate Estates. Nothing was intimated to me on the occasion of my appointment as to the discontinuance of the £5 per cent. commission, nor was it suggested that I should be called upon to give any security for the due performance of the duties of the Office.

I arrived in the Colony in January, 1843, and took upon myself the Office of Master in Equity, and, in the August following, I was called upon to perform the duties of Curator of Intestate Estates. Not seeing clearly that I had a right to the commission of £5 per cent. allowed to my predecessors, I made no claim to it; and matters proceeded in this course until last October, when the act of Council, 11 Vic., No. 24, was passed. By this act, I am under the obligation to give security in £2,000 (which I have done), and I have the duty imposed upon me of administering not only the Estates of persons dying intestate in the Colony without leaving next of kin there, but also in some cases of administering the Estates of testate persons, and of intestate persons who have
1848.
30 May.
Application by S. F. Milford for increase of salary.

I take the liberty of submitting to your Lordship's consideration, whether the Salary of the Curator of Intestate Estates, which must be taken I presume to be £200 a year, was sufficient, even under the former System, when the responsibility of the office (being that of a trustee for perhaps 50 or 100 estates at the same time) and the knowledge required (for no professional advice is obtained) for its due administration are taken into consideration; but, however that may be, I think I am not wrong in saying that the addition made to the labour and responsibility of the office, and the necessity of finding security in £2,000 for the due performance of it, under the Act of Council 11 Vic., No. 24, now call for some higher remuneration.

The annual returns made to the Home Government, one of which has been recently transmitted to Your Lordship, will enable your Lordship to form some idea of the duties of the Office. I submit these matters for your Lordship's consideration, and have the Honor to be, &c,

SAML. FREDK. MILFORD,
Master in Equity and Curator of Intestate Estates.

[Enclosure No. 2.]

SIR ALFRED STEPHEN TO COLONIAL SECRETARY THOMSON.
Sir,
Supreme Court, 21st March, 1848.

I have the honor to acknowledge the receipt of your letter of the 9th Inst., enclosing an application from Mr. Milford for an increase of Salary and desiring my report thereon.

The only ground taken by Mr. Milford, with which (as I conceive) I have anything to do, is the increased labour of the Office of Curator of Intestate Estates, in consequence of the late Act. And, as to this, I must certainly say that the labour and responsibility are, and will continue to be by that Act, very considerably increased. But whether every such addition to the actual amount of a Public Officer's duties Should or does form a Sufficient ground for an increase of his emoluments, I would submit to Her Majesty's advisers on such points. I am bound to state, that the actual amount of duty devolved on Mr. Milford by the late Act, conjointly with that previously undertaken by him, though largely in advance on that of the last two or three years, is not equal to that which was assigned to the Registrar in the years 1838-39-40 and 1841. On the other hand, Mr. Manning's other duties, for which he received £800 a year, were extremely light and easy of execution, compared with those which devolved on Mr. Milford as Master in Equity. The latter would not be more than remunerated by £1,000 a year; being the whole Salary which Mr. Milford receives for both branches of duty. But, under all the circumstances, I am not prepared to say that, if £800 be taken to be the Master's proportion, the residue is (looking at the united salaries) unreasonably small, even for the present increased quantum of duty.

What may be Mr. Milford's claim, in respect of his having unexpectedly been compelled to find security for the due discharge of the duties of Curator of Intestate Estates, is a matter beyond my province.

I am, &c,

ALFRED STEPHEN.
Earl Grey to Sir Charles Fitz Roy.

(Despatch marked "Military, No. 15," per ship Achilles; acknowledged by Sir Charles Fitz Roy, 30th October, 1848.)

Sir,

Downing Street, 31st of May, 1848.

I have to desire that you will ascertain and report to me what may have become of William Willmott, a Soldier of the 99th Regiment, who is stated to have been employed at the end of the year 1846 in the Mounted police of New South Wales.

You will have the goodness for the future to cause the names of the Men belonging to the Mounted Police to be inserted in the Blue Book.

I am, &c.,

Grey.

Earl Grey to Sir Charles Fitz Roy.

(Despatch No. 89, per ship Trafalgar.)

Sir,

Downing Street, 1 June, 1848.

I have the honor to acknowledge your despatch No. 237 of the 6th of December last, reporting the measures which were in contemplation for executing the intention of transferring all Convicts under coercion in New South Wales to Van Diemen's Land.

I am glad to learn from this Report that the number to be so transferred will not exceed 368, and that, excluding the Class of Lunatics and Invalids, the number to be kept under strict coercion does not appear to be larger than 137.

There is one point, however, on which I must correct what I gather from the letter of your Colonial Secretary to the Controller of Convicts in Van Diemen's Land to be the understanding of the Government of New South Wales.

Mr. Thompson mentions that there will still be 6,000 Holders of Tickets of Leave in New South Wales, and that three Years will elapse before the whole of them will have received Conditional Pardons. He observes that, probably about 124 may be expected to forfeit their Tickets of Leave in the course of that period, and he states that in that case they will necessarily be transferred to Van Diemen's Land. I do not think that this course will be expedient. You will doubtless have heard, not long after the date of your despatch, of the alarm which had been excited in Van Diemen's Land by the expected transfer of Convicts from New South Wales, and, although I trust that this feeling cannot but be much allayed by learning the very limited effect of the measure, yet I think that, if the prospect were held out that for some time to come every Convict, who misconducted himself in New South Wales should, on that account, be transferred to Van Diemen's Land, it would produce some natural and just dissatisfaction.
1848. 1 June.

Conduct on forfeiture of tickets of leave to be detained in colony.

I have, therefore, to instruct you to retain in New South Wales any men who may forfeit their Tickets of Leave, subjecting them to the same means of punishment as you may have occasion to establish for Convicts originally sentenced in the Colony, but charging the cost of their Rations and Detention to this Country, which will of course remain liable for the expense incurred in respect of men, who are working out their Sentences of Transportation from the United Kingdom.

I am, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZROY.

(Despatch marked "Military, No. 16," per ship Trafalgar.)

Sir, Downing Street, 1st of June, 1848.

I have to acknowledge the receipt of your Despatch No. 247 of the 18th of December, with the Copies therein enclosed of a Report with its annexures of a Select Committee of the Legislative Council of New South Wales, relative to the question as to the expediency of making some addition to the Police force, in consequence of the reduction in the numbers of the Troops stationed in that Colony.

My Despatch, No. 11 Military of the 4th of March last, will have apprised you of the views which Her Majesty's Government entertain on the subject of the Military defence of the Colony under your Government. I cannot, however, assent to the remarks which have been made by the Committee that Her Majesty's Government have afforded protection to New Zealand by depriving New South Wales of the amount of protection to which it is fairly entitled.

The force, which was withdrawn from New South Wales, was sent to New Zealand only to meet a pressing emergency; and Her Majesty's Government do not contemplate the permanent maintenance of a large regular force in the latter, any more than in the former Colony.

I take this opportunity to call your attention to the evidence, which has been adduced before the Committee (pp. 78 and 112) as to the existence of a family influence among the Magistrates in the district of Illawarra. It appears (p. 78) that there are no less than five Members of one family* sitting on the Bench of that District. Such a state of things, it is needless to remark, is calculated to create distrust and dissatisfaction.

I have, &c.,

GREY.

* Note 33.
FITZ ROY TO GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch marked "Military, No. 17," per ship Trafalgar; acknowledged by Sir Charles Fitz Roy, 1st May, 1849.)

1st June, 1848.

I have to acknowledge the receipt of your Despatch, No. 264 of the 28th of December last, with the application therein enclosed from Lieutenant Colonel Barney, late of the Royal Engineers, for permission to receive the amount of remission in the purchase of Lands in New South Wales as a retired Officer.

As Lieutenant Colonel Barney did not present to you within one year from its date (the 20th of May, 1846) the Certificate required by the Rules, which regulate the privileges allowed to Officers settling in the Australian Colonies, it was of course out of your power to grant to him the remission so solicited by him on the 27th of September last. But I am of opinion that, under all the circumstances of that Officer's case, such indulgence may properly be granted to him; and I have accordingly to instruct you to govern yourself accordingly. I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch per ship Trafalgar.)

1st June, 1848.

It has become my melancholy duty to communicate to you the intelligence of the decease of Her Royal Highness the Princess Sophia, which event took place at Kensington Palace on Saturday, the 27th of May. I am, &c.,

GREY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 131, per ship Chaseley.)

1st June, 1848.

Referring to my Despatch of the 28th February No. 52, I have the honor to report to Your Lordship that a Warrant has been prepared in favor of Deputy Commissary General Ramsay for the further sum of £10,000, to form a Remittance to England towards defraying the expenses of Emigration to New South Wales and Port Phillip; and that the certificate from Mr. Ramsay on his receipt of the money will be forwarded...
HISTORICAL RECORDS OF AUSTRALIA.

1848.
1 June.

Payments for immigration purposes.

With this sum of £10,000, the total amount remitted on account of Emigration will be £90,000.

I have, &c.,

CHS. A. FITZ ROY.

2 June.

Error of judgment of Sir C. Fitz Roy in policy re quit rents.

Opinion of Earl Grey on concessions re quit rents.

General opinion re policy of Sir C. Fitz Roy.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 90, per ship Trafalgar.)

Sir, Downing Street, 2 June, 1848.

In answering your Despatch No. 2 of the 4th January last, acknowledging mine of the 30th June preceding, on which I had commented on your measures respecting the Quit Rent due to the Crown in New South Wales, and offering some explanatory remarks in their support, I can assure you that it was not less painful to me to write than it was to yourself to receive the expression of disapproval, which I felt myself called upon to convey to you. But I trust you will believe that I did not mean to impute to you more than error of judgment, although one which appeared to me calculated to have a serious effect on the public interest.

On the substance of the question, I am bound to say that I am unable to take a different view from that which I previously entertained. I fully admit that large concessions to the Holders of Land subject to Quit Rent were absolutely necessary. But it is matter for separate consideration whether the concessions actually made were not greater than they ought to have been in justice to the rest of the Community, whose Interest required that the claims of the Crown should be enforced so as to place at the command of the Government for purposes of General utility, and especially for the promotion of Immigration, as large resources as could be obtained without undue pressure upon Individuals. And I regret that, on this point, I must continue to differ from you.

I make, however, every allowance for the difficulty of your position; and, although I may be obliged to question the expediency of the amount of concession which you thought it requisite to make to the feeling, which is so apt to prevail in all Societies in favour of Individuals, when their Interests come into competition with those of the public, I am aware that you did not proceed without deliberation, nor without seeking the advice of your Council. I am happy to assure you that, since the date of my despatch to which you have now replied,
I have had great reason to be satisfied with your general con-
duct of the affairs of your Government; and it has given me
great pleasure to express on various occasions the approbation
which I have felt due to your measures.

I am, &c.,

GREY.

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SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 132, per ship Chaseley; acknowledged by earl Grey,
11th January, 1849.)

My Lord,

Government House, 2d June, 1848.

With reference to my Despatch No. 62 of the 18th of
March last, wherein I informed Your Lordship that I proposed
to set on foot an Expedition under the charge of Mr. Kennedy
of the Survey Department of this Colony, having for its object
the exploration of that portion of New Holland intervening
between the Northernmost point of the "Belyando" River,
attained by Sir Thomas Mitchell in 1846, and the Gulf of Car-
pentaria, and also of the Country forming the Promontory
terminating in its northern extremity at Cape York, I have
now the honor to transmit a copy of the Instructions under
which Mr. Kennedy left Sydney on the 29th April.

Your Lordship will perceive that the route laid down in these
instructions differs from that proposed in the Despatch to which
I have referred, in as much as it reverses the order of Mr.
Kennedy's progress. He has now been directed to explore in
the first instance the Country lying between Rockingham Bay,
in Latitude 18° South, and Cape York, and proceed from thence
to the Gulf of Carpentaria; and from that point to make his
way back to the "Belyando," returning by that route to the
Settled districts of the Colony.

This alteration in the original plan has been decided upon
after mature deliberation, and consultation with Capt. King,
R.N., and Capt. Owen Stanley, commanding Her Majesty's
ship Rattlesnake, for the following reasons:—

1st. It was considered desirable that the Expedition should
be conveyed by sea to a point at which it could commence its
operations, thus avoiding the fatigue and wear and tear of an
overland journey of several hundred miles; a passage was
accordingly engaged for the whole party, including Horses,
Livestock, etc., on board a Vessel bound for Port Essington and
Singapore, under an agreement that the Party should be landed
at Rockingham Bay, that being the nearest point on the Coast
beyond that to which the Country had been already explored.

* Note 24.
2ndly. As H.M. Ship "Rattlesnake" was about to sail to the Northward, Capt. Stanley undertook to afford his protection and assistance in conducting the Vessel in which the Expedition was embarked to its destination. And as, in the prosecution of his Surveying duties, he will probably be employed on the Coast for some months on a parallel with the line of march of the Expedition, the advantage, Mr. Kennedy would have of being able in case of necessity to fall back upon the point of the Coast where the "Rattlesnake" would probably be found, was deemed an additional inducement for a deviation from the original plan.

3rdly. It was calculated that the Expedition would arrive at Cape York about the same time as the "Rattlesnake," and could then receive a fresh supply of Stores and provisions by a Vessel, which Captain Stanley has directed to be despatched with supplies for the use of his ship's company; and

4thly. It was considered that an early report on the Country in the vicinity of Cape York and Port Albany would be acceptable to Your Lordship in the event of Steam communication to these Colonies being decided upon by Her Majesty's Government, with a view to the formation of a Settlement as a Coal depot, and a place for assisting in cases of distress or emergency, or supplying provisions to Vessels making the passage to and from India by the way of Torres Straits.

Under this explanation, I venture to express my hope that Your Lordship will consider that the objects, which it is expected will be accomplished, are of sufficient importance to justify my having judged it expedient that this expedition should be undertaken; and that the advantages to be obtained by the deviation from my original intention, as now reported, will induce Your Lordship to sanction the expense I have incurred, which, it is proper to state, will exceed by about £650 (the price of the passage of the Party from Sydney to Rockingham Bay) the sum of £1,000 named by me in my former Despatch as that which it was then supposed that the Expedition would cost.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

INSTRUCTIONS

By His Excellency Sir Charles Augustus Fitz Roy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, etc.

To Edward Besley Court Kennedy, Esquire, Assistant Surveyor.

1st. It having been judged expedient that an Expedition should be undertaken for the purpose of further exploring the Northern
portion of New South Wales, namely from Rockingham Bay in Latitude 18° South and Longitude 146° East, to Cape York in Latitude 10° South and Longitude 142° East, and of the Country between the Head of the Gulf of Carpentaria and the Rivers lately discovered by Sir Thomas Mitchell; And Whereas I have reason to repose confidence in your zeal and prudence from the satisfactory manner in which you conducted the Mission from which you have recently returned, I do hereby constitute and appoint you to command and to take charge of the said Expedition, and direct that in the prosecution of this service you be guided by the following general instructions.

2nd. After landing your party and equipment at Rockingham Bay, you will carefully organize the party who are placed under your orders and make all necessary arrangements for your journey.

3rd. Your first object will be to proceed by the most practicable route to the bottom of Princess Charlotte's Bay, and thence up the Eastern side of the Peninsula to Cape York. You will then return down the Western side of the Peninsula to the mouth of the Water Planets in Latitude 15° 10' South and Longitude 141° East, which is supposed by Leichhardt to be the embouchure of his River Mitchell.

4th. Having reached this point, you will trace the River up and satisfy yourself of its identity with the above River, by reaching, in about Latitude 16° 27' and Longitude 142° 51', its junction with the River Lynd.

5th. Should, however, this not prove to be the case, you will endeavour to reach the junction of the above River, and there deposit in a conspicuous place some notice of your visit, and then proceed in a West South West direction to Leichhardt's River "Yapper" (the Flinders of Captain Stokes).

6th. It being considered an important part of your journey to ascertain the character of the Country where the "Yapper" takes its rise, you will endeavour to ascertain this with all possible care, particularly the height of the land above the Sea or above that part of the River where the Tide ceases to flow.

7th. You will then proceed to the South East to intersect the Country situated between the head of the "Yapper" and the Belyando or other Rivers discovered by Sir Thomas Mitchell, and then return by the most practicable route to the Settled Districts of the Colony.

8th. During the progress of the Expedition, whether outwards or homewards, you will use your discretion in deviating from its main object, for the purpose of examining any new feature of importance in the Country or River of magnitude that may be fallen in with; but, in doing so, care must be taken that no risk is incurred by the detention of the party beyond the time for which your supplies are calculated to last.

9th. That you appoint some one of the party accompanying you, whom you deem best qualified for the purpose, to take the Command of the Expedition in the event of any accident happening to you; upon such Person, the execution of these instructions will in such case devolve, and with the details of which you will therefore take an early opportunity of making him acquainted.

10th. That you be also accompanied by Mr. R. S. Wall, who will act as Naturalist, and Mr. Caron, who will act as Botanist to the Expedition.
1848.  
2 June.

Instructions to E. B. O. Kennedy for exploration of Cape York peninsula.

11th. That your Party, exclusive of yourself and the two Gentlemen already mentioned, be composed of the persons you have selected for that purpose.

12th. It is to be clearly understood that in the execution of these instructions you are not required to compromise the safety of the party placed under your orders. One of the greatest dangers, to which Expeditions such as this upon which you are to proceed, arises usually from the want of provisions; you will, therefore, use every possible economy in the distribution of those with which you are supplied, and carefully avoid any manner of waste.

13th. You are to keep a Journal, in which shall be given a detailed account of all your proceedings with such observations, as you may deem important or interesting. The general face and geological structure of the Country through which you pass, and the nature of its productions, animal, vegetable, and mineral, are to be carefully noted; together with the character of the climate, as to heat, cold, moisture, winds, rain, etc.; a Register being kept of the temperature by Fahrenheit’s Thermometer as observed at two or three periods of the day, and of the atmospheric pressure shewn by the Barometer whenever circumstances will permit. The height of any mountain you may ascend and the direction, velocity, breadth, and depth of any Rivers or Streams, you may discover, are also to be carefully given.

14th. That you note in your Journal the description and numbers of the people you may meet, their means of subsistence, their character, and disposition, the nature of their amusements, their diseases and remedies, their objects of worship, religious ceremonies; and adding a vocabulary of any words of their language you may learn.

15th. That, in your intercourse with the Aboriginal Inhabitants, you are to endeavour by every possible means to conciliate their good will, from which the most important assistance may be derived; and, in the event of any hostile demonstration on their part, the utmost forbearance is to be shewn by all persons composing the Expedition; nor is the use of fire arms or force of any kind to be resorted to unless the safety of the party should absolutely require it.

16th. You will of course afford every facility to Messrs. Wall and Caron in the prosecution of their researches, and for preserving and conveying the collections they may be enabled to make of animals, plants, Roots and Seeds.

17th. Specimens of every kind obtained during the Expedition are to be considered the property of the Public, and lists are to be made of them from time to time as they are collected, setting forth the places where they have been found, and any facts that may tend to elucidate their natural history and character. On the return of the Expedition, all such Specimens of the animal and mineral world, with the corresponding lists, are to be placed in the Australian Museum, and the vegetable productions in the Botanical Garden.

18th. That you avail yourself of every opportunity which may occur for informing me of the progress of the Expedition.

19th. That, on your return, you cause all the Journals or other written Documents belonging to and curiosities collected by the several individuals comprising the Expedition, to be carefully
Sealed up with your own Seal and kept in that State, until you shall have made your report to me in writing of the result of the Expedition. You will also, as soon as possible after your return, furnish me with a copy of your Journal, accompanied by a Chart of your discoveries, exhibiting your route after leaving the Settled Districts in going and returning. The originals are to be carefully preserved of all observations whether of Celestial or Terrestrial objects, as also the original calculations made upon the Spot.

20th. It does not seem to me necessary to give you any precise instructions as to the nature of the observations to be taken for the purpose of ascertaining your daily position on the Earth's surface. If provided with any instrument which can be used for taking the transits and moon-culminating stars, you will of course as often as possible make and record these valuable observations. In your meteorological Journal, you will insert as often as possible the dip and variation of the Needle, and note all the phenomena, Magnetic or electrical, which may present themselves. Meteors, Luminaries, appearances in the heavens and falling Stars wherever they may occur in unusual numbers. In your Meteorological Journal, the State of the wet bulb of the Thermometer should always be inserted.

Given at Government House, Sydney, this twenty seventh day of April, 1848. CHS. A. FITZ ROY, Governor.

By His Excellency's Command, E. Deas Thomson.
HISTORICAL RECORDS OF AUSTRALIA.

3 June, 1848.

The question relative to the payment of Mr. Scott for the services he has already performed rests so entirely with Your Lordship, that I do not feel myself in a position to offer any recommendation on the subject. I have, &c.

CHS. A. FITZ ROY.

[Enclosure.]

ADDRESS

To His Excellency Sir Charles Augustus Fitz Roy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, etc., etc., etc.

May it Please your Excellency,

We, Her Majesty's most dutiful and loyal Subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg respectfully to present to your Excellency the following Resolutions adopted by the Council this day, and, in pursuance of the first of them, respectfully request that your Excellency will recommend to Her Majesty's Government that the sum of £1,500 be paid to the Honorable Francis Scott, in fulfilment of the engagement of the Council with that gentleman during the three years he has acted, at their request, as the Agent for the Colony.

1st. That this Council cannot, consistently with a due regard for its own independence, submit to the conditions attempted to be imposed by the Right Honorable The Secretary of State, in the Despatch to His Excellency Sir Charles Fitz Roy, No. 201, dated 31st July, 1847, in reference to the Bill for appointing the Honourable Francis Scott Agent for the Colony under the authority of the Legislative Council, one of which conditions would be in contravention of the Standing Orders regulating the appointment of Select Committees. But, as the faith of the Council stands pledged to obtain the allowance of £500 per annum, promised to Mr. Scott in the Resolutions passed on the 18th September, 1844, His Excellency the Governor be respectfully requested to recommend to Her Majesty's Government that the sum of £1,500 be paid to him in fulfilment of the engagement of the Council with that gentleman during the three years he has acted, at their request, as the Agent for this Colony.

2nd. That an Address be presented to His Excellency the Governor transmitting a copy of the above Resolution.

CHARLES NICHOLSON, Speaker.

Legislative Council Chamber,
Sydney, 25th April, 1848.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 134, per ship Chaseley; acknowledged by earl Grey, 12th March, 1849.)

4 June, 1848.

My Lord,

Government House, 4th June, 1848.

I have the honor to transmit the copy of a Despatch, addressed to the Colonial Secretary of this Government by the
Superintendent of the Port Phillip District, pointing out the inconvenience that arises in disposing of Exiles sent to that District in a perfectly satisfactory manner in consequence of the engagements, entered into at home for their conveyance to this Colony, rendering it necessary to land them immediately on their arrival in Port.

Your Lordship will perceive that Mr. La Trobe suggests that, if the Vessels, instead of being chartered merely for the voyage, were chartered for a period of three weeks subsequent to their arrival at Port Phillip, with the power on the part of the local Government of retaining and rationing the Exiles on board under the same system of discipline as during the voyage, it would be more advantageous to the future prospects of these people.

I certainly concur in Mr. La Trobe's opinion on this subject; but I apprehend that the adoption of his recommendation would considerably increase the expense of the conveyance of Exiles to this Colony. I therefore feel that I should not be justified in doing more than to submit the suggestion for Your Lordship's consideration.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

[A copy of this despatch, dated 6th May, 1848, will be found in a volume in series III.]
Law Officers to prepare a Bill for the purpose mentioned, I have received from the Attorney General a communication, a copy of which is annexed, detailing his reasons for considering that it would be inexpedient to propose such a measure to the Legislative Council. I have accordingly to report that I have deemed it my duty to refrain from submitting such a measure to the Council until I receive Your Lordship's further commands.

In the meantime, I have caused a communication to be made to the Chief Justice of the Attorney General's opinion that "the Oaths of Office are administered in the Supreme Court very unnecessarily to persons, who have been admitted as Attorneys or Solicitors in the Mother Country, and who must have already taken these Oaths at the time of their admission there."

The explanation given at the commencement of the Attorney General's letter will acquaint Your Lordship with the cause of my not having been in a position to reply to Your Lordship's Despatch at an earlier date. I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

ATTORNEY-GENERAL PLUNKETT TO COLONIAL SECRETARY THOMSON.

Sir, Attorney General's Office. 11th May, 1848.

Referring to your letters of the 23rd September last and 8th October, relative to preparing a Bill to be laid before the Legislative Council for carrying out the views of the Right Honorable the Secretary of State, with relation to the Oaths at present administered to Solicitors and others on their admission to practice in the Supreme Court of New South Wales, I beg leave to state that, as those letters related to the preparation of a Bill for the Legislative Council and were received when that Body was not sitting, I laid them aside among other Council papers to be taken up at the appropriate time; and this, I trust, will excuse the delay in not replying to your letters before.

I am of opinion that it is in a very high degree questionable whether the Legislative Council of the Colony has the power to pass an Act for dispensing with any of the Oaths required by Acts of Parliament to be taken by Public Officers or by Attorneys. Such Acts are founded on reasons of State applying to the empire at large without distinction; and, as such, it appears to me a repeal of their provisions is not within the scope of the authority bestowed upon the Colonial Legislature, viz., "to make laws for the peace, welfare, and good Government of the said Colony, provided always that no such Law shall be repugnant to the law of England," etc.

The Secretary of State, in his Lordship's Despatch of the 29th May, 1847, only requires the Governor to consider the propriety of proposing to the Legislative Council the enactment of such a law as he suggests; and, with the doubt which I entertain as to its legality, I cannot advise His Excellency to propose such a measure. I shall, therefore, await further directions in the matter.
It appears to me, however, that the Oaths of Office are administered in the Supreme Court very unnecessarily to one class of Practitioners, I mean those Gentlemen who have been admitted as Attorneys or Solicitors in the Mother Country and who must have already taken those Oaths at the time of their admission there; and the Law does not require them to be taken over again on being admitted to practice in this Colony; but this is a mere regulation of the Court, and, if the attention of the Judges be drawn to it, it will I dare say be altered without the interference of the Legislature.

I have, &c,

JOHN H. PLUNKETT, Attorney General.

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SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 137, per ship Chasely.)

My Lord,

Government House, 7th June, 1848.

In pursuance of the desire contained in Your Lordship's despatch of the 8th December, 1847, No. 270, I caused Mr. J. H. Potts to be called on to afford any information respecting Mr. Alfred Hodges; and I now do myself the honor to transmit to Your Lordship, for the information of the wife of this person, the copy of a letter from Mr. Potts, stating that Mr. Hodges, who is the subject of Your Lordship's enquiry, at present resides in Sydney, but that his circumstances are considered to be deplorable. I have, &c,

CHS. A. FITZ ROY.

[Enclosure.]

MR. J. H. POTTS TO COLONIAL SECRETARY THOMSON.

Sir, Sydney, 29th May, 1848.

I have the honor to acknowledge the receipt of your letter of enquiry of the 10th Instant, respecting Mr. Alfred Hodges, and in reply beg to inform you that that Gentleman was never in my employment. I am acquainted with him, he is residing in Sydney, and have seen him within the last few days; Mr. Hodges has for some time past been exceedingly indisposed, but now recovered in health; but in other respects I consider his circumstances are deplorable; he complains of his friends neglecting to remit him his funds, and he assigns this as a reason for not writing home. I have, &c,

J. H. POTTS.

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SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 138, per ship Sydney; acknowledged by earl Grey, 7th February, 1849.)

My Lord,

Government House, 8th June, 1848.

I have the honor to report to Your Lordship that, under the recommendation of Mr. La Trobe the Superintendent of Port Phillip, I have sanctioned the appointment of Mr. T. C.
1848.
8 June.
Appointment of T. C. Phillips in customs department at Portland.

Phillips as Clerk and Warehousekeeper at Portland with a Salary of £150 per annum, pending the decision of the Board of Customs.

This appointment I have sanctioned under the authority of a letter dated 1st September, 1847, from Mr. C. E. Trevelyan to the Commissioners of Customs, in which the new Office of Clerk and Warehousekeeper at Portland is authorised to be created.

I have, &c,
CHS. A. Fitz Roy.

9 June.
Address transmitted.

Reply to address.

Address from legislative council requesting absolute remission of quit rents.

Sir Charles Fitz Roy to Earl Grey.

(Despatch No. 139, per ship Sydney; acknowledged by Earl Grey, 12th January, 1849.)

My Lord,

At the request of the Legislative Council of this Colony, I have the honor to transmit an Address from that Body to the Queen, praying that Her Majesty "will be graciously pleased to give directions that the claims of the Crown for Quit Rents be absolutely remitted."

Having in my Despatches No. 1 of the 1st January, 1847, and No. 2 of the 4th January, 1848, entered so fully into the subject of the Quit Rents due to the Crown in this Colony, it is unnecessary that I should trouble Your Lordship further on this occasion than by annexing a copy of the reply which I deemed it my duty to return to the Council, from which Your Lordship will perceive that I held out no hopes that Her Majesty would be advised to comply with the Prayer of their Address.

I have, &c,
CHS. A. Fitz Roy.

[Enclosure.]

Address

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's loyal and dutiful subjects, the Members of the Legislative Council of New South Wales in Council assembled, desire to approach your Majesty with the renewed assurance of our attachment to your Majesty's Person and Government.

We beg humbly to represent to your Majesty that Quit Rents of various rates have been imposed from time to time upon lands granted by the Crown in New South Wales.

That, although such Quit Rents were reserved in the Grants by the respective Governors, they were never rigorously enforced until the administration of His Excellency Sir George Gipps, who justified the collection of them on the ground of the debt upon the Territorial Revenue. That the delay, which occurred in their exaction, created a belief, which was universally entertained, that
the Government would never require them to be paid, or, if paid at all, under concessions which would materially lessen the hardship of their collection. Instances are, indeed, numerous of purchasers having, under such a persuasion, bought lands at their full value, without any reference to the Quit Rents chargeable thereupon.

That this belief was entertained more especially with reference to Country or Pasture lands, upon which, in the year 1826, the excessive Quit Rent of two pence per acre was fixed.

That the Council beg humbly to refer to the evidence appended to the Report of the Select Committee, appointed on the 30th May, 1844, to report upon all grievances connected with the lands of the Colony, to show that the feeling generally entertained upon this subject has been as is there represented.

That, although the local Government admitted that some remission of Quit Rents ought to be made, no definite proposition for their commutation was made until the Regulations published by His Excellency Sir Charles Augustus Fitz Roy on the 9th of October, 1846.

That these Regulations, although conceived in a spirit which entitled the framers of them to the grateful acknowledgments of the Colonists, were wholly insufficient to meet the justice of the case.

That, soon after these Regulations were published, remonstrances were addressed to His Excellency, who declined to consider any suggestions pending the reference of the subject to the Imperial Government. That, having waited with great anxiety until the time approached for the redemption of the Quit Rents under the Regulations, and not having heard that the decision of Her Majesty’s Government had been received, a Memorial was presented to His Excellency, a copy of which together with the reply is in the Appendix. That this reply caused very great disappointment, as the persuasion had been indulged that, if the Government intended to make concessions, it would be willing to receive and to consider favourably any representations pointing out the inadequacy of the principle upon which the proposed concessions were made.

The Council humbly beg to urge upon the attention of your Majesty that, with reference to the neighbouring Colony of Van Diemen’s Land, the principle has been sanctioned upon the recommendation of the Land and Emigration Commissioners of making all parties liable to the payment of Quit Rent upon one low and uniform scale. That this principle is that recommended by the Council in the year 1844, but which has never yet been recognised with reference to this Colony, although we humbly submit that there is no argument which can be urged in its favour as regards Van Diemen’s Land which does not apply with greater force to New South Wales.

That, in addition to the precedent, the Council beg also to bring under the notice of your Majesty, that your Majesty and the Imperial Parliament have passed an Act (10 and 11 Victoria, cap. 57) cancelling the claim for Quit Rents against the Van Diemen’s Land Company on the ground of their having maintained a sufficient number of Convicts to save to the British Government £25,000 as the cost of their maintenance for 20 years at £16 per
annum. Assuming what we have no doubt is the fact that, during the 20 years immediately preceding the abolition of Transportation, there were annually 10,000 Convicts in assignment in this Colony, the saving to the British Government would be, at a similar calculation, £3,200,000, a sum compared with which the whole amount of Quit Rents due by this Colony is utterly insignificant.

That the policy of the Home Government with regard to this Colony has virtually destroyed the saleable value of lands within the Settled Districts; and the Council respectfully submit that to insist upon the payment of Quit Rents upon pasture lands, under the altered circumstances produced by that policy, will be felt as a grievous hardship.

The Council, therefore, earnestly entreat the favourable attention of your Majesty to the circumstances above detailed, and humbly pray that your Majesty will be graciously pleased to give directions that the claim of the Crown for Quit Rent be absolutely remitted.

CHARLES NICHOLSON, Speaker.

Legislative Council Chamber, Sydney, 16 May, 1848.

Appendix.

MEMORIAL

To His Excellency Sir Charles Augustus Fitz Roy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies and Vice Admiral of the same, etc., etc.

May it please Your Excellency:

We, the undersigned holders of land chargeable with Quit Rents of two pence per acre, finding that instructions have been given for levying for their payment, beg leave respectfully to address your Excellency as to the hardship of enforcing the collection of that rate of Quit Rent under the altered circumstances of the Colony. In making this representation, we desire to express to your Excellency our grateful acknowledgment of the consideration and sense of justice, which induced your Excellency to sanction the remission of arrears; and so desirous are we to be relieved of the anxiety attendant upon those outstanding claims that we would most willingly do all in our power to have the matter settled upon equitable terms.

We respectfully submit, however, that the Regulations of October, 1846, do not place the debtor, who has paid up some part of his Quit Rent, upon so good a footing as the individual who has not paid any portion; and the feeling of injustice occasioned by this feature in the Regulations has tended to create a persuasion that some modification of them would be eventually made. Memorials suggesting and praying for such modification would, we are assured, have been ere this presented, but from its having been made known that your Excellency, with the advice of the Executive Council, declined to attend to any such representation pending the reference made to Her Majesty's Government respecting them.

We respectfully suggest to your Excellency that, if that is a valid reason for refraining from attending to any application for their amendment, it is an equally valid reason for delaying to enforce payment of the Quit Rent at all until the expected communication upon the subject shall be received.

We further beg to state that the present time is peculiarly unfortunate for the adoption of such a course as the Government appears to have resolved upon. Not only have the Wheat and Maize Crops failed owing to the drought with which the Colony is now visited, but the landlords have generally been obliged in consequence to forego their claims for rents and to lose the return which they might reasonably have expected for the Capital expended in improvements upon their lands. We would here repeat the statement, which has been frequently made, that a large proportion of the lands, upon which the heavy Quit rent referred to is chargeable, are of so inferior a quality that they would never have been selected as Grants but in consideration of their giving a title to the services of Convicts and under a belief, to which the delay of the Government in calling for payment gave encouragement, that they never would be enforced; whereas, after the assignment of Convicts, has been discontinued for years, and at a time when the Colony is suffering from other causes, as well as from the grievous want of labour which is now occasioning such
serious inconvenience to the Agriculturists and Flockmasters, the payment of this Quit Rent, which under the most flourishing circumstances of the Colony was regarded aggressively high, is to be levied by distress and sale.

The enhanced rate of wages and the depreciation in the price of Wool are such as to annul our means of paying the charge alluded to. Owing to the former requesting delay, we cannot calculate upon any profits whatever, and to the latter the enforced resources of the Colony have been diminished at least £300,000. Indeed our collection of inability to pay these Quit Rents is so obvious that, should the Government carry quit rents, out its resolution to compel payment, very good distress will be created, property will be sacrificed, and the credit of many individuals, who have no means of raising the required amount, will be destroyed.

We submit, too, with deference, that our case forms a striking contrast to that of the holders of Crown Lands beyond the boundaries of location under the late Land Orders. While they are allowed to occupy lands selected from millions of acres, and consequently of much superior quality, at a rent from £1 to £1 of a penny per acre, we feel it to be inequitable that we should be subjected to a charge of 2d. per acre for inferior lands, more particularly when it is taken into consideration that this charge applies almost exclusively to the purchase of land to a large amount, the payment of which has been the chief means of promoting the Immigration to the Colony of Shepherds and Servants employed by the Licensed Occupants of Crown Lands, who hold them upon terms so much less burdensome than ourselves.

The only objection, which we can anticipate to our being relieved from this impost, is that others have been able to redeem the charge. But we would observe that such redemption, where it has been made, has either been forced by Insolvency, or superinduced by the favoured locality or superior quality of the lands subject to the Quit Rent. Were our lands sufficiently valuable, we should doubtless have been enabled and found it to our interest to do the same; but unfortunately this is not the case.

We observe that the Land and Emigration Commissioners, in their last Report, admit, with reference to Van Diemen's Land, that "the difficulty of the Quit Rent question has been increased by the different rates established by different sets of Regulations," and they accordingly suggest that "a general measure of commutation should be adopted, calculated upon the assumption that all parties are liable to one low and uniform rate of payment." To this suggestion it appears that the Secretary of State has informed the Governor "he sees no objection." We humbly submit that the same principle ought also to be carried out in this Colony, and the Quit Rent of 2d. per acre reduced to the old scale of 2s. per hundred acres, which was the rate recommended by the Legislative Council in the Crown Land Grievance Report in 1844. In the evidence taken upon the subject and appended to the Report of the Committee, the extreme hardship of our being called upon to pay this peculiarly high rate of Quit Rent is so clearly demonstrated, that we consider it superfluous to adduce further arguments in support of this our representation. Not only have the claims for Quit Rent been relinquished in other Colonies upon easy terms, but Her Majesty's Government has repeatedly expressed an opinion unfavourable to this kind of Revenue, and a desire that it should be abolished.

Under all these circumstances, we earnestly entreat your Excellency to reconsider the Regulations of 1846, with a view to the publication of a more equitable scheme of commutation; and that at all events the enforcement of payment of those Quit Rents should be deferred until the Colony shall be in a condition more able to meet the demands of the Government.  

COLONIAL SECRETARY THOMSON TO MR. C. COWPER AND OTHERS.

Gentlemen, Colonial Secretary's Office, Sydney, 3 January, 1848.

I am directed by His Excellency the Governor to acknowledge the receipt of a Memorial from certain holders of land chargeable with Quit Rents, representing the hardship to which they will be subjected, if the Government should proceed immediately to enforce their collection; and urging His Excellency to reconsider the Regulations of 1846 with a view to their modification, or, at all events, that he will postpone the enforcement of the payment of the same until the Colony shall be in a condition more able to meet the demands of the Government.

In reply, His Excellency the Governor instructs me to inform you that Her Majesty's Government, having already disapproved of the very liberal concessions which he authorised to the holders of lands chargeable with Quit Rents by the Regulations of the 9th October, 1846, His Excellency regrets that he does not feel at liberty, under the instructions which he has in consequence thereof recently received, to entertain any proposition whatever for a relaxation of any part of the Regulations, I have, &c.,

E. DEAS THOMSON.

Charles Cowper, Esq., and the other gentlemen signing the Memorial.
CHAS. A. FITZ ROY,
Governor,

In reply to the request of the Legislative Council that the Governor would forward the Address of the Council relative to the existing Quit Rent Regulations, His Excellency has to inform the Council that, in compliance with their desire, this Address shall be forwarded to Her Majesty's Secretary of State for the Colonies to be laid at the foot of the Throne; but His Excellency deems it right to state, in order to prevent any misconception on the part of those persons who may be interested in the subject, that, as Her Majesty's Government have disapproved of (although they have not advised Her Majesty to disallow) the very liberal concessions granted to the holders of land upon Quit Rent by the Regulations of the 9th October, 1846, His Excellency regrets that he can hold out no hope to those persons that the Prayer of the Address will receive the Royal Assent.

Government House,
Sydney, 6 June, 1848.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 91, per ship Trafalgar; acknowledged by Sir Charles Fitz Roy, 30th December, 1848.)

Sir,
Downing Street, 10 June, 1848.

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. Alfred Callaway Nisbet, 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.

[Enclosure.]

REVD. J. ROSS TO EARL GREY.

Westwell Vicarage,
Maidstone, 2nd June, 1848.

My Lord,

I trust you will hold me excused for submitting the following case to your Lordship's consideration.

A brother in law of mine went out to Melbourne about 4 years ago as a Colonist; he settled in the neighbourhood of that Town, where he bought sheep, and grazed a certain quantity of land, which, I believe, was his own. The Letters that were written to him from this country were, at his own request, directed thus, Mr. Alfred Callaway Nisbet, Post Office, Melbourne. His Mother (to whom he was in the habit of writing) has not heard from him for the last 2 years, and is, of course, extremely anxious to know whether he is dead or alive, feeling convinced that he can hardly be living, or he would not have failed to have written to her long

* Marginal note.—Revd. J. Ross.
SIR CHARLES FITZ ROY TO EARL GREY.

My Lord,

Government House, 10th June, 1848.

I have the honor to transmit, for Your Lordship's information and consideration, the Copy of a communication recently received by me from Captain Maxwell, Commanding Her Majesty's Ship "Dido," and Senior Officer in this portion of the East India Command, covering copies of a correspondence which has taken place between Rear Admiral Inglefield, Commander Hoseason, Her Majesty's Steam Sloop "Inflexible," Captain Owen Stanley, Her Majesty's Ship "Rattlesnake" and himself, relating to the circumstances under which the "Inflexible" was run aground on the 16th January, 1847, when in charge of Lieut. Moriarty, R.N., Port Master of this Colony.

As Captain Maxwell will doubtless have forwarded copies of these documents to the Board of Admiralty, I have deemed it my duty to call upon Mr. Moriarty for such explanation as he may wish to offer; and I have now the honor to annex to the documents already referred to a copy of a Statement addressed by that Officer to the Secretary of this Government; and, without conceiving that I am in a position to offer any opinion on the merits of the case, and certainly (having been myself on board the "Inflexible" at the time the accident occurred) without wishing to offer any excuse for the manner, in which Mr. Moriarty offered to take charge of that Vessel, I feel bound to state that it appears to me there are some extenuating facts adduced by him (particularly those of other Vessels of the same or greater draught of water having been taken without grounding through the same Channel and of the Officer sent by Captain Stanley to examine the Channel having experienced some difficulty in finding the ledge of rock on which the "Inflexible" struck), which induce me to hope that whatever penalty the Lords of the Admiralty may consider ought to be imposed upon
Mr. Moriarty, it may fall short of absolute dismissal from his Office, as I have reason to believe that such a step would leave him in a condition of complete destitution.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosures.]

[Copies of these papers are not available.]
GREY TO FITZ ROY.

I have furthermore the honor to request that under these circumstances His Excellency may be pleased to sanction the remission of the ad valorem duty of 10 per cent. on these packages, and to direct that the requisite instructions may be accordingly given to the Honorable the Collector of H.M. Customs.

I have, &c.,
H. G. GREGORY, V.G.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 143, per ship Sydney.)

My Lord, Government House, 13th June, 1848.

Adverting to Your Lordship's Despatch of the 28th April, 1847, No. 140, directing the sum of £50 per annum to be deducted from the salary of Mr. G. M. Slade as Clerk of Petty Sessions at Moreton Bay and remitted through the Colonial Agent to Mr. Moger, and to my Despatches No. 230 of the 20th November last and No. 47 of the 24th February last on the same subject, I regret to have to report to Your Lordship that Mr. Slade died on the 13th April last.

I have to state at the same time that the Colonial Treasurer deducted from Mr. Slade's salary for the month of January, 1848, the instalment of £4 3s. 4d. on account of the remittance to be made to Mr. Moger, and that the Colonial Agent has been authorized to pay the amount to that gentleman.

I beg also to inform Your Lordship that the whole of Mr. Slade's Salary accruing from the 1st February to 13th April has been appropriated towards the payment into the Colonial Treasury of the Fees and Fines collected by him and unaccounted for to the amount of £68 10s. up to the time of his death; and that consequently no further remittance can be made to Mr. Moger.

I have, &c.,
CHS. A. FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 92, per ship Trafalgar; acknowledged by Sir Charles Fitz Roy, 29th November, 1848.)

Sir,
Downing Street, 14 June, 1848.

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. John Purcell, who is stated to have settled 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.,
GREY.

* Marginal note.—Lt. John Purcell.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure.]

LIEUT. J. PURCELL TO EARL GREY.

My Lord,

Sligo, 3rd June, 1848.

Being informed that a Registry of the inhabitants of New South Wales is kept at the Colonial Office I most respectfully solicit information as to the Party described on the annexed page, as it is a matter of consequence to ascertain if he is alive or not. I have, &c.

Please to address, Lt. JOHN PURCELL.

Provincial Bank of Ireland, Sligo.

John Purcell, from 60 to 70 years of age, a native of Killarney in the county of Kerry, formerly a Lieutenant in the 73rd Regiment, sold out several years ago when stationed in New South Wales, since which, until last heard of, he had resided in or near Sydney.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 144, per ship Sydney; acknowledged by earl Grey, 21st January, 1849.)

My Lord,

Government House, 14th June, 1848.

I have the honor to transmit to your Lordship's consideration, and with a view to their being brought under the notice of the Colonial Land and Emigration Commissioners, copies of a correspondence which has passed between the director of the Molong Mining Company and the Secretary to this Government, on the subject of a claim urged by the Company to a remission of the passage money on Miners Emigrating to this Colony.

Your Lordship will perceive that it is stated by the Company that an application, made by their Agent in London to the Emigration Commissioners for the passage to this Colony of a certain number of miners, was at first granted, but subsequently refused on the grounds that they belonged to a class of labourers whose services were not required here, and that no mention had ever been made of a desire to import such labourers. How far this assertion may be correct, I am not in a position to state; but I do not think it would be desirable that the passage money of the miners already imported by the Company should be reimbursed to them, as an inconvenient precedent might thereby be created, although I cannot hesitate to express my opinion that, as indications of Ores of different descriptions and of considerable richness have been discovered in several Districts of the Colony, and as it is probable that more than one Copper Mine might be opened immediately with considerable prospect of success, were there an adequate supply of...
Mining labourers in the Country, there can be no doubt that it would derive benefit from the introduction of a limited proportion of Emigrants of this description.

I have, &c.

CHS. A. FITZ ROY.

[Enclosures.]

[Copies of these papers are not available.]

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 93, per ship Trafalgar.)

Sir, Downing Street, 15 June, 1848.

With reference to your Despatch of the 6th November, 1846, No. 57, and to my reply of the 25th of June, 1847, relative to the payment in Sydney of the pension of Charles McLaughlin, a Pensioner from the Irish Constabulary Force, who had settled in New South Wales, I transmit herewith for your information a Copy of a further letter, which has been received upon the subject from the Assistant Secretary to the Board of Treasury, enclosing copy of one from the Officer in charge of the Commissariat Chest in the Colony, from which it appears that McLaughlin had never applied to him for the payment of his pension, nor had he been able to obtain any information respecting the place of his abode.

Before, however, this despatch reaches you, McLaughlin will, in all probability, have applied at the Commissariat Office, and received payment of his pension, together with the arrears to which he was entitled on that account. I have, &c.,

GREY.

[Enclosure.]

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

Sir, Treasury Chambers, 2nd June, 1848.

With reference to Sir James Stephens’ letter of the 3rd June, 1847, relative to the non payment to Charles McLaughlin, Superannuated Sub-Constable of the Irish Constabulary force at New South Wales, of his Pension of £9 4s. 8d. per annum, and the arrears thereof from the 1st July, 1838, I am commanded by the Lords Commissioners of Her Majesty’s Treasury to transmit to you for Earl Grey’s information the accompanying copy of a Report in reply upon the subject from the Commissariat officer in charge at New South Wales, dated Sydney, 2nd December, 1847.

I am, &c.,

C. E. TREVELYAN.

[Sub-enclosure.]

MR. J. N. RAMSAY TO MR. C. E. TREVELYAN.

Sir, Commissariat, New S. Wales, Sydney, 2nd December, 1847.

Adverting to your letter of the 16th June last, No. 238, 14141, I have the honor to report, for the information of the Lords Commissioners of Her Majesty’s
1848. 15 June.

Pension unclaimed by C. McLaughlin.

Treasury, that Chas. McLaughlin has never applied to this office for payment of his Pension, nor have I to this day been able to obtain any information respecting his place of residence, although inquiries with that view have been made at the Colonial Secretary’s Office, where it now appears the Pensioner made his application and not to the Commissariat.

J. N. RAMSAY, A.C.G.

19 June.

Proposed subsidy for construction of dry dock.

Earl Grey to Sir Charles Fitz Roy.

(Despatch No. 94, per ship Trafalgar.)

Sir, Downing Street, 19 June, 1848.

With reference to my Despatch No. 85 of the 25th ultimo, expressing my approval of the Dry Dock, which you report as about to be constructed within the Harbour of Sydney, I now transmit, for your information, Copies of a Correspondence which has taken place upon the subject with the Lords Commissioners of the Admiralty, from which you will perceive that, in the event of the local Government consenting to the construction of the Dock in the form and according to the dimensions pointed out in the accompanying sketch, and provided the work can be executed at a reasonable cost, their Lordships will be prepared to make provision in the next year’s Estimates for a fair contribution in aid of its Completion on the part of the Naval Department.

I am, &c.,

EARL GREY TO SIR CHARLES FITZ ROY.

[Enclosure No. 1.]

Under Secretary Merivale to Captain Hamilton.

Sir, Downing Street, 23rd May, 1848.

With reference to former correspondence on the same subject, I am directed by Earl Grey to transmit to you, for the information of the Lords Commissioners of the Admiralty, the enclosed Copy of a Despatch from the Governor of New South Wales, reporting the decision of the local Government of that Colony to construct a Dry Dock within the Harbour of Port Jackson capable of holding Ships of War. I have, &c.,

H. MERIVALE.

[Enclosure No. 2.]

Captain Hamilton to Under Secretary Merivale.

Sir, Admiralty, 29th May, 1848.

Having laid before my Lords Commissioners of the Admiralty your letter of the 23rd Instant, together with its enclosure from the Governor of New South Wales, reporting the decision of the local Government of that Colony to construct a dry dock within the Harbour of Port Jackson, capable of holding Ships of War, I am commanded by their Lordships to acquaint you, for the information of Earl Grey, that they would be disposed to bear a part of the expense of the construction of this Dock, on condition that it is of such dimensions, as will be sufficient for a large Frigate or Steamer, and that Her Majesty’s Ships have a preference, when required for its use. In such case a sum would be provided for the Year 1849/50.

* Marginal note.—No. 233, 23 Nov., ’47.
FITZ ROY TO GREY.

My Lords have accordingly called upon the Surveyor of the Navy to report his opinion upon the form and dimensions of the proposed Dock.

I have, &c.

W. A. B. HAMILTON.

[Enclosure No. 3.]

MR. H. G. WARD TO UNDER SECRETARY MERIVALE.

Sir, 
Admiralty, 5th June, 1848.

With reference to your letter of the 23rd Ultimo, relative to the construction of a Dock at Port Jackson, New South Wales, I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of Earl Grey, a sketch of the Form and Dimensions of a Dock, sufficient to allow of a large Frigate or Steamer being admitted for repair; and I am to acquaint you that, if the Dock be constructed according to the dimensions stated thereon, and the Work can be executed at a reasonable cost, My Lords will make provision in next Year’s Estimates for a fair contribution on the part of the Naval Department.

I have, &c,

H. G. WARD.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 145, per ship Sydney; acknowledged by earl Grey, 28th December, 1848.)

My Lord, Government House, 19th June, 1848.

I have the honor to transmit the copy of an Address presented to me by the Leg. Council of this Colony, requesting me to forward to Your Lordship a copy of certain Resolutions thereunto annexed, together with a copy of the Report of a Select Committee of the Council on the subject of Steam communication with England, India and China.

Your Lordship is so fully aware of the great advantages, which such a mode of communication would confer upon the Australian Colonies that it is unnecessary that I should urge Your Lordship further on the subject; but it may not be irrelevant to state that private letters have been received here from Commander Hoseason of H.M. Steam Sloop “Inflexible,” who has recently made the passage from New Zealand to Bombay by way of Torres Straits, giving a most favourable account of the safety and facility of this passage for Steam Vessels, which have greatly increased the anxiety of the public that a communication by this route should be established.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosures.]

[Copies of the address and of the report of the select committee will be found in the “Votes and Proceedings” of the legislative council.]
Earl Grey to Sir Charles Fitz Roy.

(Despatch No. 95, per ship Trafalgar.)

Sir,

Downing Street, 20 June, 1848.

I transmit to you herewith a copy of a letter from Mr. G. Windsor Earl, Linguist to the Establishment at Port Essington. I also enclose, under a flying Seal, a copy of the reply which has by my direction been returned to that letter, and I have to request that you will forward it to Mr. Earl.

I am, &c.,

Grey.

[Enclosure No. 1.]

Mr. G. W. Earl to Earl Grey.

My Lord,

Singapore, 7th April, 1848.

In my letter of the 28th of September last, I had the honor to inform your Lordship of the circumstances that prevented my embarking for Port Essington in the "Freak." Being sufficiently recovered to move by the end of November, and my Medical Attendant recommending that I should leave Sydney as soon as possible, I embarked for Singapore via Hongkong in the early part of December last, with the intention of proceeding to Port Essington by the vessel, which the Messrs. Almeida have been in the habit of despatching annually to Victoria during the westerly Monsoon. On my arrival here on the 14th of February last, I found that the Messrs. Almeida were unable to send a vessel to Port Essington as usual, and, as the westerly Monsoon has now closed, there is no probability of a mode of communication with the settlement occurring for some time to come; indeed, unless a vessel be despatched especially for the purpose until November next. Your Lordship will readily conceive that under these circumstances I feel myself placed in a situation of very great difficulty. The expenses attending my sojourn at Sydney and my passage to this place render me absolutely unable to take up a vessel on my own account to convey me to my destination, while at the same time, owing to the regulation of Her Majesty's Government which renders it incumbent on an Officer to return to his station previous to receiving his arrears of pay, I feel it necessary to abstain from drawing for my half salary for the past year, until I may receive your Lordship's permission to do so.

I beg also to bring under your Lordship's notice that, on my leaving England, I had no reason to anticipate so great a difficulty in obtaining an opportunity of reaching Port Essington, up to the period of my departure for England; no season in which Torres Strait was open, passed without several vessels from Sydney visiting the settlement; a ship of war was also then stationed at Victoria, and after despatched to the neighbouring settlements, which, with the annual vessel of the Messrs. Almeida of Singapore, afforded numerous opportunities of getting to Port Essington; now, the annual vessel from Sydney, which leaves usually in the month of September, is the only opportunity that can be depended upon.
FITZ ROY TO GREY.

No information regarding Port Essington has been received in this settlement for many months past; and it is probable that your Lordship will have received more recent information via the Mauritius, to which port the "Freak" was bound after landing the Government freight.

I have, &c.,

GEO. WINDSOR EARL.
Linguist to the Port Essington Establishment.

[Enclosure No. 2.]

UNDER SECRETARY HAWES TO MR. G. W. EARL.

Sir, Downing Street, 20 June, 1848.

I am directed by Earl Grey to acknowledge the receipt of your letter of the 7th April last, reporting the unexpected difficulty you had experienced in quitting Singapore, at which place you had arrived on your way to Port Essington, and calling attention to the position in which you are placed in respect of the payment of your salary as Linguist to that Establishment.

In reply, I am to state that the letter, to which you refer as addressed by you to Lord Grey on the 28th Sept., 1847, has failed to reach this Department; and that, in the absence of that letter, and in order to enable his Lordship to arrive at a clear understanding of your case, it will be necessary that you should furnish him with a detailed statement of your movements during the period intervening between the months of April and November, 1847, and of the reasons which have led you to absent yourself for so protracted a period from your duties.

I am, &c.,

B. HAWES.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 96, per ship Trafalgar.)

Sir,
Downing Street, 20 June, 1848.

I have received from Mr. A. Bogue a letter, dated Sydney, 21st January, 1848, enclosing a pamphlet* which he has addressed to me with reference to the Establishment of Steam Communication between this Country and the Australian Colonies, and the expediency of forming a Settlement at Cape York in the Torres Straits. In conveying to Mr. Bogue my thanks for the trouble he has taken in making this communication, I have to desire that you will inform him that a deep interest is taken by Her Majesty's Government in the Establishment of a regular Line of Packets between Singapore and Sydney.

I am, &c.,

GREY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 146, per ship Sydney.)

My Lord,
Government House, 20th June, 1848.

I have the honor to enclose a copy of the speech by which I, this day, closed the Session of the Legislative Council of this

* Note 34.
Colony, which was opened on the 21st March last as reported in my Despatch No. 70 of the 26th March, 1848.

I beg further to inform Your Lordship that, as the period fixed by the Constitutional Act for the duration of the Council was on the point of expiring, I availed myself of the opportunity to dissolve it; and I have caused Writs to be issued for a new Election upon a scheme a copy of which I have the honor to enclose.

I have, &c,

CHS. A. FITZ ROY.

[Enclosure.]

[The speech and the writs were contained in the issues of the “Government Gazette,” dated 20th and 27th June, 1848.]

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EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 97, per ship Trafalgar.)

Sir, Downing Street, 21 June, 1848.

I have received your despatch No. 20 of the 20th January last, enclosing the report of Lieutenant Woore, R.N., who has been appointed to Survey the line of Country between Sydney and Goulburn with a view to the Construction of a Railway through that District, traversing the Counties of Cumberland, Camden and Argyle, and connecting the principal Townships in those Counties.

I approve of the grant which, with the advice of your Executive Council, you authorised to the extent of £500 from the Land Revenue, in aid of the Survey, on the condition that an equal sum should be raised by private Subscription, and that proper vouchers should be rendered to shew that the whole amount had been expended in the object contemplated.

I am, &c,

GREY.

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EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 98, per ship Trafalgar.)

Sir, Downing Street, 22 June, 1848.

I have received your despatch No. 21 of the 21st January last, enclosing a letter from Lady Forbes, the Widow of the late Chief Justice of New South Wales, with a Memorial addressed by her to the Queen, praying that Her Majesty would be graciously pleased to direct that, in consideration of the Services of her husband, some permanent provision might be made for her, which would render her independent of the pension which she now received by the annual vote of the Legislative Council.
FITZ ROY TO GREY.

You will acquaint Lady Forbes that I have laid her Memorial before the Queen, who was pleased to receive it very graciously; but that I was unable to discover any mode in which I could advise Her Majesty to direct a compliance with the prayer of her Memorial.

It has, however, been intimated to me by the friends of Lady Forbes that she has two sons, who were educated at the University of Cambridge, and are now resident in New South Wales.

I should be glad if, in consideration of the services of their proposed Father, you should be able to employ them under your Government.

I am, &c.,

GREY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 149, per ship Sydney; acknowledged by Earl Grey, 11th January, 1849.)

My Lord,

Government House, 26th June, 1848.

I have the honor to transmit a Memorial, which has been placed in my hands by Mr. La Trobe, addressed to Lord John Russell by Mr. James Ballingall, praying for compensation for services performed in his earlier life in Great Britain.

From Mr. La Trobe’s letter, transmitting this document to me, Your Lordship will perceive that it does not require any report from this Government but that Mr. Ballingall’s character is highly spoken of.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.] [A copy of this letter, dated 14th June, 1848, with its enclosure will be found in a volume in series III.]

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 150, per ship Sydney; acknowledged by Earl Grey, 5th April, 1849.)

My Lord,

Government House, 27th June, 1848.

I do myself the honor to inform Your Lordship that a Warrant has been prepared in favour of Deputy Commissary General Ramsay for the sum of £10,000, to form a remittance to England towards defraying the expenses of Emigration to New South Wales and Port Phillip, and that the usual Certificate from Mr. Ramsay on his receipt of the money will be forwarded to the Emigration Commissioners in London with a view to their receiving a corresponding sum from the British Treasury.
With this sum of £10,000 and the sums previously issued, as reported to Your Lordship in my several Despatches noted in the margin,* the total amount of £100,000, being the sum specified in Your Lordship's Despatch No. 212 of the 30th August, 1847, will have been paid from the Crown Revenue on account of Emigration to this Colony.

The payments were made to Mr. Ramsay on the following dates, viz.:-
27 January, 1848, £50,000; 2 March, £10,000; 5 April, £10,000; 3 May, £10,000; 8 June, £10,000—£90,000; authorised but not yet issued, £10,000—£100,000.

I have, &c.,

CHS. A. FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 100, per ship Trafalgar.)

Sir, Downing Street, 28 June, 1848.

At the instance of the Lords Commissioners of the Treasury, I transmit to you herewith, in order that it may be delivered to Mr. Guthrie, the accompanying Commission and Instructions addressed by the Board of Customs to that Officer on his appointment to the situation of Landing Surveyor at Melbourne, Port Phillip; and I have to desire that you will take such measures as may be necessary on your part for the admission of Mr. Guthrie to the duties of that office.

I am, &c.,

[Enclosures.]

[Copies of these papers are not available.]

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 151, per ship Sydney; acknowledged by earl Grey, 6th February, 1849.)

My Lord, Government House, 28th June, 1848.

In compliance with the representation contained in a letter, of which I enclose a copy, from the Collector of Customs at this Port that a Fifth Locker is required in his Department, I have the honor to inform Your Lordship that I have sanctioned the appointment of Mr. Anderson, an established Tide Waiter, who it appears has hitherto been performing the duty, as Junior Locker at a Salary of £100 per annum, subject to the approval of the Board of Customs.

I have, &c.,

CHS. A. FITZ ROY.

* Marginal note.—Nos. 4, 8 January, 1848; 29, 29 January, 1848; 52, 28 February, 1848; 80, 51 March, 1848; 101, 1 May, 1848; 131, 1 June, 1848.
FITZ ROY TO GREY.

[Enclosure.]

MR. J. GIBBES TO COLONIAL SECRETARY THOMSON.

Sir, Customs, Sydney, 19th June, 1848.

I have the honor to transmit herewith a letter which I have received from the Landing Surveyor, representing the necessity of having a 5th Locker appointed.

I perfectly coincide with that Officer as to the necessity of such an Office, which indeed will entail no new expense on the Department, it having been found requisite for one of the established Tide waiters to assist in the Warehouse business for the last three years; but, as it is now evident, from the increase of business that such temporary aid must become permanent, it is desirable that a fifth locker should be appointed.

Should His Excellency the Governor be pleased to approve of this measure, I would propose that the Salary should be fixed at £100 per annum, and that Mr. Anderson, Established Tide-waiter, who has hitherto performed this duty, should be appointed Junior Locker, and Mr. Ross, extra Tide-waiter, should succeed Mr. Anderson as Established Tide-waiter.

I have, &c.,
J. GIBBES, Collector.

[Sub-enclosure.]

MR. F. GARLING TO MR. J. GIBBES.

Sir, Landing Surveyor’s Office, 17 June, 1848.

In consequence of the increasing duties in the Warehousing Branch of this Department and the great inconvenience which is constantly arising from the want of appointment of a sufficient number of Officers to carry on the business, I do myself the honor to point out the absolute necessity for the appointment of a fifth Locker to be permanently placed on the Establishment, and to request you will be pleased to recommend the same.

I have, &c.,
FREDK. GARLING,
Acting Landing Surveyor and Surveyor of Warehouses.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 152, per ship Sydney.)

My Lord,
Government House, 29th June, 1848.

I have the honor to acknowledge the receipt of Your Lordship’s despatch of the 30th July, 1847, No. 198, transmitting the copy of a letter addressed to Your Lordship by Lady Dowling, the Widow of the late Chief Justice of New South Wales, in which she requests that her Pension may take effect from the date of her husband’s death instead of the date at which it was granted to her by the Legislative Council.

In pursuance of Your Lordship’s instructions, I, on the 22d March last, addressed a Message to the Council, submitting Your Lordship’s recommendation that, under all the circumstances of the case, the application of Lady Dowling might be taken into their favourable consideration, and I also caused the necessary sum, viz., £251 13s., to be placed on the Supplementary Estimates to meet the expense.

29 June.

Despatch acknowledged for Dame Dowling.

Vote proposed in estimates.
I now do myself the honor to state to Your Lordship that this sum was voted by the Council as the Pension of Lady Dowling from the 28th September, 1844, to 31st December, 1845, and has been passed in the Appropriation Act.

I have accordingly given instructions for the above amount of £251 13s. to be issued to Deputy Commissary General Ramsay as a remittance to the Colonial Agent; and I have to beg that Your Lordship will direct that a corresponding sum be advanced to Mr. Barnard from Her Majesty's Treasury to enable him to pay the same to Lady Dowling.

The usual Certificate from Mr. Ramsay on his receiving the money I shall cause to be forwarded to Mr. Barnard.

I have, &c.,

CHS. A. FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 101, per ship Trafalgar; acknowledged by Sir Charles Fitz Roy, 18th December, 1848.)

Sir, Downing Street, 30th June, 1848.

I have received your despatch No. 242 of the 16th December last, enclosing an Act (No. 11, 11 Victoria) passed by the Legislature of New South Wales entitled "An Act for the establishment and regulation by Trustees of a general Cemetery near to the City of Sydney, to be called the Necropolis."

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 to be published in the usual and most authentic manner.

In signifying to you, however, Her Majesty's decision upon this Act, it is necessary that I should state to you that I have recommended the allowance of it in the full confidence that the Legislature of New South Wales will not fail to amend it, if, in its practical operation, the Members of the Church of England should find anything of which they could justly complain as offensive to their religious feelings.

You will assure the Bishop of Sydney, in reply to his remonstrance upon the subject, that it is this confidence alone which has induced me to advise Her Majesty to confirm the Act, relating as it does to a subject upon which I should be very reluctant to interfere with the discretion of the local Legislature.

I am, &c.,

GREY.
GREY TO FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 103, per ship Trafalgar.)

Sir,
Downing Street, 30 June, 1848.

I transmit to you, for your information, the Copy of a letter which I have received from the Rev. Mr. Naylor covering one addressed by him* on the subject of Transportation to the Members of the Legislative Council, of which latter communication I presume that you must already possess a copy; but if not, I should be glad if you would procure one for your perusal from Mr. Naylor.

It would have been more regular that Mr. Naylor should have sent his letter through the Governor. But it is so full both of valuable general remarks, and of useful suggestions, that I am bound to request you to convey my thanks to him for this communication; and at the same time to assure him that I have had much satisfaction in perceiving that many of his views agree, to a remarkable extent, with those which have been adopted and acted upon by Her Majesty's Government, both in respect to the best mode of dealing with Convicts, and also to the inexpediency of entirely renouncing on behalf of the Colonies that source of a supply of labour. I am, &c.,

GREY.

[Enclosure.]

REVD. J. B. NAYLOR TO EARL GREY.

My Lord,
Carcour, N.S.W., 15 November, 1847.

At the request of some influential persons in New South Wales, I forward to Your Lordship a copy of a letter, recently addressed by me to the Members of the Legislative Council of this Colony, and circulated among them. Since it was written, many portions of the community have protested against a proposal for the resumption of Transportation under old systems. I am not, my Lord, surprized at this when I remember the only aspects under which Penal discipline has been seen by the Colonists, and the demoralization attendant upon it. But I believe these evils may in a great degree be avoided; and, as I learn that it is Your Lordship's intention to send prisoners from England as Exiles after their Correctionary Probation at home, I venture to offer the suggestions embodied in my letter in hopes that they may be found useful in such places as are destined to receive such Exiles or Prisoners hereafter.

The demand for labour in these Colonies is at present so urgent that no fastidious scruples are raised; but, when the demand has lessened, I do not conceal from your Lordship my conviction that complaints will continually reach you, if Exiles be landed on these shores, and discharged without controul. To subject them to a direct system of coercion would frustrate your wide and benevolent intentions towards them. It would be a bad return to the horrors of Convictism; but to retain an effectual controul over each individual, while you really place him in the position of a

* Note 35.
Problems re introduction of "exiles." Freed man, appears to me to be a necessary and most desirable object. The method I propose for its attainment Your Lordship will I know carefully consider. The plan has been discussed here by a large body of intelligent persons, conversant with such subjects. I may be excused if I add that, after having been thoroughly examined by them, they have without an exception admitted their full conviction of its advantages and applicability. I beg Your Lordship will pardon me for intruding upon your time and attention. The importance of the subject, the interest you are known to take in all that relates to it, and some experience acquired on my part during a long residence in these Colonies and at Norfolk Island, will sufficiently account for my boldness, and I hope be considered a sufficient excuse. I have, &c.,

J. BEAGLY NAYLO.
GREY TO FITZ ROY.

is prescribed by the Act, 9 and 10 Victoria, Cap. 57, for Railways in England, and which is the width of four feet 8½ inches. That gauge has already been adopted in the Rules framed by the Government of South Australia for regulating the principle, on which Railway Bills should be drawn in that Colony; and it will be desirable that the same gauge should be adopted at any future period in the Construction of Railways in the Colony under your Government.

SIR CHARLES FITZ ROY TO EARL GREY.

My Lord, Government House, 1st July, 1848.

Adverting to my Despatch No. 132 of the 2nd ultimo, acquainting Your Lordship that I had despatched Mr. Assistant Surveyor Kennedy with a Party in the ship “Tam o’ Shanter” to Rockingham Bay, on the North East Coast of New Holland, on an exploratory Expedition, I do myself the honor to state, that, under the arrangement made with the Agent of the Vessel, it was agreed that one half the freight should be paid here, and the remainder by the Colonial Agent General on the production to him of a Certificate to be furnished by Mr. Kennedy of the satisfactory performance of the Contract.

The sum of £325 has accordingly been issued to the Deputy Commissary General, whose Certificate for the amount has been transmitted to Mr. Barnard; and I have, therefore, the honor to request that Your Lordship will give instructions for a corresponding sum to be advanced to Mr. Barnard from the British Treasury to enable him to pay the same to Messrs. William Fisher and Sons, the acting owners of the “Tam o’ Shanter” at Liverpool, on the production of the required Certificate.

Earl Grey to Sir Charles Fitz Roy.

Sir, Downing Street, 7th July, 1848.

I have the honor to acknowledge your Despatch No. 198 of the 8th of October last, accompanied by an Address from the Legislative Council to the Queen, pointing out the resources of New South Wales and the great demand for labour, and praying that Her Majesty would be graciously pleased to sanction the adoption of such measures as to Her Majesty
might seem meet for the removal from the United Kingdom of such of Her Majesty's subjects as might be desirous to emigrate to that Colony.

You will acquaint the Council that I have laid this Address before the Queen, and that Her Majesty was pleased to receive it very graciously.

Upon the several topics to which the Council advert, I have conveyed to you the views of Her Majesty's Government in another Despatch, acknowledging the Report of a Committee of Council and the Resolutions upon which the present Address would appear to have been founded.

I have, &c.,

Grey.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 108, per ship Louisa.)

Sir,

Downing Street, 7 July, 1848.

I have the honor to acknowledge your Despatch No. 195 of the 29th of September last, enclosing the report of a Committee of the Legislative Council upon the demand for labour in the Colony, and the best means of supplying it, and also accompanied by resolutions of the Council, requesting you to urge upon the Government the renewal of Emigration to the Colony.

The first remark I have to make is that, in the importance attached to this subject, Her Majesty's Government fully coincide in opinion with the Committee and with the Council. The Government are thoroughly sensible of the great advantage, which well directed Emigration is calculated to confer both on the Colony and upon this Country. I cannot, however, hold out the expectation that they would feel at liberty to recommend the Grant of a parliamentary Guarantee, which the Council suggest to a loan of a Million Sterling secured upon the Territorial Revenues of New South Wales. In every question of this nature, it is necessary to contemplate distinctly the contingency that the party giving security may be called upon to fulfil its obligation. Now, greatly as we value the well known and progressive prosperity of the Australian Colonies, and much as we may lament any limit which unavoidable circumstances may cause to the rate of its development, yet we do not consider that, in order to promote the more rapid production of Wealth which would unquestionably attend a still more rapid influx of labour, We should be Warranted in laying an additional burthen on the heavily taxed Inhabitants of this Kingdom. Some of their number would indeed gain the benefit of a removal to New South Wales.
But the burthen would continue to lie on those who remained behind. And the allusion, which the Council very naturally make to previous cases of the kind, only shows how certainly any such concession made in one instance is quoted as a precedent, and how extensively the Government must be prepared to pledge the credit of this Country, if once it enters on a course of guaranteeing Colonial loans. But, whilst for these reasons I could not, without misleading the Council, hold out any prospect that a Loan is likely to be guaranteed, I can only repeat that I entertain the most anxious desire to afford every practicable encouragement to Emigration.

I am happy that, acting upon this feeling, Her Majesty’s Government so far anticipated the wishes expressed by the Council that, without waiting for intelligence that the former debt in the Colony was paid off, or for the revival which has since occurred of an available Revenue from land, Her Majesty’s Government sanctioned the undertaking of a new Emigration to the extent, which you had recommended in reliance upon those resources of the Colony which have since justified their expectation. And should that revenue prove unequal to meet the expense of the accelerated Despatch of Emigrants, which the Commissioners have by my direction endeavoured to effect, you hold authority under former Instructions to raise a moderate Loan upon the security of the land fund; and you are aware that, if the Legislature should deem it advisable to raise a further Loan on the security of the General Revenue, the Government would offer no objection on their part to a Measure passed for that purpose.

I regret to gather from the Report of the Committee that they entertain an unfavourable opinion of the policy embodied in the Act of Parliament called the Land Sales Act; but, should there be any observations which I might wish to address to you on this subject, they will be more appropriately placed in acknowledging the Report which you have sent me from a Committee which appears to have devoted its inquiries to this particular question.

In the opinion expressed by the Council that some contribution should be sought from those parties in this Country who have an interest in Emigration, I fully concur. You will see by the enclosed Copy of a letter, which I caused to be addressed to Mr. Francis Scott in reference to a proposal for forming an Association with this object, that I am entirely favourable to its principle, and would be willing to lend it every practicable Co-operation. But you will perceive by the same letter that there are also some limits, which might not at first sight attract Notice, to the extent to which such aid can be expected.
1848.
7 July.

In the first place if the whole expense of removing a Man to Australia be taken at from £20 to £21, the charge, which under the present system falls on the private Individual for the inevitable expense of outfit and for the contribution of £1 which the Commissioners demand for bedding and other supplies, cannot be taken at less than £5 or £6, so that, even when a free passage is granted across the ocean, one fourth or upwards of the whole charge is paid from private sources.

2ndly. There is also the circumstance that the price of removal to North America does not exceed £5 or £6, and that this must form a natural limit to the expense which persons will generally be willing to incur in aiding others to Emigrate. You will observe from the correspondence that I give full weight to the superiority of the inducements to a Working Man to proceed to Australia. But, viewing the question as one of relief, and seeing that in North America the prospects of properly qualified people are also good, it cannot be expected that much more will be contributed by private persons for one destination than is necessary for the other.

Whilst, however, these and other considerations may serve to account for the difficulty, which has always been experienced in obtaining any contribution towards the cost of the actual Sea passage to Australia, the Commissioners of Emigration are fully aware of my wish that they should avail themselves of every suitable opportunity of making the resources of the Colony go further by obtaining some payment for those parties in this Country, who have an interest in the same object. Thus, inasmuch as the Applicants for the benefit of a free passage have latterly become much more numerous than can be complied with, the Commissioners have been directed to try the experiment of increasing the payment (hitherto limited to £1) required for each Emigrant. They have also been instructed to call for a payment in respect of the younger Class of Children, and in so doing to waive the prohibition against taking Families comprising more than a certain number of Children of that description. These are measures, which I must explain to you will not now be tried for the first time. They have repeatedly been thought of, and have been tried; but on former occasions the effect was to render it impossible to procure a sufficient number of properly qualified Applicants. The greater publicity, however, which the facilities for Emigration offered by the Commissioners has now attained, the better knowledge of the advantages held out by the Australian Colonies, and the much larger supply of Candidates, procured through the extensive Agency which the Commissioners have established, give reason to hope that the endeavour may be renewed with better success.
There will also be, from time to time, cases in which Public Boards or Charitable Institutions may be willing to send to the best destination, which can be found for them, persons who may be inferior indeed to the standard of Emigrants required by the fixed regulations, but whom it may be for the interest of the Colony to receive upon payment of part of the expenses of their introduction. One such case occurred in respect to the Body of British Workmen* obliged to quit Calais, in consequence of the events which have occurred this year in France.

I enclose some of the principal portions of the Correspondence which passed on that subject; and, whilst I think you will see that it was impossible to read the communication of these poor Men without great sympathy and interest, you will also perceive that there were strong grounds to consider that their introduction would be a benefit to the Colony. They were described to me as a highly intelligent party of Men, able bodied; and, although not falling within any of the particular Trades or Callings admissible under the usual regulations, yet well aware of the nature of their prospects in the Colony, and anxious to adapt themselves to those pursuits, which would there be most useful at once to themselves and the Community. For the Men possessing these qualifications, a contribution of £4 a head has been paid from the Committee for the Relief of British Workmen, in addition to providing the requisite outfit; and I trust that this will be viewed in the Colony as a favourable specimen of that Immigration, which the Council have expressed themselves anxious to effect by means of a Joint expenditure out of British and Colonial Resources.

I have, &c,

GREY.

[Enclosure.]

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 109, per ship Louisa.)

Sir,

Downing Street, 8th July, 1848.

I have the honor to acknowledge your Despatches of the dates and numbers mentioned in the margin,† the first of them shewing that the previous Debt for Immigration was extinguished, and the Second reporting the receipt of my Instructions.

* Note 38.
† Marginal note.—No. 240, 14 Decr., 1847; No. 5, 8 Jany., 1848.
1848.  
8 July.

I am glad to observe from the latter communication that you anticipate no difficulty in carrying those instructions into effect. In the other Despatch, I have received with much satisfaction the Accounts which you are able to give of the renewed prosperity of the Land Fund. At your suggestion, and anxious to maintain the supply of labour to New South Wales, Her Majesty's Government took upon themselves the responsibility of recommencing Emigration without waiting for reports of the final extinction of the former Debt, or of the revival of the Surplus Revenue which has since become available; and the intelligence you now communicate justifies the course.

I attach much value to the suggestion thrown out in the Petition, which you enclose in No. 240, to the effect that the Credit of the Land Revenue might be supported by likewise imposing a rate upon the Employers of labour for the payment of the Principal and Interest of any debt contracted for Emigration purposes. Should the Legislature adopt the idea, and find it practicable to frame a measure for carrying it satisfactorily into effect, it might be of great service in any fresh Loan which may hereafter be required in the Colony for this Service.

Immediately on receiving the favourable intelligence you have supplied, I instructed the Emigration Commissioners that they should carry on the despatch of Emigrants as rapidly as might be practicable; and I enclose, for your information, an Extract of a Report from them of their proceedings, which I trust will give evidence to the Colony of the earnest desire which is felt to conduct with activity this important and beneficial service.

I have, &c.,

GREY.

[Enclosure.]

EXTRACT of a Report from the Commissioners of Colonial Lands and Emigration, dated 31st of May, 1848.

"We have to acknowledge the receipt of your letter of the 23rd Instant, enclosing copies of two Despatches from the Governor of New South Wales on the Financial State of that Colony. From these Despatches, it appears that, on the 8th of January last, the Territorial Revenue of New South Wales was already in possession of Funds to meet the expense of the Immigration of 5,000 Statute Adults, and that, by the 31st of December next, there will be a further Sum of £70,000 applicable to this Service. Under these circumstances, Lord Grey conveys to us his authority for taking up Ships for Emigrants to New South Wales as rapidly as may be practicable."
On the 14th January last, we had the honor to submit, for Earl Grey's information, a Report of the arrangements which we had adopted for the conduct of Emigration to Australia during the present year, with reference to His Lordship's recent Instructions to send out 5,000 Statute adults to New South Wales. We propose to take the present opportunity of showing the extent to which we have given effect to the plan then sketched out, and to explain the measures which, in consequence of the recent intelligence, we have adopted and propose to adopt for its extension.

In our Report of the 14th of January, we stated that we had already sent to New South Wales 4 Ships; that we proposed to send 3 more during the current month, and the same number in each succeeding month; to send likewise 1 Ship a month to South Australia, and 1 Ship every second month to the Cape of Good Hope, making in all 54 Ships in the year. Subsequently, in obedience to instructions from Lord Grey, we reported that we had made arrangements for accelerating this Emigration, so as to send out to the Australian Colonies and the Cape 6 Ships every month, or 72 in the course of the year. Acting on this scheme, we sent out in the month of March 6 Ships, of which 3 were to New South Wales, 2 to South Australia, and 1 to the Cape. In the month of April, owing to an accident, we were able to despatch only 3 Ships, of which 2 were to New South Wales, and 1 to South Australia. In the present month we shall despatch 7 Ships, viz. 4 to New South Wales, 2 to South Australia, and 1 to the Cape. And, in the month of June, we expect to despatch 6 Ships, viz. 4 to New South Wales, and 2 to South Australia. The whole number of Vessels, therefore, which we shall have despatched, between the recommencement of the Emigration in September last, and the 30th June next, to the Australian Colonies will be, to New South Wales 22 Ships, carrying 4,641 Statute Adults, to South Australia 11 Ships, carrying 2,205 Statute Adults: in addition to which we have sent to the Cape 3 Ships, carrying 479 Statute Adults, making in the whole 36 Ships despatched carrying 7,337 Statute Adults.

The amounts placed at our disposal for the expenses of the Australian Immigration were, as Lord Grey will remember, for New South Wales £100,000, and for South Australia £86,000. The rates, of which we have been able to take up Ships, have varied considerably; but, as far as we can judge, the expense of the 22 Ships, which will have been sent to New South Wales before the 30th of June next, will amount to about £67,000, to which will have to be added a proportion of the extra expenses of this Office, say £1,350, making a total of £68,350, or about £3,100 pr. Ship, and £14 14s. 6d. pr. Statute Adult. To South Australia, the expenses of 11 Ships for the same period will be £29,650, to which must be added its share of the extra expense of this Office, amounting to about £600, making a total of £30,250, or about £2,750 pr. Ship, and £13 14s. pr. Statute Adult. The Balances, therefore, that will remain in our hands on the 1st July next, will be for New South Wales, of the former appropriation about £31,650, for South Australia £55,750.

The balance of the original appropriation in New South Wales would have sufficed, probably, to send to that Colony
10 more Ships, which at our present rate would have occupied the months of July, August and September. It would, therefore, have been our duty, at this time to bring the matter under Lord Grey's consideration, had we received no further instructions on the subject; and we had accordingly prepared a report for that purpose. But the intelligence conveyed in your letter of the 23rd instant has rendered such a proceeding unnecessary. It only remains, therefore, to explain the measures which we have now adopted in consequence of the intelligence.

"The expenditure for New South Wales up to the 30th June will amount as has been stated to £67,000; there will accordingly remain to be expended between 1st July and 31st December £103,000. The expense of Our Emigration averaging £3,100 pr. ship, this Sum would enable us to send out 32 Vessels. But at our present rate of 4 Ships a month, we should only send out between the 1st July and 31st December 24 Vessels. We resolved, therefore, immediately on the receipt of your letter of the 23rd instant, to increase our Emigration to New South Wales to 6 Ships a month during the present Season, taking the chance of being obliged to contract our operations during the Harvest months; and on the 25th instant we issued advertisements for Ships for July accordingly."

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 110, per ship Louisa.)

Sir,
Downing Street, 10th July, 1848.

I have the honor to acknowledge the receipt of your Despatch No. 244 of the 17th December last, accompanied by various Resolutions and Petitions, urging the renewal of Emigration and requesting that all Revenue received from Land within the District of Port Phillip may be applied exclusively to sending Immigrants into that District.

Having thought it right to call upon the Commissioners of Land and Emigration for any remarks and information which they could offer on the subject, I enclose a Report from them, which contains a comprehensive view of the questions raised by the present communication. In the opinions expressed in this Report, I concur. You will, therefore, forward a copy of the present despatch to the Superintendent of Port Phillip for the information of the Memorialists, requesting him to acquaint them that I am not at liberty to hold them out the prospect of an application to Parliament for a Grant of money towards Emigration, and that, under the circumstances explained in the enclosed Report, I apprehend that for the present there is no reason to interfere with the arrangement by which Emigrants are going out to Sydney and Port Phillip in equal numbers.

I have, &c.,
GREY.
LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY MERIVALE.

Colonial Land and Emigration Office, 16 June, 1848.

Sir,

We have to acknowledge your letter of the 5th instant, transmitting a Despatch from the Governor of New South Wales, together with three Memorials from the Inhabitants of Port Phillip, and certain Resolutions of the Town Council of Melbourne, respecting the resumption of Emigration at the Public Expense.

The principal objects of the Memorialists are as follows.

1. That no part of the Land Fund should be appropriated to public Works, the effect of such appropriation being to increase the existing demand for Labour; but all to Immigration.

2. That the division of the Immigration between the Sydney and Port Phillip Districts should be regulated by the respective amounts furnished by those two Districts to Land Revenue.

3. That, in order to secure an equal Immigration, it should be supported by a Loan to be contracted on the guarantee of the Land Fund, and not out of the current Revenue. And that from this Fund an immediate Immigration into Port Phillip to the extent of 10,000 souls should be set on foot in the first instance.

4. That part of the expense of Emigration should be defrayed by the United Kingdom, and part by the particular localities from which the Emigration proceeds.

5. That persons importing "their own servants and labourers" should receive an equivalent for their expenditure at a fixed rate in the form of a credit at the Government Land Sales.

And the Memorialists urge a peculiar claim on the Imperial Funds on behalf of Port Phillip, arising from the fact that the Imperial expenditure has been reduced by a late importation of "freed or partially freed Male Convicts" into that Colony.

With reference to these claims, you desire us to furnish Lord Grey with a statement of the relative amounts of Land Revenue arising from the middle and Port Phillip Districts during the last five years.

We are unable to do this with completeness, as the returns for 1842 are imperfect, and those for 1847 we have not yet received. But we annex a statement of the required particulars during the four years ending 1846, from which it appears that the Territorial Revenue derived from the middle districts during the whole of that period was £146,949, while that derived from Port Phillip was only £80,707. And that, in the year 1846, the proportions were £40,780 from the former, and from the latter £35,491.

Premising that great consideration appears to us due to these Memorialists, both from the force of their statements, and from the calm and unexaggerated tone in which their claims are put forward, we have the honor to report as follows.
Lord Grey has already authorized the Legislature of New South Wales, if they should think fit, to contract a Loan of £300,000 for Immigration purposes, in the benefit of which Port Phillip will of course share. This Board has meantime been authorized to despatch Emigrants to New South Wales, as fast as the Funds at our command will admit. And of the Emigrants thus sent, the district of Port Phillip is to receive one half, being, as far as we are at present informed, rather a larger proportion than to which their payments to the Land Revenue would strictly entitle them.

And we need hardly observe that, as soon as the separation between the two Districts is completed, each will pay for its own Immigration.

Finally we are not aware that it is in contemplation to direct any portion of these revenues to the construction of Public Works. The amount so applied during 1846 appears to have been very trifling.

We would anticipate, therefore, that, when the News of these steps shall reach the Memorialists, they will feel satisfied as to the first three of their demands.

With regard to the propriety of granting any Parliamentary aid to Australian Emigration, we can of course offer no opinion. Such views as we have been able to form as to the extent to which aid may be obtained from Parish Authorities and other persons interested in despatching Emigrants from this country, and as to the best mode of obtaining this aid, we have fully stated in our Report of the 17th April.

The proposal to grant to persons importing Emigrants at their own expense a Bounty equivalent to their expenditure has been often considered and appears to us objectionable. It would remove the selection and conveyance of Emigrants from the control of this Board. It might encourage the importers of labour in the attempt to obtain double payment of their advances, in the first instance by indentured labour from the persons imported, and in the second place by the Colonial Bounty. And we may add that the proposed mode of payment by credit at the Government Land Sales, which (unless it produces a fictitious, and therefore mischievous demand for Land) is merely a mode of anticipating the produce of these Sales, appears to us decidedly a less advisable mode of raising the necessary funds than that of a direct Loan.

And we ought perhaps to add that, as we apprehend the importation by the Port Phillip Settlers of Convict Labour from Van Diemens Land to have been undertaken by private persons for their own profit, and have never heard that it proved unprofitable, we cannot think that it confers upon the settlement any tenable claim for aid from the British Government, although, as stated by the Memorialists, it unquestionably enhances the necessity for that extended free emigration, which under Lord Grey's directions, has already been set on foot.

We have, &c.,

T. C. MURDOCK.

FREDK. ROGERS.
Statement (framed for the Colonial Land Returns) showing the particulars of the Land Revenue of the Sydney and Port Phillip Districts from 1843 to 1846.

<table>
<thead>
<tr>
<th>Year</th>
<th>Sydney District</th>
<th>Port Phillip District</th>
<th>Total</th>
<th>Grand Total</th>
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<tr>
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<td>Land Sales including Remissions, etc.</td>
<td>Quit Rents</td>
<td>Leases and Licences</td>
<td>Total</td>
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<td>42,955</td>
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</table>
EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 111, per ship Louisa.)

Sir,

Downing Street, 11 July, 1848.

I transmit to you herewith, for your information, the Copy of a Circular Letter which has recently been addressed by the Colonial Land and Emigration Commissioners to their Agents at the different Ports of the United Kingdom, announcing a slight relaxation of the rules established by them in regard to the numbers of Children to be accepted in any family who are Candidates for free passages to Australia.

I am, &c,

[Enclosure.]

GREY.

CIRCULAR LETTER.

Colonial Land and Emigration Office,

Sir, Park Street, Westminster, 7th June, 1848.

I am directed by the Colonial Land and Emigration Commissioners to inform you that they have recently had under their consideration that part of the existing Regulations in respect to Australian Emigration, which restricts the number of young children who can be accepted in any family.

According to the present rule, no family can be accepted in which there are more than 2 Children under 7, or 3 under 10 years of age. The object of this rule is twofold. 1st. To avoid the mortality on the Voyage which is found to attend the presence in a Ship of a large number of young Children. 2ndly. To avoid imposing on the Colonial funds a disproportionate expense for labour which for many years will be unavailable.

It has, however, been represented to the Commissioners that this rule excludes a valuable class of settlers; that the industrious labourer, so long as his family does not exceed the limits fixed in the regulations, is generally able to support them by his wages, and is, therefore, unwilling to leave his native Country; and that it is only as his family increases, and as the expense of feeding them begins to press too heavily on his wages, that a man of this description turns his thoughts to Emigration. The Commissioners are disposed to believe that there is a good deal of truth in these representations; and they have, therefore, given their attention to the possibility of relaxing the rule in question without sacrificing the important principles which the rule was intended to maintain.

It has appeared to them that these two objects might be reconciled by accepting Emigrants having more than the stipulated number of children on condition, 1st, that the passages of their Children beyond that number should be paid to this Board at a rate to be fixed from time to time by the Commissioners. The rate for the remainder of the current year will be £7; 2ndly. That the whole number of young Children to be sent in any Ship should not exceed a certain proportion of the whole number of Souls on board. By such arrangement the Colony would eventually obtain even more labour than at present at the same expense, and the risk of sickness on the voyage would not be
increased. You will, therefore, consider yourself at liberty for the present to propose to the Board families otherwise eligible, but having more than the number of children prescribed by the Regulations; but you will of course be careful to explain to applicants of this description the conditions on which alone they can be accepted, and which will in no case be remitted; and it should also be pointed out to them that, as only a few such families can be admitted into any one Ship, there must always be some uncertainty, even if they be accepted, as to the possibility of providing an early passage for them.

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

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 112, per ship Louisa; acknowledged by Sir Charles Fitz Roy, 16th June, 1849.)

Sir,
Downing Street, 12 July, 1848.

I transmit herewith a copy of a letter from the Colonial Land and Emigration Commissioners, reporting the result of the enquiries which they have recently made as to the practicability of extending with advantage to England the plan, which has already been in operation in Ireland of conveying Female Orphans from the Workhouses as Emigrants to Australia.

I have expressed my concurrence in the suggestions offered by the Commissioners in the enclosed Report and have directed them to take such measures as may be necessary on their part for giving effect to those recommendations.

In the meantime, I have to request that you will make such preliminary arrangements as may be requisite for the reception of these young girls, and for placing them with respectable trustworthy families on their quitting the protection of Government.

You will further make such provision by local enactment as may be required for the apprenticeship of those Emigrants.

I am, &c.,
GREY.

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY MERIVALE.

Colonial Land and Emigration Office.
20th June, 1848.

Your letter of the 6th of March authorized us to enter into communication with the Poor Law Commissioners with a view to ascertain how far the scheme for conveying Female Orphans from the Workhouses in Ireland could be advantageously extended to England.

REPORT on PROPOSED EXTENSION OF SYSTEM OF FEMALE ORPHAN EMIGRATION TO ENGLAND.
We have the honor to report that, after some communications with the Commissioners, a List was forwarded to us by Mr. Hall, Assistant Commissioner of the London District, containing the names of 244 Females, then resident in the Workhouses of London and the surrounding Counties, who were willing to emigrate to the Australian Colonies.

As soon as practicable after receiving this communication, we despatched a Member of this Office to visit these Workhouses and inspect the Applicants. It turned out that scarcely any were precisely of the class, which we had hoped to find, viz., that of girls who had attained the age of 17 without quitting the Workhouse. About 47, however, appeared eligible Emigrants, and to these we expect to be able to furnish free passages to Australia.

But Mr. Cooper's Report (from which we annex an Extract), joined to information we have received from other quarters, leads us to hope that we may be able to set on foot, to a limited extent, an Emigration from the English Workhouses, as desirable for the Colony, though not the same as that which we had originally anticipated.

It appears that, up to the age of 14 or 15, the Girls in the Workhouses are brought up, comparatively speaking, with care. About that age, they usually go out to service in Situations of a very inferior kind. The better class in general do not return. Those who do are placed in the women's ward, where they are exposed to much temptation and bad company, which are likely to aggravate the faults of disposition, which have probably brought them back to the Workhouse.

Above the age of 15, therefore, it is difficult to find in these Establishments satisfactory Emigrants. But the girls below that age are described as generally rather above the average of Children of the Labouring Class; and the communications, which have taken place with the Officers of these various Workhouses, lead us to think that the Unions would be generally prepared to advance, besides the Outfit, £5, instead of the usual Deposit of £1 for each Girl, whom we might despatch to Australia. These appear to us favourable terms for the Colonies. If it would be worth while, as of course it would, to give these Girls a free passage to the Colony 3 or 4 years hence, when they have attained the age of 17, it is clearly much more so to take them now on the terms suggested. The only loss is that of anticipating by 3 years the payment of passage money. Against which is to be placed, first the reduction of that passage money from (say) £12 to £8; and next the Services of the Girl herself for the intervening 3 years, which services, even at the age of 13, are worth more than the cost of supporting her. Besides these, there are the important moral advantages, which we have already alluded to as applicable to females thus brought up.

We think, therefore, that this Emigration would be clearly for the interest of the Colony. Nor, considering the probable lot of these children at home, should we feel much doubt that it would confer the greatest benefit on the Girls themselves. At the same time, considering the difficulty of dispersing a number of Children in a comparatively Foreign Country with a due regard to their welfare, we should be very unwilling to set on foot such an
undertaking on a large scale, until we learnt what preparations could be made for their reception, and what security existed for their proper distribution in the Colonies.

If Lord Grey thinks fit to authorize our so doing, we would propose re-opening our communications with the Poor Law Authorities, with a view to carry into effect the Scheme as now modified; and, in that case, we would beg that the Governors of New South Wales and South Australia might be informed that such a Scheme was in contemplation, and that they might be requested to report as to the means at their command for receiving these young girls and ensuring their being placed with respectable and trustworthy families, on their quitting the protection of Government.

We should add on this head that the Local Act, authorizing the Governor of New South Wales to apprentice Emigrant Children, applies only to those sent out at the expense of Her Majesty's Government; and it might be questioned whether it would apply to cases where the passage money was paid in part out of Parochial Funds, and in part only out of the Land Revenue. If, therefore, the proposed Emigration should be set on foot, it may be advisable that the Governor should be instructed to procure such an Amendment of the Local Act as would obviate this doubt.

We have, &c.,
T. W. C. MURDOCH.

FREDERIC ROGERS.

[Sub-enclosure.]


"UPON the whole, I venture to submit my opinion (which is based upon the Report assumption that the District I have visited is a fair specimen of the rest of the female orphans Kingdom) that the Union Workhouses do not hold out the promise of any considerable supply of young women, eligible as to character and ability for Emigration to Australia at the expense of the Colonies, of 16 years old and upwards, and that this arises from the fact that before they reach that age they have been mixed with the grown up women in the Day rooms; a disadvantage by no means compensated for by the probability of their having been out to service.

"It may be desirable that I should point out in more detail, why their advanced age and their having been engaged as servants seem, as a general rule, to prove more a disqualification than otherwise of these girls for a free passage, assuming good character to be one of the most indispensable conditions of that boon.

"Up to the age of 14 or 15, these Girls are kept to School in the House, sometimes without being at all put regularly to work, and never being required to do more than is just enough to teach them how household work should be done. As soon after they have reached this age as may be, they are taken out of the House and placed to service. But, as there is not a general feeling in favour of young persons of this class, they are usually engaged only by persons of very limited means. The wages they receive, if any, are very low, and the work they are required to do hard and incessant, while it sometimes happens from the poverty of the Employers that little attention is paid to their comfort and perhaps less to their morals. After a little time, the Girl becomes disgusted with her situation and leaves it. She is then at a very early age abroad in the world without friends and falls an easy prey to temptation. If, however, she escapes, and at once returns to the Workhouse, she is placed in the Grown Women's Ward; and, being there, is thrown into immediate contact with the immoral and dissolute. The good she has acquired in her school speedily disappears, whatever evil she may have learned is fostered and encouraged, and the work of demoralization goes rapidly on.

"But, while this shews the difficulty of selecting from Union Workhouses properly qualified persons over 15 years of age, or who have passed into the adult Day Rooms, it in no way disproves the practicability of selecting from them younger persons who would be, I venture to submit, calculated very much to benefit the Colony to which they may be sent.

"By the regulations of the Poor Law Commissioners, children between the ages of 7 and 15 are in Union Houses kept apart from Women and men, and sent to School and instructed in reading, writing, arithmetic and the principles of the Christian Religion.

GREY TO FITZ ROY.

1845.
12 July.

Report re pro-posed extension of system of female orphan emigration to England.
1848. 12 July.

Report re female orphans in union workhouses eligible as immigrants.

"The Masters and Matrons of the best conducted Workhouses, the Clerks of the Unions and others connected with them, have seen, without exception state their belief that children brought up in properly managed houses are, taken as a whole, more intelligent and equally as capable of earning their own living by labour as Children who have been educated in the houses of Parents of the labouring Class.

"Having seen several of these Schools and the Children, I am inclined to concur in this opinion, and to believe that, under the existing circumstances of the Colonies, they would prove more desirable as Emigrants than persons of the same ages, who have not had the means of deriving the same advantages of education as Children trained in Union Houses.

"Moreover, the demand for Servants in this Country is so abundantly met and the Guardians have, as before explained, so much difficulty in properly placing out girls brought up in Unions, that the Officers of their Boards feel able to express their conviction that they would be very willing to contribute a fair proportion towards the cost of the Emigration of any for whose passages and provision in the Colony arrangements could be made by the Government at home.

"The special benefits that are likely to accrue to the Colonies from this kind of Emigration are:

"1st. There would be very little risk of mortality on the voyage.

"2. These Emigrants would be unaccompanied by any whose services would not be immediately available on arrival.

"3d. The Parishes appear to be willing to make considerable advances in aid of the Passage money of these Emigrants.

"For these reasons, I venture respectfully to submit for the consideration of the Board whether it would not be expedient to admit, under suitable Regulations, persons bred in Union Workhouses over the age of 13, who have not been inmates of the Day Wards, to the advantages of Emigration to Australia, on the payment by their Parishes of the sum of £5, towards the passage of each child so conveyed, the Government taking upon itself the responsibility of their protection on arrival in the Colony.

"I have, &c.,

"R. B. COOPER."

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 113, per ship Louisa.)

Sir, Downing Street, 13th July, 1848.

I have received your Despatch No. 49 of the 26 February last, transmitting comparative Abstracts of the Revenue of New South Wales for the years 1846 and 1847.

I have received with much satisfaction these accounts of the improved state of the Colonial Revenue; and the information which they contain will enable me to proceed with increased confidence in sending Emigrants to the Colony with as much rapidity as may be practicable.

I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 114, per ship Louisa.)

Sir, Downing Street, 14th July, 1848.

I have the honor to acknowledge Your Despatches of the numbers and dates mentioned in the margin.* These Despatches contain the final opinion of Yourself and Your Council that the Lands for ten miles around a given point in the Township of Belfast, and also for ten Miles around a point in the Township

of Warnambool, should be included in the settled Districts. They also report in favour of conferring on those Licenced Occupants of Crown Lands, whose runs or portions of runs may have been brought by the late Order in Council, or by any subsequent Order within the Class of Settled Lands, the same allowance for improvements as is granted to Lessees of Runs on the expiration of their Leases under the 2nd and 3d Conditions of the 15th Section of the late Order in Council. And, in the last Despatch of the Series, you suggest, with the concurrence of Your Council, that a similar privilege should be conceded to a class of persons, who have been licenced to occupy small portions of Land, not indeed as Runs for Grazing purposes, but for the establishment of Inns, Stores, and other places of business.

On the first of the preceding topics, I readily agree in the conclusion adopted by yourself and the Council. I shall, therefore, take the first opportunity of submitting to Her Majesty in Council an Order for including in the Settled Districts the proposed extent of Land in the Township of Belfast and of Warnambool.

I also quite agree in the propriety of the privilege, which it is proposed to confer on the holders of Runs and certain other Lots of Land within Districts, which may by the operation of any Orders of Council on this subject be brought within the settled Districts. But I think it will be unnecessary and in some respects inexpedient to effect this object by means of Order in Council. The Despatches already received from you show that it is scarcely possible in the Colony, and therefore much less possible in this Country, to foresee all the varying circumstances which may render a right of compensation in some cases fair and proper in New South Wales, and in other cases unadvisable. This forms a serious objection to attempting to regulate the matter by Order in Council. On the other hand, there is nothing to prevent you from adding to the ordinary upset price of the Land, in any cases where you think it proper, the estimated value of the improvements; and then, if the Lot be purchased by any third party, paying over that value to the previous occupant. The only objection I can anticipate to this course is that it might not afford the same perfect security to occupants as if the Rule were actually embodied in an Order of the Queen in Council. But, if a clear and precise statement of the Rules to be followed be framed by you with the advice of Your Council, and announced by Public Notice as those which will be observed, subject to confirmation from home and to any modification which experience or further
1848, 14 July.

Method proposed to provide compensation for improvements.

consideration may suggest, I cannot doubt that the holders of Land under Licence will place full reliance upon the intentions expressed by the Colonial Government, and will feel that they possess every security which they can require for practical purposes. I have, therefore, to request that you will consult on this important subject with your Council, and will act upon and publish such Rules as you may be led to consider required on the one hand by equity towards Individuals and on the other hand consistent with the general interests of the Public.

I have, &c,

GREY,

Address and report from legislative council re introduction of railways.

Special importance of railways in colony.

Proposed government support.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 154, per ship Honduras; acknowledged by earl Grey, 8th February, 1849.)

My Lord,

Government House, 14th July, 1848.

I have the honor to transmit the copy of an Address presented to me by the Legislative Council of this Colony at the close of their recent Session, communicating to me certain Resolutions adopted by that body, together with a copy of the Report of a Select Committee appointed on the 28th March last “to take into consideration the practicability and expediency of introducing Railways into this Colony.”

As I know of no Country where the total absence of water communication with the interior, the great difficulty of forming and keeping in repair the ordinary roads and the consequent expense and delay, which are entailed upon the inhabitants of the more remote Districts in conveying their various articles of produce to market or for exportation, would render the formation of Railways more advantageous to its general interests; and as, moreover, I am convinced that a long period must elapse before Railways can be introduced into this Colony unless material aid is afforded by the Government, I feel justified in recommending the Resolutions now transmitted to Your Lordship’s favourable consideration, with a view to such inducement being held out to any Company that may be formed for this purpose, as may appear to Your Lordship to be practicable and consistent with general principles.

I have, &c,

CHS. A. FITZ ROY.

[Enclosures.]

[Copies of the address and of the report will be found in the “Votes and Proceedings” of the legislative council.]
GREY TO FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 115, per ship Louisa; acknowledged by Sir Charles Fitz Roy, 22nd January, 1849.)

Sir,

Downing Street, 15 July, 1848.

I transmit to you herewith a copy of a letter which I have received from Mr. Spain, who formerly held the Office of Commissioner for Land Claims in New Zealand, submitting his Claims to further Employment under this Department.

I also enclose for your information a Copy of the despatch addressed to the Governor of New Zealand to which Mr. Spain refers, conveying the decision of Her Majesty's Government on certain points affecting him. As it appears from the letter of the Colonial Secretary to the New Zealand Government which forms the first enclosure to Mr. Spain’s letter, that there is little prospect of employing him in that Colony, I should be glad if it should be in your power to avail yourself of his services under the Government of New South Wales.

I am, &c,

GREY.

Mr. W. Spain to Earl Grey.

Sydney, New South Wales,

My Lord, 6th January, 1848.

I have the honor to forward herewith Copies of a Letter from the Colonial Secretary of New Zealand under date 12th August, 1847, conveying to me a Copy of a Despatch from your Lordship of the 10th February, 1847, to the Governor of New Zealand (containing your decision upon my case) and of my reply thereto.

In my Letter to Lieutenant Governor Grey of the 28th January, 1846, a Copy of which was forwarded by His Excellency to Your Lordship, I confined myself to differences between the late Governor, Captain Fitz Roy, and myself, arising out of the performance of my Official duties as Commissioner, but intimating at the same time my intention of shortly afterwards addressing a Letter to the Right Honorable The Secretary of State respecting the charges or rather vague insinuations which which Captain Fitz Roy had ventured to make against my private character; and to which communication I stated it to be my intention to attach Letters then in my possession from Captain Sir Everard Home and some of the highest Official Functionaries in the New Zealand Government, affording the most satisfactory contradiction to several of these accusations and insinuations.

It, therefore, now becomes my duty to explain to Your Lordship why I have not followed up my original intention in this respect.

I was at the time labouring under the deepest anxiety on account of Captain Grey's declining to enter into the merits of my case, or to order payment of the arrears of my Salary, His Excellency considering that the matter had already been referred to the Secretary of State whose decision was then pending. Being also too well aware of the space which must elapse before any reply could be received from England to any further appeal from
1848, 15 July.

Reasons for delay in reply.

I was induced at the time to come to the determination of leaving my case where it then stood in the hands of the Colonial Minister, considering that, when all my voluminous Report, Official Correspondence and Despatches, written to the different Governors of New Zealand during the periods they respectively administered the Government of that Colony, had been read and considered, Her Majesty's Secretary of State would have before him such a copious history of the performance of my duties as Commissioner of Land Claims, as would enable him at once to decide, how I had performed them without reference to the extraneous matters so unnecessarily introduced by Captain Fitz Roy into his Despatches.

I was further induced to this course from the fact of Captain Fitz Roy's utter inability to bring any specific charges against my private character, as evinced by his vague insinuations unsupported by a single proof, and generally so uncertain and undefined as to render it difficult, if not utterly impossible for me to frame any satisfactory answer or defence to them. It also occurred to me that their very nature and character, coupled with the particular circumstance under which they were made and the unprecedented manner of preferring them, would have carried with them their own refutation. I was, therefore, anxious to avoid stirring up again matters of a strictly personal character, which had already given me such deep pain, from a feeling that my doing so might have been considered as shewing an implacable disposition on my part in keeping alive crimination and recrimination between Captain Fitz Roy and myself, which ought never to have taken place; and perhaps I was the more induced to arrive at the conclusion from the circumstance of having in my possession the letters from Sir Everard Home and others affording the most complete and triumphant answer to some portion of Captain Fitz Roy's charges relative to occurrences in New Zealand, which he had so taxed his utmost ingenuity to tell to my disadvantage.

My Lord, I am truly thankful that I abstained from going into these private matters, and that Your Lordship has decided my case upon public and official grounds alone; and I beg to offer my sincere acknowledgments for that justice, which you have meted to me, and which I always felt convinced I should ultimately obtain at the hands of an enlightened British Minister. Your Lordship's Despatch to Governor Grey conveyed a balm to a deeply wounded spirit and was in fact the arbiter of my future fate, restoring to me energies of mind and body which had been for a long time in painful slumber. It is then with the utmost reluctance that I again intrude myself upon your Lordship's notice, and more particularly as I am well aware of the constant demand upon your time and attention in the consideration of weighty matters of State, which must be continually presenting themselves to you; yet I feel assured that you will not hesitate to bestow a few passing moments upon the Case of a public servant, who indulges in the confident belief that he has strong claims for further employment in Her Majesty's Service and who is most anxious to place upon record in the Colonial Office Testimonials from Gentlemen, whose rank and station make their testimony in his favour most valuable and beyond suspicion.

I have now the honor to enclose Copies of my letters to Captain Sir Everard Home and the other Gentlemen, whose names are

Thanks for decision of earl Grey.

Claims by W. Spain for employment.

Letters transmitted.
GREY TO FITZ ROY.

mentioned in the margin* together with their original answers. Also copy of a letter from Mr. Martin, the Chief Justice of New Zealand, to Sir Alfred Stephen, the Chief Justice of this Colony, certified by Sir Alfred to be a Correct Copy and expressing his opinion of me during my residence in this Colony.

I would here remark that, in the discharge of my official duties in New Zealand, I have had the good fortune to secure the confidence and approval of the Officers who have successively administered its Government; and your Lordship is aware in what terms Captain Fitz Roy has approved of my proceedings up to my decision at Taranaki, a proof that his opinion of my conduct, while in accordance with my own ideas of what was right I happened to support his views for the moment, was totally different from that afterwards recorded by him in the Colonial Office. I think I am fairly entitled to avail myself of his praise, when he acknowledges it was merited, notwithstanding the sudden alteration that afterwards took place in his conduct towards me.

My determination to exercise the independence of judgment and opinion, which I considered proper to the due exercise of my duties in the spirit, in which I conceived my commission had been entrusted to me, and with a due regard to the public interests involved in its execution, was no doubt my great point of offence to Captain Fitz Roy, who, from the moment that he had precipitately reversed my award at Taranaki, sought every opportunity in his power to annoy and injure me.

I would now call your Lordship’s attention to my first General Report to the Officer administering the Government under date the 12th September, 1843, which was transmitted in the latter end of that year to the Colonial Office; and I would ask your Lordship whether the information therein conveyed as to the insufficiency and invalidity of a great portion of The New Zealand Company’s alleged purchases of land has not been without exception substantially confirmed by Governor Grey after the strictest investigation, and whether he has not adopted to the letter my recommendation in the same Report of the only mode in which these extensive Land claims, involving the interests of so many British subjects, could be settled with equal justice to them and the Aborigines. I allude particularly to the recent purchase by Governor Grey from the Natives, of the Districts of “Wairau” and “Porirua,” His Excellency having agreed to pay £3,000 for one and £2,000 for the other. These being two important Districts claimed by the Company, but which I determined they had not purchased.

I would ask your Lordship to refer to the various despatches, written by me from time to time to the several Governors of New Zealand during my progress through the different parts of the Colony, giving an account of the state of the Native Race and urging the adoption of precautionary measures, and to say whether the soundness of the opinions and the correctness of the recommendations therein expressed have not been fully proved and borne out by subsequent events.

And lastly, I would ask your Lordship’s candid and impartial opinion upon my final Reports upon all the New Zealand Company’s Land Claims.

* Marginal note.—Copies of Mr. Spain’s letters to Capt. Sir E. Home, the Bishop, the Chief Justice, the Atty. General, and the Treasurer of N.Z. Their original Answers and Copy of a letter from the Chief Justice of N.Z. to the Chief Justice of N. S. Wales.
Your Lordship has now before you a faithful detail of all that has occurred in the execution of my Commission since my arrival in New Zealand; and you have also I believe recorded in the Colonial Office copies of every Judgment I have given, of every Document, Despatch or Letter that I have written connected with or relating to the performance of my Official duties; and I would ask your Lordship to give my case a fair consideration and to decide upon it according to your opinion of my merits or demerits as a public officer.

If your Lordship should be of opinion that my past services give me a claim for further employment in the public service, then and then only I would further urge that the hard duties I have performed, my heavy pecuniary losses by shipwreck at the Cape, and the £800 for my expenses at the Cape, and my proportion of the Charter of "The Antilla" from thence to New Zealand, which I have repaid to the British Government, and, though last not least, the loss, inconvenience and injustice I have suffered at the hands of Captain Fitz Roy, form strong grounds to justify me in now asking your Lordship to give me an appointment in one of these Colonies not inferior in Station or emolument to the one I filled in New Zealand.

My Lord, I have suffered, deeply suffered, and have lost 7 or 8 of the best years of my life; and I now only submit my claim for employment in the public service, provided my past services render me in Your Lordship's estimation worthy of it.

I have, &c,
WILLM. SPAIN.

[Sub-enclosure No. 1.]
COLONIAL SECRETARY SINCLAIR TO MR. W. SPAIN.
Sir, Colonial Secretary's Office, Auckland, 12 August, 1847.
I have the honor by direction of His Excellency the Governor to forward herewith for your information and guidance the Copy of a Despatch from The Right Honorable the Secretary of State for the Colonies on the subject of the differences between yourself and Captain Fitz Roy; and, with reference thereto, I am directed to acquaint you that, as your last Report bears date on the 31st March, 1845, perhaps upon a rigid construction of Lord Grey's Despatch you would not be entitled to Salary after that date; but, as it appears to His Excellency upon enquiry that your last Reports were not forwarded to this Office until the 8th September, 1845, and that you explained they were dated the 31st March only for the sake of conformity, and that their proper date would be the same as that of the Letter forwarding them, His Excellency feels justified in directing that your Salary should be paid to you up to the 8th September, 1845.

Your Salary having been one thousand pounds per annum and having been paid to you up to 30th June, 1845, the Auditor General reports that the amount due to you from the 1st July to the 8th September, 1845, inclusive, is one hundred and ninety pounds and five pence, for which sum I enclose a Bill on the Commissariat's Department in Sydney, the receipt of which I shall feel obliged by your acknowledging by the first opportunity.

In reference to the concluding paragraph of Lord Grey's Despatch, I am directed by the Governor to say that he thinks it right to acquaint you that there is not at present any opportunity which would admit of his employing your Services with advantage to the public.

I have, &c,
ANDREW SINCLAIR,
Colonial Secretary.

[Sub-enclosure No. 2.]
MR. W. SPAIN TO COLONIAL SECRETARY SINCLAIR.
Sir, Sydney, 18th October, 1847.
I have the honor to acknowledge the receipt of your letter of the 12th August last, forwarding to me by direction of His Excellency the Governor of New Zealand for my information and guidance a copy of a Despatch from The Right Honorable the Secretary of State for the Colonies on the subject of the differences between Captain Fitz Roy and myself, and further acquainting me that His Excellency (for the reasons therein stated) feels justified in directing that my salary
should be paid to me up to the 8th September, 1845, and that the Auditor General had reported that the amount due to me from the 1st July to the 8th September inclusive was one hundred and ninety pounds and five pence, for which sum you enclosed to me a Bill on the Commissariat Department in Sydney, and lastly informing me, with reference to the concluding paragraph of Lord Grey's Despatch, that you had been directed by the Governor to say that he thought it right to acquaint me that there was not at present any opportunity which would admit of his employing my services with advantage to the public.

In reply, I beg to acknowledge according to your request the receipt of the Bill received, and that H.M. ship North Star.

[Sub-enclosure No. 3.]

MR. W. SPAIN TO CAPTAIN SIR EVERARD HOME.

My Dear Sir,

Auckland, 14 August, 1845.

It may perhaps not altogether have escaped your remembrance that it was my good fortune to take a passage in the "North Star" on the occasion of Governor Fitz Roy's visit to Wellington early in 1844, the pleasurable recollection of the kindness and hospitality, I then experienced at your hands, is still fresh in my memory. H.M. ship

I received an invitation from the Officers of the Gun Room to take my passage from Auckland to Wellington, the moment they became aware that it was His Excellency's wish that I should accompany him in the "North Star."

I have myself a distinct recollection of Capn. Fitz Roy's stating to me that he would arrange with you that I should take a passage in your Cabin with himself and that I declined, alleging that I had received an invitation to join the Gun Room Mess during the voyage.

Such being my own remembrance of the arrangements of that trip, you may imagine my surprise at reading in a Despatch from Governor Fitz Roy to Lord Stanley (a copy of which His Excellency has forwarded to me) the following paragraph.

"Three weeks after my arrival in Auckland, I embarked on Board H.M.S. 'North Star' with Mr. Spain to go to port Nicholson. I found that Sir Everard Home was averse to inviting Mr. Spain to take a passage in the Captain's Cabin; therefore, he went in the Gun Room not by my arrangement, but by that of the Captain of the Ship. To this circumstance alone can I attribute the fact of Mr. Spain having requested an official interview in the 'North Star's' after Cabin and having there tendered his resignation of Office in the most decided and formal manner, because as he said he had not been treated properly and had not my confidence."

I shall be much obliged if you will favour me with your recollections of the circumstances under which I became a passenger in the Gun Cabin of H.M.S. "North Star" from Auckland to Wellington, Nelson and other places in Cook's Straits in January, 1844, and to state your opinion of my conduct as a Gentleman and a Man of honor, while I had the honor to be a passenger on Board your Ship.

As you were the only person to whom I communicated my intention of tendering my resignation to His Excellency previous to my doing so, you must be well aware that my trip in the "North Star" was not one of the causes which actuated me on that occasion.

I remain, &c.

WILLIAM SPAIN.

[Mr. Spain at the same time addressed a similar letter to the Gun Room Officers of the "North Star," differing only from the one to Sir Everard Home, where he addressed them as the Gun Room Officers instead of as Captain of that Vessel.]

[Sub-enclosure No. 4.]

CAPTAIN SIR EVERARD HOME TO MR. W. SPAIN.

H.M.S. "North Star," Kerri Kerri River, 21 August, 1845.

My Dear Sir,

I have just received your Letter of the 14th.

I do not at present remember the circumstance. I have a faint recollection of inability of your going into my Cabin when asked there, because Sir E. Home invited into the Gun room, but I cannot speak positively to anything that I said to make state-at this distance of time. There must. I am sure, have been some mistake in the ment.
Evidence of opinion re W. Spain.

I am sure also, that I should, upon that as well as every other subject connected with the embarkation of Captain Fitz Roy, have consulted His Excellency's wishes. I remember the circumstance, but the particulars I have forgot.

I was never aware of the cause you had for resigning your Office, the intention of doing which you mentioned to me in the morning a little before the time you did so. Had anything on my part given you reason to come to that determination, I suppose you would have mentioned it to me, as I endeavoured I think to dissuade you from it.

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If I could regard this as a simple enquiry for your own satisfaction, I should make the most unqualified answer that, so far from your ever having acted towards me in any unbecoming manner, our intercourse, from the time of our first meeting at Wellington till now, has been of the most friendly character. But, as you add an extract from a Despatch of His Excellency Governor Fitz Roy, in which you are charged with conduct notoriously wanting in respect towards "the principal Officers of Government and the other Members of the Legislative Council," I think it necessary to add that I do not understand the mention of "the principal Officers of Government" in the above extract to have any reference to myself, but to be confined to those principal Officers of Government, who are also Members of the Legislative Council. I state this lest I should be implicated in any way as a partisan in a misunderstanding which I deeply regret, and to which I can in no other way be made a party, than in the character of a mediator, if requested so to act.

G. A. N. ZEALAND.

CHIEF JUSTICE MARTIN TO MR. W. SPAIN.

My Dear Sir, Taurarua, 15th August, 1845.

Upon the first reading of your Note of yesterday relating to a statement made by His Excellency the Governor in a Despatch to Lord Stanley, I was somewhat surprised as I was not able to call to mind any circumstance which could have led to a suspicion of want of respect towards me. Looking again at the words cited by you, "the other members of the Legislative Council," I conclude that I am not one of the persons alluded to.

However that may be, I cannot (in a matter which may be of importance to you) withhold from you a distinct Answer.

I have, therefore, to say that at no time since your first becoming acquainted with me, has your conduct towards me ever appeared to be wanting in the respect due to my position as H.M. Chief Justice in this Colony, or in the courtesy required in the communications between Gentlemen.

Yours, &c.

WM. MARTIN.

CHIEF JUSTICE MARTIN TO SIR ALFRED STEPHEN.

My dear Sir Alfred.

The bearer of this letter is Mr. Spain, a Gentleman of whom you have probably often heard in connection with our New Zealand troubles. He was sent out by Lord John Russell (when Colonial Minister) to adjudicate on Land Claims in this Colony. As Commissioner for this purpose, a work of great difficulty and delicacy was laid upon him; and it is not too much to say that he has so performed it as to have earned for himself honor and reputation in the judgment of all reasonable men. His functions there being now ended, he is proceeding to Sydney to see whether there be any opening for him there professionally as a Solicitor.

On leaving us, he has requested me to give him a letter of introduction to yourself as the head of the Law in New South Wales. It appears to me that I could not in justice withhold it. Mr. Spain did not ask me to throw upon you personally
any trouble, which I should have naturally hesitated to do. His object is not to solicit any favour or attention which (as we all know) a Judge cannot (in small communities at any rate) safely show to one professional man above another. He simply wishes, in appearing as a new comer in your Courts, to be regarded by the Judge as a person whose Character is above doubt. I think his public conduct as an Officer of the Crown in this Colony must have made him quite secure on that point; yet I have too high a regard for Mr. Spain to refuse him any testimony on my part, which he may conceivably like to be of any service to him. Please, therefore, to receive my assurance that Mr. Spain is a Gentleman not only of tried and proved ability but also of high and honorable Character.

I remain, &c.,

WM. MARTIN.

Confirmation by This is a copy of Chief Justice Martin's letter to me introducing Mr. Spain, and Sir A. Stephen. I would add that all I have heard and seen of this Gentleman amply justifies the very high character which is here given of him.

I Jan., 1848.

ALFRED STEPHEN.
conflicting statements, and at this distance from the scene of the occurrences. Fortunately, however, as the case now stands, the only question, which demands a decision, is that which relates to Mr. Spain's claim to Salary.

When that Officer was appointed in this Country early in the year 1841 to proceed to New Zealand for the settlement of the Land Claims, provision was made in the parliamentary Estimates for his Salary for a period of two years only; at the expiration of which term, it was then supposed that the labours of the Commission would have terminated. He has, however, been employed for a considerably longer period than was then anticipated, and, if his Commission had been closed by any formal Act of the local Government, I should have regarded that circumstance as marking the date at which his claim to Salary ceased. I do not find that such was the case; and it, therefore, appears to me that Mr. Spain should receive the payment of his Salary to the date of the last report, which he furnished as Land Claims Commissioner to the local Government.

With regard to his claims to further employment under your Government, I must leave it entirely to you to consider that question, with reference to the opportunity which you may have of employing him with advantage to the public Service.

I have, &c.,

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 155, per ship Honduras; acknowledged by earl Grey, 9th January, 1849.)

My Lord, Government House, 15th July, 1848.

With reference to Your Lordship's Circular Despatch of the 20th November, 1847, on the subject of the rank and precedence to be given to the Prelates of the Roman Catholic Church in the British Colonies, I have now the honor to transmit the copy of a letter addressed to me by the Right Reverend The Bishop of Sydney, in consequence of the reply which I caused to be returned to a question addressed by his Lordship to the Colonial Secretary of this Government, viz., "whether I conceived it to be the intention of Her Majesty's Government that the Most Reverend Archbishop Polding should have precedence over the Bishops of the Church of England in this Colony?"

Your Lordship will perceive that this is the regulation that I consider Your Lordship's instruction is intended to establish, and that I caused the Lord Bishop of Sydney to be so informed; but that I at the same time intimated to that Right Reverend Prelate that, as it was not improbable that I might be mistaken, I would willingly refer the question for Your Lordship's decision.

It may be desirable that I should add that the first public occasion likely to occur, when, should it be decided that the Roman Catholic Archbishop is to take precedence of the Bishops
of the Church of England in this Colony, the Lord Bishop of Sydney would feel it to be incumbent on him to abstain from presenting himself at the Government House, will be at the Levee in celebration of Her Majesty's Birthday in May next, before which time I may hope to be in possession of Your Lordship's reply to this Despatch. I have, &c.,

Chs. A. Fitz Roy.

[Enclosure.]

[A copy of this letter is not available.]

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 156, per ship Honduras.)

My Lord,

Government House, 15th July, 1848.

I have the honor to forward herewith to Your Lordship a few printed copies of certain Statistical Returns of this Colony from 1838 to 1847, which have been compiled by the Colonial Secretary from Official Records in his Office, and which may perhaps be found useful for reference in Your Lordship’s Department.

Similar Returns embracing a former period were transmitted with my Despatch No. 216 of the 26th October, 1847.

I have, &c.,

Chs. A. Fitz Roy.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 116, per ship Emperor.)

Sir,

Downing Street, 16 July, 1848.

I have the honor to enclose for your information the copy of a letter from Mr. Prosser containing certain proposals for a Company to form Railways in New South Wales, together with Copies of Reports which I received on the subject from the Railway Board, and from the Commissioners of Colonial Lands and Emigration, and of the reply which I then caused to be returned to Mr. Prosser.

You will observe that these particular proposals could not be accepted, and that the nature and extent of the advantages to be held out to persons, who can undertake an enterprise of this kind appear to me essentially subjects for the consideration of the Legislature of the Colony. I cannot, however, too strongly express my conviction of the benefit which would accrue from any well matured and well supported plan for the construction of Railways; and, should the Legislature pass any Law for the encouragement of such undertakings, I may venture to state
that the Government would most readily recommend to Parliament any modification of the Land Sales Act, which might be necessary for effecting this particular object, without being inconsistent with the Spirit of that Act, and with the policy on which it is founded, to which, for reasons I have already had occasion fully to explain to you, I consider it necessary strictly to adhere.

You will lay a Copy of this despatch and of its enclosures before the Legislature for its information. I am, &c.,

GREY.

[Enclosure No. 1.]

MR. W. PROSSER, JR., TO EARL GREY.

My Lord,

S Old Jewry, 5th May, 1848.

Previous to submitting for your Lordship's approbation the Prospectus for the Australian Railway Company, and to avoid trespassing on your Lordship's valuable time, I should feel obliged to be informed if the enclosed clauses are in conformity with your Lordship's views.

As the success of this Company will mainly depend upon the disposal of the shares in England, and as the parties here have little means of estimating the probable result of making Railroads in the Antipodes, I hope the clause, your Lordship proposed, of guaranteeing 6 per cent, per annum, with the other advantages enumerated in the annexed document will be inducements sufficiently strong to give confidence and to ensure its success.

I respectfully submit to your Lordship's consideration the necessity of paying the interest half yearly upon all sums as they actually become expended by the Railway Company in carrying out the Works; and, as your Lordship does not feel justified in granting 4,000 acres of Land for every Mile of Railway constructed, but assents to appropriate the surplus to the advancement of this undertaking from the sale of all lands benefitted by these Railways after deducting the minimum price of £1 per acre, I would suggest that the interest paid by the Colonial Government should first be repaid from this fund, and that any surplus should from time to time be divided among the Shareholders in the shape of a bonus, in addition to the dividends arising from the Profits of the Railways; this might prove a most useful inducement to Capitalists to invest, and in my humble opinion would ensure the Capital for all Lines of Railway, that His Excellency the Governor and the Executive Council may consider it advantageous to have constructed from the Coast to the very interior of the Country.

Such lines must bring vast tracts of Land into Cultivation; and the probability is that these lands would directly or indirectly meet with a ready Sale through the connection and influence of the body of Shareholders connected with the Railways.

Your Lordship will perceive, on perusing Clause 6, that the Colonial Government will have a much earlier opportunity of purchasing the Railways at cost price, should any surplus from the Sale of the Crown Lands benefitted be divided; and the Public may fairly expect to reap some advantage from the Sales of Land brought into the Market and enhanced in value through the instrumentality of their capital.
CLAUSES PROPOSED.

The following are the preliminary clauses most respectfully submitted for the consideration of the Right Honorable Earl Grey, based upon the conversation on the introduction of Railways into Australia at an interview his Lordship was pleased to honor the undersigned with May 2nd, 1848.

1st. A Grant of all Crown Lands not previously Leased or Transferred, that may be required for the Railways; and a Grant of 1,000 acres to every 20 Miles for the purpose of Stations, Towns and Villages, the Site of the same to be settled by considerations of local convenience.

2nd. The Company to have permission to enter upon all Crown Lands, and to cut and carry away Timber for the purposes of the Railways and Buildings connected therewith.

3d. A Guarantee of an Annual Dividend (payable half yearly) of 6 per Cent. upon the amount of Capital expended in the introduction, formation, and completion of Railways.

4. All sums paid by the Colonial Treasury in pursuance of such guarantee to be first repaid from the Sale of any Crown Lands realizing more than the minimum price of £1 per acre, such Crown Lands being situate within ten miles of either side of the Railways and benefitted by their construction.

In the event of such Sales failing to reimburse any sums paid on account of such Guarantee of 6 pr. Cent., then the same to be repaid by the Railway Company, whenever the net receipts shall exceed Six per Cent., such surplus being then applied towards the repayment of any guaranteed interest paid by the Colonial Treasury.

Immediately any advances for interest so guaranteed by the Colonial Government shall have been repaid by the Sale of Lands as aforesaid or otherwise, the net receipts over and above the Six per Cent. to be divisible by the Company, as also the surplus arising from the Sale of Crown Lands immediately benefitted by the Capital expended in making Railways through them after deducting the minimum price of £1 per acre.

6. An Account of all sums divided by the Company beyond the 6 per Cent., whether arising from the surplus of the sales of Crown Lands as aforesaid or from profits in working the Railways, to be kept, and the amount of Capital on which interest is guaranteed by the Colonial Government to be diminished by the amount divided by the Company beyond the said Interest of 6 per Cent.; and when such profits beyond the 6 per Cent. shall amount to the Capital originally expended, The Guarantee of the Colonial Treasury to be at an end and the Colonial Government to have the option of purchasing the whole property of the Company at a price equal to the amount of Capital originally expended.

The Railway Company to have the power of purchasing for 5 years, after such line is opened, any Crown Lands within ten miles of either side of the Railways not previously sold at 25s. per acre, and all minerals found upon such lands to be the property of the Company.

8. All expenses incurred by the Company in sending out Mechanics, Labourers, Clerks, etc., shall be repaid by the Government, in Crown Lands adjoining the Lines of Railway at and after the rate of £1 per acre, such land if resold to be credited in the Books of the Company.

9. The whole resources of the Railway Company to be at the Command of Government for the conveyance of Troops whenever required at the lowest charge for Passengers.

10. The Letter Bags or any other Articles, which may be required for public Service to be conveyed at the lowest rate of Charge made by the Company for the Conveyance of Goods of any description of the same weight, in consideration of the guarantee of interest.

The management of the affairs of the Company to be vested in a Board of Directors in London, who will appoint a local Committee to superintend the works and control the Expenditure. One member of such Committee to be nominated by Government.

The Government to have the power of inspecting the accounts of the Company, to be satisfied of the correctness of the Statements upon which the claim to interest shall be made up, and also the accounts of the working of the said Company when the Line shall be opened.

W. PROSSER, Junr.,
for self and other Members of the Deputation.
GREY TO FITZ ROY.

[Enclosure No. 2.]

CAPTAIN HARNES TO UNDER SECRETARY HAWES.

Office of Commissioners of Railways.

Whitehall, 3rd June, 1848.

Sir,

I am directed by the Commissioners of Railways to acknowledge the receipt of your letter, dated the 27th May, enclosing a copy of a letter from Mr. Prosser, respecting the creation of an Australian Railway Company, together with a copy of a letter from Mr. Merrivale to the Commissioners of Colonial Lands and Emigration, explanatory of such opinions as Lord Grey intimated to the projectors at an interview he had with them, and requesting for His Lordship's information any suggestion or observation that may occur to the Commissioners of Railways on the subject.

In reply, I am instructed by the Commissioners to acquaint you that they have carefully considered those papers, and that they have made the following observations upon them, which, in conformity with the request made to them, they submit for His Lordship's consideration.

The terms, proposed by Mr. Prosser to Earl Grey based on a conversation with His Lordship relative to the introduction of Railways into Australia, appear to be as follows:

1st. That the land required for the Railways shall be given to the Company and also 1,000 acres for each 20 miles of Railway; that the Company shall be entitled to cut wood within ten miles of their lines for the purposes of their works and buildings, have the right during five years after a line is opened to purchase at a price of 25s. per acre any Crown lands including their minerals within 10 miles of such Line, and be repaid in land at the rate of £1 per acre the expenses incurred in sending out Mechanics, Clerks, Labourers, etc.

2nd. That a return of 6 per cent. on their expenditure shall be guaranteed to the Company, and that they shall be entitled in addition as a bonus to the surplus from the sale of all lands within ten miles of the Railway after deducting from such proceeds the sum paid to the Company under the guarantee and the value of the land calculated at the minimum rate at which land is sold in the Colony, viz., £1 per acre.

3rd. The guarantee to cease when the bonuses thus paid amount in the aggregate to the expenditure made by the Company, and the Colony to have then a right to purchase the property of the Company for a sum equal to such expenditure.

The Commissioners would in the first instance venture to observe that, as far as these proposals have a tendency to make the Railway Company to a great extent a land Company, they do not appear to be in strict accordance with the views of Lord Grey, as expressed in Mr. Merrivale's letter to the Emigration Commissioners.

The Commissioners would observe that the grant of 1,000 acres for each 20 miles of Railway, in addition to the land required for the Railway, would probably enable the Company for many years to come to be the exclusive Owners of the sites of all the Towns and Villages near the Railway; and the Commissioners suggest that such a power given to a single Company may be likely to establish a monopoly prejudicial to the interests of the Colony.
It also seems to the Commissioners that the surrendering to
the Company for the period of five years the right to purchase
the land within ten miles of the Railway and, when they do not
purchase, the surrendering during an indefinite period the whole
of the additional value given to those lands by the construction
of the Railway may in effect prove to be a surrender to the
Company of the principal immediate pecuniary benefit, which the
Colonial Revenue can derive from the Railway; and it may be a
question, whether a part of such additional value even may not be
conferred on the District traversed by the Railway at the expense
of other Districts which do not receive the same advantages.

The Commissioners venture to suggest for the consideration of
His Lordship whether under the terms proposed the Colony would
not give to the proprietors of the Railways, in addition to the
guarantee of a high rate of interest, the power to obtain for them­
selves alone nearly all the advantages, which the construction of
Railways can produce to the Colony, and whether also the Com­
pany would not be enabled by extensive purchases of land, to be
re-sold if necessary, to render the redemption of the guarantee and
the purchase of the Railway and lands of the Company by the
Colony impossible.

It appears probable to the Commissioners that a Government
guarantee of 6 per cent. might be sufficient without other induc­
ments to attract capital to any speculation which it may be
expedient to encourage.

But the Commissioners would observe that it is desirable the
terms on which a guarantee is given should not be likely under
any circumstances to render it a matter of indifference to the
Company whether or not they work the Lines efficiently, which
may be the case if a simple guarantee of a fixed amount be
given.

In conclusion the Commissioners have to suggest that, if a
guarantee be given and the land required for the Railway be
granted to the Company, it might fairly be stipulated on the part
of Government that the Company should in return convey the
Mails without charge, and also that the charges for the conveyance
of troops and stores should not exceed the expense actually in­
curred for the purpose by the Company.

I have, &c.,

H. D. HARNESS,
Capt. Rl. Engineers.

[Enclosure No. 3.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY
MERIVALE.

Colonial Land and Emigration Office,

Sir, 9th June, 1848.

We have the honor to acknowledge your letter of the 30th
Ultimo, enclosing a communication from Mr. Prosser relative to a
proposed Railway in New South Wales.

Mr. Prosser transmits a Copy of certain clauses, which he
apparently intends to embody in the Prospectus of his Under­
taking, and requests to be informed whether they are in con­
formity with Lord Grey’s views. And your letter informs us
generally of the conclusions at which His Lordship has already
arrived upon the subject.
The observations of detail, which we have to offer on the proposals of Mr. Prosser, will be most conveniently thrown into the form of a comment on the Clauses submitted by him.

Clause 1. "A Grant of all Crown Lands not previously leased or transferred, that may be required for the Railway, and a Grant of 1,000 acres to every 20 miles for the purpose of Stations, Towns and Villages, the site of the same to be settled by considerations of local convenience."

This proposal is taken from that suggested by us in our Report of 3rd February, 1847, with the material difference that the Land is to be granted to the Company instead of being sold to them at a fixed price of £1 per acre or such higher price as the Governor may think fit. But this suggestion is superseded by the later decision of Lord Grey, of which your letter informs us. His Lordship is of opinion that the Railway Company should not be assisted by direct Grants of Land for the purposes of resale, but by allowing the Company to receive any excess above £1 per acre, which may be realized by the sale of Crown Lands in the Neighbourhood of the Railway. The proposal that 1,000 acres should be granted to the Company for Stations, Towns and Villages on every 20 Miles of Railway constructed by them is inconsistent with the suggestion of Lord Grey. And the quantity should be reduced to the extent of Land necessary for Stations only. There is no reason why this should be defined; but we apprehend that, if no resale or other employment of the Land is contemplated, 100 acres would be very ample for the purpose.

Clause 2. "The Company to have permission to enter upon all Crown Lands and to cut and carry away timber for the purposes of the Railways and Buildings connected therewith."

This appears unobjectionable.

Clause 3. "A guarantee of an annual Dividend (payable half yearly) of 6 per cent, upon the amount of Capital expended in the introduction, formation and completion of Railways."

Clause 4. "All sums paid by the Colonial Treasury in pursuance of such guarantee to be first repaid from the sale of any Crown Lands realizing more than the minimum price of £1 per acre, such Crown Lands being situate within Ten miles of either side of the Railways and benefited by their construction."

"In the event of such Sales failing to reimburse any sums paid on Account of such guarantee of 6 per cent., then the same to be repaid by the Railway Company whenever the net receipts shall exceed six per Cent., such surplus being then applied towards the repayment of any guaranteed interest paid by the Colonial Treasury."

Lord Grey objects to these Clauses, if they are intended to apply to the period before the Line is made or money actually earned. We would submit, however, that the provision is altogether objectionable. We apprehend that one great cause of the mischievous over-speculation in Railways, which took place a few years ago in this Country, was that the profits of their projectors, Officers and other persons concerned in their formation, were independent of the ultimate success of the Undertakings. The effect of the proposed guarantee is obviously, as far as it goes, to extend this unfortunate immunity even to the Shareholders in the Undertaking, and
1848.
16 July.

Criticism of clause re guarantee of interest.

Thus to destroy the great security possessed by the Public against carelessness and temerity in planning, and extravagance in prosecuting enterprises of this kind.

If, indeed, the investigations carried on on the spot had pointed out a specific line of Railway as advantageous to the Public, and if it were ascertained that Engineers and Capitalists of known competency would take the Enterprise in hand on receiving some such guarantee as is now proposed, it might fairly be considered whether for a limited time that guarantee might not be given. But, in the present Case, we do not perceive that any distinct line has been selected, nor are we aware what grounds exist for supposing that the enterprising gentlemen, who are anxious to undertake this scheme, would really be able to carry it out; and it appears from Mr. Prosser's 6th Clause that it is only in case of such success as will repay the Shareholders their whole Capital with 6 per cent. interest on it till repaid, that the guarantee is to cease.

In fact, the plan proposed only differs from that of raising the necessary funds by contracting a Loan at 6 per Cent. Interest, inasmuch as it gives the conduct of the undertaking and the chance of any profits above 6 per Cent. to the Company instead of the Government.

Clause 5. "Immediately any advances for interest so guaranteed by the Colonial Government shall have been repaid by the Sale of Lands, as aforesaid or otherwise, the net receipts over and above the six per Cent. to be devisable by the Company as also the surplus arising from the Sale of Crown Lands immediately benefited by the Capital expended in making Railways through them, after deducting the minimum price of £1 per acre."

The principle of this Clause is that suggested by Lord Grey.

We infer from the 4th Clause that Lands within 10 miles of the Railway are to be considered as "immediately benefited" by it. If this is intended, it should be clearly stated. We are inclined to think, however, that, though Lord Grey has suggested a mode in which aid may properly be given to the Company, yet the extent, to which it would be advisable to grant aid (which is the material point, as far as Mr. Prosser is concerned), can only be determined on local considerations and after local examination; and, as in the case of Town reserves or Mineral lands and other cases, the excess of price above £1 per acre will not be exclusively due to the operation of the Railway, we do not see on what principle the whole of this excess should be made over to the Railway Company.

Clause 6. "An Account of all sums divided by the Company beyond the 6 per Cent., whether arising from the surplus of the Sales of Crown Lands as aforesaid, or from profits in working the Railways, to be kept and the Amount of Capital on which interest is guaranteed by the Colonial Government to be diminished by the Amount divided by the Company beyond the said interest of 6 per Cent.; and, when such profits beyond the 6 per Cent. shall amount to the Capital originally expended, the guarantee of the Colonial Treasury to be at an end, and the Colonial Government to have the option of purchasing the whole property of the Company at a price equal to the Amount of Capital originally expended."
The effect of this Clause is that, when, out of the profits of the Undertaking, the projectors, over and above the annual dividends of 6 per Cent., shall have repaid themselves the whole Capital laid out, the Government may obtain possession of the Railway on repaying them a second time their whole expenditure. Considering that by the proposed guarantee the whole risk of the Undertaking would in effect have been thrown on the Colonial Government, this double repayment of Capital appears to us more than the Company would have a right to require.

Clause 7th. The Railway Company "to have the power of purchasing for 5 years, after such Line is opened, any Crown Lands within ten miles of either side of the Railways not previously sold at 25s. per acre, and all minerals found upon such lands to be the property of the Company."

This Clause is obviously introduced in part with a view to the Minerals, which may be discovered by the Company in the course of their operations. It will, however, in effect make the Company either a mining or landselling Company, and will thus in some measure conflict with the principles already referred to as laid down by Lord Grey. We must add that the proposal that Money actually paid up by the Shareholders of a Railway Company should be invested in land for either of these purposes appears to me open to strong objection.

Clause 8. "All expenses incurred by the Company in sending out Mechanics, Labourers, Clerks, etc., shall be repaid by the Government in Crown Lands, adjoining the Lines of Railway, at and after the rate of £1 per Acre, such Land, if resold, to be credited in the Books of the Company."

This Clause does not provide as required by Lord Grey that the Company shall send out its own Labourers, but only that Government shall repay all expenses incurred in so doing.

The mode, in which this repayment is to be made, appears to be in accordance with a suggestion of Lord Grey. But we are bound to observe that it will impose on the Company pro tanto the character of a landselling Company.

The 9th and 10th Clauses suggest no remark. They contain provisions which (with many others) it is necessary that every Colonial Railway Act should contain.

It will be seen from the above remarks that we think the specific proposals of Mr. Prosser open to much objection. But, as that Gentleman appears naturally anxious to obtain from Lord Grey some form of sanction to his proposals, we cannot help observing that some inconvenience may accrue from any such sanction being prematurely given, both because persons in this Country, who, as Mr. Prosser observes, "have little means of estimating the probable results of making Railroads in the Antipodes," may be led by a very slight appearance of Government authority to embark in a scheme of this kind, and in case of ill success will be forward to make Government responsible for their imprudence; and because, any apparent adoption of Mr. Prosser's scheme, or any public notification of the terms which Lord Grey is prepared to sanction, may tend to prejudice negotiations arising out of the investigations, which, as we have understood, have been set on foot in New South Wales.

THO. C. MURDOCH.
FREDERIC ROGERS.
1848,
16 July.

Inability to accept proposals of W. Prosser.

UNDER SECRETARY HAWES TO MR. W. PROSSER.

Sir, Downing Street, 1st July, 1848.

With reference to your Letter of the 5th May last, containing proposals for a Company to form Railways in New South Wales, I am directed by Earl Grey to acquaint you that, having deemed it necessary as you are aware to consult the Commissioners of Railways and the Commissioners of Colonial Land and Emigration upon this subject, his Lordship has received their reports, and that they point out various objections which occur on investigation, some of them of a very weighty nature, to the proposed arrangement. Lord Grey desires me to state that, although these objections do not appear to him to affect the principle of looking to the increased value conferred on the land through which railways may be carried in New South Wales, for the means of obtaining a fair return for the cost of their construction, yet he is satisfied that the terms of any arrangement made with that view ought to depend so much upon the particular lines of Railway, which may be undertaken, and upon various circumstances which can only be properly considered on the spot, that his Lordship thinks it inexpedient to express any opinion as to the degree and kind of encouragement, which ought to be given to such enterprises, but must rather leave this to be entirely determined by the Local Legislature in passing the laws, which will be required to authorize the construction of any lines which Capitalists may be prepared to undertake. All that seems necessary in this Country is that the Secretary of State should inform the Governor (which Lord Grey will be prepared to do) that, if the Legislature shall pass any such Law, the Government will be willing to recommend to Parliament the removal of any difficulty which the land sales Act may create in granting such advantages to the projectors of the work as may be found expedient, and not inconsistent with the general interests of the public.

I have, &c,
B. HAWES.

17 July.

Transmission of papers re claim of F. P. McCabe for compensation.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 157, per ship Honduras; acknowledged by earl Grey, 24th December, 1848.)

My Lord,

Government House, 17th July, 1848.

I have the honor to transmit the copy of a letter from the Deputy Surveyor General to the Secretary of this Government, enclosing a letter which had been addressed to him by Mr. Assistant Surveyor MacCabe, covering a Petition addressed to Your Lordship, praying that, under the circumstances therein set forth, a balance of six hundred and seventy nine pounds may be paid to him, being the difference between the amount of pay and allowances which Mr. MacCabe would have been entitled to receive, if he had been continued on the full pay of the Survey Department according to the rate mentioned in his
FITZ ROY TO GREY.

letter of appointment and of his retaining Salary and the emoluments derived from working as a Licensed Surveyor (for private individuals) from the 1st February, 1844, to the 31st October, 1845.

In transmitting this Memorial, it is not necessary that I should do more than point out to Your Lordship that the reduction, of which Mr. MacCabe complains, was made by my predecessor under a general arrangement for reducing the expenses of the Survey Department in 1844, and that this arrangement was approved by Lord Stanley in his Lordship's Despatch No. 126 of 26th August, 1844; and that repeated applications have been made to me through the Dy. Surveyor General by Members of the Survey Department, who are similarly situated with Mr. McCabe, which, under the circumstances, I have felt compelled to reject. It is evident that, if Mr. McCabe's claim be favourably considered by Your Lordships, their's also must be acceded to at an expense which I should not feel justified in recommending. It is right, perhaps, that I should call Your Lordship's attention to the Dy. Surveyor General's observations, on what he considers to have been the only grievance of which these gentlemen had to complain, namely, "the restrictions under which Licensed Surveyors were working during the period of their suspension from full pay and allowances"; but, as the D. Surveyor General states that it is impossible now to propose a remedy, I do not perceive how they materially affect the case.

Mr. McCabe is now employed on full pay as an Assistant Surveyor in the Survey of the Crown Lands beyond the Boundaries, preparatory to the granting of Leases to the Licensed occupants under the recent Order in Council.

I have, &c,

CHS. A. FITZ ROY.

[Enclosure No. 1.]

DEP. SURVEYOR-GENL. PERRY TO COLONIAL SECRETARY THOMSON.

Surveyor General's Office,
Sydney, 5th June, 1848.

Sir,

I have the honor to transmit to you, for the consideration of His Excellency the Governor, the accompanying letter from Mr. Assistant Surveyor MacCabe, enclosing a Petition addressed to The Secretary of State, praying that, under the circumstances therein set forth, a balance of six hundred and seventy nine pounds, being the difference between the amount of pay and allowance which he would have been entitled to receive if he had been continued on the full pay of the establishment according to the rate mentioned in his letter of appointment, and his retaining

1848.

17 July.
Grievance due to restrictions on work as licensed surveyors.

Salary and the emoluments derived from working as a Licensed Surveyor (for private individuals) from 1st Febry., 1844, to the 31st October, 1845.

As the case is fully explained in the Petition and its enclosures, and, indeed, has formed the subject of correspondence between several members of the Department, affected by the change alluded to, and the Government, it may be only necessary for me to solicit His Excellency's attention to one feature that appears to have been overlooked in the whole transaction, and which constitutes the only grievance (though a heavy one) in the case, and under which not only the individuals then immediately affected were suffering, but it is now felt by them, in common with the whole Department, by a very considerable portion of the public and by the Government. I allude to the restrictions under which Licensed Surveyors were working during the period of their suspension from full pay and allowances. By a reference to Mr. McCabe's statement, it will be perceived that during that period the whole amount of his remuneration (and that for private work) was about fifty pounds, the remainder being the retaining salary amounting to one third of the pay he received at the time of suspension; and the reason of this very small amount of pay for work was that the Licensed Surveyors generally were employed only in measuring small portions of Land to satisfy applications for purchase; whereas, if they had been allowed to proceed with the general survey under a scale of remuneration as Licensed Surveyors, a very considerable portion of the work would have been completed, and the Government would have been in a position to grant Leases in almost every Squatting District, for the positions of the Surveyors have not been materially changed. In mentioning this fact, I am fully aware that it is impossible now to propose a remedy; but I merely bring it forward as strengthening a claim which, however it may be modified, I consider to be justly founded; and I, therefore, beg leave to recommend it to His Excellency's most favourable consideration.

I have, &c.,

S. A. Perry, Dy. Sr. Gl.

[Enclosure No. 2.]

[A] MR. F. P. MCCABE TO DEP. SURVEYOR-GENL. PERRY.

Sir, Camp near Gundagai, 2nd March, 1848.

I do myself the honor to forward herewith a Petition from me to the Principal Secretary of State for the Colonies, with reference to the appointment I received in your Department in 1841.

The Petition is accompanied by the letter and documents which I addressed to you last November, and I shall feel obliged by your having the kindness to forward the Petition with its accompanying Papers for His Excellency the Governor, with a request that he will be pleased to transmit them to the Secretary of State.

I beg leave to observe that I am altogether disappointed with the result of my recent application, and I feel compelled in pursuit of that which I hold to be my honest due to request that my claim may be submitted for the consideration of the Home Government.

I have, &c.,

The Petition of Francis Peter McCabe, Assistant Surveyor of New South Wales,

To the Right Honorable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies.

Humbly Sheweth

That your Petitioner received an appointment to the Office of Assistant Surveyor in New South Wales in 1841 from Lord John Russell, the then Principal Secretary of State for the Colonies, and Petitioner was in such appointment led distinctly to understand that his salary was to commence at £200 a year and to increase £20 a year until it came to £300. Your Petitioner was also led to believe that he would receive certain Rations of Provisions and Forage.

That, during the first two Years of your Petitioner's services in the Colony, the terms of his appointment were Strictly fulfilled; but, after that time, his increase of pay was not only withheld, but his salary was reduced to £73 6s. 8d. and all his allowances Stopped; that your Petitioner was kept at this rate of pay against his will and contrary to his protest for one year and nine months.

That the first of the accompanying Documents, which refer to the case of your Petitioner, is a letter lately addressed by him to the Surveyor-General in which Petitioner Shows that he has sustained a loss of £679 by the terms of his appointment not having been fulfilled, and in which he Seeks payment of that sum, and that he may be placed on the Maximum rate of pay of an Assistant Surveyor.

That the Refusal of the request of the Petitioner by the Colonial Authorities causes him to trespass on your Lordship's time, and compels him to bring his case under your Lordship's notice, and to pray that the terms of his appointment faithfully kept by himself may not be made void by the British Government.

That Your Petitioner has no hesitation in avowing that he never would have given up his engagement and prospects in Europe, and accepted an appointment in New South Wales, if he had not had a full confidence that the terms of it would be observed; and he further declares that he considers that an advantage has been taken of him, insomuch as he was induced to embark for New South Wales on certain terms proposed by the Secretary for State for the Colonies, and, after he had been in the Colony a Sufficient time to impair his prospects in Europe, terms the most disadvantageous were proposed to him by the Colonial Authorities, which his circumstances forced him to accept though he did so against his will and under protest.

That Your Petitioner has given his Superior Officers every satisfaction in the performance of his duties as is proved by the accompanying Documents, and he has, he hopes he may be permitted to say, in every way proved himself an efficient and zealous officer.

That your Petitioner begs leave to express a hope that your Lordship will take all the circumstances of his case into your Lordship's favourable consideration, and, Seeing the justness of his
1848.
17 July.

Petition of F. P. McCabe requesting compensation.

claim, comply with the prayer with which he would respectfully conclude his Petition, and which is that the sum of £679 and any other arrears accruing in the interim may be paid to him, and that he may be placed on the Salary of £300 per annum, to which by the terms of his appointment he is fully entitled.

And your Petitioner as in duty bound will ever pray.

New South Wales,
2nd March, 1848.
[Unsigned.]

18 July.

Despatch acknowledged re naval stores and dock.

Store accommodation available.

Construction of dry dock.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 158, per ship Honduras; acknowledged by earl Grey, 27th January, 1849.)

My Lord,
Government House, 18th July, 1848.

I have the honor to acknowledge the receipt of Your Lordship's Despatch "Military" No. 9, of the 13th December last, making known to me that the Board of Admiralty had expressed to Your Lordship their desire to be informed whether accommodation can be provided at Sydney for the safe custody of a twelve months' supply of Naval Stores for a Fifth rate, a Sloop, and a Steam Vessel; and further acquainting me that the Board had under their consideration the question of establishing in one of the Australian Colonies or in New Zealand a Dock capable of receiving a first class Steamer for repair.

In reply, I have the honor to state, for their Lordships' information, that there can be no difficulty whatever in providing for the accommodation of even a far larger quantity of Stores than is proposed to be sent out among the buildings no longer required for Convict Services. The best adapted for the purpose, however, would be the Commissariat Store, which is immediately contiguous to the Harbour, and which, as Your Lordship will perceive from the annexed copies of communications from the Assistant Military Secretary to the Major General Commanding, the Deputy Commissary General, and Capt. Maxwell, commanding Her Majesty's Ship "Dido," will afford the requisite accommodation.

With respect to a Dock, your Lordship will already have been informed, by my Despatch No. 233 of the 23d November last, that the Legislative Council had voted in the Session of 1847 the necessary funds for the construction of a Dry Dock on Cockatoo Island; and I have now the honor to report that considerable progress has been made in the execution of this Work.

I have, &c.,
CHS. A. Fitz Roy.

[Enclosures.]

[Copies of these papers are not available.]
FITZ ROY TO GREY.

SIR CHARLES FITZ ROY TO EARL GREY.  
(Despatch No. 159, per ship Honduras.)

My Lord,  
Government House, 19th July, 1848.

I have the honor to acknowledge the receipt this day by Despatches the ship “Emperor of China” of Your Lordship’s Duplicate Despatches and Original Despatches as per margin.*

I have, &c.,

CHS. A. FITZ ROY.

SIR CHARLES FITZ ROY TO EARL GREY.  
(Despatch No. 160, per ship Honduras; acknowledged by earl Grey, 24th December, 1848.)

My Lord,  
Government House, 20th July, 1848.

I have the honor to transmit a Petition addressed to the Transmission Queen by certain Inhabitants of the District of Maitland in this Petition- Colony, remonstrating against the Resolutions passed by the Legislative Council during their recent Session (transmitted to Your Lordship with my Despatch No. 92 of the 10th April last), and praying that Her Majesty will be graciously pleased not to allow any more Exiles to be sent to this Colony.

Having, in the Despatch to which I have referred, expressed my opinion that the introduction of Exiles into the Colony on the terms proposed by the Council would be received as a boon by a large majority of the Inhabitants, I have only to add that I see no reason at the present moment to revise that opinion.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

PETITION

To the Queen’s Most Excellent Majesty.  
Most Gracious Sovereign,

We, the undersigned inhabitants of the District of Maitland and neighbourhood in the Colony of New South Wales, venture most respectfully to lay before your Majesty our humble remonstrances against a measure about to be adopted by your Majesty’s Government (with the consent of our Local Legislature) for sending to New South Wales, as Exiles, with Conditional Pardons and Tickets of Leave, the Criminals of the United Kingdom who have been sentenced to Transportation, after they shall have been subjected to certain punishment and discipline in the Penitentiaries of the Mother Country.

Your Majesty’s petitioners object to this Exile measure because they conceive that it cannot be carried out without inflicting on them and their fellow Colonists injustice and serious injury: they cannot regard it in any other light than as a system of “deferred transportation” to New South Wales exclusively; and,

against the renewal of transportation in any form, great numbers of the Colonists have recently petitioned your Majesty; and your Majesty's petitioners believe that the opinions of the community on this subject remain unchanged.

Your Majesty's petitioners humbly submit that New South Wales is as much entitled to be treated as an integral portion of the Empire as the other Dependencies of the Crown; that its inhabitants have no right to be called on to make sacrifices and to perform duties on behalf of the Mother Country, from which other Colonies are exempted; and that, in disposing of the Criminals of the United Kingdom, your Majesty's Government is bound to respect this equality of right and obligation.

Your Majesty's petitioners, therefore, most humbly but most earnestly pray that your Majesty will be graciously pleased to direct that no more Exiles shall be sent to New South Wales.

And your Majesty's petitioners will ever pray.

[Here follow the signatures.]

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 161, per ship Honduras; acknowledged by Earl Grey, 10th February, 1849.)

My Lord,

Government House, 21st July, 1848.

I have the honor to forward to Your Lordship the copy of a letter, which I have received from the Collector of Customs at this Port, representing that the Salary of Mr. R. B. Sheridan, Clerk to the Warehousekeeper of his Department, has recently been reduced by the Board of Customs from £120 to £100 per annum; and stating that he is of opinion that there is some misunderstanding in respect to the matter, and that it was never intended that the Salary should be so reduced.

In the letter from Mr. Sheridan, which forms an enclosure to the Collector's letter, application is made to me to sanction the payment of his Salary at the higher rate of £120; but, as it has been reduced to £100 under instructions from the Board of Customs, I have not considered myself at liberty to comply with the application. I beg, however, to recommend to Your Lordship, for the favourable consideration of the Board, that payment may be made to Mr. Sheridan at his original rate of salary during the whole period he may hold the Appointment.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

MR. J. GIBBES TO COLONIAL SECRETARY THOMSON.

Sir,

Customs, Sydney, 22nd May, 1848.

I do myself the honor to transmit herewith a letter which I have received from Mr. R. B. Sheridan, Clerk to the Warehousekeeper in this Department, complaining of his Salary having been reduced from £120 per annum to £100.
FITZ ROY TO GREY.

Mr. Sheridan was appointed by the late Governor on the removal of Mr. Bourke, in February, 1846, and a more zealous or efficient Clerk could not well be found. Neither is there any Clerk who has more laborious duties to perform; in consequence of which and the increase of business from the new system which Mr. Barnes introduced in regard to Transfers, I applied to the Board of Customs, in August, 1847, for a Second Clerk to the Warehousekeeper. It being absolutely necessary to keep the Accounts from falling into arrears, unless that (the Transfer) system is done away with.

In the year 1840, the first Warehouse Clerk was appointed, with a Salary of £120 a year, and the appointment reported by me to the Board; but no other notice was taken of the circumstance, than the authorising of the quarterly payments of £30 to that person, until the recent receipt of the letter alluded to by Mr. Sheridan, about two months back; and, had his name not been used on the occasion, and set opposite the Salary of £100, I should have supposed that it was the intention of Their Honors to nominate an Additional Clerk in that branch, under the impression perhaps that Mr. Bourke had been restored to his situation of Warehouse Clerk; all the other parties mixed up in the transaction, which occasioned his removal, viz., Mr. Homersham, Mr. Russell and Mr. Nicholson, having been restored, for it is singular that after so many years, and when business has increased as it has done, that the Salary of the only Clerk should be reduced in so serious a manner; and I still think there is some misunderstanding, for even the copying Clerk in the Long Room gets £120 a year.

I have delayed sending in Mr. Sheridan’s letter in hopes of finding that of the Board of Customs to which he alludes, and which has got mislaid in consequence of it having been allowed to go out of my Office, to shew the Gentleman interested in its contents; for I am inclined to think that it did not name him as an “Additional Clerk,” or I should have felt little hesitation in paying him the Salary he had previously enjoyed.

I have, &c,

J. GIBBES, Collr.

In forwarding a copy of my letter to Their Honors, I may observe that they would not approve of the reduction of the Salary of the Sixth Clerk as proposed by Mr. Barnes to £100 per annum; neither did they allow the Salaries of the Lockers to be reduced to a uniform level of £100 a year, and thereby deprive them of all promotion; so that those Salaries now range as heretofore, from £200 down to £100.

J.G., Collr.

[Sub-enclosure No. 1.]

MR. R. B. SHERIDAN TO MR. J. GIBBES.

Sir,

Custom House, Sydney, 10th April, 1848.

Referring to the communication of the Hon. The Commissioners of H.M. Customs, No. dated naming me as an “Additional Clerk,” and placing £100 per annum opposite my name instead of £120, the salary always allowed for the Warehouse Clerk, I do myself the honor to state that I presume there must be some misunderstanding in the matter, insomuch as there is no cause assigned for the alteration, and I have never acted as an “Additional Clerk,” being the only one in the Warehouse Keeper’s Office since the date of my appointment: And what makes the alteration the more unintelligible is the fact, that the duties of the Warehouse Department instead of being diminished have been more than trebled since 1840, when the Office of Warehouse Clerk was first established at a Salary of £120 per annum. Even from the date of my appointment to the office on the 9th Fby., 1846, the labour has been doubled, owing to the new
1848.
21 July.

Protest by R. B. Sheridan against reduction in salary.

system of keeping Accounts, as well as the general increase of business at this Port. Besides, Sir, I received my appointment from the late Governor, His Excellency Sir George Gipps, at £120 a year. I have continued to enjoy that Salary up to the receipt of the communication alluded to. And, having received no further appointment from the Home Government, I therefore respectfully submit that the Salary to which I was originally appointed (a Salary returned quarterly to the Hon. The Commissioners of Customs for the last eight years, and never objected to by their Honors) Should still be continued to me, at least until that Salary is officially negatived by the Home Authorities. Consequently, I hope, Sir, that His Excellency the present Governor will be pleased to allow the payment of the amount at which His Excellency's Predecessor appointed me; and particularly as my labour is as great as that of any other Clerk in the Customs, although the Salaries in the Long-Room (where the hours of attendance are shorter than mine) range from £120 to £500 per annum, with the advantage of their being in a line of promotion of which it appears I am totally deprived, never having derived even the most temporary benefit from the various changes and promotions which have occurred in the Customs here, since my appointment.

Trusting therefore, Sir, that you will use your influence with His Excellency the Governor for the continuance of the Salary at which the situation of Warehouse Clerk was originally Established, the reduction of which (small as the amount is) will put me to great inconvenience.

I have, &c.,

RICHARD B. SHEERAS.

[Sub-enclosure No. 2.]

MR. J. GIBBES TO COMMISSIONERS OF CUSTOMS.

Honorable Sirs, Customs, Sydney, 18th February, 1846.

I beg leave to report that, in consequence of the alterations proposed by Mr. Barnes in the mode of carrying on the business of this Port, His Excellency the Governor has been pleased to make the following appointments and alterations, namely three additional Landing Waiters, with a salary of £200 per annum each, and sixth Clerk with a Salary as recommended by Mr. Barnes of £100.

The persons appointed are:

Mr. Henry Callender to be 4th Landing Wraiter.
Mr. John De Courcy Bremer 5th Landing Waiter.
Mr. James Blake, late lst Locker, to be 6th Landing Waiter.
Mr. James Buchanan to be Clerk.
Mr. Richard Bingham Sheridan to be Clerk to the Warehouse Keeper, in place of Mr. Andy Burke, removed by Your Honor's orders. Mr. Sydney Ormsby to be Locker, in place of Mr. Blake, with a Salary of £100 per annum. The Salary of the Sixth Clerk was fixed by the Lords of the Treasury at £120 per annum, which I think as low as it should be; and I consequently differ in opinion with Mr. Barnes that a hundred a year is sufficient for that Office.

Young men of education and respectability will hold the appointment no longer than till they can obtain a better in the house of some mercantile man, which will be very easy as trade revives.

It was the inadequateness of the junior Salaries in the Department which a few years back occasioned so many Clerks to leave it just as they had become efficient, whereby the greatest inconvenience was created and confusion in the Accounts produced as was repeatedly reported to your Honors.

I have, &c.,

J. GIBBES, Collector.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 118, per ship Louisa.)

Sir,
Downing Street, 22 July, 1848.

I have to acknowledge your despatch of the 27 January last, No. 27, and I have to request that you will acquaint Mr. Cooper that I have duly received his letter therein enclosed, containing his views upon the subject of the disposal of the Waste Lands of the Crown, and the means best adapted to promote the construction of Railways in New South Wales.

I am, &c.,
GREY.
SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 162, per ship Honduras; acknowledged by Earl Grey, 23rd November, 1849.)

My Lord,

Government House, 22nd July, 1848.

It is my duty to bring under Your Lordship's consideration copies of a correspondence, which has passed between the respective Officers of the Ordnance and the Secretary to this merchants' Government, respecting the discontinuance of the storage of Merchants' Gunpowder in the Ordnance Magazine.

The object, I have in view in bringing this correspondence under Your Lordship's notice, is to request Your Lordship's mediation with the Board of Ordnance in order to obtain the permission of the Board for the erection by the Colonial Government of a Magazine for the storage of this Powder on Goat Island, in Port Jackson, the property of the Board of Ordnance, on which the Ordnance Magazine is now placed, the intention of the Colonial Government in erecting a Colonial Magazine being to relieve the respective Officers of the Custody of Merchants' Powder to which they object.

In order that Your Lordship may clearly understand the point of difference between the respective Officers and this Government, it is right that I should state that the custody of Provision re Gunpowder, the property of private individuals imported into the Colony, devolved on the Officers of the Ordnance under a local Act, 7 Wm. IV, No. 7, intituled "An Act for better regulating the keeping and carriage of Gunpowder."

From the date of the passing of this Act until the 19th May, 1846, I am not aware that any objection was made on the part of the respective Officers to the deposit of this Powder in the Ordnance Magazine; but on that day it appears that they submitted to my Predecessor the copy of a Despatch from the Board of Ordnance, in which it is stated that, "as long as the practice of Magazining the Merchants' Powder can be continued without inconvenience or obstruction to the Public Service, the Board do not object to its being pursued," and further requiring the respective Officers "to report to the Board immediately, if any change of circumstances should render it essential, or expedient even, to discontinue this custody of the Merchants' Powder."

On the 30th January, 1847, the Ordnance submitted the circumstances under which they deemed it essential and expedient for the Public Service to submit for the consideration of the Master General and Board of Ordnance the discontinuance of the charge, and custody of the Merchants' powder; and, on this
1848.
22 July.

Proposals re site for colonial magazine.

Objections to site on Goat island.

Request for removal of merchants' powder from ordnance magazine.

Merchants' powder in magazine.

representation, the Colonial Architect was called on to prepare a Plan and Estimate of the Expense for a Colonial Magazine, and the Surveyor General to propose a Site for the building.

The Surveyor General proposed as an eligible Site the ground adjacent to the Military Hospital, all to the westward of the hill of Fort Phillip; but this site being considered to be very objectionable, it being in the heart of the city and only to be approached through narrow and much frequented streets, the Ordnance Officers were requested to state whether there would be any objection to a part of Goat Island being given up for the purpose, sufficiently distant from the present Magazine, so that an accident to one would not cause the explosion of the other. To this they replied that they could not feel authorized to give up any part of Goat Island without the previous sanction of the Master General and Board of Ordnance, and stated that the contemplated arrangement would be attended with much inconvenience to their Department and materially interfere with the security and the precaution necessary to be observed in conducting the duties of Her Majesty's Magazine.

In consequence of this report, I had an interview with the Commanding Royal Engineer and the Ordnance Storekeeper on the subject; but, as the objections they raised appeared to be insuperable, although I could not but consider them to be extremely ill founded, there seemed to me to be no alternative but to leave the matter as it stood.

On the 8th November, 1847, the Ordnance Officers again requested the removal of the Merchants' Powder to a Colonial Magazine, or that such other measures might be adopted as would prevent Her Majesty's property being endangered; and they enclosed the copy of a letter from the Board of Ordnance, approving of the steps which they had adopted for the removal of the Merchants' Powder, as shown in their letter of 30th January, 1847. In reply to this, the Ordnance Officers were informed by my direction that I regretted I had no place to which the Powder could be legally removed, but that the subject would be brought before the Legislative Council at its next sitting.

On the 20th January, 1848, the Ordnance Officers again requested that the Merchants' Powder might be removed, and stated that 3,000 packages equal to 33 Tons weight or 100 Tons measurement were at that time in the Magazine, 2,000 of which packages had not paid Storage Rent for periods varying from 5 to 12 years. They represented that the Building was in urgent want of repair, and that the repairs could not be effected without the removal of the whole of the Powder, but that no place of security for the Powder of private individuals could be found,
which they represented to be packed in Barrels of a slight and insecure nature, and, from the number of depositors and description of Powder to require to be kept separate, necessarily occupying a considerable space of room.

The Crown Law Officers were requested to state, under the circumstances, what power the Government had to interfere, and to prepare a Bill to be laid before the Legislative Council to authorize the removal of the Merchants’ Powder from the Queen’s Magazine; and the Colonial Architect was directed to send in a Plan and Estimate for a Colonial Magazine. The Attorney General gave it as his opinion that the Government is bound to provide and maintain some sufficient and proper Magazine for the keeping of the Gunpowder, and that, if the present Magazine is insufficient for such purpose, the Government must provide another sufficient one. Under this opinion, the Colonial Architect and the Port Master were instructed to enquire and report whether any building could be hired or hulk purchased for the purpose. The Attorney General also submitted the Draft of “A Bill to authorise the erection of a Colonial Gunpowder Magazine, and to regulate the keeping of Gunpowder therein”; but, as the great and only insuperable difficulty to this matter being brought to a satisfactory conclusion is the want of a safe and convenient site on which to erect the Colonial Magazine, it was proposed to the Ordnance Officers (as they had objected to surrender any part of Goat Island, the only place in the Harbour which is considered suitable for the Building) that there might perhaps be no objection to the present Queen’s Magazine being made over to the Colony for the Merchants’ Powder, and another Magazine erected out of Colonial funds for Powder belonging to Her Majesty’s Government. Spectacle Island, near Cockatoo Island, having deep water all round it and about a mile above Goat Island, was suggested as an eligible site; but the Ordnance reply that the establishment at Goat Island is not only formed as a Depot for the Queen’s powder and ammunition, but has likewise a Laboratory in which is made up the whole of the Cartridges required by Her Majesty’s Ships and the Military, with a Cooperage, rendering constant communication with their Office necessary, and that the distance, which at present is found to be inconvenient, would be augmented were the Establishment removed to Spectacle Island. They add that the public service would be much impeded, were the proposed arrangement to be carried into effect. Under these circumstances, I have felt that there is no other alternative than to submit the matter through
1848.
22 July.

Your Lordship to the Board of Ordnance, of which the Ordnance Officers have been informed; and that, pending this reference, it does not appear that it would be desirable to introduce a Bill into the Council to amend the Act under which the Powder is stored in the Ordnance Magazine.

Preference for Goat Island as site for colonial magazine.

From the foregoing statement, Your Lordship will perceive that the only difficulty in removing the Merchants' Powder from the Ordnance Magazine arises from that of being unable to select any Site for a Colonial Magazine so eligible as the extremity of Goat Island, furthest from the point where the Ordnance Magazine is placed. I have myself examined and given careful consideration to every spot that has been suggested; but there appears to me to be no other that is not liable to objection as being either too distant from the anchorage or outside the position of any Batteries or Fortifications that it may hereafter be advisable to construct for the defence of the City and Harbour, or dangerous to a popular neighbourhood. Against Goat Island, none of these objections could be raised; and, as the Colonial Magazine (as Your Lordship will perceive by the annexed Tracing) could be erected at a spot sufficiently distant from the Ordnance Magazine to secure each of them from the danger arising from an explosion of the other; and, moreover, as a considerable elevation of the ground intervenes between the present Magazine and the one proposed to be erected, I feel bound to state that, while I am convinced that the Ordnance Officers in their opposition to the wishes of the Colonial Government are solely actuated by motives of duty and a desire to secure the property of the Ordnance from encroachment, I cannot consider that the objections they have raised have any reasonable foundation; and I, therefore, trust that Your Lordship will not object to use Your influence with the Board of Ordnance to obtain permission for the erection of the Colonial Magazine on Goat Island. An equivalent portion of land to that proposed to be given up can of course be made over to the Board of Ordnance, should it be deemed necessary.

I should add that the Revenue derived by the Ordnance for the storage of Merchants' Powder has been as follows:—

1843-4, £515 15s. 3d.; 1844-5, £616 11s.; 1845-6, £438 15s. 10d.; from 19 May, 1846, to 16 Feby., 1848, £243 7s. 9d.;—£1,814 9s. 10d.

I have, &c.,

Chs. A. Fitz Roy.

[Enclosures.]

[Copies of this correspondence are not available.]
SIR CHARLES FITZ ROY to EARL GREY.

(Despatch No. 165, per ship Honduras.)

My Lord,

Government House, 25th July, 1848.

With reference to that part of my Despatch No. 116 of the 16 May last, in which I informed Your Lordship that, in consequence of Mr. La Trobe’s Report on the conduct of the Surgeon Superintendent of the Emigrant Ship “Lady Peel,” I had approved of the withholding of one half of the Gratuity, which, had his conduct entitled him to it, would have been due to that Officer, I have now the honor to transmit the copy of a Gratuity paid further communication on the subject from Mr. La Trobe, reporting that, for the reasons therein stated, he had deemed it right upon due consideration to authorise the payment of the full gratuity with the exception of the sum of Ten pounds ten shillings.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

[Copy of this letter, dated 1st July, 1848, will be found in a volume in series III.]

EARL GREY to SIR CHARLES FITZ ROY.

(Despatch No. 121, per ship Louisa.)

Sir,

Downing Street, 26 July, 1848.

I have received your Despatch No. 249, of the 20th December last, reporting that, on the recommendation of the Bishop of Sydney, and with the advice of the Executive Council, you had granted Leave of absence to the Revd. Dr. Steele for a period of eighteen months.

As that despatch was not accompanied by the usual explanation of the Grounds, on which the Leave of absence had been granted, and which explanation was necessary to enable me to form a judgment of the propriety of confirming the leave, I called upon Dr. Steele for some further explanation.

I enclose a copy of his reply; and upon the explanation which it affords, I have intimated to him my sanction of the Leave.

I have, &c.,

GREY.

[Enclosure.]

REVD. T. STEELE to UNDER SECRETARY HAWES.

1 Duke Street, Portland Place.

Sir,

5th July, 1848.

In reply to your letter of the 3rd Instant, in which you request to be made acquainted (for the information of Lord Grey) with the circumstances under which I was “led to apply for leave of absence from the Colony of N. S. Wales,” I beg leave to

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25 July.

26 July.

26 July.
state that, after an active and laborious service of ten years as Colonial Chaplain, I was induced, whilst yet my own health and that of Mrs. Steele remained unimpaired, to ask for leave of absence for two reasons:—

1st. In order that I might have an opportunity of seeing my aged Parents once more before their death; and

2ndly. That I might arrange some business transactions, which required the signatures of Mrs. Steele and myself in London. Hoping, Sir, that these reasons will be deemed satisfactory by His Lordship the Secretary for the Colonies, I have, &c.,

THOS. STEELE.

I beg leave to subjoin the following Extract from the Letter of His Lordship the Bishop of Australia (now of Sydney), which I received in answer to my application for leave of absence.

EXTRACT.

"Reverend Sir, 

"Sydney, 23rd January, 1847.

"In reply to your Letter of the 18th Instant applying to me for leave of absence, during two years from or about the expiration of ten years service in this Diocese, I have much satisfaction in at once expressing my acquiescence in your request. I consider it to be very reasonable in itself after so long an absence from your native country; and I have additional satisfaction in complying with your wish in Testimony of the regularity and faithfulness with which you have discharged the duties of the various appointments which it has been my province to entrust to you since your arrival in 1838.

"W. G. AUSTRALIA."

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 166, per ship Honduras; acknowledged by earl Grey, 20th January, 1849.)

My Lord,

Government House, 26th July, 1848.

With reference to Your Lordship’s Despatch No. 259 of the 18th November last, transmitting to me the copy of a letter addressed to Your Lordship’s Under Secretary, Mr. Hawes, by the assistant Secretary to the Board of Treasury, respecting the directions I had given to Commissary General Ramsay for the issue to the Benevolent Asylum at Sydney of the contribution for the year 1847 from the British Treasury in aid of the Institution without the deduction which, in pursuance of the Instructions of Her Majesty’s Government, it had been arranged should annually be made from the Grant until it should have been finally discontinued, I have the honor to report that the very crowded state of the Institution, when I visited the Asylum soon after my arrival in the Colony, and the low state in which its funds arising from private contributions were represented to me to be at that moment, induced me to consent to suspend for that year the deduction of £250 from the amount (£2,000) granted for the previous year; but I distinctly stated
to the Managers of the Institution that I should feel it incumbent on me to deduct the sum of £500 from the grant for the present year; and this deduction, as your Lordship will have been informed by my Despatch No. 78 of the 31st March last, was made accordingly.

I have to express my regret that under the pressure of other public business, to which I had to attend on first assuming the Administration of this Government, I should have omitted to have reported the circumstance at the proper time.

I have, &c.,

CHS. A. FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 122, per ship Louisa.)

Sir,

Downing Street, 27 July, 1848.

I transmit to you herewith, for your information, the copy of a letter from Mr. A. Cunninghame on the subject of the course which has lately been adopted for conveying Female Orphans from Ireland to Australia, together with a copy of the reply which has by my direction been returned to that Communication, enclosing a copy of a report from the Colonial Land and Emigration Commissioners on the subject. I have, &c.,

GREY.

[Enclosures.]

These letters, dated 7th June, 22nd July, and 27th June, 1847, were contained in a parliamentary paper, entitled "Papers relative to Emigration."

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 123, per ship Alert; acknowledged by Sir Charles Fitz Roy, 25th April, 1849.)

Sir,

Downing Street, 27 July, 1848.

I transmit to you herewith a Copy of a letter from the Under Secretary of State for the Home Department, with a Copy of a Report from Mr. Simons, Religious Instructor to the Exiles on board the Ship "Marion," addressed to the Inspector of Milbank Prison, calling attention to the alleged want of proper provision in the Port of Melbourne for the men during the period of their remaining unemployed.

I also enclose a Copy of a letter, which has by my direction been written in reply to that Communication; and I have to request that you will communicate this correspondence to Mr. La Trobe, in order that he may furnish any explanation which he may wish to make on the subject. I am, &c.,

GREY.
MR. H. WADDINGTON TO UNDER SECRETARY MERIVALE.

Sir, Whitehall, 27th June, 1848.

I am directed by Secretary Sir George Grey to transmit to you the accompanying copy of a letter, which has been addressed to the Inspector of Millbank Prison by Mr. J. C. Simons, Religious Instructor on board the Ship "Marion," reporting the safe arrival of that vessel at Melbourne, Port Phillip, with Exiles, and calling attention to the want of proper provision at that Port for these Men pending employment being obtained for them, and I am to desire that you will submit the same for the consideration of Earl Grey.

I am, &c.,

H. WADDINGTON.

[Sub-enclosure.]

MR. J. C. SYMONS TO INSPECTORS OF MILBANK PRISON.

Gentlemen, Melbourne, Port Phillip, 3d February, 1848.

I have great pleasure in reporting the safe arrival of the Exile Ship "Marion" at this place where she arrived on the 25th Ultimo, having touched at Hobart Town, from which port she sailed on the 19th Ultimo.

I have to inform you that the greater portion of the Exiles are engaged, about 30 only remaining this morning. The wages, which they are receiving, is generally about from $20 to $25 per Annum, with rations and lodging.

Respecting the Conduct of the men, I had the honor to report from Hobart Town that it had been generally good. During the passage from that place, they maintained the same character.

Since their disembarkation there has been a good deal of indulgence in drink, and I regret to say that several of the Exiles have been taken before the Magistrates on charges of drunkenness and disorderly conduct. With this exception, I find they have behaved well.

I feel it to be a duty to report the extreme apathy and negligence with which the Authorities here have treated the men. The Surgeon Superintendent and myself had led the people to expect that on their arrival here they would be provided for until they had been successful in obtaining employment, or at least until a fair offer of employment had been made them. But, instead of such a plan being pursued, great numbers of the people have been sent on shore without employment, without Money or any means of maintaining themselves.

Dr. Andrews, the Surgeon Superintendent, was anxious to keep them on board until employed, and many were thus kept on his own responsibility; but the answer of the Emigration Agent was, "They are free men; they must be sent on shore; they must not be kept." The consequence is that about 30 have been sent on shore, and have been some days wandering about the Town without any means of subsistence except selling their clothes or thieving.

On my return to England I shall be prepared to lay before you the facts of the case more at large. Meanwhile, I may be allowed to say that by the course which has been so unhappily adopted toward these people, I shall be by no means surprised to hear of a great number of them returning to their old habits.

I have, &c.,

J. C. SYMONS, Religious Instructor.

[Enclosure No. 2.]

UNDER SECRETARY MERIVALE TO MR. H. WADDINGTON.

Sir, Downing Street, 7 July, '48.

I have laid before Earl Grey your letter of the 27 Ultimo, enclosing a Copy of a report addressed to the Inspectors of Millbank Prison by Mr. J. C. Simons, Religious Instructor to the Exiles on board the Ship "Marion," calling attention to the alleged want of proper provision at the Port of Melbourne for the men during the period at which they remain unemployed.

In reply, I am directed to request that you will observe to Sir Geo. Grey that, from the knowledge which his Lordship has of the urgency of the demand for labour in the District of
GREY TO FITZ ROY.

Port Phillip and from the confidence to which the Superintendent, Mr. La Trobe, is entitled from the energy and ability with which he has always performed his duties, Lord Grey can have little doubt that the fact will prove to be that the Exiles referred to demanded unreasonable wages, and that it was the circumstance of their declining offers of employment on fair terms, which prevented any assistance being rendered to them by the local authorities. Lord Grey will, however, call upon the Superintendent of Port Phillip for an explanation of the circumstances of the case.

I am, &c.,
H. MERIVALE.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 124, per ship Louisa.)

Sir,
Downing Street, 27 July, 1848.

Having caused a copy of your Despatch, No. 11 of the 11th of January last, to be forwarded to the Lords of the Treasury, I have to acquaint you that their Lordships have apprised me that they see no reason to object to the temporary arrangements, which you have made for carrying on the duties of the Customs Department in consequence of the death of Mr. Chastel at Port Fairy.

I am, &c.,
GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 125, per ship Louisa.)

Sir,
Downing Street, 27 July, 1848.

In answer to your despatch, No. 270 of the 31st December last, I have to acquaint you that I approve of your having authorised a grant of 30 Bullocks to Dr. Leichhardt from the Government Herd at Moreton Bay, in aid of his projected expedition overland from Sydney to the Settlement at Swan River.

I am, &c.,
GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 126, per ship Louisa.)

Sir,
Downing Street, 27 July, 1848.

I have caused a copy of your Despatch, No. 234 of the 24th of November last, to be communicated to the Lords of the Treasury; and their Lordships have, in reply, informed me that there would appear to be no objection to the arrangements which you have reported to have been made for carrying on the duties of the Long Room of the Customs at Sydney during the temporary absence of Mr. Llewellyn on other duty.

I am, &c.,
GREY.
EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 128, per ship Louisa; acknowledged by
Sir Charles Fitz Roy, 9th February, 1849.)

Sir,
Downing Street, 27 July, 1848.

I have received your despatch, No. 34 of the 11th of
February last, announcing the arrival of Mr. C. Moore at Syd­
ney, and that his Salary as Superintendent of the Botanical
Garden had been augmented by a vote of the Legislature to the
rate of £300 a Year, which you had sanctioned, subject to a
deduction of the amount paid for his passage from this Country
to New South Wales.

I approve of this arrangement and am of opinion that the
Council acted very judiciously in passing such a vote.

I am, &c,
GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 129, per ship Louisa; acknowledged by
Sir Charles Fitz Roy, 19th January, 1849.)

Sir,
Downing Street, 28 July, 1848.

In accordance with the recommendation contained in
your despatch, No. 265 of the 29th of December last, in behalf of
Manuel del Prado, the Messenger attached to the Colonial
Treasurer's Department, I have to convey to you the necessary
authority for granting to that person a pension at the rate of one
shilling and three pence per diem. I observe, however, that, in
the Medical Certificate which you have enclosed, Manuel del
Prado is described "as now, and for many years past almost
helpless and bedridden," and I should wish you to explain to me
the circumstances under which a person labouring under such
incapacity had been retained in the Public Service.

I am, &c,
GREY.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 108, per ship Honduras.)

My Lord,
Government House, 28th July, 1848.

I have the honor to transmit an Estimate of the probable
amount of expenses required to be paid by the Colonial Agent
General in England for Services on account of this Colony up
to 31st December, 1848, and to state to Your Lordship that I
have given directions for the amount, viz., £692 5s. 6d., being
issued from the Colonial Treasury to Deputy Commissary
General Ramsay. I have, therefore, to request that Your Lord­
ship will have the goodness to cause a corresponding amount to
be issued to Mr. Barnard from the British Treasury to enable
him to make the several payments for the services specified.
FITZ ROY TO GREY.

The above amount, as shown in the Estimate, will be chargeable to the following funds, viz.:

1st. On the Schedules A, B and C, appended to the Act of Parliament 5 and 6 Vict., c. 76 £325 0 0
2nd. On the General Revenue at the disposal of the Legislative Council 339 3 0
3d. On the Crown Revenues 28 2 6

£692 5 6

I have the honor to add that the usual Certificate from the Deputy Commissary General on his receiving the money will be transmitted to Mr. Barnard.

I have, &c.

CHS. A. FITZ ROY.

[Enclosure.]

AN Estimate of the probable amount of Expenses required to be paid by the Colonial Agent General in England for Services on account of the Colony up to the 31st December, 1848.

<table>
<thead>
<tr>
<th>Particulars of Service</th>
<th>Amount.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chargeable on the Schedules A, B, and C appended to the Act 5 and 6 Victoria, cap. 76.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Schedule A.</td>
<td></td>
</tr>
<tr>
<td>To pay the portion chargeable on Schedule A of the half salary of Mr. Justice Therry from 1st October to 31st December, 1848</td>
<td>100 0 0</td>
</tr>
<tr>
<td>To pay the half salary of Wm. H. Kerr, Esq., Chief Commissioner of Insolvent Estates from 1st July to 30th September, 1848, at £200 per annum</td>
<td>50 0 0</td>
</tr>
<tr>
<td>Schedule B.</td>
<td></td>
</tr>
<tr>
<td>To pay the portion chargeable on Schedule B of the half salary of Mr. Justice Therry from 1st Oct. to 31st Decr., 1848</td>
<td>37 10 0</td>
</tr>
<tr>
<td>To pay Pensions from 1st Oct. to 31st Decr., 1848</td>
<td>62 10 0</td>
</tr>
<tr>
<td>Schedule C.</td>
<td></td>
</tr>
<tr>
<td>To pay the half salary of the Revd. Dr. Steel from the 1st October to the 31st December, 1848</td>
<td>25 0 0</td>
</tr>
<tr>
<td>Chargeable on the General Revenue.</td>
<td></td>
</tr>
<tr>
<td>To pay the Salary of the Colonial Agent General from 1st October to 31st December, 1848</td>
<td>37 10 0</td>
</tr>
<tr>
<td>To pay the Pension of Lady Dowling from 28th September, 1844, the date of the decease of her late husband, Sir James Dowling, to 31st December, 1845, at £200 per annum</td>
<td>231 13 0</td>
</tr>
<tr>
<td>From the 1st October to 31st December, 1848</td>
<td>339 3 0</td>
</tr>
<tr>
<td>To pay the allowances of the Colonial Agent General from 1st October to 31st December, 1848</td>
<td>28 2 6</td>
</tr>
<tr>
<td>Total</td>
<td>£692 5 6</td>
</tr>
</tbody>
</table>

Amounting in all to Six hundred and ninety two pounds, five shillings and six pence.

WILLIAM Lithgow, Auditor-General.

Audit Office, Sydney, New South Wales, 3d July, 1848.
Despatch acknowledged.

Sir, Downing Street, 29 July, 1848.

I have to acknowledge the receipt of your despatch, No. 17 of the 17th January last, calling my attention to a Memorial transmitted to my Predecessor in Sir George Gipps’s despatch, No. 124 of the 24th June, 1844, from Mr. S. A. Donaldson, who, as Executor to the late Mr. W. E. Riley, prayed for a remission of Quit Rent on some land, the property of that gentleman.

It will be proper that you should guide yourself in the decision of this case by the rules laid down in Mr. Gladstone’s Instruction of the 7th of March, 1846, taking care however to allow to the applicants the benefit of any modification of the rules contained in Your regulations of the 9th October, 1846, which may be applicable to their case.

I am, etc.,

GREY.

Report re outrage on natives of island of Rotuma.

Sir, Downing Street, 29 July, 1848.

I have received a despatch from the Governor of New Zealand transmitting Copies of a correspondence with the Senior Naval Officer on that Station on the subject of an Outrage alleged to have been committed by British Subjects on the Inhabitants of the Island of Rotuma in the Pacific.

It appears that the outrage in question was committed by the Agents of parties engaged in importing Laborers from these Islands into New South Wales, and Governor Grey has reported to me his intention of transmitting to you Copies of his Correspondence with Captain Maxwell, and of the opinion on the case of the Attorney General of his Government, and of endeavouring to procure such further Evidence as might lead to the detection of the parties implicated in the transaction.

I fear, however, that much difficulty would be experienced in bringing the Offenders to justice.

It is unnecessary for me to assure you of the anxious desire of Her Majesty’s Government to do all in their Power to prevent the ill treatment of the Natives of the Islands in the Pacific by British Subjects. I feel confident that you will omit no measure which it may be within your Power to adopt in order to prevent the Commission of such offences; and I would point out that one of the most effectual means of guarding against such abuses is the exercise of a vigilant superintendence over the
treatment of any Natives of those Islands, who may be brought into New South Wales in order effectually to prevent their being brought into any relations towards their employers, which may approach to a condition of Slavery. If this precaution is strictly observed, I am induced to hope that individuals will not entertain such expectations of advantage from bringing these Islanders to New South Wales as to induce them to pursue that object by improper means.

I am, &c.,

Grey.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 169, per ship Honduras: acknowledged by Earl Grey, 12th March, 1849.)

My Lord,

Government House, 29th July, 1848.

I do myself the honor to bring under your Lordship's notice the subject of certain pecuniary claims recently made upon the Colonial Government, which, if sanctioned and extended to all other similar cases, will I believe form a most extensive demand upon the Colonial Treasury, in consequence of which I have hesitated to act without Your Lordship's instructions.

In a printed or lithographed document which issued from Your Lordship's Department dated Downing Street, November, 1824, and purporting to be for the information of persons proceeding to New South Wales and Van Diemen's Land as Settlers, certain rules were laid down for granting Lands, and amongst others it contained the following clause:—

"15. In the redemption of his Quit Rent, the Grantee will have credit for one fifth part of the sums, which he may have saved to His Majesty's Government by the employment and maintenance of Convicts; and, for the purpose of making this allowance, it will be calculated that the Government has saved £16 for each Convict, employed by the Grantee and wholly maintained at his expense on his land for one whole year."

These Regulations were apparently delivered to applicants requiring information on the subject and otherwise made known, and a Copy of the document would seem to have been transmitted to this Government; but Your Lordship will perceive that, in the re-publication in this Colony, by notice dated 18 May, 1825, the clause in question is entirely omitted, whether by the authority of His Majesty's Government or that of the Governor of the Colony I am not aware, most probably the latter, as being inapplicable to the then state of the Colony.

I may, however, perhaps here observe that the Quit rent Charged on Grants of Land previously to the Regulations of
1848.
29 July.

Regulations re-published in England and omitted in colony.

18 May, 1825, was, except in few instances, only 2s. per hundred acres per annum; but, under these Regulations, it was increased to 16s. 8d.

A similar paper appears also to have issued from Your Lordship's Department of date April, 1826, and April, 1827, containing the same clause; but the Colonial Regulations of date 5 September, 1826, founded on the Document of 1826 are, as in the former instance, quite silent with regard to the Clause in question. This seems to have been the deliberate act of this Government; subsequently, however, sanctioned by the Earl Bathurst's Despatch, No. 29 of 1828, although the same was never notified in this Colony, being no doubt considered unnecessary, seeing that the Colonial Government never made public or in any way adopted that particular clause.

Notwithstanding Earl Bathurst's Despatch, however, it appears that the terms of the documents, dated April, 1826 and 1827, were still considered to be those on which Settlers would obtain Land; and copies were accordingly given to persons desirous of emigrating, or otherwise, until the system of making grants of land was superseded by that of purchase in the year 1831.

Your Lordship is aware that, during the periods referred to (namely, 1824 to the year 1831), the Emigration to this Colony was very extensive, and by persons of capital who were entitled accordingly to obtain Grants of Land, many to the largest extent 2,560 acres; but, in the authority for the same, it was by the Colonial Government expressly mentioned that the Lands were to be held under the Regulations (Colonial) before referred to of 5 September, 1826, and further in the letter giving actual possession of the land and the Deeds confirming the same thereunder, the only mode of redeeming the Quit Rents was stated to be by payment of 20 years of its annual amount at the rate of 16s. 8d. per hundred acres per annum. During the same period also, the system of assigning Convicts to Grantees of land was in full operation, and in most cases each obtained several and in many instances a large number, thus effecting a saving to the Government of considerable sums according to the scale laid down by the Regulations contained in the documents now brought under notice.

No advantage has as yet been taken of the benefit held out by the clause referred to; indeed, until very recently, no application has been made upon the subject; but, as a few are now being brought forward and others will doubtless follow, I am desirous of obtaining Your Lordship's instructions for my guidance.
In order to bring under Your Lordship’s notice the nature of the claims made, I would instance the first, namely, that of Mr. William Lawson, as the representative of Mr. S. P. Webber, who emigrated from England, previously obtaining from the Colonial Office a copy of the Regulations of April, 1826, and on his arrival here received a Grant of 2,560 acres of land subject to an annual Quit Rent of £21 6s. 8d., which he disposed of to Mr. Lawson, who, in 1845, paid up on the demand (and under a distress Warrant) of the Colonial Treasurer the Quit Rent then due for 13 years, namely, £277 6s. 8d.; and his application is for the refunding of that amount, and a remission of all future claims, in consideration of a sufficient number of Convicts having been maintained on the land so as to effect a saving to the Government of at least the amount paid and claimable, according to the scale laid down.

The subject of the redemption of Quit Rents on the grounds of the maintenance of Convicts under the Regulations referred to was brought before the Executive Council, and it was proposed to adopt the following general rule, namely, any person, who left Great Britain between the month of November, 1824, the date of the first paper of Regulations referred to, and the 2d April, 1828, when the suspension of the redemption Clause was authorised by Earl Bathurst, and obtained a Grant of Land on his arrival, and who can satisfy the Government that he was made acquainted with the said Regulations before his Emigration (and in fact that he emigrated on the faith of the conditions they contained) should be entitled to the benefit of them, upon shewing by Official Returns that he has effected the required saving according to the scale laid down.

It appears by the Returns obtained that one hundred and thirty Convicts were assigned for the land belonging to Mr. Lawson, and that on an average each man remained in the same service 5 years. One fifth of the amount thereby expended in their maintenance would be a saving to the Government of a sum very considerably exceeding the amount required for redeeming the Quit Rent on the land at 20 years’ purchase; and Mr. Lawson would therefore (if approved) be entitled to a return of the money already paid and a discharge from all similar demands.

Some applications have been simply for a remission of arrears due and of future payments; but, as the principle in either case is the same, a decision on the one more particularly brought forward would be a guide for any others.

The number of Grants made under the Regulations in question is very great; and, in the event of all the proprietors preferring
similar claims, the amount to be refunded would, I have no doubt, be several thousands of pounds. Before sanctioning any payment, however, I shall await Your Lordship's directions.

I have, &c,

CHS. A. FITZ ROY.

[Enclosure No. 1.]

[This was a notice, dated 18th May, 1825, which was the publication of the enclosure No. 2 on page 431, volume XI.]

[Enclosure No. 2.]

[This was the notice, dated 5th September, 1826; see page 589 et seq., volume XII.]

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 170, per ship Honduras; acknowledged by earl Grey, 12th March, 1849.)

My Lord,

Government House, 29th July, 1848.

In reference to my Despatch of this date, No. 169, I have the honor to bring under Your Lordship's notice a claim to the remission of Quit Rents on a grant of land in consideration of the Grantee having, by the maintenance of Convicts, effected a sufficient saving to the Government to warrant a compliance therewith under the Regulations of November, 1824, alluded to in my former communication.

Lieutenant Ogilvie (now a Commander in the Royal Navy) obtained a Grant of 2,000 acres of land on his arrival in the Colony in the year 1825; and, having claimed the benefit of the Regulations in question, the case was investigated; but, as it appeared that Mr. Ogilvie sailed from the Thames on the 2d October, 1824, his application was at once negatived upon the conclusion that he could not have been induced to emigrate by Regulations of a subsequent date.

Mr. Ogilvie has since represented that, previously to his departure from England, he had an interview with Mr. Wilmot Horton, the then Under Secretary of State, when he was shown a copy of the Regulations and informed that he would receive his grant in accordance therewith, though they were not then ready for publication, but would be in operation before he could reach the Colony. To the truth of this he pledges his word as an Officer and a Gentleman, and is ready and willing to make oath to that effect if required.

Under these circumstances, I am induced to submit the case specially for Your Lordship's decision, in the event of these claims generally being admitted. I have, &c,

CHS. A. FITZ ROY.
Sir,
Downing Street, 31 July, 1848.

1. I have to acknowledge your Despatch, No. 3 of the 6th of January last, in which you report the steps which you had taken to collect the opinions of the Community over which you preside in relation to the measures proposed by me in my Despatch of 31st July, 1847, and also No. 31 of the 2nd February last, enclosing a petition from a large number of the Householders and Inhabitants of Sydney and its vicinity, deprecating any change in the Constitution of the Colony, which shall not have received the previous sanction of the Colonists at large.

2. I can only repeat my expressions of sorrow for the calamitous events*, which rendered you unable to give that personal attention, which you would otherwise have been anxious to devote to the consideration of these important subjects, and, at the same time, assure you that I feel every reason to be satisfied with the proceedings which you found it in your power to adopt.

3. I have given my best consideration to the representations thus addressed to me, and have delayed answering you for some time, in consequence of the expectation held out in your Despatches of further petitions on the same subject, which have not yet arrived. My anxiety not to act without being fully in possession of the views of the Inhabitants of New South Wales on the question of their future Government has thus caused a delay, which, at the now advanced period of the Session, renders it impossible that any measure can be introduced into Parliament with a prospect of being carried through. It becomes, therefore, unavoidable to postpone Legislation on this subject until next Session, when Her Majesty's Government will be prepared to undertake the task in full possession of all the available materials. Enough, however, has transpired to give me an insight into the general state of opinion among the Colonists, and to enable me in consequence to state the outline of the measures which I am prepared to recommend.

4. I collect, from the Documents now before me that the objections, most strongly felt throughout the Colony to the views propounded in my Despatch, relate to the project of making the District Councils serve as Constituent bodies to the Legislature, and though, in a less degree, to the division of the Legislature into an Assembly and a Council, according to the ordinary pattern of the Governments of those Colonies which derive their free Institutions from Great Britain.
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HISTORICAL RECORDS OF AUSTRALIA.

1848,
31 July.
Advantages of
district councils
as constituent
bodies.

Proposal
abandoned.
Opinions re
two legislative
chambers.

Power to effect
change to be
granted to
colonists.

Proposals re
separation of
Port Phillip.

Constitution
of legislative
council to be
continued.

Council for
Port Phillip.

5. With regard to the first of these suggestions, I certainly continue to believe that, in Colonies possessing an extensive territory, it is highly desirable that the purely local affairs of different districts should be entrusted to the management of some local authority distinct from the general Legislature; and that the surest method of preventing a conflict between such authority and the Legislature is to make the latter emanate from the former. But I can have no wish to impose upon the Inhabitants of the Colony a form of Government not in their judgment suited to their wants, and to which they generally object, and shall, therefore, not think it necessary to advise the carrying of this proposal into execution.

6. With regard to the division of the Legislature into Assembly and Council, your own opinion, founded, as you state, on long practical experience, that it would be a decided improvement upon the present form of the Legislature in New South Wales, is one to which I have already stated my own adherence. Had, therefore, the general feeling of the Colony responded, in any degree, to the views expressed by myself, I should have had no hesitation in advising Her Majesty's Government to lay before Parliament the measures necessary to accomplish the change. But it is not such a reform as I consider it to be at all incumbent on the Legislature at home to press on an unwilling or even an indifferent people. Their interests will, I think, be better served by leaving in their own hands the power of effecting it, whenever they shall see reason to do so. Nor am I insensible to the difficulty which might be found to exist, if not in the Northern Districts, at least in Port Phillip, in finding at first a sufficient number of persons, unconnected with Government, qualified and willing to act as nominated Members of a Separate Legislative Council.

7. Having premised thus much in answer to the observations contained in your despatch and its enclosures, I will proceed to state the measure which Her Majesty's Government had it in contemplation to introduce into Parliament in order to effect at once the separation of Port Phillip from New South Wales, and certain ulterior objects which will be explained in the course of this Despatch.

8. The Bill for this purpose will, in the first place, effect no change in the composition or authority of the Legislative Council of New South Wales, beyond such as are the necessary consequences of the separation.

9. It will also establish in Port Phillip a Legislature, similar in character to that which now exists in New South Wales.
10. It further appears to me advisable that the same Bill should contain provisions for the establishment of representative institutions in the Colonies of Van Diemen's Land and South Australia. In the former, the number of Convict population, and the strict discipline which it was necessary in consequence to maintain, have hitherto been regarded as presenting obstacles to the adoption of any system of self government; but it now appears to me that such a measure ought no longer on this account to be delayed. In South Australia, no such obstacles have ever existed, and the rapid advance of its population in numbers and in wealth and intelligence appear to indicate that the time has fully arrived when that Province should take its place among the self governing Colonies of the British Empire. I propose, therefore, that, in both these Colonies, the principle of popular representation should be introduced, and that this should be effected by adding into their existing Legislatures elective members bearing the same proportion to those nominated by the Crown, as in New South Wales. But, as this form of Government, while upon the whole it may be the best adapted to present circumstances, is one which may admit of much modification and improvement under the suggestions of experience; and, as the Australian Communities are in my opinion fully competent to originate, and to discuss for themselves any changes in this portion of their Institutions, I have it further in contemplation to recommend that their respective Legislative Councils should have power to make such alterations in their own Institutions as they may think expedient; subject however to the condition that no Ordinance, which any such Legislative Council may pass for this purpose, shall come into force until it shall have been specially confirmed by the Queen in Council, after being laid for one month before both Houses of Parliament. By this arrangement, provision will I trust be made for accommodating the constitutions of these thriving Colonies to the wants and the wishes of their inhabitants, while, at the same time, the necessary security will be taken against the introduction of rash and ill considered changes.

11. There is another subject to which, in making the proposed arrangement, it will be necessary to advert; the communication by land between the Districts of New South Wales and Port Phillip is already completely established; that of the latter with South Australia is becoming not inconsiderable, and, in the rapid progress of events in those advancing communities, the intercourse between them will yearly become more and more intimate and frequent. If, therefore, these three portions of the mainland of Australia should be placed under distinct and
altogether independent Legislatures, each exerting absolute authority as to the imposition of duties on goods imported, the almost inevitable result will be that such differences will grow up between the Tariffs of the several Colonies as will render it necessary to establish lines of internal Custom houses on the frontiers of each. The extreme inconvenience and loss, which each community would sustain from such measures, needs no explanation; it will therefore be absolutely necessary to adopt some means of providing for that uniformity in their commercial policy which is necessary in order to give free scope for the development of their great natural resources and for the increase of their Trade. In what manner this may best be accomplished is a question of some difficulty which I must reserve for more mature consideration.

12. I regret the delay which has occurred (although from causes independent of Her Majesty's Government) in carrying into effect this necessary and urgently required measure. But the time lost will not be regretted, if the consequence of that delay should be the framing of a measure more complete in all its parts, and more in accordance with the now ascertained views of the Australian Community, than could have been the case if legislation had been attempted during the present Session of Parliament.

I have, &c,

Grey.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 171, per ship Honduras.)

My Lord, Government House, 31st July, 1848.

I have the honor to state to Your Lordship that a Requisition has been forwarded to the Colonial Agent General for 2,500 Blankets, which are proposed to be issued to the Native Blacks of New South Wales during the year 1849, and that I have given authority for the estimated expense, viz., £800, being issued to Deputy Commissary General Ramsay from the Colonial Treasury. I have, therefore, to beg that Your Lordship will have the goodness to cause a corresponding amount to be issued to Mr. Barnard from Her Majesty's Treasury to enable him to comply with the Requisition.

I have the honor to add that the usual Certificate from the Deputy Commissary General, on his receiving the money, will be sent to Mr. Barnard; and that the cost of the Blankets will form a charge on the Crown Lands Revenue.

I have, &c,

CHS. A. FITZ ROY.
Sir,

Downing Street, 1 August, 1848.

I have the honor to transmit to you for your information the enclosed copy of a letter from the Commissioners of Colonial Land and Emigration, reporting the circumstances under which they had been induced to charter two Emigrant Vessels, one to proceed to Moreton Bay and the other to Twofold Bay; and I have to request that you will take what measures may appear to you most expedient to provide for convenient disembarkation and reception of these people at their respective destinations.

The prices at which these Ships have been engaged are, as you will perceive, very moderate. When first the Emigration was renewed, I doubted whether it would be prudent to send people direct from this Country to the Minor Ports of the Colony, and thought that it might be better to forward them all to Sydney and Melbourne, leaving them to be distributed from thence as far as necessary by the numerous opportunities, which now exist of conveyance along the Coast. I admit, however, that there is much force in the remarks, to which the Commissioners draw my attention upon the difficulty of inducing people who have recently landed from a long voyage to re-embark; and from various sources I have heard of the complaint that some Emigrants are too prone to loiter at Sydney instead of betaking themselves to useful employments in the Country. On the other hand, there is the danger that, if persons are sent from so great a distance as England to any except the largest Ports, they may not arrive at a proper moment, or may not find the requisite facilities for their disembarkation and reception on shore, and for placing them in communication with Settlers who require their services. This is illustrated by the doubts which the Commissioners express in their present report, whether there will be any proper means of conveying the people from the anchorage at Moreton Bay to the Settlement at Brisbane.

On the whole, I should doubt whether the experiment ought to be repeated without hearing from you; but I should be very glad to receive the opinion of yourself and the Council whether it will be advisable to continue sending only to Sydney and Melbourne, or whether some Ships should occasionally be sent to other Ports, and if so what Ports they should be, and whether any suggestions can be offered for the guidance of the Commissioners as to the best time of sending thither and the proportion of Emigrants who ought to be directed to those destinations.

I am, &c.,

Grey.
[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY MERIVALE.


We have the honour to state for Lord Grey's information that we have recently received from parties connected with New S. Wales very urgent representations as to the expediency of sending Emigrant Vessels to other Ports in that Colony besides Sydney and Melbourne. It has been stated to us that it is almost impossible to induce Emigrants, when once landed at Sydney, to proceed into the Interior of the Country: that, even if the whole number be not absorbed by the bona fide Employers of labour in that town and its vicinity, the remainder are generally prevailed on by the Keepers of Lodging houses and taverns, and others of the same class, who derive profit from their expenditure, not to proceed up the Country to look for work; that thus the Settlers in the remote districts are deprived of all benefit from the expenditure of the Land Fund, to which they contribute in common with the rest of the Colony, while at the same time the Emigrants themselves are injured by contracting habits of idleness and dissipation.

On referring to the Population Returns of New S. Wales, we cannot but think that they afford confirmation of this statement. While the whole population of the Colony amounts to only 200,000, the population of Sydney and its suburbs is 50,000, a congestion of population, which, considering that there are no manufactures in Sydney, seems to prove that there must be a vast number of people in the Town following no regular occupation. But, if this be the case, it is impossible to deny that it must be injurious both to the Immigrant and to the Colony.

So long as the Emigration was small, the matter was comparatively unimportant, and, as it was apprehended that Ships could not be obtained for any of the minor Ports, except at greatly enhanced rates, no attempt was made to procure them: but, when the Emigration increased to its present amount, it appeared to us of great importance to ascertain whether Vessels could be obtained to proceed to other Ports than Sydney or Melbourne at reasonable rates. We accordingly advertised for Vessels for Moreton Bay and Twofold Bay, and, having received Tenders for the former at £12 17s. per statute Adult, and for the latter at £11 19s. 6d., which is not more than the average of Tenders for Sydney and Melbourne, we accepted them. We trust that, under all the circumstances of the case, Lord Grey will not disapprove of our having taken this course.

The Vessel taken up for Moreton Bay is the "Artemisia," which will sail from Plymouth on the 9th August. The destination of the Emigrants is the Town of Brisbane, on the River of that name which empties itself into Moreton Bay; but we have been informed by persons practically acquainted with the navigation that Vessels of any considerable burthen find difficulty in working up the "Brisbane," and consequently that the Emigrants now going out may be compelled to disembark several miles below the Town. We are, however, at the same time also informed that there are Steam Boats regularly plying between Sydney and Moreton Bay, and that the Services of one of these Boats could without
GREY TO FITZ ROY.

Sir, Downing Street, 2nd August, 1848.

I have the honor to transmit to you, for your information, the enclosed copies of a correspondence with Lord Ashley and of the Instructions founded thereon to the Commissioners of Emigration, respecting a Proposal for sending out to the Australian Colonies a certain number of young persons, selected for merit, from the Institutions called Ragged Schools, upon condition that no more than £10 a head is to be paid for them from the Colonial Funds available for the encouragement of Immigration, and that all the remaining expenses of their removal, including the balance of the cost of passage and also the various preliminary expenses in this Country, are to be defrayed from other sources.

From the manner in which these Emigrants are to be selected, it may be hoped that they will prove useful to the Colony. They will be chosen on account of having displayed merit; they will have their whole working lives before them; and they will not be accompanied, as married Emigrants often are, by connections too young to be useful for several years to come. On the other hand, it is hoped that this Country will gain by the encouragement which will be afforded to diligence and good conduct at these Schools, if they be rewarded by granting a passage to Australia.

This Plan will constitute a new attempt to bring into operation that joint contribution from the Colony and from this Country, which has been so strongly urged upon the Government both by Committees of the Legislature in New South Wales, by friends of the Colony in this Country, and by those engaged in Public Affairs, who take an interest in the subject of Emigration. So long as the Land Revenue defrayed the whole cost of passage, the Government were able to stipulate on behalf of the
Colonies for taking only the most eligible Emigrants whom it was possible to procure; but no payment could on those terms be expected from parties in England in order to facilitate the conveyance of those persons for whose removal there was no adequate motive.

When on the other hand the Colonial Authorities and the friends of the Colonies in this Country seek for a material contribution from private sources, it will obviously be necessary to make some relaxation in the rules regarding the selection of Emigrants, as otherwise the inducement held out for the proposed contributions would be wanting. One Plan has the advantage of giving the Colony the entirely free choice of Emigrants without any interference whatever; the other has the advantage of economy, and of enabling the same amount of Colonial Funds to introduce an additional number of People. But we must be prepared to find that neither of the two Plans will comprise all the advantages of both, and not to complain if, in seeking the benefits of the one, it should appear that more or less we have been obliged to relinquish the benefits belonging to the other.

I have, &c.,

GREY.

[Enclosure.]

[This was the voluminous parliamentary paper, entitled "Papers relating to Emigration to the Australian Colonies," which was presented to parliament in August, 1848.]

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 172, per ship Honduras.)

My Lord,

Government House, 2d August, 1848.

I have the honor to inform Your Lordship that a Requisition has been forwarded to the Colonial Agent General for Stores for the service of this Colony for the year 1849, and that I have given authority for the estimated expense of the Articles demanded, viz., £1,900, being issued to Deputy Commissary General Ramsay from the Colonial Treasury. I have, therefore, to beg that Your Lordship will have the goodness to cause a corresponding amount to be issued to Mr. Barnard from Her Majesty's Treasury to enable him to comply with the Requisition.

The usual Certificate from the Deputy Commissary General on his receipt of the money will be sent to Mr. Barnard; and I have the honor to state that the cost of the Stores will be defrayed out of the General Revenue at the disposal of the Legislative Council.

I have, &c.,

CHS. A. FITZ ROY.
SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 173, per ship Honduras.)

My Lord,

Government House, 3d August, 1848.

In reply to your Lordship's Despatch, No. 274 of 16th December, 1847, enclosing a copy of a letter from Mrs. E. M. Kearney in which she applies for information respecting Mr. Edward Kearney, who had been represented to her as having been appointed to a situation at Bathurst in 1842, I have the honor to report to your Lordship that enquiry was made by my desire of the Police Magistrate at Bathurst, whose attempt to trace Kearney has been fruitless.

It appears, however, that a person named Edward Tierney, whose proper name is McTiarnan, was appointed Gaoler at Bathurst in 1842, and that he now resides in Sydney. It is stated by this person that, when he emigrated in 1828, he left a sister named Ellen Maria McTiarnan residing at Ballina in the County of Mayo, Ireland.

Mr. McTiarnan was for some time employed by the City Corporation of Sydney, but at present he has no occupation. He states that he believes Mrs. E. Kearney is no relative of his.

I have, &c.,

CHS. A. FITZ ROY.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 175, per ship Honduras; acknowledged by Earl Grey, 30th January, 1849.)

My Lord,

Government House, 5th August, 1848.

With reference to my Despatch, No. 113 of 13th May last, enclosing a letter from the Colonial Auditor General, reporting that various sums, which had been remitted from the Colonial Treasury, had not been carried to the credit of the Colony in the account of the Colonial Agent General up to the 30th September, 1847, I have the honor to forward herewith the copy of a further communication from the Colonial Auditor General, notifying that certain sums therein specified, amounting to £3,518 0s. 5d., which were remitted from the Colonial Treasury in 1846, are credited in the account of the Colonial Agent General for the Quarter ended 31st December, 1847; still leaving the sum of £3,410 2s. 9d., to be carried to the credit of the Colony.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosure.]

MR. W. LITHGOW TO COLONIAL SECRETARY THOMSON.

Sir,

Audit Office, Sydney, 12th June, 1848.

With reference to my letter No. 128 of the 1st May last, I have the honor of Stating for the information of His Excellency...
1848. 5 Aug.
Remittances credited in account of agent-general.

To pay Interest on Debentures, remitted on 10th July ......................... £287 14 8
To purchase Arms and other Articles to replace issues for the Service of New Zealand and of the Exploring Expedition, remitted on the 10th August ......................... 311 16 5
For Services specified in the Colonial Agent's letter of 5th March, 1846, remitted on 10th August ......................... 388 3 0
Ditto remitted on 9th Sept. 2,085 6 4
To purchase Books for the Legislative Council, Sydney, remitted on 9th Sept. 250 0 0
For the purchase of Paper and Pier Glasses for the New Government House, remitted on 4th November ......................... 195 0 0
£3,518 0 5
Amounting to Three thousand five hundred and Eighteen pounds and five pence, leaving the sum of 200 8s. ld. for Type, and of £3,200 14s. 8d. for Stationery and Instruments, remitted on the 5th March and 4th November, 1846, respectively, and reported in my letter above referred to still to be carried to the credit of the Colony.

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

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 176, per ship Honduras; acknowledged by earl Grey, 26th December, 1848.)

My Lord,

Government House, 5th August, 1848.

I have had the honor to receive your Lordship's Despatch, No. 293 of 8th October, 1847, in reply to the Memorial from certain Ministers and other Members of the Wesleyan Church in this Colony, in which they prayed a revision of the Colonial Ecclesiastical arrangement for the distribution of the amount reserved in Schedule C of the Act 5 and 6 Victoria, Cap. 76, the original of which Memorial was forwarded with my Despatch, No. 51 of 27 February, 1847.

Having communicated the contents of your Lordship's despatch to the Chairman of the Wesleyan Church for the information of the Memorialists, I have the honor to enclose copy of a letter addressed to the Colonial Secretary of this Government by that Minister, in which he declines any application to the Legislative Council for any Grant to the Wesleyan Church out of the General Revenue of the Colony.

I have &c.,

CHS. A. FITZ ROY.
REVD. W. B. BOYCE TO COLONIAL SECRETARY THOMSON.

Sir, Sydney, 5 June, 1848.

I do myself the honor to acknowledge the receipt of your letter of the 5th May, enclosing extract from a Despatch of The Right Honble. Earl Grey, Her Majesty's Secretary of State for the Colonies, dated 8 October, 1847, in reply to a Memorial from the Wesleyan body, dated January, 1847, and beg leave gratefully to acknowledge the courtesy and impartiality manifested by the home and Colonial Governments in reference to the claims of the Wesleyan Church in New South Wales.

We must, however, deprecate any application to the Legislative Council for any grant to the Wesleyan Church out of the General Revenue of the Colony, as we can with confidence leave our case in the hands of Her Majesty's Government, feeling assured that, in the new arrangements consequent upon the proposed division of the Colony, full justice will be done to us in common with other Christian Churches. Meanwhile we are willing to suffer the loss of a few hundreds annually rather than disturb the religious peace of the Colony.

I have, &c.

WILL. B. BOYCE,
Chairman of the Wesleyan Church.

SIR CHARLES FITZ ROY TO EARL GREY.

My Lord, Government House, 7th August, 1848.

I have the honor to inform your Lordship that, in accordance with the instructions conveyed to me in your Lordship's Despatch, No. 256 of 3d November, 1847, I forwarded to the Director of the Botanic Gardens the Pamphlet which was therein enclosed, and which contained suggestions for increasing and improving the production of vegetation in the Island of Ascension.

I now transmit copy of a letter, which has been addressed to the Colonial Secretary of this Government by the Director of the Botanic Gardens on this subject. I have, &c.,

CHS. A. FITZ ROY.

MR. C. MOORE TO COLONIAL SECRETARY THOMSON.

Sir, Botanic Garden, Sydney, 15th July, 1848.

Referring to your letter of the 11th Instant calling my attention to the subject of the Report on the improvement of the cultivation of the Island of Ascension, and directing me to state whether there are any of the plants named by Dr. Lindley as suitable for a hot climate, which have not yet been introduced into this Colony, I have the honor, for the information of His Excellency the Governor, to report as follows:—

With the exceptions of the Java Radish (Ruphonus Caudatus), Four winged Loti (Jelragonlobus edulis) Quinoa of Brazil (Chenopodium Quinoa), Callaloo, Serradilla,
The rest of the plants mentioned in the Report have been introduced into this Colony. I am unacquainted with the Serradilla and the Collaloo; the others I have seen in cultivation in England, but not to that extent to enable me to judge of their utility; it would be desirable that all those plants should be tried in this Colony, because, in the event of their not succeeding in the colder districts, which I apprehend would be the case, yet they might possibly prove a desideratum at Moreton Bay and other Northern Settlements. I will, therefore, at once endeavor to procure them. I would, further state for the information of His Excellency, that from what I am able to infer from the Report, that many plants, natives of this Country, appear suitable for the Climate of Ascension, particularly the different species of Ficus, many of the fruit bearing plants of the Myrtle tribe, and some of the Grasses, especially the Kangaroo grass (Authistiria australis); seeds and plants of these, and many others, may be sent to the Island of Ascension by such opportunities as may offer; but, as I understand there is seldom a vessel from that place direct for that Island, I shall be glad to be informed of the best mode of transmission.

I have, &c.,

CHARLES MOORE.

EARL GREY TO SIR CHARLES FITZ ROY.

(A circular despatch, per ship Alert; acknowledged by Sir Charles Fitz Roy, 28th April, 1849.)

Sir, Downing Street, 8th August, 1848.

Amongst the periodical Returns, which are required by the Colonial Regulations to be transmitted to this Office, are Lists of Members of Executive and Legislative Councils, specifying the date of their appointment, and whether they hold any other Office in the Colony.

I have to request that these Lists may be prepared, in future, so as to shew to which of the appointments to the Councils the notification of Her Majesty's confirmation had not been received at the date of the Return.

I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 136, per ship Alert.)

Sir, Downing Street, 9th August, 1848.

With reference to my Despatch, No. 19 of the 7th February last, I have now to acquaint you that, on the recommendation of the Committee of the General Assembly of the Church of Scotland, I have sanctioned the appointment of the Reverend James Coutts to be the Minister of St. Andrew's Church, Parramatta, with a Salary of One hundred and Fifty Pounds per annum, and have authorized the Colonial Agent to issue to him the usual allowance of £150 on account of his passage to the Colony.

I have, &c.,

GREY.
GREY TO FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 137, per ship Alert.)

Sir,
Downing Street, 11th August, 1848.

I have the honor to acknowledge your Despatch, No. 18 of the 18th of January last, accompanied by the Report of a Committee of Council on the minimum price of Land.

I need not say that I shall always receive with respect any Report emanating from a Committee of the Legislative Council; and, in any matter peculiar to New South Wales, the Superior knowledge which they can command of circumstances on the spot would lend double weight to their Authority.

It must be remembered, however, that the present is not a question of purely local concern, and still less of recent experience. It affects the manner of disposing of unoccupied lands throughout the British Colonies, and contemplates virtually a recurrence to a system which has been tried on a larger scale, and during a longer time than any other which can be brought under consideration.

The subject, therefore, is one which Her Majesty's Government are bound to consider on its own merits.

The opinion of the Committee would seem to rest on the assumption that there ought to be almost an unlimited facility for the acquisition of the Public Lands. Without广告ing to the effect of unfavorable times, and of the extent to which the alienation of Public Lands may have already been carried, they appear to consider it as conclusive evidence of a fault, if the Sales of such Lands as still belong to the Crown should intermit. An increasing progress of Sales, however, can only be effected by contriving some system, which should oppose almost no obstacle at all to any one who may form any wish to possess Crown Lands. Much no doubt may be said in favor of such a course. It is common to hear it argued that, where the unoccupied Territory is of immense extent, the great aim should be to promote the appropriation and use of the Land; that Revenue is a very secondary consideration; and that the object should rather be to leave in the possession of the Settlers themselves all their pecuniary resources, in order to assist them in the task of reducing the Land into cultivation. This is a very natural view at first sight, and accordingly it is not new. It is the one upon which, until a comparatively late period, the whole of the British Colonies have been settled, and which has been attended with universal failure.

In British North America, it is the object of daily lamentation with all parties that, by the course of profuse alienation, such large tracts have fallen into the hands of single Individuals to the great injury of the Country. The place where the idea
has really had the most perfect trial has been Western Australia, and its effects are well known; it ruined the Settlement. Even in New South Wales itself, we have no want of experience of the results of the view, which the Committee entertain. Throughout all its early years, an almost nominal check was presented to the appropriation of the Crown Lands in the Colony, and there was nothing remarkable in its progress. But, since a price has been demanded for the lands alienated by the Crown, upwards of a Million Sterling has been realized from this source, and applied in obtaining a supply of labour, which up to this hour continues to be complained of as still deficient, although the population has been increased by an Immigration of apparently nearly 63,000 persons, for whom the means of conveyance could not possibly have been found except from the funds thus supplied, besides 18,000 more persons, who Emigrated by their own resources after the practice was established by the assisted Emigration. It is by means of the increase of population thus obtained that, notwithstanding the diminution of the Convict Expenditure of this Country, and the cessation of the supply of labour formerly afforded by transportation, the Colony has continued to advance in wealth and prosperity, and its character has been changed, as has been well said, from a Convict to a free Country.

Looking from these results, it may with confidence be asserted that the price paid for land since 1831 has been more than returned to the purchasers in the increased value given to it by the advantage the Colony has obtained from the money thus received, and that free grants, if the Colony had been deprived of those advantages, would not only have been far less beneficial to those who had bought land than its acquisition under the existing arrangements, but would probably have been as ruinous to them, as similar Grants to the Settlers in Western Australia. In thus appealing to experience in favor of the policy which has been adopted, I must further observe that the very same arguments, which are now brought forward against the establishment of the minimum price of £1 an Acre in 1843, were urged with no less confidence against the establishment of a minimum price of 5s. an Acre as a substitute for free Grants in 1831, and the subsequent advancement of that price to 12s. an Acre in 1839. Each of these changes has been regarded with equal apprehension; yet, as I have observed, it is with the adoption of that policy, which has equally dictated each successive advance in the price of the Land, that the great progress of the Colony may be said to have commenced.
There are some particulars, which although matter of detail would be essential to carrying out the views of the Committee, but on which I do not see that they arrived at any opinion. The first question, which immediately suggests itself is what would be the proper price to name, if the present one be abandoned. Sir George Gipps long ago observed that, if we were to be guided by asking a price, at which Lands could sell for pastoral purposes, the smallest Coin in the Colony would soon be too large a price for an Acre of Land. And this opinion seems to be confirmed. For, whilst some of the Witnesses speak of 2s. 6d. an Acre, and others of 1s. per Acre, as the most that could be afforded, another Gentleman of practical knowledge, supported by an Auctioneer of experience at Sydney, thinks that the Lands can only be valued at nothing at all.

It seems to me also necessary to bear in mind that, sooner or later in the progress of every Colony, we must expect Sales of Land to relax or even to cease; when a Settlement is quite new and the whole Territory still belongs to the Crown, the Settlers have everything to buy, and a wide experience shews that, at this stage of a Colony, a large Revenue will flow in from the sales of Land. But, in every instance of a modern Colony, this has been followed by a suspension of the Sales. The Settlers have acquired what they want, and become engaged in cultivating their property. And we must also be prepared for a time when any Revenue from actual Sales of Crown Land must become permanently small, unless we are to suppose that the Territory is never to be successfully peopled, but that large tracts are always to remain waste.

This leads me to the remark that, as Society becomes more advanced, the Sellers of land will naturally become private Individuals, as in the case of older Communities. In New South Wales alone, five Millions of Acres would seem to be already appropriated by private persons; and the best proof, that the falling off in the Sales of Public Land was not merely applicable to its price, is afforded by the fact that, at the very time of the lowest Revenue from this source, large tracts of private Lands were offered in the Market at almost any price, but could find no purchaser. The cause evidently was the general depression of the times. And I cannot think there could be any good reason why at such a moment it should be wished that the Government could have come into the Market, and insist upon underselling all the private Proprietors who were anxious to meet their difficulties by parting with a portion of their Estates.

On the contrary, the maintenance of some stability in the price it imposes upon Land is especially incumbent upon the Crown,
which must from the nature of things be, at the outset of a Colony, the great regulation of the value at which Land is disposed of. Hence some of the Witnesses before the Committee very naturally urged the hardship which would be inflicted upon them, if the Government were now to reduce its price below that which it had by Act of Parliament established as the lowest for which it would sell Lands; and they plainly indicated that they would prefer a demand for compensation, which it appears to me could hardly be rejected without injustice, while it would with great difficulty be met by the Colony. I need scarcely remark that it would be impossible to entertain a proposal for providing such compensation from the Funds of this Country.

But I abstain from entering into any further arguments. Considering the extreme importance of the subject, and bearing in mind that it falls especially to the duty of the Colonial Land and Emigration Commissioners to keep a watchful regard to all that passes on those topics from year to year, I thought it right to call upon that Board for such remarks as might occur to them upon the present question.

I have received from them the accompanying able Report, in which I entirely concur, and I would refer you to it for a fuller examination than it is necessary for me to add in this Despatch of the several topics handled in the Committee's Report. To the same document, I would also refer you for some remarks upon such portions of that Report as relate to the Orders in Council on Squatting.

I am very sensible of the striking manner, in which the views, at which the Committee arrived, have been explained in their Report. And I need not say that I am fully satisfied that they in their enquiries have been actuated by the same anxiety for the welfare of the Colony, which has also prompted the remarks I have offered to you upon the present occasion.

I, however, shall deeply lament it, if any arguments, however ingenious or forcibly expressed, shall lead the public of New South Wales to desire the abandonment of those principles under which the Colony has made its extraordinary progress of the last Ten or Twelve Years, and under which the Settlements of Port Phillip and South Australia have been so flourishing, in order to recur to the principles on which was founded the Colony of Western Australia.

[Enclosure.]

[This was a copy of the voluminous parliamentary paper, entitled, "Papers relating to the Occupation of Crown Lands, New South Wales," which was presented to parliament in 1848.]
FITZ ROY TO GREY.

(Sir Charles Fitzroy to Earl Grey.

(Despatch No. 178, per ship Robert Syers.))

My Lord,

Government House, 11 August, 1848.

In my Despatch, No. 3 of the 6th of January last, acknowledging the receipt of your Lordship’s Despatch, No. 203 of the 31st July, 1847, on the subject of the separation of Port Phillip and the contemplated changes in the Legislature of this Colony, I had the honor to inform your Lordship of the steps I had taken for giving publicity to the views of Her Majesty’s Government (the Council at that time not being in Session); and, in my subsequent Despatches, Nos. 31, 71 and 111 of the 2d February, 27th March and 11th May last, I placed before Your Lordship the result of various public Meetings held in Sydney and other parts of the Colony.

As your Lordship will naturally be anxious to be informed of the proceedings of the Legislative Council with reference to this constitutional subject, I have now the honor to report that, on the 21st March, the day on which the Legislative Council was convened, I caused a copy of your Lordship’s Despatch to be laid on the Table of the House.

On the 26th April, Mr. W. C. Wentworth (one of the Members for Sydney) gave notice of his intention to move the adoption by the House of a series of Resolutions,* which your Lordship will find printed in the annexed paper marked A. These proposed Resolutions, however, underwent considerable modification before they were submitted to the Council.

On the 2d of May, the modified Resolutions,* specified in the enclosure marked B, were proposed by Mr. Wentworth, and seconded by Mr. Foster, one of the members for Port Phillip.

The adoption of the Resolutions in their then shape was opposed by the Colonial Secretary; Mr. Lowe, the Member for Auckland and St. Vincent, followed on the same side, strongly advocating the expediency of establishing a Legislative Council distinct from the Representative Assembly instead of the present form of Legislature. After some other Members had spoken, the debate was adjourned to the following day. For the particulars of this debate, I beg to refer your Lordship to the Supplement to the Sydney Morning Herald of the 4th May, 1848.

On the second day, Mr. Bland, M.C. for Sydney, proposed a series of Resolutions based on those of Mr. Wentworth, although in some respects differing from them. These not having been seconded, it is unnecessary to trouble your Lordship with them.

It was then moved by Mr. Cowper, M.C. for Cumberland, that the House should resolve itself into a Committee to frame

* Note 39.
Adjournment of debate.

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Resolutions. This amendment having been seconded, the House, after a lengthened debate, went into Committee; the Resolutions* are set forth in the enclosure marked C.

Mr. Cowper proceeded to move the first of these Resolutions; but, after a long discussion, it was thought that further time should be given to consider the new matter introduced in them; and, with that view, it was moved that the Chairman should report progress and ask leave to sit again on the following Tuesday. After a further discussion on a point of order, the Committee divided with the following result (see Enclosure 1D): Ayes, 14; Noes, 9.

The second day's debate will be found reported in the Supplements to the Sydney Morning Herald of the 5th and 6th May.

On Tuesday, the 9th of May, the Council again resolved itself into Committee.

The first Resolution was carried without observation as follows:—

"That the erection of Port Phillip into a new Province may be effected without any fundamental change in the Constitution of this Colony."

To the second Resolution,

"That the principle that local affairs should be managed by local authorities, etc." (see Enclosure 1 C, No. 2), it was proposed as an amendment that the second of Mr. Wentworth's should be substituted for it, when the Committee divided: Ayes, 3; Noes, 20.

For the names of the Members voting, see No. 1 Division, Enclosure E.

The second amendment was then proposed, altering the terms of Mr. Cowper's 2d Resolution (No. 2, Encl. C) so as to make it apply, not generally, but at the present time only, when the Committee divided: Ayes, 13; Noes, 11. (See division No. 2, Enclosure E).

A further amendment having been introduced by Mr. Wentworth, making the Resolutions applicable to this Colony, the Committee again divided: Ayes, 19; Noes, 3 (see division No. 3, Enclosure E).

The third Resolution:

"That it is from the utter inability of the Rural Districts, etc." (see No. 3, Enclosure C), was carried without a division.

The fourth Resolution:

"That any scheme of District Councils involving power of local Assessment, etc." (see No. 4, Enclosure C), was carried, after a desultory debate, without a division.

* Note 39.
The fifth (see No. 5, Enclosure C) after having been submitted was withdrawn.

The sixth:

"That this Committee cannot acquiesce in any plan for an inter Colonial Congress, in which the superior wealth and population of New South Wales, as compared with the other Colonies of the Australian Group, both individually and collectively, shall not be fully recognized as the basis of Representation" (see No. 6, Enclosure C), was passed almost without remark.

The seventh Resolution was moved by Mr. Cowper in two parts, firstly,

"That the Council is disposed to view favorably the proposition of separating the deliberations of the Nominees of the Crown from those of the Representatives of the People."

Upon this, an amendment was moved by Mr. Wentworth, being in fact a direct negative. Other amendments were also proposed, but finally withdrawn, and the Committee divided on Mr. Wentworth's: Ayes, 10; Noes, 11.

The Committee then divided on the original Resolution: Ayes, 11; Noes, 10 (for particulars see Nos. 4 and 5, Enclosure E).

The second clause of the seventh of the proposed Resolutions was moved as a distinct Resolution as follows:

"That the Committee consider that, if such an amendment be made in the present Constitution, it ought to be accompanied by the cession of the Territorial Revenue, or the Schedules A, B and C, to the appropriation of the Representative Assembly."

Upon this, the Committee divided: Ayes, 16; Noes, 5 (see Division No. 6, Enclosure E).

The last of the series was then put:

"That, although the Council has deemed it a duty to give its opinion upon the several propositions contained in the Despatch of the Right Honorable the Secretary of State for the Colonies, it cannot forbear from expressing its strong sense of the indignity, with which the people of this Colony are treated, by the announcement that a measure so seriously influencing their destiny for good or for evil will be introduced into Parliament without affording them an opportunity of previously expressing their sentiments upon it" (see No. 8, Enclosure C), when the Committee divided: Ayes, 14; Noes, 5 (See Division No. 7, Enclosure E).

As it was then growing late, Mr. Cowper moved that the Chairman leave the Chair, report progress, and ask leave to sit again on the following Friday, when the Committee divided: Ayes, 6; Noes, 9 (See No. 8 Division, Enclosure E).
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Debate adjourned for six months.

Effect of adjournment of debate.

Reasons for objection to two legislative chambers.

Opinion of Sir C. Fitz Roy in favour of two legislative chambers and against district councils as constituents.

It was next moved, "that the Chairman do leave the Chair and report the Resolutions to the House," when the Committee again divided: Ayes 6; Noes, 9 (see No. 9 Division, Encl. E).

As therefore the Committee would neither consent to sit again nor report its Resolutions to the House, it was finally moved by Mr. Wentworth that the Chairman do leave the Chair, report progress, and ask leave to sit again that day six months. Upon this the Committee divided: Ayes, 10; Noes, 8 (see No. 10 Division, Enclosure E).

These proceedings in Committee are briefly reported in the Sydney Morning Herald of the 10th May.

Your Lordship will perceive that the result of this last step was clearly to prevent the Council from placing on record any opinion whatever on the momentous questions affecting so largely the interests of the Community, which had engaged its attention throughout a protracted debate; although it is not, perhaps, too much to suppose that such a result was not anticipated at the time.

Your Lordship will not fail also to observe that the main point of difference, which led to this result, was the question of the establishment of a Legislative Council distinct from a Representative Assembly; and a perusal of the debates, which took place on this question, will make Your Lordship acquainted with the fact, that the opposition, that was raised to the Constitution of these two Legislative bodies, was not grounded upon any principle of Government, but simply and avowedly upon the assertion that a Legislative Council interposed between the Executive Government and the Representative Assembly would render the former more independent of the latter, and therefore not so liable to be controlled by the fear of coming into direct collision with it.

Having thus endeavoured to put your Lordship in possession of the proceedings of the Council as briefly as was consistent with a clear explanation of them, it only remains for me to add my own opinion, which is, I believe, confirmed by that of the most experienced and unprejudiced persons, who have watched the working of the present Constitution of the Colony, that the assimilation of the Constitution of this Colony to that of the older British Colonies, where distinct Legislative bodies exist, would be generally considered to be extremely advantageous to its interests, but that the introduction of the double scheme of Election, by making the District Councils the Constituents of the House of Assembly, would be most unpalatable to the whole community, and would excite throughout the Colony a resistance,
which would in all probability render it inoperative, while it
would not fail to create an ill feeling towards Her Majesty's Gov-
ernment which would not easily be allayed.

I have, &c.,
CHS. A. FITZ ROY.

[Enclosures.]

[These were copies of the "Votes and Proceedings" of the
legislative council.]

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 138, per ship Alert.)

Sir, Downing Street, 12 August, 1848.

I herewith transmit to you the Copy of a letter from the
Lords Commissioners of the Treasury, enclosing the Copy of a
Communication from the Board of Customs, with a Commission
and Instructions for Mr. H. J. Rucker as Sixth Clerk to the
Collector of Customs at Sydney; and I have to desire that you
will cause the necessary directions to be given for the admission
of that Gentleman to the Office to which he has thus been
appointed.

I have, &c.,
GREY.

[Enclosure.]

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

Sir, Treasury Chambers, 27th July, 1848.

I am commanded by the Lords Commissioners of Her Ma-
jesty's Treasury to transmit to you the accompanying Letter from
the Board of Customs, dated the 14th Instant, with Commissions
and Instructions for Mr. W. R. Irving as Landing Waiter at Laun-
ceston, Van Diemen's Land, and for Mr. H. J. Rucker as Sixth
Clerk to the Collector of Customs at Sydney, New South Wales;
and I am to request that you will move Earl Grey to cause the
directions suggested by the Commissioners of Customs in regard
to the admission of those Gentlemen to the Offices, to which they
have been nominated, to be conveyed to the Lieutenant Governor
of Van Diemen's Land and the Governor of New South Wales
respectively.

I have, &c.,
GREY.

[C. E. TREVELYAN.]

MR. C. SCOVELL TO MR. J. PARKER.

Sir, Custom House, 14 July, 1848.

The Lords Commissioners of Her Majesty's Treasury having been pleased
Appointments to appoint Mr. Willm. Richard Irving and Mr. Henry J. Rucker to the situations in customs
respectively of Landing Waiter and Searcher at Launceston and 6th Clerk to the department.

I have in command to transmit herewith the necessary Commission and Instruc-
tions for the parties, and they signify the request of the Board that their Lordships
Commissions and instructions will be the means of causing the same to be forwarded to the Governors of Van
Diemen's Land and New South Wales, in order that their Excellencies may give
directions for the admission of the parties to duty, upon the production of the
usual Certificates of their due qualification.

I am, &c.,
C. SCOVELL.
1848.
12 Aug.

Submission of acts of council.

SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 179, per ship Robert Syers; acknowledged by earl Grey, 28th February and 15th and 16th June, 1849.)

My Lord,

Government House, 12th August, 1848.

I have the honor to transmit herewith, for Her Majesty's most gracious allowance, authenticated transcripts of Twenty three Public Acts and one Private Act passed during the last Session of the Legislative Council. I have also the honor to enclose printed copies of the same, together with copies of the Crown Law Officers' opinion, which I deemed it proper to take upon each of them, before exercising the powers conferred upon me by the Constitutional Act of the Colony and Her Majesty's Instructions in giving or withholding my assent on Her Majesty's behalf to Bills passed by the Legislative Council. Under their advice, I have assented to the whole of these Acts. I now trouble your Lordship with a few observations on the nature and general object of each of them.

11 Victoria, No. 40. "An Act to alter and amend the Laws relating to the Savings Banks of New South Wales and Port Phillip respectively."

This measure was introduced by the Government. Its chief object is to remedy a defect in the Act* passed in the session of 1847 relative to the powers of the Vice Presidents to hold and convey real property. It also declares that any portion of the funds of both Savings Banks may be lent to the Colonial Government on the security of Debentures chargeable on the General Revenue for the purpose of carrying on any works of public utility which may, by any Act of the Governor and Legislative Council, be authorised to be carried on by funds so borrowed. This Clause was introduced in pursuance of the authority conveyed to me in your Lordship's Despatch, No. 194 of 24th July, 1847.

11 Victoria, No. 41. "An Act to enable the Governor of the Colony to cancel appointments of places for holding Courts of Petty Sessions."

This measure was also introduced by the Government. The title sufficiently indicates the object of it, and would seem to render any further explanation respecting it unnecessary.

11 Victoria, No. 42. "An Act to continue an Act, intituled, 'an Act to authorise and regulate for a limited time the Warehousing under bond and the Exportation free of duty of Spirits distilled within the Colony of New South Wales.'"

This measure was introduced by the Government, and is merely to continue the Act of Council, 10 Victoria, No. 13, in force until the 31st December, 1852. As the last mentioned Act has

* Marginal note.—11 Vict., No. 25.
received the Royal allowance, I am not aware that there can be any objection to its continuance for the further period contemplated.

11 Victoria, No. 43. "An Act to amend certain Acts of the Governor and Legislative Council of New South Wales with respect to the appropriation of fines and penalties."

On the subject of this measure, I beg to refer to my Despatch, No. 6 of 8th January last, in which I explained my intention to introduce it during the Session, which was then about to commence. It is only further necessary to observe that, the amendments having now been made in the Coal Act, 9 Vict., No. 8, and the Customs Act, 9 Vict., No. 15, which were required by your Lordship's Despatch, No. 11 of 6th August, 1846, there appears to be no longer any objection to their receiving Her Majesty's gracious allowance.

11 Victoria, No. 44. "An Act to amend the Act for regulating Police in the Towns of Parramatta, Windsor, Maitland, Bathurst, and other Towns respectively, and for removing and preventing nuisances and obstructions, and for the better alignment of streets therein."

The object of this measure, which was introduced by the Government, is to enable any Justice of the Peace, resident in and acting for any Town within which the Country Towns Police Act, 2 Vict., No. 2, is in force, to perform all such matters as under the provisions of that Act could otherwise only be done by a Police Magistrate appointed under the same. This has become necessary in consequence of the discontinuance of Police Magistrates in many of the Towns of the Colony, to which the operation of the Act referred to extended.

11 Victoria, No. 45. "An Act to continue for a limited time an Act to facilitate the apprehension of transported felons and offenders, illegally at large, and of persons found with Arms and suspected to be robbers."

This measure was introduced by the Government. Its object is to continue in force the Act, 5 William IV, No. 9, commonly called the Bushranging Act, for a further period of five years. The Act in question has been renewed from time to time for the last 14 years, and the circumstances of the Colony are not yet such as to render it safe to dispense with its provisions.

11 Victoria, No. 46. "An Act to prevent frivolous and vexatious arrests of Ships and Vessels or the Masters or Commanders thereof by process issuing out of the Vice Admiralty Court of New South Wales."

This measure was introduced by one of the Elective Members. Its object is to put down a practice, which has been found to
operate most injuriously on the Owners of Ships trading to this Colony, and has long been the subject of loud complaint; but the remedy was surrounded with great difficulties, as it was necessary of course in any local measure for the purpose to avoid interfering in any way with the provisions of the Imperial Act, 2 William IV, C. 51. This, it will be perceived, has been carefully attended to in the present measure. It is only in fact in cases in which, as expressly laid down in the first clause, "Any ship or Vessel, or the Master or Commander thereof, shall be arrested by any process issuing out of the Vice Admiralty Court of New South Wales for any matter or thing not within the jurisdiction of the said Vice Admiralty Court," that the provisions of the local Act are to apply. The objectionable practice, to which I have alluded, has been frequently resorted to by some of the unscrupulous practitioners of the Court, of arresting ships or the Commanders thereof on some false plea, just on the eve of their departure from the Colony, in the hope that, rather than incur the expense of the detention of the ship, their unjust demands would be satisfied; and there is reason to believe that they have been but too successful in their base attempts thus to defraud the owners of ships trading to the Colony. The present measure merely makes the complainant and his proctor liable for the costs in the cases referred to, and also for any damages that may ensue from the arrest of the ship or the master thereof. To obviate the necessity for the detention of the ship and to facilitate the proof of the case after her departure from the Colony, the third clause provides that the copy of the ship's Articles and of her register, on being proved to be a true copy, shall be received in evidence. As the Crown Law Officers raised no objection to my signifying the Royal assent to this measure, I have not hesitated to do so; and I now beg to recommend it to your Lordship's favorable consideration as one to which the Mercantile community of this Colony attach much importance.

Postage act.

11 Victoria, No. 47. "An Act to amend the Law of Postage of letter to and from the neighbouring Colonies of Van Diemen's Land, South Australia and Western Australia."

This measure was introduced by the Government in consequence of a representation from the Lieut. Governor of South Australia of the high rate of postage chargeable on letters conveyed by Steam Vessels trading between that Colony and New South Wales. It may be proper to explain that, on the establishment of Steam communication several years ago between Sydney and Melbourne, an Act* was introduced by my predecessor into the late Legislative Council, enacting that the rate of postage on letters, transmitted by steamers, should be the same as if

* Marginal note.—5 Vict., No. 17.
transmitted by the overland post. The object of that measure was twofold: to protect the postal revenue, and to encourage steam communication, one fourth of the postage being paid to the owners of the Steam Vessels so employed. Since that period, steam communication has been extended to Launceston and Adelaide, and, under the provisions of the Act, its operation extended to letters transmitted from the neighbouring Colonies, an effect which was neither intended by its framers nor necessary for the objects for which it was introduced. I have accordingly seen no reason why this amendment should not be made. It is only further necessary that I should explain that it has been found impossible to reduce the postage on letters conveyed by Steamers between Sydney and Port Phillip without the risk of injuring the revenue in such a degree as to render it impossible to maintain the bi-weekly overland post, which has been for several years established between Sydney and Melbourne, and which, so long at least as Sydney remains the chief seat of Government of the united Districts, it is so desirable should not be interrupted.

11 Victoria, No. 48. “An Act to incorporate the Board of National Education.”

This measure was introduced by the Government on the application of the Members of the Board. The object is to enable the Governor to appoint and remove the Members of the Board, and to empower the Board to hold real and chattel property for the purposes of their appointment. The system, which the Board is entrusted to carry out, is founded on the National system of Education introduced some years ago into Ireland by Lord Stanley, and for which sums have been appropriated by the Legislative Council during its two last Sessions.

11 Victoria, No. 49. “An Act to provide for the improvement of certain roads in the neighbourhood of the City of Sydney.”

This measure was introduced by the Government. The object of it is to provide for the repair and maintenance of the system of roads, known as the Old and New South Head roads, communicating between Sydney and the sea coast lying immediately to the eastward of it. The roads in question form the chief outlets from the City, used for recreation by the inhabitants; and, as the funds for the repair of the same will be raised chiefly, if not entirely, by the proceeds of the tolls collected thereon, I trust that the measure will be found to be a very beneficial one for the purpose for which it is intended.

11 Victoria, No. 50. “An Act to regulate the keeping and carriage of Gunpowder imported into that part of the Colony of New South Wales, called Port Phillip.”
This measure was introduced by the Government at the instance of His Honor the Superintendant of Port Phillip, where a Powder magazine has recently been erected. Similar enactments* have been in force for many years in this part of the Colony.

11 Victoria, No. 51. “An Act to suspend for one year so much of the Acts to incorporate the Cities of Sydney and Melbourne respectively, as relates to the estimating and levying a rate for the Police of the same.”

It has been usual annually to pass a Bill of this character in order to place the Inhabitants of Sydney and Melbourne on the same footing with regard to Police Expenditure as the Inhabitants of rural districts in which the entire cost of the Police is borne on the General Revenue.

11 Victoria, No. 52. “An Act for applying certain sums arising from the Revenue receivable in New South Wales to the service thereof for the year one thousand, eight hundred and forty nine, and for further appropriating the said Revenue.”

This, the usual appropriation Act, seems to require from me no observation in the present Despatch. With regard to the Financial arrangements of this year, I beg to refer your Lordship to my separate Despatch, No. 180, dated 12th instant.

11 Victoria, No. 53. “An Act to amend the Act regulating Friendly Societies in New South Wales.”

This measure was introduced by an Elective Member. The Act, 7 Vict., No. 10, regulating Friendly Societies, rendered it imperative that the surplus funds of all such Societies should be invested in the Savings Bank; but, as this was by no means a desirable investment by reason of the great amount of unavailable deposits in the Savings Bank and the consequent low rate of interest allowed by those Banks, the present Act was passed to enable such Societies to invest their funds in other more profitable securities.

11 Victoria, No. 54. “An Act to remove doubts concerning the validity of certain Grants of Land in the City of Sydney.”

This measure was introduced by an Elective Member, and the circumstances which gave rise to it are briefly these. During the administration of the Government of this Colony by Sir Ralph Darling, it was purposed to give formal Deeds of Grant for the various Allotments of Land in the then Town of Sydney, which were (with few exceptions) held without any such instrument. Deeds of Grant were accordingly promised by Sir Ralph Darling, in his Proclamation of 8th June, 1829, on certain conditions to all persons, who were at a given time (30th June, 1823)

* Marginal note.—9 Geo. IV, No. 7, repealed by 7 Gul. IV, No. 7, amended by 5 Vict., No. 11.
bona fide in possession of Allotments in Sydney. Many hundreds of grants were accordingly made to claimants under that Proclamation. It now appears, however, that in some few instances the Allotments thus granted in fee were held under Lease from the Crown (in most cases by the Grantees themselves) for a term of years which had not expired at the date of the issue of the Grant. As, however, the existence of these Leases is not recited in the Deeds of Grant, doubts have been entertained of their validity; and it was to quiet such doubts that the present enactment was passed. I may further remark that, in this Act, as well as in all Grants for Allotments in Sydney, there is a formal reservation of the rights of all lawful claimants other than the Grantees.

11 Victoria, No. 55. “An Act to substitute in respect of female offenders other punishments in lieu of transportation beyond seas.”

This Enactment was introduced by the Government to repair an omission in the Bill* passed during the previous Session, which prescribes substituted punishment only in the case of male offenders. Both these Acts have been rendered necessary by the discontinuance of transportation from this Colony to Van Diemen’s Land.

I must not omit to state that the scale of substituted punishments in the case of female offenders was fixed by the Crown Law Officers in concurrence with their Honors the Judges of the Supreme Court.

11 Victoria, No. 56. “An Act to enable any Joint Stock Company to sue any of its own Members, and to enable any Member of any such Joint Stock Company to sue any such Company, and for other purposes.”

This measure was introduced by an Elective Member for the propose chiefly (as the title sufficiently indicates) of enabling a Joint Stock Company to sue one of its own Members, and vice versa.

It also provides (3d Clause) that any Member or proprietor in a Joint Stock Company, committing a fraud or embezzlement on such Company, may be prosecuted for the offence notwithstanding the fact of his being such member or proprietor. The 6th Clause makes the Officers and Shareholders of any Joint Stock Company competent witnesses, in cases where the Company is suing or being sued; and the last clause provides that the memorial of the name of the Manager or other Officer of the Company shall be recorded in the Office of the Registrar General of the Colony instead of in the Supreme Court, as was formerly the practice.

* Marginal note.—11 Vict., No. 34.
11 Victoria, No. 57. "An Act to regulate the admission, in certain cases, of Barristers of the Supreme Court of New South Wales."

This measure, which was initiated by an Elective Member, aims at removing the barrier which hitherto forbade the youth of the Colony (whether born in the Colony or having emigrated hither from the Mother Country) from aspiring to the higher division of the profession of the Law. It is of course very essential that, in taking this step, every proper precaution should also be taken to prevent the admission to the Bar of any but well qualified persons. In this respect, the Act provides for the examination of the Candidates in the Ancient Classics, both Greek and Latin, in Mathematics, in Law, and in such other branches of learning as may be deemed meet by a Board of Examiners appointed for the purpose. The constitution of that Board is in itself a guarantee for the well working of the system, as it is conceived that the Judges of the Supreme Court, the Attorney General, and the Members of the Bar, who will elect the remaining examiners, have the strongest motives for desiring to see the efficiency and respectability of the Bar upheld. Your Lordship will perceive by the second clause that no candidate, however qualified in other respects, is to be admitted a Barrister unless the Board shall be satisfied that he is a person of good fame and character. Under these circumstances, and as the Crown Law Officers have not urged any objection, I have not hesitated to assent to this Bill.

11 Victoria, No. 58. "An Act to declare the power of Mortgagees of Sheep."

This measure was introduced by an Elective Member with a view of removing a doubt which had arisen as to whether, under the temporary Act, 11 Vict., No. 14, a person who had mortgaged his sheep could also grant a valid Lien on the wool thereof, whilst the Mortgage of it remained unsatisfied.

11 Victoria, No. 59. "An Act to enable certain public Hospitals to sue and be sued in the name of their Treasurer, and to provide for the taking and holding of Real property belonging to such Hospitals respectively."

The discontinuance of the Convict Hospitals in this Colony has rendered it incumbent on the inhabitants of the various Districts of the Colony to make provision for the care and maintenance of the indigent sick. Your Lordship is aware that the buildings formerly used as Convict Hospitals have, with the sanction of Her Majesty's Government, been made over to the inhabitants of the various districts, who have formed themselves into Societies for the support of these benevolent Institutions,
aided to a certain extent by votes from the public funds of the Colony. It was to place these Societies on a secure footing and to facilitate their operations that the present measure was introduced by the Government.  

11 Victoria, No. 60. "An Act to remove an obstruction in a certain street called Bourke Street within the City of Sydney."

This measure was initiated by the Government to remove an obstruction which had been placed by a private individual in the line of a regularly proclaimed street.  

As the land, through which the street runs, was granted away by the Crown in the earlier days of the Colony without reserving any right of public thoroughfare, it was deemed proper and necessary to apply to the Legislature for an Act to abate the obstruction, awarding reasonable compensation to the party interested.  

11 Victoria, No. 61. "An Act for appointing Commissioners to examine and report upon disputes respecting boundaries of Runs between the claimants of Leases under Her Majesty's Order in Council of the ninth March, one Thousand, eight hundred and forty seven."

This measure was introduced by the Government to assist it in determining the boundaries of the Runs, which may be in dispute between adjoining Licensed occupants of Runs entitled to demand Leases under Her Majesty's Order in Council. The Commissioners under this Act are only empowered to investigate and report upon the claims of the litigant parties, for the information of the Governor in acting upon the powers conferred upon him by Her Majesty's Order in Council.

It will be perceived that this enactment has been drafted so as to avoid trenching in any way on Her Majesty's prerogative. No proceedings whatever can be had under it without the Governor's sanction, nor will the report of the Commissioners be at all binding on the Crown. And it may further be remarked that this measure only deals with cases of disputed boundary, whilst it purposely excludes all cases wherein the question of right to an entire station is involved.

The expenses attendant on the operation of this Act will be met by the fees payable by the persons, whose claims are investigated.  

12 Victoria, No. 1. "An Act to simplify and alter the Law in some respects."

This Act was initiated by an Elective Member; Its object is sufficiently indicated by the title. As the points in which it seeks to simplify the law are chiefly of a technical nature, it is not, perhaps, necessary that I should trouble your Lordship with any
Private Act. "An Act to Incorporate the Proprietors of a certain Banking Company called 'the Commercial Banking Company of Sydney,' and for other purposes therein mentioned."

The Joint Stock Company for some years past carrying on business in the Colony under the same designation as that used in the title of this Bill being about to expire by effluxion of time, the present Act has been passed in fact to remodel and re-establish that Company under, however, a new Deed of Copartnership. It only appears necessary for me to remark, 1st. That, in this case in addition to the usual opinion of the Crown Law Officers to guide me in giving or withholding the Queen's assent, I required them to report specially whether this Bill was in accordance with the Treasury Instructions having reference to the Incorporation of Banking Companies, which accompanied Mr. Secretary Gladstone's Circular Despatch of 30th May, 1846; and 2ndly. There is the usual proviso that the Act shall not come into operation until it receive Her Majesty's approval and allowance; and I am not aware of any reason why this should be withheld, as all necessary formalities in respect to this measure as a private Act appear to have been duly observed.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosures Nos. 1 to 24.]
[These were copies of the acts of council.]

[Enclosure No. 25.]

MESSRS. PLUNKETT AND FOSTER TO COLONIAL SECRETARY THOMSON.

Sir, Attorney General's Office, 19th April, 1848.

In reply to your letter of the 15th Instant, transmitting to us by command of His Excellency the Governor the accompanying copy of a Bill, passed by the Legislative Council on the 12th Instant, and presented to His Excellency for the Royal Assent, intituled, "A Bill to enable the Governor of the Colony to cancel appointments of places for holding Courts of Petty Sessions," and requesting we will carefully peruse this Bill, with the view of ascertaining whether, in our opinion, there is any objection to the Governor giving his assent to it, we have the honor to report that in our opinion there is no objection to the Governor giving his assent to this Bill, and that no amendments appear to us to be necessary to give legal effect to the intentions of the Legislative Council, and to render the Bill in other respects unobjectionable.

We have, &c.,

J. H. PLUNKETT, Attorney General.
W. FOSTER, Solr. Genl.

[Similar opinions were given on the other acts transmitted.]
GREY TO FITZ ROY.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 180, per ship Robert Syers.)

My Lord,

Government House, 12 August, 1848.

I have the honor to transmit the usual copies of the Financial Papers, submitted to the Leg. Council during its recent financial Session, for the years 1848 and 1849.

At page 81 of this Book, your Lordship will find a copy of the explanatory Message with which I submitted to the Council the Estimates of Expenditure for the year 1849; and at page 85 a copy of a Message transmitting to the Council an Estimate amounting to £1,000, for the formation of a small Corps of Native Police beyond the Settled Districts. I have reason to believe that the establishment of this force will not only have the effect of checking the collisions between the white Inhabitants and the Aborigines, referred to in the Message, and which in some instances have had very deplorable results; but I am also sanguine in the hope that it may prove one of the most efficient means of attempting to introduce more civilized habits among the native tribes.

I have, &c.,

CHS. A. FITZ ROY.

[Enclosures.]

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

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 140, per ship Alert.)

Sir,

Downing Street, 14 August, 1848.

I have to acknowledge the receipt of your Despatch, No. 61 of the 17th March last, forwarding a Memorial from the inhabitants of Sydney to the Queen, praying that Her Majesty will be pleased not to assent to the contemplated change in the Constitution of the Colony under your Government.

I have laid that Petition before Her Majesty, who was pleased to receive it very graciously. For the views of Her Majesty's Government on the subject to which it relates, I have to refer you to my despatch, No. 133 of the 31st Ultimo.

I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 141, per ship Alert; acknowledged by Sir Charles Fitz Roy, 31st May, 1849.)

Sir,

Downing Street, 14 August, 1848.

I have to acknowledge the receipt of Your Despatch, No. 48 of the 25th Feby. last, transmitting the copy of a letter...
from Mr. Icely, who claims a remission of the Quit Rents payable on a certain additional Grant of 4,000 Acres of Land made to him in the year 1831.

I cannot consider the grounds, on which this request is preferred, sufficient. From the statement of the case, it would appear that, having employed a certain amount of Convict Labour upon the Land in question, Mr. Icely thinks himself entitled, under the Notice issued from this Department in the Year 1824, but which was revised before he received his grant, to have credit for a portion of the sum saved by him to Her Majesty's Government on account of his maintenance of such Convicts. Now it is obvious that obtaining Convicts, instead of being a burthen to Mr. Icely, was an additional and important boon granted to him, and to make this a ground for remitting the Quit Rent upon the enlarged Grant, which he received, would not in itself be just to the Colony. In equity, therefore, I am of opinion that the Applicant has no claim to such a remission, and that it could only be conceded if the words of the Documents, under which he obtained possession of the 4,000 Acres, could be construed as giving him a positive promise of that advantage, which I do not consider to be the case. You will, therefore, inform Mr. Icely that I regret that I do not feel that I should be justified in complying with his request. I have, &c.,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch marked "Military, No. 18," per ship Alert.)
Sir,
Downing Street, 14th of August, 1848.

I have to acknowledge the receipt of your despatch, No. 57 of the 13th of March last, and to acquaint you that Major General Wynyard has no claim to the style of "Excellency," and that he acted very judiciously in declining to assume it without having been previously authorized to do so.

I have, &c.,
GREY.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 182, per ship Robert Syers.)
My Lord,
Government House, 14th August, 1848.

In my Despatch, No. 19 of the 30th January, 1847, I had the honor to forward a Petition which had been addressed to me by certain Landholders, Bankers, Merchants, Graziers, Ship-owners, Traders, and other persons interested in the welfare of this Colony, pressing the urgent necessity which existed for a renewal of Immigration.
Fitz Roy to Grey.

Owing to the urgency of the case, I forwarded that Petition at once, and when comparatively few persons had signed it; but copies having been circulated throughout the Colony, it has recently been transmitted to me with two thousand, two hundred and forty signatures of the most respectable and influential persons in the community.

As your Lordship has been pleased to comply with the request of the Memorialists, I merely report the circumstance to show your Lordship that I have been justified in bringing the matter so often before your notice, and in stating that it was the wish of the inhabitants of the Colony generally that Emigration should be revived.

I have, &c.,

Chs. A. Fitz Roy.

Sir Charles Fitz Roy to Earl Grey.

(Despatch No. 184, per ship Robert Syers; acknowledged by Earl Grey, 1st March, 1849.)

My Lord,

Government House, 15th August, 1848.

I have the honor to transmit to your Lordship the accompanying copy of a letter addressed to this Government by Mr. William Busby on behalf of his Father, Mr. John Busby, formerly holding the Office of Mineral Surveyor; in which he solicits, for the reasons therein stated, a remission of the Quit rents charged on the Grant of Land made to him.

Mr. Busby has also forwarded a copy of a communication received by Mr. John Busby from the then Under Secretary of State, of date, Downing Street, 29th March, 1823, in which is contained the following passage, and it is upon the interpretation of it that the present claim is founded; namely, "At the end of which period (3 years) the Government will be instructed to give you a grant of land as a remuneration of your services."

Under these circumstances, I have to request your Lordship's decision, whether the land granted to Mr. Busby in pursuance of this promise is, or is not to be chargeable with Quit Rent.

I have, &c.,

Chs. A. Fitz Roy.

[Enclosure No. 1.]

Mr. W. Busby to Colonial Secretary Thomson.

Sir,

Australian Club, 3d August, 1848.

I do myself the honor to inform you that the Collector of Quit Rents in the County of Northumberland has levied upon the property of my Brother-in-law, Mr. Kelman, for Quit Rent of land granted to my Father in terms of his agreement with the Secretary of State, as shown by his letter of 29 March, 1823, a copy of which I beg to enclose herewith.
1848.
15 Aug.

Conditions of grant to J. Busby.

The Grant to my father is, by this letter, a part of his remuneration for services; the distinction laid down by the Secretary of State for Grants to my Brothers or myself, receiving such as Settlers, is clearly defined in contradistinction to this grant for services; and I have now to request that the whole circumstances may be laid before His Excellency the Governor for his decision, and, if His Excellency deems it necessary, may be submitted for the decision of the Right Honorable the Secretary of State for the Colonies.

The Deeds of this Grant having been urgently required in a case of pressing necessity, and being refused by the Colonial Treasurer till the Quit Rent then due was satisfied, the sum of £150 was paid to him on this account, but under protest, till the matter was finally decided by the Government.

I trust, therefore, to the clemency of the Governor restraining in the meantime the execution of the levy till the matter is finally decided.

I have, &c.,

WILLIAM BUSBY.

[Enclosure No. 2.]

Conditions for employment of J. Busby.

UNDER SECRETARY WILMOT TO MR. J. BUSBY.

Sir, Downing Street, 29th March, 1823.

I am directed by Lord Bathurst to acquaint you, in reply to your application to proceed to New South Wales as Mineral Surveyor and Civil Engineer, that his Lordship feels disposed to authorize the Governor of that Colony to issue to you the sum of £200 per annum on the condition of your giving the Government the benefit of your Services for 200 days in each year; such Salary to be continued to you for three years from the date of your employment in the service of the Government after your arrival in New South Wales; at the end of which period the Governor will be instructed to allot you a grant of land as a remuneration for your services in case he shall feel satisfied with your conduct during your residence in the Colony. I am moreover to point out to you that no house will be provided for you, unless your whole time throughout the year is devoted to the public service; and that you must not under any circumstances expect to receive Rations for yourself and family; in the event of your acceding to these terms, a passage will be forthwith ordered for yourself and family on board some vessel sailing from the River for Port Jackson.

I am also instructed to acquaint you that, if any of your sons who may proceed with you take with them a Capital to the amount of £500, they will be considered as Settlers and have Grants of Land with the usual indulgence of Convict labour.

I am, &c.,

R. WILMOT.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 142. per ship Alert.)

Sir, Downing Street, 16 August, 1848.

I have the honor to acquaint you that I have received, from the hands of Mr. Francis Scott and some other Gentlemen, a numerously signed Petition purporting to proceed from all the principal Classes of Employers of labor in New South Wales, of which Documents I enclose a Copy for your information.
It would have been far more regular that this Petition should have been transmitted through the Governor; and I much regret that the Subscribers to it should have thought it advisable to deviate from the usual course. They may rely upon it that they can choose no channel through which any wishes, they may be desirous to express, can be transmitted with greater advantage than through Her Majesty's Representative in the Colony.

You will acquaint the Petitioners, however, that I have laid their Petition at the foot of the Throne. You are also aware that, in the general object at which it aims, Her Majesty's Government concur, and that they will be very glad if means can be found of sending out Convicts at a proper stage of their punishment, so as both to furnish some addition to that supply of Labour, of which the Colony stands so greatly in need and protect it against the moral injury which the system of transportation, as it formerly existed, inflicted upon it. The certainty of employment in the Colony, and the conditions which must be fulfilled before the Convict can obtain his pardon and freedom, will, it is hoped, by opening anew the prospect of respectability and independence to him, secure these objects.

But as I have received from you Resolutions of the Legislative Council on this important subject, it will be more appropriate to convey to you in answer to that representation any more particular statement of the views of Her Majesty's Government.

I have, &c,
GREY.

[Enclosure.]

THE Petition of the undersigned Bankers, Merchants, Agriculturists, Stockholders, and others, Employers of labour in New South Wales,

To the Queen's Most Excellent Majesty,

Humbly Sheweth,

That your Majesty's Petitioners are now suffering great inconvenience and injury from the want of an adequate supply of labor, owing to the suspension of Immigration and other causes beyond the Power of Petitioners to controul.

That the want of Labor, which your Majesty's Petitioners thus complain, becomes every day more urgent, in consequence of the additional demand which the natural increase of Cattle and Sheep rapidly occasions.

That, during the last two years, the price of Labor has increased about fifty per cent., a rate of increase incompatible with a fair profit upon Agricultural and Pastoral investments, whilst, on the other hand, the price of Wool (the staple of the Colony) has fallen at least 46 per cent.

That, under these circumstances, many of Your Majesty's Petitioners are not only precluded from extending their operations, but,
in some instances, the Farmer has been obliged to suspend them altogether, whilst the Owners of Flocks and Herds will soon have no alternative left but to boil them down for the mere tallow.

That such a state of things, if not speedily remedied, must be productive of results ruinous to the immediate interests of Your Majesty's Petitioners, and disastrous to the future prosperity of the Colony.

That, under the pressure of such circumstances, your Majesty's Petitioners have read with much interest a Despatch addressed to the Governor of this Colony by the Right Honorable W. E. Gladstone, dated 30th April, 1846, on the subject of the renewal of transportation to this Colony. They have also read with much satisfaction the Report of a Select Committee of the Legislative Council, to whose consideration the important Despatch in question was referred.

That Your Majesty's Petitioners would earnestly solicit your Majesty's Gracious attention to the facts and recommendations set forth in the Report of the Select Committee alluded to, and humbly trust that they may have sufficient influence on your Majesty's Councils to induce the resumption of transportation to this Colony upon the principles therein recommended or upon such modifications thereof as may be deemed expedient.

That, in the opinion of your Majesty's Petitioners, such a measure would be equally advantageous to this Colony and to the Parent Country, by opening out a cheap and boundless field of reformation for her Criminals and support for her paupers, and thus relieving her from the burthen of their maintenance in expensive establishments at home.

And your Majesty's Petitioners as in duty bound will ever pray, etc.,

THOS. AGARS. D. LARNACH.
J. B. DARVALL and 449 other persons.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 143, per ship Alert.)

Sir, Downing Street, 16 August, 1848.

I have received your Despatch, No. 61 of the 17th of March last, enclosing comparative Statements of the Revenue collected in New South Wales during the years 1846 and 1847, and it has afforded me much satisfaction to observe the favorable account which those Statements contain of the general resources of the Colony, and more especially in regard to the large amount available for Emigration purposes.

I have, &c.,
GREY.

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 185, per ship Robert Syers.)

My Lord, Government House, 16th August, 1848.

I have the honor to enclose copy of a letter which, on the 1st instant, I received from the Storekeeper General of the
GREY TO FITZ ROY.

Navy, requesting that I would cause the accompanying Bond for Mr. Henry Warrington, for the due performance of his duties as Her Majesty’s Naval Storekeeper and Agent Victualler at Trincomalee, to be duly executed by Mr. Frederick Biggar Chilcott, said to be a permanent resident in Sydney.

I have the honor to request that, in forwarding to the Admiralty the enclosed Bond, your Lordship would cause the Storekeeper General to be informed that, previous to the receipt of his letter, Mr. Chilcott had left this Colony in a vessel called the “Gazelle,” which sailed for Madras and Calcutta on the 5th June, and that therefore I have thought it best to return the Bond in order that the Storekeeper General may take such steps as he may deem necessary in the matter.

I have, &c,

CHS. A. FITZ ROY.

[Enclosure No. 1.]

MR. R. DUNDAS TO SIR CHARLES FITZ ROY.

Admiralty, 24 January, 1848.

I have the honor to request that you will be pleased to cause the enclosed Bond for Mr. Henry Warrington for the due performance of his duties as Her Majesty’s Naval Storekeeper and Agent Victualler at Trincomalee to be duly executed by Mr. Frederick Biggar Chilcott, said to be a permanent resident at Sydney, if, in the opinion of your Excellency, sufficiently responsible to become bound to the Crown in the sum of Two thousand pounds; and, when so executed that your Excellency will have the goodness to cause the Instrument to be returned to this Department.

I have, &c.

R. DUNDAS,

Storekeeper General of the Navy.

[Enclosure No. 2.]

[A copy of the bond is not available.]

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 144, per ship Alert; acknowledged by Sir Charles Fitz Roy, 27th April, 1849.)

Sir,

Downing Street, 17 August, 1848.

The Act passed by the Legislature of New South Wales in the month of October, 1846, referred to in your despatch, No. 22 of 22d January last, and entitled “an Act to amend the Laws incorporating the Town of Melbourne,” having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade, that Committee have reported to Her Majesty their opinion that the said Act should be specially
1848.
17 Aug.

confirmed and finally enacted. I have, therefore, the honor to transmit to you herewith an order of Her Majesty in Council, dated 11th August, 1848, approving that Report.

I have, &c.,

GREY.

[Enclosure.]

[A copy of this order-in-council is not available.]

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 146, per ship Alert.)

Sir,
 Downing Street, 17 August, 1848.

Having communicated to the Lords Commissioners of the Treasury a Copy of your Despatch, No. 12 of the 12th January last, I have to state that their Lordships have informed me that they have seen no reason to disapprove of the temporary arrangements you have made by appointing Mr. Richard Williams, the Senior Tide Waiter at Broken Bay to the vacant Office of Junior Landing Waiter, and Mr. J. Collier to be Mr. Williams' Successor.

I have, &c.,
 GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch marked "Military, No. 19," per ship Alert; acknowledged by Sir Charles Fitz Roy, 20th January, 1849.)

Sir,
 Downing Street, 17th of August, 1848.

I have to desire that you will ascertain and report to me whether William Hallick of the 99th Regiment stated to belong to the Mounted Police in New South Wales be alive.

I have, &c.,
 GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 147. per ship Alert.)

Sir,
 Downing Street, 18 August, 1848.

I have the honor to acknowledge your despatch, No. 78, of the 31st of March last, in which you report that, in pursuance of former Instructions from the Secretary of State, you have reduced the contribution to the Benevolent Society for Convict Funds to the amount of £1,500, but you at the same time mention that, unless more aid can be granted, you are afraid that the sphere of the Society's labors must be curtailed.

I am sorry, for the reasons stated in my previous Despatch, No. 259 of the 18th of November last, which you had not received when you wrote your present communication, that the former decision on this subject cannot be altered; and it will be
necessary that the progressive reduction of the Grant to the Asylum should continue. I trust, however, that the Committee of this Society will believe that I by no means undervalue their benevolent Institution; and I can assure you that I shall feel much regret if its usefulness should be impaired by the unavoidable withdrawal of aid from this Country.

In conclusion, I have only to state that, whilst I entirely approve of your having adhered to the progressive reduction of the Grant, I am sensible that the interest, which must be felt in the objects of the Institution, rendered it very natural and proper on your part to inquire whether Her Majesty’s Government might feel itself able to accord to the Society some further contribution.

I have, &c,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 148, per ship Alert.)

Sir,
Downing Street, 18 August, 1848.

Mr. G. W. Hope, formerly Under Secretary of State for this Department, has forwarded to this Office a letter addressed to him by Mr. Alexander Flood, dated from Newcastle, New South Wales, the 25th of March last, accompanied by a correspondence which had passed between Mr. Flood and the Colonial Authorities on the subject of his application for the appointment of Clerk of Petty Sessions at Cambooya, and containing an offer to send home certain specimens of birds and animals for Mr. Hope’s acceptance.

I have to desire that the Enclosures above referred to may be returned to Mr. Flood, and that you will thank him for his offer to send home the curiosities he mentions, at the same time informing him that this offer cannot be accepted. I have, &c,

GREY.

EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 149, per ship Alert.)

Sir,
Downing Street, 18 August, 1848.

I have to acknowledge the receipt of your Despatch* marked “Separate” of the 12th March last, forwarding an Account of the total expenditure incurred from the formation of the late Settlement in North Australia to the 31st of January, 1848, and referring to the amount of Salary which you had assigned to the several Officers belonging to that Establishment; and on the latter subject I have to refer you to the instructions contained in my Despatch, No. 33 of the 27th February last.

I have, &c,

GREY.

* Note 18.
EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 150, per ship Alert.)

Downing Street, 18 August, 1848.

Sir,
In answer to your despatch, No. 91 of the 8th April last, accompanied by a letter from Mr. R. Brenan, and its enclosures, soliciting the appointment of Senior Police Magistrate at Sydney, I have to desire that you will inform the applicant that it is out of my power to comply with his request. I have, &c.,
GREY.

EARL GREY TO SIR CHARLES FITZ ROY.
(A military circular despatch, per ship Alert.)

Downing Street, 18th of August, 1848.

Sir,
It has been represented to Her Majesty's Government that the advantages, which have hitherto been held out to Officers disposed to settle in the Colonies, can scarcely be considered as sufficient inducement to them to take that step; and, in corroboration of that representation, it has been stated that, in each of the last two years, only four Officers have applied for permission to retire from the Army for the purpose of becoming permanent residents in the Colonies.

As the Settlement of Military and Naval Officers in the Colonies is calculated to be highly beneficial both to themselves and to the Colonies, I have come to the conclusion that some superior encouragement ought to be held out to persons of that class; and considering that the granting of Land for that purpose constitutes in truth but a very small contribution on the part of the Colonies to the expense of maintaining a portion of the Army and Navy for the defence of the Colonial Possessions of the Crown, as well as of the Empire generally, I have now, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, to authorize you to double the amount hitherto allowed to be remitted in the purchase of Land by Officers of the Army and Navy; and I transmit herewith, for your information and guidance, a copy of the new Regulations which have been issued on the subject.

I have, &c.,
GREY.

[Enclosure.]

[This notice, entitled "Information for the use of Military and Naval Officers purposing to settle in the British Colonies," was published in the "Government Gazette" as a government notice, dated 26th January, 1849.]
Sir Charles Fitz Roy to Earl Grey.

My Lord, Government House, 18th August, 1848.

I have the honor to transmit a Petition to the Queen from the Town Council of Melbourne, praying that Her Majesty would be graciously pleased, for the reasons assigned by the Petitioners, to remove Mr. La Trobe from the Office of Superintendent of the Port Phillip District of this Colony.

This Petition has been forwarded to me by Mr. La Trobe, to whose Despatch and to the accompanying letters from the Mayor of Melbourne, copies of which are enclosed, I take the liberty of referring your Lordship; and in so doing I feel it due to Mr. La Trobe to declare to your Lordship my firm belief, that more groundless or more malicious accusations were never preferred against any public Officer in Her Majesty’s service.

Mr. La Trobe’s upright and honorable character must be too well known to your Lordship to need my testimony or support; and I feel convinced that your Lordship will not permit so flagrant an attempt to injure, in the eyes of his Sovereign or of Her Majesty’s Government, a gentleman who, in the exercise of his arduous and responsible duties, has secured to himself the good opinion not only of his superiors, but of every respectable person in his District, to pass without such notice as will convey to that portion of the Town Council, who support the prayer of the Petition, the rebuke which they justly deserve.

I have only to add that the party in the Town Council, who have got up this Petition, are among the Principal instigators of certain proceedings* with respect to the election of new Members for the Port Phillip District and for the City of Melbourne, which have resulted in the return of no Members for the former, and of your Lordship as Member for the latter. Such wanton proceedings scarcely need comment; but I shall have the honor of more fully reporting them to your Lordship in another communication.

I have, &c.,

Chs. A. Fitz Roy.

[Enclosures.]

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

Sir Charles Fitz Roy to Earl Grey.

My Lord, Government House, 19th August, 1848.

I have the honor to transmit the copy of a Despatch addressed to me by the Superintendent of Port Phillip, forwarding

* Note 40.
a Memorial to your Lordship from the Council of the City of Melbourne, complaining of the language I had used in reply to an Address presented to me by that body, praying me to place a sum on the Estimates for the ensuing year for the purpose of improving the navigation of the river Yarra Yarra.

Without deeming it necessary to trouble your Lordship with copies of the correspondence between the Superintendent and the Government relative to the improvement of the navigation of this river, to which Mr. La Trobe refers and which the Council have omitted to cite, it will be sufficient to observe that the portion of the river proposed to be deepened is in no way within the limits or jurisdiction of the Corporation of Melbourne; that the Council must be perfectly aware that the Government is using every practicable means for effecting this object under competent advice; and that the Address presented to me was only one of a series of attempts that have been made by the Town Council, since the privileges of a Corporate body were granted to it, to interfere in matters beyond its jurisdiction, and relating to the general interests and Government of the District.

I have, &c,

CHS. A. FITZ ROY.

[Enclosure.]

[Copy of this despatch, dated 4th August, 1848, with its enclosure, will be found in a volume in series III.]

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EARL GREY TO SIR CHARLES FITZ ROY.

(Despatch No. 151, per ship Alert.)

Sir,

Colonial Office, 21 August, 1848.

I have to acknowledge the receipt of your Despatch, No. 70 of the 26th March last, enclosing a copy of the Speech with which you had, on the 21st of that month, opened the Session of the Legislative Council of New South Wales, together with a copy of the Address presented to you by that Body, and of your reply to it.

I have, &c,

GREY.

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SIR CHARLES FITZ ROY TO EARL GREY.

(Despatch No. 190, per ship Robert Syers.)

My Lord,

Government House, 21 August, 1848.

With reference to my Despatch, No. 132 of the 2d June last, reporting the departure of Mr. Kennedy's expedition, I have
now the honor to inform your Lordship that accounts have been received from Captain Stanley of Her Majesty's ship “Rattlesnake,” of which the enclosed are extracts.

I have, &c.,
CHS. A. FITZ ROY.

[Enclosure.]

EXTRACT from Letter.

“I HAVE the honor to inform you that we arrived at Rockingham Bay on the 21st May after a favorable passage from Sydney. Mr. Kennedy’s party and equipment were all landed on the 24th except one Horse which was drowned in swimming it on shore. Mr. Kennedy remained encamped near the spot where he landed till the 4th June, in order to recruit the horses and sheep; he then started for the interior, and we proceeded on our survey, which has been completed from Goold Island to this point, on a scale of half an inch to the mile.

“Mr. Kennedy and his party went away in high spirits and, I hope, under favorable auspices; they had a little swampy ground to encounter at first, but after that the country seemed clear enough. They had forgotten nothing, and I believe started as completely equipped as they could have done from Sydney. The horses had quite recovered from the confinement of the voyage, and the sheep were in capital condition; I hope to hear something of him at Princess Charlotte Bay.”

SIR CHARLES FITZ ROY TO EARL GREY.
(Despatch No. 192, per ship Robert Syers.)

My Lord,
Government House, 22d August, 1848.

I have had the honor to receive your Lordship’s Despatch, No. 61 of 28th March last, applying for information respecting Mathew Morrison supposed to be serving in the Mounted Police.

In reply, I have the honor to inform your Lordship that Mathew Morrison is at present a Serjeant in the Mounted Police in command of the Station at Yass, and that he is in good health.

I have, &c.,
CHS. A. FITZ ROY.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 152, per ship Alert.)

Sir,
Downing Street, 28 August, 1848.

I have received your Despatch, No. 89 of the 6th April last, transmitting a Memorial from Mr. J. Johnstone, complaining of the mode in which some land occupied by him as a Cattle Station under yearly License from the Crown had been put up for Sale.
You will inform the writer that, after due consideration of the circumstances of his case, I can see no reason to doubt that a correct decision was come to in the Colony on the subject, and that I can therefore exercise no interference in the matter.

I have, &c.,

GREY.

Arrival of ship Anna Maria with "exiles."

Sir Charles Fitz Roy to Earl Grey.
(Despatch No. 198, per ship Robert Syers.)

My Lord,

Government House, 28th August, 1848.

I have the honor to inform Your Lordship that the Superintendent of Port Phillip has reported to me the arrival at Geelong on the 22d June last of a ship "Anna Maria" with one hundred and sixty three Exiles; and I enclose a List showing the disposal of the whole of that number.

I also forward the copy of a letter from Mr. La Trobe stating that one prisoner was detained at Hobart Town in consequence of misconduct during the Voyage.

I have, &c.,

Chs. A. Fitz Roy.

[Enclosures.]

[Copies of these letters, dated 21st July and 26th June, 1848, will be found in a volume in series III.]

Earl Grey to Sir Charles Fitz Roy.
(Despatch No. 153, per ship Alert.)

Sir,

Downing Street, 29 August, 1848.

Adverting to the concluding passage in the Report of the Land and Emigration Commissioners, enclosed in my Despatch to you No. 112 of the 12th July, I have now to acquaint you that I have recently called upon them, in reference to the large extension which is likely to be made of Juvenile Emigration, to state how far they consider the existing Apprentice Act in New South Wales to be susceptible of improvements deserving the attention of the local Authorities.

The accompanying is a Copy of the Commissioners' Report; and I have to request that, in conjunction with the Legislative Council, you will take the suggestions there offered into consideration, with the view of effecting any improvements in the existing law upon this subject which may be found to be requisite.

I have, &c.,

Grey.
[Enclosure.]

LAND AND EMIGRATION COMMISSIONERS TO UNDER SECRETARY MERIVALE.


We have the honor to acknowledge your letter of the 19th Ulto, with reference to the amendment of the New South Wales Apprenticing Act.

We think it would be very desirable, as suggested by Lord Grey, that the Law should empower either the Committee which is to be formed for the reception of juvenile immigrants, or some Government Officer acting under that Committee, to act as Guardian for all children arriving in the Colony without natural protectors. And it might be advantageous that the same persons should be charged with the duty of obtaining some periodical statement with respect to the state of these young persons. On this point, a suggestion of the Guardians of the Marylebone Workhouse that no such children should be apprenticed beyond a certain distance from a town in which there was a Resident Magistrate to whom the periodical (say 1 yearly) statements should be made by the Apprentice, appears to us to merit the consideration of the Local authorities.

If this were attempted it would of course be necessary to impose some additional formalities on the assignments of apprentices, which (with the consent of two Justices of the Peace) are authorized by the third section of the Apprenticing Act. The consent of the Guardian or at least a notification to him would become necessary. And the same conditions as to locality should of course be insisted upon the assignment as upon the original Indentures.

We may perhaps also suggest that a premium might very usefully be demanded from the employer on the execution of the Indentures, which (as has been often suggested) to reimburse Government for the cost of the Emigrants’ passage but should be invested in the Savings Bank to be paid to the Apprentice on the expiration of his term of service, unless he should meantime have forfeited it by absconding or other misconduct; a proportionate reduction would of course be made in annual wages secured to him, part of which might also, if thought proper, be paid into the Savings Bank under similar conditions.

This we think might answer several objects. In the first place, we cannot but consider the receipt of perhaps £10 or £12 per annum, besides food and lodging, as a considerable temptation to very young persons which might usefully be removed. In the second place, the expectation of the accumulated payment would operate as a great inducement to the apprentice to work out his period of service faithfully; and, lastly, the diminution of the amount of wages reserved might prove an important advantage, if any material fall were to occur, as is not impossible, in the current rate of wages in the Colony. On such a contingency, engagements made at the present high rate would press hardly on the Master, and probably react on the condition of the apprentice. On the proposed plan of partial prepayment, although it must be confessed that the loss to the Master would remain the same, yet that loss would be past,
and he would still have an interest in retaining the services of his apprentice for the remainder of his term of service at the comparatively low rate of wages prescribed by his indentures.

It would be desirable also that provision should be made for the death of the Master or his inability to continue to perform his engagements; such provision is made in England by 32 Geo. 3, Cap. 57.

We would wish, however, to be understood as merely offering these suggestions for the consideration of the Colonial authorities, whose ability and local knowledge will enable them best to judge whether at all or under what modifications they are capable of being adopted with profit.

We have to add that, on reference to the Act, we perceive that our Report made from this Board on the 26th of June was erroneous in stating that the Act did not apply to children sent out by means of Parochial Funds. It would seem, however, more than doubtful whether it would extend to young persons whose passage was paid in part or in whole by individuals or by bodies of persons united merely for a temporary purpose, and therefore not precisely answering the description of "Charitable Institutions." To this extent, therefore, we still think that the Act would require amendment, especially with reference to the young persons whom it is proposed to send out from the Ragged Schools.

We have, &c.,

C. Alexander Wood.
Frederic Rogers.

EARL GREY TO SIR CHARLES FITZ ROY.
(Despatch No. 154, per ship Alert; acknowledged by Sir Charles Fitz Roy, 12th May, 1849.)

Sir,

Downing Street, 29 August, 1848.

I herewith transmit to you copies of a letter and its enclosures from Mr. M. Mahon, bringing under my notice the circumstances under which he has hitherto failed to receive a sum of £30, which he states to have been remitted to a firm (since Bankrupt) in this Country by his Son in law in New South Wales, for the purpose of defraying the passages of himself and his wife to the Colony. I also annex a copy of the reply.

I should wish you to cause the necessary enquiries to be made respecting the transmission of this money; nor can I omit the opportunity, which the present example affords me, of pointing out to you how important it is to bring into operation the measures directed by my Despatches, Nos. 196 and 197, of 29 July, and 208 of 16 August, 1847, for affording facilities to parties in the Colony to remit money for the immigration of their friends, and that the arrangements for this purpose should be made as simple and as generally known as possible.

I have, &c.,

Grey.