HISTORICAL RECORDS
OF
AUSTRALIA.
COMMONWEALTH OF AUSTRALIA

HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES III.
DESPATCHES AND PAPERS RELATING TO THE
SETTLEMENT OF THE STATES.

VOLUME VI.

Tasmania, April—December, 1827.
West Australia, March, 1826—January, 1830.
Northern territory, August, 1824—December, 1829.

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EDITORIAL NOTE.

In the introduction, it has been inadvisable to discuss the period of reorganisation in Tasmania due to the formation of an independent government, as it has been impossible to include in this volume many of the despatches relative thereto.

Since the publication of volume V, certain additional papers have been made available relative to settlements in the northern territory of date prior to December, 1827. These will be found on pages 643 et seq. and 767 et seq.

Fredk. Watson.
GENERAL SYNOPSIS.

The papers in this volume are classified as follows:

**Tasmania, April-December, 1827.**
Despatches to and from lieut.-governor Arthur (pages 1 to 449).

**West Australia, March, 1826—January, 1830.**
- King George's sound.—Despatches and miscellaneous papers (pages 453 to 548).
- Swan river.—Instructions, despatches and miscellaneous papers (pages 551 to 640).

**Northern Territory, August, 1824—December, 1829.**
- Melville island.—Despatches and miscellaneous papers (pages 643 to 765).
- Raffles bay.—Despatches and miscellaneous papers (pages 767 to 845).
INTRODUCTION.

THE SETTLEMENT AT KING GEORGE’S SOUND, WEST AUSTRALIA.

King George’s Sound, or King George the Third’s sound as it was first named, was discovered on the 28th of September, 1791, and examined on the following days by captain George Vancouver during his voyage in the sloop Discovery with the armed tender Chatham.

No advantage was taken of this discovery until the year 1826. At this date, the western boundary of the colony of New South Wales was defined as the meridian of 129° of east longitude, which forms the present eastern boundary of the modern state of West Australia. All the country and the vast coast line of Australia lying to the west of this meridian was unclaimed by any nation by right of possession, but some tentative claims were advanced by right of discovery.

In the year 1826, the French government sent J. S. C. Dumont D’Urville in the ship L’Astrolabe on a voyage of discovery around the world. When the report of this intended voyage was received in England, the British government was alarmed lest the French government might have some designs of forming a settlement on some part of the Australian coast to the prejudice of the British settlements already established. To forestall any such designs, Earl Bathurst, in despatches* dated 1st March, 1826, instructed Governor Darling to form a settlement at Western port, Victoria, and to send an expedition to Shark bay, West Australia, to examine it with a view to settlement. On the 11th of March, 1826, Earl Bathurst modified these instructions by ordering† the survey of King George’s sound prior to the survey of Shark bay in order that “if the circumstances of the place be in other respects favorable, a Settlement may be first made in that quarter.”

These instructions were received at Sydney in September, 1826. Although he doubted‡ that a successful settlement could be formed

* See page 193 et seq., volume XII, series I.
† See page 218, volume XII, series I.
‡ See page 640, volume XII, series I.
either at Western port or at King George's sound, Governor Darling immediately gave orders for organising expeditions for the formation of settlements at both places. All preparations were completed in eight weeks, and, on the 9th of November, H.M. ship *Fly* and the brig *Dragon* sailed from Port Jackson for Western port, and the brig *Amity* for King George's sound.

The brig *Amity*, under the command of lieutenant Colson Festing of H.M. ship *Fly* with T. Hansen as master, carried the settlers, their equipment and live stock. The expedition was under the command of E. Lockyer, a major in the 57th regiment, and he was accompanied by captain J. Wakefield, a serjeant, and eighteen rank and file of the 39th regiment with three women and two children, Isaac Scott Nind as assistant surgeon, E. Lockyer, jr., as assistant storekeeper, John Browne as gardener to collect the vegetable products indigenous to the neighbourhood of the settlement, two overseers for the convicts from the royal veteran corps, and twenty-three convicts. Provisions were provided for six months, and the estimated annual expenditure on the maintenance of the convicts at the new settlement was £1,000.

Lockyer was given secret instructions by Governor Darling and general instructions by A. Macleay, the colonial secretary, both dated 4th November, 1826.

In the secret instructions,* Governor Darling ordered Lockyer, in the event of an encounter with the French, to claim the whole of Australia as subject to the British government, stating that "any division of it, which may be supposed to exist under the designation of New South Wales, being merely ideal and intended only with a view of distinguishing the more settled part of the Country." This was the first official claim to British dominion over the whole continent of Australia.

In the general instructions,† Lockyer was ordered to select the most suitable site for a penal settlement and to take formal possession; to submit full and detailed reports; to take meteorological observations; to conciliate the natives; and to explore the country.

During her voyage to King George's sound, the brig *Amity* encountered bad weather off the island of Tasmania. On the 19th of November, she parted from H.M. ship *Fly* at the eastern.

*See page 701, volume XII, series I. †See page 453 et seq.
INTRODUCTION.

entrance to Bass strait, and on the following day entered Port Dalrymple to replenish her water supply. On leaving this port, strong westerly winds prevailed, and for safety lieutenant Festing decided not to attempt the passage of Bass strait but to run around the island of Tasmania. When off South cape, the brig was damaged severely in a heavy gale, and on the 1st of December arrived at Hobart town to effect repairs, where five days were occupied in refitting. After leaving Hobart town, the brig encountered further bad weather before she anchored in Princess Royal harbour in King George's sound on the 25th of December.

During the first three days after their arrival, Lockyer and Festing examined the foreshores and the immediate neighbourhood of the sound. On the second day, the natives attacked the watering party and one of the convicts was speared. It is probable that this attack was an act of revenge for former outrages committed by sealing gangs left on the coast by sealing vessels, for subsequently the intercourse with the natives was most friendly, although their thieving propensities caused some trouble.

On the 29th of December, after concluding his examination, Lockyer selected as the site for the settlement a hill, lying between two swamps and extending north and south from the north shore of Princess Royal harbour. Disembarkation was commenced on the following day, and some days were occupied in the erection of a store-house, huts and flagstaff, and in the construction of a battery.

On the 10th of January, 1827, a boat containing a sealing gang arrived in the harbour. From the members of this gang, evidence was obtained of the murder and abduction of natives, and of the lawlessness prevalent amongst the sealers on the southern coast. Two of these men were engaged by Lockyer as pilots for the port.

Lockyer named the new settlement Frederick's town in honour of H.R.H. the duke of York, and, on the 21st of January, the colours were displayed, a royal salute was fired from the battery and a feu de joie by the troops. The settlement was located on rising ground of about five hundred yards square. On a projecting point below on the beach, a flagstaff was erected which was "easily seen by a ship crossing the Sound and opening Princess Royal harbour." Near the flagstaff, two eighteen-pounders were mounted.
INTRODUCTION.

On the 24th of January, the brig *Amity* sailed on her return voyage to Sydney, and the little community of about fifty persons with some sealers was left to its own devices at this then isolated settlement on the vast coast line of Australia.

After the departure of the brig, huts were erected, gardens were planted, and some ground was prepared for agriculture. In February, Lockyer, acting on reports by the sealers, attempted unsuccessfully an overland journey to the Swan river. After an absence of four days during which he penetrated nearly forty miles into the interior, he returned to the settlement on the 15th of February.

On the 12th, the schooner *Isabella* arrived from Sydney and Lockyer received orders for his return. On the 8th of March, William Banks, a private in the 39th regiment, died, this being the first death in the settlement. On the following day, two sealing gangs arrived, and were immediately placed under restraint as evidence had been obtained of their outrages on the natives.

Both the military and convicts demonstrated a spirit of insubordination. On one occasion, a convict refused to accept his meat ration or to obey an order given by Lockyer. He was immediately tied up for corporal punishment; but the two overseers and another convict refused to administer the punishment ordered by Lockyer, whereupon Lockyer himself inflicted sixteen lashes. On the second occasion when it was necessary to flog a convict, Lockyer decided to employ the military. The first private ordered for the duty peremptorily refused to obey, and the second obeyed only with great reluctance. Lockyer thereupon put the first private under arrest.

On the 2nd of April, J. Stirling in H.M. ship *Success* called at King George's sound on his return from the examination* of the Swan river. On the same day, Lockyer decided to take the opportunity of fulfilling his instructions to return to Sydney and accordingly delivered the command of the settlement to J. Wakefield, the captain of the detachment of the 39th regiment. On the following day, Lockyer sailed in the *Success* for Sydney.

In his report† after his return to Sydney, Lockyer laid stress on the importance of the settlement as a naval station and on the abundance of its natural products, fish and game. He also pointed

* See page 551 et seq. † See page 501 et seq.
INTRODUCTION.

out the necessity for the regulation of the seal fisheries by the leasing of islands and the establishment of a close season, and the possibility of developing the whale fishery. In submitting this report to Earl Bathurst, Governor Darling noted the disadvantages of the settlement due to the difficulties of communication with Sydney.

After the departure of Lockyer from the settlement, Wakefield erected and completed several buildings. A description of these is of interest as illustrative of the conditions of life at the settlement. The walls were of mud and they were thatched with rushes. The barrack for sixteen soldiers was forty-five feet by twenty-two with walls six feet high; it had a chimney at one end and a door at the other, with five windows in the sides, two only of which were glazed; the floor was boarded and posts for hammocks were provided. This barrack was intended for upwards of thirty men. There were three houses for married soldiers, each twenty-one feet by twelve, with walls five feet high and a glazed window in front and an unglazed window behind. The store-house was thirty feet by eighteen, with walls five feet high, and barred windows in the front and rear. The commandant's quarters consisted of one room, but its description is not available.

The settlers were subject to frequent attacks of gastro-intestinal complaints, and these were attributed to the swampy ground around the settlement. Accordingly Wakefield caused a large drain, about two hundred yards long and four feet deep, to be cut through the centre of the western marsh, with several subsidiary drains. Difficulty also was experienced in the cultivation of vegetables from the extreme sterility of the soil.

In the third week in May, the brig Ann called on the voyage from Melville island to Sydney, and seventeen sealers with three black women shipped on board of her and left the settlement.

In August, the settlement was well established. The health of the community was good and symptoms of scurvy had almost disappeared; the live stock were thriving; some progress was made in the cultivation of vegetables; the swamp was drained and expected to prove good land, but was not cultivated for want of labour.

In January, 1828, the secretary of state was considering the withdrawal of the settlement owing to the difficulties of
communication, but withheld his decision pending negotiations with the East India company for the colonisation of the western coast of Australia.

In June and July, Wakefield and I. S. Nind, the assistant surgeon, tendered their resignations. Accordingly Wakefield was relieved by George Sleeman, a lieutenant of the 39th regiment, on the 6th of December, 1828; but Nind's resignation was refused owing to the exigencies of the public service.

Sleeman held the command for nearly twelve months, being relieved by C. Barker, a captain of the 39th regiment, on the 3rd of December, 1829.

During Sleeman's command, little of importance happened at the settlement. The net increase of the convict population was only four, the total being twenty-seven. Bricks were first burnt, and the construction of a hospital was commenced. Baxter, the botanist, arrived in December, 1828, to conduct researches in the neighbourhood. The isolation of the settlement probably had an influence on the settlers, and I. S. Nind, the assistant surgeon, developed symptoms of mental aberration; and, in October, 1829, after a residence of two years and ten months, he was relieved by Dr. Robert M. Davis.

In its inception, the formation of the settlement was an experiment due to the problems of national policy. This is indicated by the absence of any effort for the first three years to increase the population or to make any material progress.

The later story of the settlement will be found in succeeding volumes in this series.

THE SETTLEMENT OF SWAN RIVER, WEST AUSTRALIA.

As has been already noted,* the British government in March, 1826, in anticipation of a possible French settlement on the coast of Australia, first ordered the examination of Shark bay, and then modified these orders by directing the examination of King George's sound with a view to settlement.

In the year 1826, James Stirling,† an experienced and capable naval captain of thirty-five years of age, was sent in H.M. ship Success to Sydney to lead an expedition to found a new settlement in north Australia. On his arrival in Sydney, the season being unsuitable for the navigation of Torres strait, Stirling submitted

* See page ix.  † See note 113.
INTRODUCTION.

to Governor Darling a proposal* for a settlement at Swan river, and suggested that he should visit and examine its neighbourhood. He laid stress on the geographical advantages of Swan river as a port of call for vessels on voyages to China and as a naval and military station, and also on its climatic advantages as a station for convalescents from India. With Darling's approval, Stirling visited Swan river in March, 1827, and, on his return to Sydney in April, submitted a glowing report† on the prospects and possibilities of a settlement formed in that locality. This report was forwarded by Governor Darling to the secretary of state in April, 1827; and, in May, Stirling, in anticipation of the adoption of his report and proposals, applied for the command of the suggested settlement.

Stirling conceived the idea of the settlement in the abstract; but, after his visit to Swan river, he never ceased his advocacy of the proposed settlement until the decision was made to found it towards the end of the year 1828. Stirling was thus the virtual initiator, and, as will be noted, the actual founder of settlement on the west coast of the continent of Australia.

In May, 1827, Stirling sailed from Sydney for north Australia, and in June founded the settlement‡ at Raffles bay. He remained at this settlement until it was thoroughly established in July, and then sailed for Melville island on his return voyage to England.

In the meantime, Stirling's report on Swan river was received in England, and the secretary of state decided against the formation of a settlement. He was influenced in this decision by the great distance of Swan river from Sydney, and the uncertainty of the passage through Bass strait, considerations which would make it necessary for such a proposed settlement to be formed as an independent colony with "all the machinery of a distinct Government."

After his return to England, Stirling renewed his advocacy of the settlement. In July, 1828, he wrote§ to under secretary Hay pointing out the advantages for settlement of the neighbourhood of Swan river, the excellence of its climate, the fertility of its soil, the abundance of its water supply and the possibility of creating "one of the finest Harbours in the World." He considered it superior to the settlements already established at King George's sound,

* See page 777 et seq., volume XII, series I. † See page 551 et seq. ‡ See page 811 et seq., volume V, series III. § See page 585.
INTRODUCTION.

Melville island and Raffles bay. In order to avoid the necessity of applying to parliament for particular enactments, he proposed that the settlement should be formed by a vessel of the navy, and that all settlers should for a fixed time be placed under the control of naval discipline.

In August, Stirling and Thomas Moody, an officer of the royal engineers, proposed* the formation of the settlement by private enterprise, and sought permission to form an association in order to obtain a proprietary charter.

A few weeks later, the British government decided to form the settlement. On the 5th of November, Sir George Murray, the secretary of state for the colonies, issued orders for the immediate despatch of a ship of war from the Cape of Good Hope to take formal possession of the western coast of Australia. Seven days later, orders were sent to the admiralty to prepare a vessel for the conveyance of settlers to Swan river.

The formation of the settlement was an experiment in colonisation. The government decided to send no convicts, and declined "to incur any Expence in conveying Settlers or in supplying them with Necessaries after their Arrival." The inducement offered to settlers was a grant of land in fee-simple, free of quit rent, in the proportion of forty acres for every sum of £3 invested upon public or private objects in the colony to the satisfaction of the government. The grant of land was at first subject to the settler's arrival before the end of the year 1829, but this was later extended to the end of the year 1830. The settler was required to give security for the payment of all supplies sent to the colony, and of his return passage in the event of the colony being abandoned. The passages of labourers, whether paid by themselves or others, were regarded as an investment of capital to the amount of £15 each, and entitled the payee to a free grant of two hundred acres of land.

Whilst these conditions were being matured, an association was formed by Thomas Peel, Sir Francis Vincent, E. W. H. Schenley and T. Potter Macqueen with the object of introducing settlers to the new colony. Macqueen was already interested in land in New South Wales. In November, 1828, this association submitted a proposal† to take out ten thousand men, women and children, as colonists within a period of four years at an estimated cost of

* See page 586. † See page 588 et seq.
£30 per head. In return for this expenditure, grants of lands at a valuation of one shilling and sixpence per acre to the full amount of capital expended were requested, i.e., a grant of four million acres of land. In reply to this proposal, the association was offered a maximum grant of one million acres, half a million acres to be allotted on the arrival of four hundred colonists, and, provided the sum of one shilling and sixpence per acre was invested before the end of the year 1840, the second half a million acres in proportion to fresh importations of settlers and capital. A priority of choice in locality was reserved to J. Stirling, whose Surveys and Reports of the Coast had led to the Formation of the Settlement. Owing to alleged alteration in conditions by the government, three members of the association abandoned the idea before the end of January, 1829, and Thomas Peel proposed to fulfil the undertaking by himself on a reduced scale. The site of the proposed grant was located* on the south bank of the Swan river; but, before the first settlers sailed from England, Peel had also abandoned the scheme.

A grant of one hundred thousand acres was given to J. Stirling as a reward for his services, which led to the foundation of the settlement. After negotiation, it was agreed that ninety thousand acres of this land should be located at Geographe bay, and the remainder on the Isle Buache with reservations of small areas on the island for public purposes. Stirling was also granted the stock, with any increase, which were left on the island by him in the year 1827.†

Stirling was nominated as "civil superintendent" for the new settlement, and it was proposed at first to make it a dependency of the government of New South Wales. On the 28th of December, 1828, Stirling protested against this designation and proposal.‡ He requested the title of "governor," claiming as a precedent the appointment of Arthur Phillip to New South Wales in 1788. He pointed out that the law courts, established under the New South Wales charter, could have no jurisdiction at the new settlement.§ He objected to the settlement being in the situation of a dependency for the following reasons:—"1st. Their dissimilarity in population and commercial position. 2ndly. Their great distance from each other, which renders communication slow

* See note 126. † See page 561. ‡ See pages 598 and 599. § See also note 128.
and uncertain, and puts mutual assistance and protection out of the question. 3rdly. The favorable anticipations which have been entertained of the new Settlement, because of its being independent of and unconnected with New So. Wales. 4thly. Because it would be necessary at such a remote distance to give to the local Government authority, founded on a belief of its being independant and responsible only to His Majesty's Minister for the Colonies."

The influence of Stirling at the colonial office was paramount. This is indicated by the fact that, two days later (30th December, 1828), the secretary of state, Sir George Murray, issued instructions to him to act as lieutenant-governor of an independent colony to be formed at Swan river. Thus the second settlement in Australia to be formed as an independent colony from the date of its foundation was due to the initiative of J. Stirling.

As there was not sufficient time to make provision "in due form of law for the government of the projected colony," Stirling was instructed to overcome all difficulties due to "the absence of all Civil Institutions, Legislative, Judicial and financial," by his own "firmness and discretion." He was instructed to "endeavour to settle, with the consent of the parties concerned, a Court of Arbitration for the decision of such questions of Civil right, as may arise between the early Settlers." He was authorised to make all necessary locations of land after making proper reservations for public purposes, and to select the sites for towns.

It is evident from these general instructions* that no administrator ever left England with more general and undefined powers. The colony, over which Stirling was sent to govern, had no defined boundaries and was without any authorised institutions.

Whilst the principles of government were under consideration, the organisation of the expedition was undertaken. On the 29th of November, 1828, a detachment of military was ordered as the guard for the settlement, and, on the 24th of December, had been selected from the 63rd regiment. It consisted of one captain, one lieutenant, two ensigns, one assistant surgeon, three serjeants, three corporals, one bugler and fifty-six privates, and was accompanied by thirty-two women and children.

A civil staff was appointed. The principal officers were a chaplain, colonial secretary, registrar, surveyor, assistant surveyor, civil engineer, colonial surgeon, storekeeper and harbourmaster.

On the 23rd of December, the ship Parmelia of 443 tons was tendered at £4 10s. per ton register to carry the passengers, stock,
INTRODUCTION.

stores and goods to Swan river, and was accepted by the commissioners of the navy. This ship carried Stirling, his staff and the first settlers. Prior to this, the naval bomb vessel Sulphur was detailed for similar service.

In March, 1829, C. M. Schomberg, the commodore at the Cape of Good Hope, sent captain W. H. Freemantle in H.M. ship Challenger to take possession of the west coast of Australia and to await the arrival of Stirling. Freemantle landed and took possession* at the locality, which is now named after him. On examining the country, he found it was in his opinion barren sand hills.

On the 1st of June, the ship Parmelia carrying Stirling and the first settlers arrived in Cockburn sound and, striking a rock, was for eighteen hours in danger. Owing to this accident and the discouraging reports by Freemantle, the passengers were landed on Garden island, and it was not until the 18th of June that the official landing was made at Rouse’s head, Fremantle. In the month of August, the sites of the modern cities of Perth and Fremantle were selected and named by Stirling, and town sites were laid out and occupied by the first settlers.

The first development of the settlement was aptly described by Stirling in a despatch,† dated 20th January, 1830. The subsequent progress of the colony will be found recorded in succeeding volumes in this series.

The settlements in North Australia.

The story of the foundation and the progress to the close of the year 1827 of the settlements on Melville island and at Raffles bay has been noted in the introduction to volume V of this series.

At the close of the year, both settlements were in dire distress. The scarcity of fresh provisions and anti-scorbutic remedies had caused many cases of scurvy; hardship and malnutrition, by causing night-blindness, had reduced the efficiency of the garrisons; labour was difficult; and relief could not be obtained promptly. At Melville island, the assistant surgeon, John Gold, and a commissariat officer J. H. Green, after attending the funeral of the wife of lieutenant W. Hicks, had taken a walk late in the afternoon and been murdered by natives. At Raffles bay, the assistant surgeon, C. Wood, had died from fever, after developing

* See note 132. † See page 615 et seq.
INTRODUCTION.

symptoms of insanity probably induced by the conditions of life and the isolation of the settlement. Both settlements were thus deprived of medical relief and were deficient in medical stores; but many required medical attention. Such relief as was given was derived from the study of medical text-books. When these conditions are appreciated, it is easily realised that gloom and despondency cast a shadow over both settlements.

When he received reports of the prevailing distress, Governor Darling sent the colonial brig Governor Phillip and the private ship Philip Dundas with reliefs and supplies for the settlements, and these vessels sailed from Sydney on the 16th of March, 1828. H. R. Hartley, a captain of the 39th regiment, was sent to relieve J. Campbell in the command at Melville island, and G. Sleeman, a lieutenant in the same regiment, to relieve H. Smyth at Raffles bay, if the health of Smyth rendered it necessary for him to relinquish the command. A private practitioner, William Sherwin, was engaged as assistant surgeon at Melville island, and Robert M. Davis of the 39th regiment as assistant surgeon at Raffles bay.

Whilst arranging these reliefs, Governor Darling wrote* on the 25th of February to the secretary of state and referred to "the expediency of retaining or abandoning these Settlements." He noted that the primary object in the foundation of the settlements, viz., the development of trade, had not been realised. No vessel for the purposes of trade or otherwise had touched at Melville island, nor had the Malays visited the settlement. During the first four months of the settlement at Raffles bay, no Malays had visited either that port or Port Essington. Further, the merchants at Sydney had no intention of trading with north Australia.

Whilst this despatch was in transit, the secretary of state wrote a despatch,† dated 31st May, 1828, containing orders for the removal of the settlers from Melville island to Raffles bay. This decision was made after receiving the report‡ by J. Stirling on the foundation of the settlement at Raffles bay. It was due to the failure to develop trade at Melville island, and to the relatively more favourable site at Raffles bay, "independently of the great disadvantage of Melville Island, which must always operate against its becoming a prosperous Settlement, and the

* See page 795, volume XIII, series III.
† See pages 214 and 215, volume XIV, series I.
‡ See page 811 et seq., volume V, series III.
unhealthiness of the Climate, owing to the dense forest, the
Swamps and the Mangrove, together with the oppressiveness of
the heat."

In reply to Governor Darling’s despatch of the 28th of February,
the secretary of state ordered* the withdrawal also of the settle­
ment at Raffles bay in a despatch, dated 1st November, 1828. His
reasons were that the settlements had proved unhealthy, that
difficulty was found in supplying them with provisions, and that
much annoyance was experienced from the natives. These dis­
advantages were not compensated by any advantages “sufficiently
strong to warrant a continuance of the expense and risk of life.”

Whilst the doom of the settlements was being determined else­
where, no progress was made at Melville island and very little
at Raffles bay. At both settlements, the possibility of an early
removal was known; no attempt was made to effect permanent
improvements; and such buildings as were necessary were erected
in such a manner as to be easily removed.

This policy had its natural effects. It produced a general stag­
nation and a disinclination to attempt anything that was not
required for daily existence. Without possibilities of achievement
or proving merit, the successive commandants, with the exception
of H. Smyth, were desirous of relief soon after assuming the
command. Amongst the convicts who were granted tickets of
leave, deep-rooted discontent was prevalent. They contrasted
their position with that of men of similar status at Sydney. They
became sullen, dejected and dissatisfied, and were indisposed to
work for the small wage offered by government, which was the
only wage available. In a small community, such discontent soon
spreads through most of the members. The conditions at the
settlement on Melville island were aptly described by H. R. Hartley
in the fourth section† of his despatch, dated 8th September, 1828.
In an endeavour to dispel the feeling of languor, the commandant
at Raffles bay encouraged persons to forage for edible plants in
the neighbouring bush. When such conditions of mental unrest
prevailed in the settlements, it is easily realised that any attempt
to improve the material conditions of life was doomed to failure.

Before the reliefs sent by Governor Darling in March, 1828,
arrived at the settlements, there had been considerable improve­
ment. Notwithstanding the want of skilled medical treatment,

* See page 411, volume XIV, series I.  † See pages 757 and 758.
INTRODUCTION.

the general health improved; scurvy was still prevalent, but the cases were not severe. Buffalo were landed at Melville island from Koepang under agreement with a merchant named C. Bechade, and served as fresh rations. The cultivation of vegetables was successful and the crop was used for frequent issues. As illustrative of the neglect of the authorities to provide adequately for the necessities of the settlement, there was not sufficient money at Melville island to send to Koepang in June, 1828, for the purchase of supplies; and these were obtained "by means of individual contribution raised upon the Settlement."

In February, 1828, the first Malay proas to visit the settlements arrived at Raffles bay; and, between the 23rd of March and 11th of May, thirty-four additional proas arrived, manned by crews numbering one thousand and fifty-six. At the end of March, a trepang fishing station was formed at Raffles bay by the Malays, after obtaining permission from the commandant, H. Smyth. Intercourse with the Malays was established, and was most friendly, with every prospect of mutual advantage in the future. In one of the proas, H. Smyth forwarded a letter* to the governor of Macassar with the object of opening trade.

On the 14th of September, 1828, G. Sleeman was succeeded in the command at Raffles bay by Collett Barker, a captain of the 39th regiment, and Sleeman was transferred to the command at King George's sound.

Acting on the orders of the secretary of state, Governor Darling sent the brig *Lucy Anne* from Sydney in November, 1828, to remove the settlers from Melville island to Raffles bay. In January, 1829, the stores, provisions, building materials and fruit trees at Melville island were loaded on the brig, and the convicts and live stock embarked, and removed to Raffles bay. The brig *Lucy Anne* arrived in the bay on the 14th of February, and the disembarkation and unloading was completed in five days.

Thus the first attempt at settlement in north Australia ended in failure, and the second attempt was not destined to survive long after.

In May, 1829, Governor Darling detailed the brigs *Amity* and *Governor Phillip* and the cutter *Mermaid* for the duty of removing the settlement from Raffles bay, and gave orders to Barker to land the stores and live stock at the new settlement at Swan river. On the voyage through Torres strait, the cutter *Mermaid* was

*See page 806.
wrecked. The brig Governor Phillip was separated and did not arrive at Raffles bay until the 20th of August. In the meantime, C. Barker chartered the brig Thomson to carry a part of the establishment to Swan river. On the 24th of August, the brigs Amity and Thomson sailed from Raffles bay. Five days later, H. R. Hartley with the last of the establishment except two absconders sailed in the brig Governor Phillip "leaving a flag flying at the Fort."

Thus the first epoch of settlement in north Australia was closed, just as there was a promise of some of its objects being fulfilled by the opening of trade with the Malay trepang fishers during the ensuing fishing season.

The main cause of the first failures to achieve the effective colonisation of north Australia was ignorance of the country and of the conditions necessary for successful settlement in tropical latitudes. Both the sites on Melville island and at Raffles bay were difficult of access to shipping; at the former the navigation of Apsley strait was intricate, and at the latter large vessels were unable to approach close to the settlement. In the immediate neighbourhood of both settlements, the soil was sterile, and at Raffles bay the water supply was inadequate. At Melville island, the natives were very hostile and prevented the exploration of the island, nor was exploration attempted at Raffles bay. In equipping the expedition and in the shipment of subsequent supplies, insufficient attention was given to the provision of a palliative to a salt meat diet. Therefore, when their constitutions were enfeebled by labour in a tropical climate, the settlers became readily subject to scurvy. If one cause can be selected more than another for the failure, that cause was the prevalence of scurvy; but several commandants recorded their opinion that the scurvy was not due to any local or climatic conditions, but to the inability to provide a suitable diet.

December, 1922.

FREDK. WATSON.
DESPATCHES.
HISTORICAL RECORDS
OF
AUSTRALIA.

SERIES III.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

Sir, Downing Street, 1 April, 1827.

With reference to Earl Bathurst's dispatches of the 14th December last and of the 8th Ultimo, I am directed by his Lordship to acquaint you that the appointments of Messrs. Newman and Hewitt, as Police Officers, of Van Diemen's Land, will take effect from the 1st of February last, and that of Mr. Hinksman from the 1st Ultimo, and that they will be considered attached to the Colonial Establishment from these respective dates.

I have, &c.,
R. W. HAY.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 24.)

Sir, Downing Street, 1st April, 1827.

In reference to my letter of the 25th Ultimo, in which you were directed to send home certain particulars therein mentioned, respecting the number of Convicts employed on the Publick works for the last five years, specifying the nature of the work, on which they have been employed, and the place where it has been carried on, etc., I am to desire that, in making out those Returns, each year may be specified separately, and that similar Returns for every subsequent year may be prepared and sent home with the Annual Blue Book.

I have, &c.,
BATHURST.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

Sir, Downing Street, 2d April, '27.

With reference to your letter of the 16th August last, accompanied by the several Documents therein referred to, on the subject of the separation of the Commissariat Branch stationed in Van Diemen's Land from the same Establishment at
New South Wales, and recommending the application of Assistant Commissary General Moody for promotion, I am directed by Earl Bathurst to transmit for your information the inclosed Copy of a letter from the Secretary to the Treasury in answer to a communication, which was addressed to that Department on the subjects to which your letter referred.

I have, &c.,
R. W. Hay.

[Enclosure.]

MR. J. C. Herries to Under Secretary Hay.

Sir, Treasury Chambers, 29th March, 1827.

The Lords Commissioners of His Majesty's Treasury having had under their consideration your letter of the 12th Ulto., transmitting copy of a Despatch from the Lieut' Governor of Van Diemen's Land, accompanied by the several Documents therein referred to, on the subject of the separation of the Commissariat Branch stationed in that Island from the Establishment at New South Wales, and recommending the application of Assist't Commissary General Moodie for Promotion, I have it in command to acquaint you, for the information of Earl Bathurst, that My Lords have signified to the Officer commanding the Troops at New South Wales the Approval of the Separation of the Commissariat Department at Van Diemen's Land from that of New South Wales; and, with reference to that part of Colonel Arthur's Despatch in which he recommends the promotion of Assistant Commissary General Moodie, now in charge of the Department at Van Diemen's Land, I am to acquaint you that My Lords feel it impossible to attend to that recommendation consistently with the just claims of the many other Officers, now on Foreign Service, who are of longer standing in the Department than Mr. Moodie; but that in consideration of his being now at the Head of a distinct Department, and thereby becoming a direct Accountant to the Board, My Lords will authorize his drawing the Extra Pay of 3s. a day, usually granted to Officers of his Rank under similar circumstances.

I am, &c.,
J. C. Herries.

Earl Bathurst to Lieut.-Governor Arthur.

(Despatch No. 25.)

Downing Street, 3d April, 1827.

Sir,

I have received your dispatch No. 41, of the 17th October last, accompanied by a Memorial from Lieutenant Gunn on the half pay of the Bourbon Regiment, praying that, in consideration of the Wounds which he received while in Command
of a Military Party, sent in pursuit of the Bushrangers in 1825, and which obliged him to undergo the amputation of his arm, he may be placed on the Military Pension List, for the purpose of receiving the rate of allowance usually granted to Officers under these circumstances.

Having forwarded Lieut. Gunn’s Memorial to the Secretary of War, I regret to acquaint you that a communication has been received from his Lordship stating that, as the Officer in question was on half pay at the time, and was acting only in the suppression of banditti, as a Volunteer Civilian, at the requisition of the Local Governt., his case is one which does not admit of a Pension being granted to him, according to the Rules of the Service, out of the Ordinaries of the Army: As I am of opinion, however, that Lieutt. Gunn’s loss of his Arm should not go unrequited, you will issue to him, out of the Colonial Revenues, a Pension at the rate of Seventy pounds per Annum, commencing from the date at which he received the Wounds in question.

I have, &c.,

BATHURST.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 26; acknowledged by lieut.-governor Arthur, 18th September, 1827.)

Sir,

Downing Street, 4th April, 1827.

Having, in consequence of your Dispatch of the 24th October last, called upon Mr. Evans to afford any additional explanations respecting Mr. Lawrence’s Grant, which he might be able to offer, I am surprised to find by the answer, which I have received from Mr. Evans, that you should not have communicated to him, previously to his departure from the Colony, that you had received a letter* from me in which particular Instructions were contained on the subject of his application to retire from his situation of Surveyor General and the terms on which he would be permitted to do so.

I transmit, for your Information, an Extract of the Letter which Mr. Evans has addressed to my Under Secretary upon the subject, and I cannot help expressing, at the same time, my regret that you should have made up your mind to recommend that a retiring Pension should be assigned to Mr. Evans, whilst you felt so little satisfied, as you appear to have been, with the explanations which he had offered on the Transactions which had taken place in connection with the duties of his Office; at any rate, I conceive that you ought to have apprised Mr. Evans of the exact footing upon which he stood in order that he might

* Note 1.
1827.

April.

have been prepared to undergo any scrutiny into his conduct, to which he might possibly have had to submit on his arrival in this Country. Under all the circumstances of the case, however, I am satisfied with the statements which have been made in his favor, as well as with the explanations which he has himself afforded, since his return to England; and I have, therefore, confirmed the Pension of £200 per Annum, which you have recommended should be given to Mr. Evans from the period of his retirement.

I have, &c.,

BATHURST.

[Enclosure.]

EXTRACT from Letter addressed by G. W. Evans, Esq., late Deputy Surveyor General of Van Diemen’s Land, to R. W. Hay Esq. dated 29th March 1827.

“Soon after Colonel Arthur’s assuming the Government I had reference in respect to complaints having been made of my having received Douceurs from Settlers, I can with the utmost truth and confidence state they have without exception received from me the most prompt and kindest attention. Lieut. Governor Sorell was in the habit of introducing and referring them to me. I have lent the use of my Horses, and received many from the Ship on their arrival into my house, I frequently furnished plans, at their request, which I had no right to do without remuneration, and, in some instances where Individuals have returned me a little compensation, I am accused of receiving douceurs, I never took money from anyone, and whatever I received was unsolicited, chiefly in Family comforts rarely to be met with; I find this accusation has by some unknown Channel been reported to the Rt. Honble. Earl Bathurst, and made known to me only on the arrival of General Darling, and in my presence, at an audience with His Excellency, Lieut. Governor stated that such representations had been made to him, which I had explained, and if, altogether were proved to be true, he was willing to make every allowance from my incompetent Salary and should not enter further on that matter. I referred to him in presence of General Darling if he had any further remarks to advance, as to my conduct, during his Govt.; Lieut. Governor Arthur replied, I had been very attentive to the Office and punctual in answer to the references made to me. I was then dismissed by Colonel Arthur telling me that His Excellency General Darling coincided with him, and had approved of my wishes, and which would be announced in a few days by a General Order, and that my retirement of £200 per annum should be strongly recommended by him to the Earl Bathurst for his confirmation.
HAY TO ARTHUR.

"In consequence of my friends having written me that representation had been made against me, I wrote and again waited upon Lt. Governor Arthur, who then produced a letter from Mr. Horton with a subjoined reply by Colonel Sorell to a letter written him; he again observed he should not notice it further, and stated the complaints were not from him and that he never made any representations against me, that in only one instance he had ever alluded to me, which was a few months back in Mr. Laurence's affair, who had been very dissatisfied and troublesome to him, but not with any intention to my injury or disadvantage, as Mr. Scott's Certificate certainly bore me out; this was the very last time that subject was ever mentioned to me either verbally or by correspondence, namely 17th Dec, 1825; and the pension recommended has been paid me Quarterly by Lieut. Governor Arthur's Warrant up to the 1st October last. I took my leave of the Lt. Gov. previous to embarking for England in November last, he politely wished me a pleasant Voyage, and said, I suppose you will call at the Office in Downing Street, to which I replied, I certainly should; he never mentioned Mr. Laurence's subject, or that he had received any communication whatever."

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

Dear Sir,

Downing Street, 5th April, '27.

In consequence of the representations contained in your letter of the 27 Septr., 1826, respecting the conveyance of Stores intended for the Service of Van Diemen's Land to New South Wales in the first instance, and the inconvenience and delay occasioned thereby; the subject has been brought under the notice of the Navy Office.

The inclosed Copy of a letter, which I have received from Sir B. Martin on this matter, will explain to you the cause of the delay, which took place in the particular case to which you refer, and which it is to be hoped will not occur again.

I remain, &c.,

R. W. HAY.

[Enclosure.]

SIR W. B. MARTIN TO UNDER SECRETARY HAY.

My dear Sir,

Navy Office, 29 March, 1827.

The delay complained of by Colonel Arthur in the arrival of Stores at Van Diemen's Land was of accidental occurrence.

The Convict Ships are all under agreement to go (if required) to Hobart Town as well as to Sydney, but in the case of the
HISTORICAL RECORDS OF AUSTRALIA.

1827.
5 April.
Reasons for delay in delivery of stores.

Thames, the Master obtained Governor Darling's permission to ship the Stores on board a small Vessel, paying the freight to Port Hobart.

It is usual to Ship Stores for Van Diemen's Land direct to Port Hobart; but at the time of sending stores alluded to by Colonel Arthur, there was so large a quantity to be sent that we were obliged to avail ourselves of some Vessels bound first to Sydney. Care shall be taken, as far as possible, to avoid shipping Stores for Van Diemen's Land in Vessels not bound direct for Port Hobart.

I am, &c,
W. B. Martin.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.
(Despatch No. 28.)
Van Diemen's Land,
My Lord, Government House, 5 April, 1827.

I have the honor to acknowledge the receipt of your Lordship's Dispatch No. 47,* apprising me that His Majesty had been pleased to approve of Mr. Anstey's being a member of the Legislative Council.

The appointment of that Gentleman has been consequently notified in the Gazette and he will take his seat accordingly.

I have, &c,
Geo. Arthur.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.
(Despatch No. 29.)
Van Diemen's Land,
My Lord, Government House, 7th April, 1827.

I have the honor to acknowledge the receipt of your Lordship's Dispatch No. 11,* notifying the Appointment of Mr. Beamont as Clerk of the Council, which was intimated to that Gentleman on the 23rd November last, but a delay occurred in taking his seat, in consequence of the very unpleasant investigation† then before the Council respecting the Survey department under the conduct of his Father in law, Mr. Evans, and from the hesitation Mr. Beamont felt to enter upon the Office.

The investigation into the Survey Department however being adjusted, and the receipt of Your Lordship's Dispatch No. 45,* having over-ruled the objection which I had taken the very great liberty of submitting, respecting the appointing of Mr.

* Note 2. † Note 3.
Beamont as Clerk of the Council, that gentleman was formally required by the Colonial Secretary to assume the duties of his office.

It had all along been the evident desire of Mr. Beamont to be placed in any situation rather than that to which it was your Lordship's pleasure to appoint him; and it was my impression that his objection entirely arose from the circumstances of his education having rendered him incompetent for the duties of an Office, which require at least some readiness in composition, and some dispatch in writing; but, by the enclosed Copy of a letter addressed by Mr. Beamont to the Colonial Secretary, your Lordship will perceive that he is physically incapacitated from the whole of the fingers of his right hand being broken, and from his being subject to a violent contraction of the hand from the act of writing for any considerable length of time.

Nothing short of an absolute impossibility would induce me to suspend the fulfilment of the Instructions conveyed in your Lordship's Dispatch, No. 45; but, under the circumstances of Mr. Beamont's representation, your Lordship will I trust approve of my having continued Captain Montagu in the office of Clerk of the Council and of nominating Mr. Beamont Registrar of Deeds, an office which has for some time been pressingly required in the Colony, and strongly recommended by the Executive Council, and upon which I shall have the honor to report to your Lordship as soon as the Registry Act, which is now in draft, has passed through the Council.

Your Lordship has directed that Mr. Beamont should receive a Salary as Clerk of the Council at the rate of £500 per annum from the 1st of January, 1826, in consequence of his having been deprived of the office of Provost Marshal; and Captain Montagu, who has actually performed the duties, has received a salary at the rate of £400 per annum; this last allowance was at my own responsibility; and, as it is not possible to admit both charges into the Public accounts, it has been arranged, subject to your Lordship's confirmation, to divide the Salary, and that Mr. Beamont should in addition receive 1,000 acres of Land in full satisfaction of the Salary which your Lordship promised, and with which he has expressed himself quite satisfied.

As it will be important that the fee charged on the Registration of Deeds should be on the most moderate scale, the Salary for the Registrar must of course be proportioned accordingly; and, in order that no feeling of disappointment may hereafter be entailed by Mr. Beamont, I have intimated to him that he must not expect the Salary to exceed £400 per annum, and even that is made subject to your Lordship's pleasure.
1827.

April.

Opinion of
Arthur re
J. Beamont.

I am led to apprehend, from your Lordship's Dispatch No. 45, it may have been considered that I have been actuated by an unkind feeling towards Mr. Beamont; to remove this impression I beg to lay before your Lordship the Copy of a letter, which I addressed to him on his being removed from the Office of Provost Marshal the duties of which he discharged in a satisfactory manner, and which letter I gave him with the understanding that a Copy of it would be transmitted to your Lordship.

I have no reason to doubt Mr. Beamont is a person of integrity and will discharge the duties connected with the registration of Deeds, which, especially as relates to the sale and transfer of Lands, are very important, in a conscientious manner.

I have, &c,

GEO. ARTHUR.

[Enclosure No. 1.]

MR. J. BEAMONT TO COLONIAL SECRETARY BURNETT.

New Town,

Sir, Van Diemen’s Land, 6th April, 1827.

I have the honor to acknowledge the receipt of your letter of the 4th Instant, notifying His Excellency’s pleasure that I should enter upon the duties of the Office of Clerk to the Council.

I have to request you will be pleased to acquaint His Excellency that I feel a difficulty in taking charge of the Office, to which it has been the pleasure of The Earl Bathurst to appoint me, in consequence of an accident which occurred to me from the discharge of a Pistol, by which my right hand was severely shattered, and the whole of my fingers broken; when I add my being frequently afflicted with a violent contraction in my hand when writing for any considerable length of time, I feel assured delay might result therefrom, both to His Excellency and to the Council.

I am induced to make this communication, fearing that I would not be able to perform the duties of that Office to the satisfaction of the Council, in consequence of this misfortune.

Having heard that an Office for the registration of Deeds is to be established in Van Diemen’s Land, I have to request you will be pleased to inform His Excellency, I should be most happy to take the direction of that situation, in lieu of the Office of Clerk to the Council; and I trust he will be pleased to recommend His Lordship to give me that Appointment, and that he will so represent my case, that I may not be lowered in the estimation of The Earl Bathurst, or be a sufferer by the exchange.

I have, &c,

JOHN BEAMONT.
LIEUT.-GOVERNOR ARTHUR TO MR. J. BEAMONT.

Government House,

Sir, Hobart Town, 31st Jany., 1825.

Mr. Ferreday having arrived from England with the appointment of Sheriff, I do myself the honor to acquaint you that he has this day reported himself prepared to enter upon the Duties of his Office, and he has been accordingly sworn in.

In this communication to you that your temporary discharge of the Duties of the Sheriff cease, I avail myself with pleasure of the opportunity of expressing my conviction that the Department has been conducted in a manner, creditable to yourself, and useful to the Public; and that the Government has experienced from you the most effectual aid on every occasion in which your Services have been required.

I have, &c,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Van Diemen’s Land,

My Lord, Government House, 7 April, 1827.

I have the honor to submit to your Lordship in my Dispatch No. 4 the case of Mr. Sharland, Assistant Surveyor General.

This gentleman having been appointed by my Predecessor subsequently superseded by Mr. Wedge, who took precedence of Mr. Sharland on his express appointment from Home, as Second Assistant in the Department.

As the Salary of the third Assistant (which Mr. Sharland still remains, Mr. Frankland having been appointed by your Lordship first Assistant) was not increased according to the Establishment, of which your Lordship expressed your approval in Dispatch No. 19, Mr. Sharland’s situation was reported by the Acting Surveyor General, who urged in the strongest terms the necessity of affording such a remuneration as would retain the services of this useful officer to the Department, and place him upon an equal footing with other assistants of the same class and standing.

Mr. Sharland’s application was consequently brought under the consideration of the Executive Council, the minute of which I have the honor to enclose; and, by its advice, and for the reasons especially detailed, Mr. Sharland’s Salary has been increased, subject to your Lordship’s approval and confirmation, to £200 per annum, a sum which is commonly given by Merchants in this Colony to Clerks of respectable acquirements.
As the permanent establishment for the Survey Department, which your Lordship has been pleased to direct, requires a temporary augmentation at this time, for the purpose of expediting the general Survey, it is my duty to report that I have acceded to the Surveyor General's obtaining the services of three temporary assistants, at the charge of £100 per annum.

If the Survey Establishment be not adequate to keep pace with the proceedings of the Land Commissioners, it will be obvious to your Lordship that this Commission will be a never ending expense to the Colony, whereas the adoption of active measures and corresponding means will, I hope, make it at least a very temporary charge upon the local Government.

I have, &c.,

GEO. ARTHUR.

1827.

Temporary assistants in survey department.

15 April.

Necessity for adequate survey establishment.

ACTING SURVEYOR-GENERAL DUMARESQ TO COLONIAL SECRETARY BURNETT.

Survey Office,

Sir, Hobart, 28th February, 1827.

I have the honor to acknowledge the receipt of your letter of the 27th Instant, from which I learn with the greatest regret the very inadequate Salary which is given to Mr. Sharland, whose very superior claims I must beg leave to submit for His Excellency's most indulgent consideration.

I beg to state that Mr. Sharland, by his great activity, zeal, and perseverance, has, since my taking charge, advanced the work of the Department as much as any two Assistants, and his Surveys are the most completely, accurately, and satisfactorily finished. For Examples, among others, his Survey and Plan of Launceston and Environs, his Survey and Plans for ascertaining the best line of road across the Island, and the Plan, he is now engaged with, of Hobart and the Vicinity, laid out in Streets and Compartments, etc., etc., for the future extension of the Town.

Mr. Sharland joined the Department sometime previous to Mr. Wedge, and, having served in it with so much efficiency ever since, I hope His Excellency will, in consideration of his claims, and particularly as compared with the Junior “Extra Assistants” lately appointed for the performance of the present Duties of the Department, allow him not less than the lowest of the Salaries of the Senior Class of Assistants, to which he belongs, viz., £200 per Annum. For I must beg it may not be forgotten that, without the very efficient assistance which Mr.
ARThUR TO BAThURST.

Sharland from his superior capabilities is enabled to afford me, the work of the Department would unavoidably be very materially and seriously retarded.

I have, &c.,

E. DUmARESQ.

[Enclosure No. 2.]

MR. W. SHARLAND TO COLONIAL SECRETARY BURNETT.

Sir,

Hobart Town, 29th March, 1827.

The Returns for the present Quarter being required, and the anxiety, I feel, as to the future consideration to be bestowed on my Services in the Survey Department, and upon which rests so materially my present and future prospects in this Colony, will, I trust, be sufficient to exonerate me, in His Excellency Colonel Arthur's opinion, from being considered importunate on this subject.

It is scarcely necessary that I should remark, the severe disappointment I must have experienced, after 3½ years' services in the Survey Department, during which period I have been buoyed up by the prospect that the trifling Salaries, allowed to the Assistants, would meet generally with adequate consideration, to find that mine should be made the only exception.

Since I have been in the Survey Department, the only Assistant at the time I joined it (Mr. Scott) has had his Salary increased considerably at two distinct periods (it having been only equal to mine); two other Assistants have been appointed to take precedence over me at Salaries double that of mine; from the different mode of payment now, the Salary, I receive at present, is not so much as I received on my first appointment; Solely for the interest I had taken in the Department, and to assist the progress of its important Duties, I have instructed some of the Junior Assistants (who have been recently appointed) in the various branches of Duty required; and they receive Salaries equal to mine.

I trust it will not be considered that I seek to enhance or over-rate my services by the above statement; I am only desirous that His Excellency should be fully impressed, with the interest I have taken in the Department, and in the performance of those Duties required of me, (and more particularly during the last 15 months) never having in any way allowed the inconsiderable remuneration, which I received for my services, to operate on my exertions, but have at all times felt bound to bestow them to the utmost of my power.
I believe it to be a general feeling, and I may add a proper one, to be emulous of preferment in Rank and Society. Such sentiments have ever influenced and guided my Conduct through life, rather than those of pecuniary benefit; and, under this impression, I now earnestly solicit His Excellency to take an interest, and, under the peculiar circumstances of the case, to bestow on it the best favorable consideration, and that I may be placed on an equality with those in the same capacity in the Department; or I shall consider my prospects in this Colony blighted for ever.

I have, &c.,

W. S. Sharland.

[Enclosure No. 3.]

 Extract from the Minutes of the Executive Council, 29th Mar., 1827.

Present:—His Excellency The Lieut. Governor; The Colonial Secretary; A. W. H. Humphrey, Esq.; Jocelyn Thomas, Esq.

The Lieut. Governor laid before the Council a letter from the Acting Surveyor General to the Colonial Secretary, dated 28th February, 1827, pointing out the inadequate Salary, which is given to Mr. Sharland the 3rd Assistant Surveyor, and requesting he may be allowed not less than the lowest of the Salaries of the Senior class of Assistants, to which he belongs, viz., £200 per annum.

In bringing this letter under the consideration of the Council, his Excellency stated the Surveyor's Department had been lately augmented by Earl Bathurst's Dispatch, of the 1st of May, 1826, but the strength of the Department exceeds what His Lordship has approved by the appointment of three Temporary Assistant Surveyors at a Salary of £100 per annum each.

Mr. Sharland's present Salary is £100 per annum; but, under the strong representations from the Acting Surveyor General of the ability and usefulness of that Gentleman, His Excellency is pleased to require the advice of this Council whether the Salary to Mr. Sharland should be augmented to £200 per annum, until a communication can be made to the Right Honble. the Secretary of State.

Read a letter from Mr. Sharland to the Colonial Secretary, dated 29th Inst., stating the nature of his services in the Survey Department for three years and a half, and his great disappointment at being made the only exception, when an increase to the Salaries of the Department took place, and further stating that his present Salary is not so much as he received on his first
appointment, and only equal to the recently appointed Junior Temporary Assistants, who had been instructed by himself in the various branches of their duty. Mr. Sharland concludes by soliciting the favorable consideration of His Excellency to place him on an equality with those in the same capacity in the Department, and his application is favorably recommended by the Colonial Secretary's letter of the 29th Inst., also laid before and read to this Council.

The Council, having considered the laborious and fatiguing duties Mr. Sharland has so ably performed in the Interior, since his appointment to the Survey department, and being able to judge, from their own knowledge and the recent examinations before this Council, of his usefulness and ability as a Draftsman, is of opinion that the accumulation of the business of the office, and the great arrear of it, when under the direction of Mr. Evans, requiring (notwithstanding the late increase) the assistance of competent and zealous persons to complete and carry on these various and important duties, it appears to the Council desirable and expedient to continue so useful and competent a Public Officer in the Department as Mr. Sharland, and the Council being further of opinion his present Salary of £100 is not only quite insufficient for the discharge of his duties, but unlikely to retain him in the employ of the Government, the Council humbly advises His Excellency to accede to the Acting Surveyor General's request, and allow Mr. Sharland not less than the lowest of the Salaries of the Senior class of Assistants, to which he appears to belong, until the further pleasure of Lord Bathurst can be ascertained.

A True Copy.

JOHN MONTAGU, Clerk of the Council.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 27; acknowledged by lieut.-governor Arthur, 24th October, 1827.)

Sir,

Downing Street, 18th April, 1827.

With reference to your dispatch of the 21 April, 1826, in which you recommend that two Wesleyan Missionaries should be sent out to Van Diemen's Land to undertake the charge of the Penal Settlements at Maria Island and Macquarie Harbour; I do myself the honour of acquainting you that the Revd. William Schofield has been selected for this particular duty. By the agreement with the Wesleyan Society, this Clergyman is to receive, from the date of his arrival in the Colony, an annual allowance at the rate of one Hundred Pounds per Annum from the Colonial Revenue, with the accommodation of a House; and
HISTORICAL RECORDS OF AUSTRALIA.

1827.
18 April.

you will be pleased to make him this allowance accordingly, and,
understanding that whatever sum may be necessary for his sup­
port beyond the allowance above stated, the Missionary Society
have undertaken to provide from their own funds.

I have, &c.,
Bathurst.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.
(Despatch No. 28.)

Sir,

I have had the honour to receive your Dispatch of the
14th and that of the 15th Novr. last, the one bringing under my
consideration the conditions upon which Convicts are to be as­
signed to the Van Diemen's Land Company and requesting fur­
ther Instructions thereon, the other submitting to my considera­
tion the question which has arisen as to the limits within which
the Company are to select their Grant.

With reference to the first of the above subjects, I have to
acquaint you that I lost no time in communicating to the
Directors of the Company the necessity, from the altered circum­
cstances of the Colony, of His Majesty's Government discontinu­
ing to the Company the advantages which had been held out to
them in respect to the assignment of Convicts with a prospective
reduction of Quit-Rent in proportion to the number which they
might so employ, and you will therefore be guided in your com­
munications with the Company's Agent according to the terms
of the letter which my Under Secretary has addressed to Mr.
Inglis upon this occasion, a Copy of which I do myself the honour
of enclosing for your Information.

I have very little to add, upon the subject of your second
Dispatch, to the Instructions which were communicated to you
on the 6th of January last: But I cannot refrain from express­
ing my surprise at the Claims, which Mr. Curr has advanced on
behalf of the Company, in regard to the extent of Country, which
he conceives by the original terms of the agreement, the Com­
pany will be entitled to occupy in order to ensure a sufficient
quantity of Land, such as the Company may consider to be
adapted to the purposes for which it was established.

In the discussions which took place at the formation of the
Company, the possible difficulty of finding Land available to
their objects was then adverted to by the Government: but in
answer to such apprehensions, it was asserted by those, to whom
the Interests of the Company were entrusted, "that there was not
only in the Island large Tracts of land unlocated distinct, and
at a distance from those parts of the Island then occupied, which were quite fit for the purposes required," but "that they were assured, and were able to shew that an infinitely greater quantity of Land, than was wanted, would be easily found adapted for their purpose distinct and wide from the present located Lands."

If, under these circumstances, the Company are disappointed in their expectations, His Majesty's Government cannot consent to extend their latitude of choice to the Injury of the Settlers; and you will therefore confine the Company in the selection of their Land to such Land only as may be fitted for the Company's object (which was chiefly the production of Wool) with the distinct understanding that, if a sufficient quantity cannot be found for this purpose without approaching too near to the Settled Districts, or interfering with private Settlers, recourse must be had to the original Alternative, suggested by the Company, and authorized in my Dispatch of the 12th Sept., 1825, viz., to grant a proportion of the Company's Land in one of the Dependencies of the Colony.

I can scarcely imagine, however, that such a measure will become necessary, or that sufficient Land will not be found adapted to the original purposes, for which the Company was instituted, within the extensive range of Country, in which they have now the privilege of selection. But if, contrary to expectation, this deficiency should be felt, those Dependencies of your Government, which were originally contemplated as likely to afford a field for the operations of the Company, must be placed at their disposal, as under no circumstances can His Majesty's Government consent to so complete a deviation from the original plan and the spirit of the Company's Charter, as to allow them to occupy so great an extent of Country as to bring them in contact with the settled parts of the Island, or even inconveniently near to the Penal Settlement of Port Macquarie. Still less would His Majesty's Governt. be disposed to admit any Claim to compensation which the Company might advance upon the ground of their being unable to find, within the prescribed limits, Land to the amount of 250,000 Acres fit for the depasturage and breeding of Sheep which it must be always borne in mind was the primary object for which the Company was instituted.

I have, &c.,

BATHURST.

[Enclosure.]

UNDER SECRETARY HAY TO MR. JAMES INGLIS.

Sir,

Downing Street, 28th March, 1827.

I am directed by Earl Bathurst to acquaint you that by the last Accounts from Colonel Arthur, it appears that
Consideration of assignment of convicts to V. D. L. company.

1827.
18 April.

Discussions have taken place between him, and the Agent, of the Van Diemen's Land Company on some material points connected with the Company's projects in that quarter, but more especially in regard to that stipulation in the Agreement by which a reduction in the Quit Rent to be paid hereafter by the Company is to be allowed at the rate of £16 per annum for every Convict employed by the Company.

As Lord Bathurst is extremely desirous that no time should be lost in settling this point, I am directed by his Lordship to explain to you, for the information of the Company, the view which he has taken of the subject.

It is quite clear that since the Contract with the Van Diemen's Land Company was entered into by the Government, the situation of affairs in that Colony has completely changed, and that owing to the great demand for labour which now exists in that quarter, the number of Convicts who are fitted for Agricultural Employment is found to be wholly inadequate to the wants of the Settlers. The Convicts of this class, therefore, are no longer to be considered as entailing a burden upon the Government which they did in the outset, and the chief difficulty, in which the Governor of Van Diemen's Land is at present placed in discharging this part of his duty, is to distribute such of the Convict Population as are used to labour, with that impartiality and justice which the necessities of the Settlers require.

Under these circumstances, Lord Bathurst feels it necessary, at once, to apprize the Directors of the V. D. Land Company that he will not feel at liberty to authorize Colonel Arthur to assign, in future, Convicts to the Company's Agent upon the terms of the original agreement on this subject.

The Governor has with great propriety referred home for Instructions on this important point, and, in the mean time, from a very proper feeling of consideration for the Company's interests, altho' he has protested against giving the compensation which may ultimately be claimed by the Company, he has not refused to assign to them such Convicts as they have required, it being understood that they are granted in the same terms as to ordinary Settlers, until the decision of the Colonial Department on the subject can be obtained.

With every disposition to afford all reasonable support to the Company's undertakings, Lord Bathurst conceives that it would be unjust to the other Colonists, and injurious to the Publick Revenue, to authorize the assignment to the V. D. Land Company of more than a very limited number of Convicts on the present footing, and, if the Company should be desirous of increasing their Labourers of this description, it will be for
BATHURST TO ARTHUR.

1827.
18 April.

Proposed modification of contract.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.
(Despatch No. 29; acknowledged by lieut.-governor Arthur,
4th November, 1827.)

Sir, Downing Street, 18th April, 1827.

I have received the inclosed statement from Mr. Walter Angus Bethune of Hobart Town relative to a Claim, which he has advanced against the erection of any private Building adjoining his property on a Rock* at the end of Hunter's Island, founded on a pledge which had been given by Colonel Sorell, whilst in the Administration of the Government of Van Diemen's Land, “that, upon Mr. Bethune agreeing to give his Warehouse a handsome Stone front towards the sea, and towards Sullivan's Cove,” no private Individual should be allowed to erect Stores beyond his Premises.

Not having received any Report from you of the circumstances which have given rise to the Appeal, which Mr. Bethune has thought proper to make to the Government at home, I am unable to form any decisive opinion on the merits of his case; and you will therefore be pleased to acquaint him that I have no other alternative than to refer his letter back to the Colony for the necessary Information.

As far, however, as I can form an opinion from a perusal of the Papers which have been sent home by Mr. Bethune, and of Colonel Sorell's explanation of the case, an extract from whose letter I have the honor to inclose, it appears to me that the Committee, which was appointed to investigate this claim, acted with some little precipitation in coming to a decision affecting the Interests of an Individual, without previously hearing what the Party had to advance on his own behalf, and that, if all idea of erecting a Battery on the point of Land which was the original object of Mr. Read's Application, was abandoned, Mr. Bethune, as succeeding to the claims of his Partner, ought to have had the refusal of the Spot of ground in question, or at any rate should have been considered as entitled to compensation from the Parties to whom that spot was granted.

SER. III. VOL. VI—B   * Note 4.
HISTORICAL RECORDS OF AUSTRALIA.

The necessities of the Commercial Interests would not have been, apparently, in any degree injured by a proper consideration of the original agreement entered into by Colonel Sorell with Messrs. Read and Bethune, and the objection made, as to its non-ratification by the Governor of New South Wales, was not a sufficient ground for refusing his Claim altogether, although it might, with great propriety, have been urged as a reason for not admitting it, without a previous reference to His Majesty's Government.

At the same time that I make these observations, I am far from approving of the tone of Mr. Bethune's Letter, and of the highly improper course to which he seems to have resorted in publishing the Correspondence, which passed between him and the Colonial Government, and I am on this account disposed to think it the less improbable that there may have been some parts of his conduct with which I am unacquainted, which may have indisposed the Colonial Government to listen to his Application. I have however to desire that you will report for my Information all the circumstances relative to this case and whether you received any intimation from Mr. Bethune that he intended to address himself to me on the present occasion.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

Mr. W. A. Bethune to Earl Bathurst.

My Lord,

Hobart Town, 1st Sept., 1826.

I beg leave most respectfully to entreat your Lordship's attention to a violation of Public Faith and an invasion of my Civil rights by His Excellency Lt. Governor Arthur and a "Board for General purposes," And I have the honor to enclose the Correspondence on this subject, with a chart of Hunter's Island, for your Lordship's information.

In 1822, Mr. Read and I applied to Lt. Govr. Sorell for permission to erect a large Warehouse on a Rock at the end of Hunter's Island near to deep water. At that period, there were no buildings on Hunter's Island, none even thought of. In consequence of our application, Lt. Govr. Sorell ordered a Survey of the Rock to be made; from which he determined that we could not be allowed to build on the Rock, which was reserved for a Battery, and the use of the Crown. But he gave us an allotment, the nearest to the Rock, and in consideration of our being the first Applicants, and having agreed to give our Warehouse a handsome Stone front towards the Sea as well as towards Sullivan's Cove, he gave us a pledge that no private Individual should
be allowed to erect Stores beyond ours. The plan of our Store was laid before Lt. Gov. Sorell, and received his approval; and I have enclosed letters from Messrs. Evans and Read in confirmation of this statement. In December, 1825, I learned for the first time that His Excellency Lt. Govr. Arthur intended to grant away allotments to Individuals on the Rock which was reserved for the Crown by his Predecessor; and I communicated to His Excellency that a pledge had been given to Mr. Read and myself, as above stated, to a contrary effect; and I referred His Excellency to Messrs. Read and Evans to corroborate my statement. But, no reference having been made to these Gentlemen, I concluded the matter had been set at rest by my letter. In July last however, to my infinite surprise, I received a note from the Colonial Secretary stating that a Committee was appointed to enquire into my claim to the rock adjoining my Stores, although I had never advanced any such claim. This note I received at 4 past 11 o'clock, A.M., intimating that the Committee would sit at 12 o'clock the same day.

Quite unconscious of the Constitution of any Board or Committee, I was thunderstruck at the information. I hurried away however to see them, and on my way I met Lieut. Dumaresq, the Acting Surveyor, who it afterwards appeared was one of the Committee; and, on my stating my case to him, he said he was afraid that they had already pretty well made up their minds on the subject. At this time I did not even know the names of the Gentlemen, who had so easily made up their minds on £4,000 of my property. I then went before the Committee of the Board for General purposes,” which I found composed of Coll. Balfour, Capt. Smith, and Lieut. Dumaresq, and stated to them verbally the original arrangement with the Government, respecting the plan of buildings on Hunter’s Island; and, in order to afford them evidence of the facts, which I had mentioned, I addressed a letter to them, enclosing the statements of Messrs. Evans and Read. My letter was returned, enclosing a Memorandum signed by Coll. Balfour, Pres. of the Committee. Treatment of this nature was not to be borne by a man of spirit, and, personal redress being out of my reach, the insult having been offered by a Board of Officers, I published the Correspondence in vindication of the conduct I had pursued.

It will appear to your Lordship, from Mr. Hamilton’s letter of the 9th Aug., that this subject was afterwards laid before the Executive Council, and the summary decision of the Military Tribunal ratified.

On the dissolution of partnership between Mr. Read and me, I took these Stores at a very high Valuation, owing to the

W. A. Bethune.
1827.
18 April.

Alleged insecurity in investment of capital.

Intended policy by W. Sorell.

Reversal of policy by G. Arthur.

Allotment offered to W. A. Bethune for sale.

Commercial speculations.

My property is thus injured, myself insulted, and an eligible place for a Battery relinquished. But the mischief does not end here. It is evident that every act, plan, and arrangement of former Governors, where private property is concerned, may be annulled by the "Board for General Purposes," to the infinite detriment of private and public prosperity. For it is impossible that any community can prosper, when property is insecure and public confidence destroyed. It is equally clear that Governor Arthur's own acts may become subject to abrogation by future Boards for General Purposes, should his successor's mind be formed like his, and this unjust decision unfortunately receive your Lordship's approbation and sanction. If His Excellency's administration were established on any fixed principle, it would still be possible for a man of my disposition to employ his capital safely; but I am unhappily placed under a Government whose indecision, dubitation, and often equivocation, constitute the prominent character of the administration. It was the design of Coll. Sorell that a crescent of stores should be erected on the south margin of Sullivan's Cove opposite to Hunter's Island; and as the road reserved to Mulgrave Battery could not be made passable except at an enormous expense, and in consideration of a road being allowed to be cut through private property, higher up the bank, he gave permission for the erection of stores on the water's edge, which has been resumed by His Excellency, and the views of the proprietors frustrated. Thus His Excellency takes from individuals the water's edge on the south side of the Cove, which Coll. Sorell considered of no importance to the Crown, and had exchanged for a wider road, high up; while he grants away to my detriment a position, which Coll. Sorell deemed of the utmost importance to the safety of the town in the event of war with any maritime power. It would be easy for me to get possession of the whole rock even now, as the persons, to whom it has been granted, have not the means of building upon it, and indeed one of the allotments has already been offered to me for sale; but I declined it, for the board for general purposes should take my purchase into their consideration.

I have, my Lord, during the last 12 months made liberal advances to the colonists on their productions. I have loaded four vessels with colonial produce for the London market, and exported 8,000 bushels of wheat to Sydney and the Isle of France, and, in the course of three years, (including the present season) procured or exported 320 tons of oil and ten tons of whalebone. I consider therefore My Lord that, if there be a

* Note 5.
man in the Colony who deserves encouragement from the Local Government, more than another, for the general utility of his undertakings, it is I who deserve it.

As personal reflections have recently been rather prevalent here, I hope your Lordship will forgive me, if I state a few circumstances respecting my conduct, in case that I should come in for my share of misrepresentation. Altho' I have been seldom in the interior, yet I had the misfortune to be robbed and was twice made a Prisoner; once I had the Mortification of being thrown by Brady and his gang into Sorell Town Gaol, and shut up there with Common Felons. I went two successive Seasons, during the present Administration, in pursuit of the Bushrangers; and I took Jeremiah Ryan with my own hands, when Brady and McCabe alone escaped. Subsequently when the Bushrangers, threatened the general ruin of the Colonists, I forsook my Counting House, and for a whole Month performed the night and day duty of a Constable. For such services, a Felon would probably have obtained an emancipation. It is true I never expected any reward for them, nor would I have performed them for gain. I merely mention these facts to show your Lordship that the Local Government has ever found in me an active Supporter, when its views have been directed to the public weal.

Upon any point, respecting the particular case which I have taken the liberty of bringing under Your Lordship's notice, or with regard to myself individually, I will feel much gratification by your Lordship's reference to Coll. Sorell.

I have, &c,

WALTER A. BETHUNE.
The numbering of the Plots on the Survey were inserted to accord with His Honor's directions to me, Mr. Bethune No. 1, the next No. 2, and so on to the one now the property of the Australian Company.*

G. W. EVANS.

[Sub-enclosure No. 2.]

MR. G. F. Read to Acting Colonial Secretary Hamilton.

Sir, Hobart Town, 10th July, 1826.

I beg leave to acknowledge your letter of the 7th Inst, and the following is a true statement of the terms on which the ground on the wharf was given to the then firm of Read and Bethune and which is now the property of Mr. Bethune.

Prior to my entering into partnership with Mr. Bethune, Lieut. Governor Sorell gave me an allotment, the one on which Mr. Briggs's store now stands; shortly after which I entered into partnership with Mr. Bethune, and it then occurred to us that it would be desirable to build a store in such a situation as to receive goods direct from the water, and the rocks on Hunter's Island appeared the most eligible: and we consequently applied to His Honor the Lieut. Governor for the outer situation. After some time His Honor was pleased to allot us the situation on which Mr. Bethune's store now stands, on condition of my giving up the site which I before held, and at the same time declared that he should reserve the piece outside for the purpose of erecting a battery, and that it should not be given to any individual, if we built a handsome stone store with a double front, and, in order to completely secure ourselves, we drew out a plan of the present store which was submitted to His Honor and by him approved.

GEO. FREDK. READ.

I do hereby certify that this is a true statement and accurate copy of my letter to His Excellency Lieut. Governor Arthur.

GEO. FREDK. READ.

[Sub-enclosure No. 3.]

MR. W. A. Bethune to the Board for General Purposes.

Gentlemen, Hobart Town, 11 July, 1826.

I have furnished myself with copies of the letters, addressed by Mr. Read and Mr. Evans to the Acting Colonial Secretary for your information, respecting the privileges attached to my stores at the wharf; and they must convince you that the Government is pledged not to grant allotments to any private individual between the site of my stores and the sea. It was in consequence of this pledge, publicly given by the late Lieut. Governor, that I incurred a great expense in surrounding my store with a mound and giving it a front towards the sea, as well as towards Sullivan's Cove. The additional outlay, which was thus made at the express desire of the Lieut. Governor, though very considerable, is but a trifle compared with the ultimate injury, which I must sustain, by granting to another the eligible situation which was refused to me, and which the Government, in policy and good faith, ought to retain still for its own use! But on this head I refrain to dilate, as I consider it a peculiar hardship that my mercantile interests should be subjected to the decision of a military board, though I can scarcely allow myself to suppose that, as men of honor, you will sanction, in your novel capacity, a breach of public faith. I take it for granted that you are perfectly aware how tenacious His

* Note 6.
Excellency has been to retain the South Margin of Sullivan's Cove for the Crown; and why the interests of the Crown, as well as my own, should thus be sacrificed on the North Side of the Cove, seems unaccountable. But I shall not fail to urge His Excellency's resumption of the Water's edge on the South, as a precedent in support of my rights on the North side of the Cove. For it is but candid to inform you, if my property suffers any deterioration at your hands, I shall submit my Case immediately to the Home Government.

I have, &c.,

WALTER A. BETHUNE.

[Sub-enclosure No. 4.]

LIEUT.-COLONEL BALFOUR TO MR. W. A. BETHUNE.

Mr. Bethune's letter of the 11th Inst. having been laid before the Committee of the Board for General purposes, who, having previously received Mr. Bethune's Statement viva voce, consider his letter quite uncalled for and therefore beg to return it.

12th July, 1826.

W. BALFOUR, Lt. Col.

Prest. of Committee.

[Sub-enclosure No. 5.]

ACTING COLONIAL SECRETARY HAMILTON TO MR. W. A. BETHUNE.

Sir, Colonial Secretary's Office, 9th August, 1826.

The Lieutenant Governor having fully considered your remonstrance against the erection of any private Building, Southward of your Store on the King's Wharf, and having referred the whole case to the investigation of a Committee, and directed their Report, together with all documents relating to the subject to be subsequently laid before the Executive Council, I am commanded to inform you that His Excellency feels persuaded Colonel Sorell, in reserving the Ground in question, had decidedly contemplated its appropriation to Public purposes; and, as the Government have now abandoned all intention of erecting any Building on the spot, it would be both unfair and impolitic to prevent other Merchants occupying a situation so favorable to Commercial pursuits.

I am also to observe that, if the pledge given by Colonel Sorell could be carried to the utmost extent of your interpretation, it would only appear to have been conditional, that is, subject to the confirmation of the Governor of New South Wales; and, as such confirmation can now only be given by the Lieutenant Governor of this Island, it devolves upon His Excellency to decide that He does not feel authorized to ratify a privilege of exclusion in your favor, to the prejudice of the Mercantile Interests generally.

Notwithstanding The Lieutenant Governor cannot possibly avoid observing upon the impropriety of your Letter to the Committee, and the still greater impropriety of publishing the contents of the papers relative to this transaction, many days prior to their being laid before His Excellency, still He will not hesitate to refer the question of Compensation for any additional expence which you may have incurred in the structure of the South Front of your Premises to the consideration of the Earl Bathurst, as recommended by the Committee, whenever it may suit your convenience to furnish a statement of the Outlay.

I have, &c.,

W. H. HAMILTON,

Acting Colonial Secretary.
1827.
18 April.

Report by
W. Sorell re
grant of
allotment to
G. F. Read and
W. A. Bethune.

[Enclosure No. 2.]

Extract of a Letter from Colonel Sorell to R. W. Hay Esq.
dated London 23rd March 1827.

"I have had the honor of receiving your Letter of the 20th;
with a Statement submitted to Earl Bathurst by Mr. Bethune
of Hobart Town, herewith returned, respecting an Allotment of
Ground, and desiring me to report fully upon the whole case.

"In obeying His Lordship's commands I trust it will appear
that I adopted in this instance the course prescribed by my view
of my public Duty, by Justice and consistency.

"Hunters Island is a small insular spot,* originally detached
from the main except during the low part of the tide; on this
Isle, owing to the Shoal water above it, the Mercantile Landing
place was fixed, and for the purpose of insuring the communi-
cation at all times of the tide, I caused an elevated road or
causeway with Stone Walls to be built along the sandy Isthmus,
and thus to unite the Island with the Town.

"Upon this work being undertaken, the Merchants and
Traders shewed a desire to build Warehouses on the Isle and
Causeway, and amongst the first applications were Messrs. Read
and Bethune, who specially applied to build upon the rocky reef,
projecting from the outer extremity of the Isle. This point
however it appeared to me indispensable to reserve to Govern-
ment; the application for it was therefore refused to Messrs.
Read and Bethune, and the Deputy Surveyor General was
directed to mark off the allotments, limiting the outermost to the
waters edge, as it appears in the plan attached to Mr. Bethune's
Papers. The refusal to them of permission to build further out
resting upon that point being declared a reserve, upon which no
private Building would be allowed, the outermost allotment was
assigned to them, and it was settled that they should build their
Store with a double front as the extreme end of the range.

"I beg leave to direct your attention to the most important
feature in the case. It was not because Messrs. Read and
Bethune undertook to build with a double and more expensive
front that the declaration as to the reserve of the adjoining
point was made, but because feeling it my duty to refuse to this
firm, one of the most respectable in the Colony in Capital,
Character and Enterprize, the occupation of that spot, which
upon public ground, as I conceived incontrovertible and
unchangeable, I felt bound to withhold, it appeared to me, impos-
sible in Justice or consistency, to do otherwise than to declare
that no other Individual would be allowed to build there,
Messrs. Read and Bethune undertaking to build on the ground
assigned to them according to the plan prescribed.

* Note 4.
"I could not pretend to view the Ground with an Engineers Eye, but I felt it my duty to reserve the salient and extreme points of the Harbour, for the future establishment of Defences (none now existing) of the Port and Town, and for other various, and not easily foreseen but probable purposes, which might arise from the extension of the Colony and its commerce.

The acting Colonial Secretary in his Letter to Mr. Bethune states that the reserve of the spot in question is prejudicial to the Mercantile Interest. To this I trust that an answer appears from a reference to the Plan, which shews that upon the Isle and Causeway twenty allotments for Stores had been marked off by my order, of which eleven have names affixed; of these eleven the persons to whom Nos. 2, 9 and 10 were assigned have long left the Colony, their allotments remaining to Government with the other nine, this whole range with the Merchants Stores in the Town being much more than the Colony can need for half a century.

It is evident that the only Interest in reality concerned is that of the applicant, one or more, who seeks from the Government the occupation of the spot which had been reserved and refused to Messrs. Read and Bethune.

In numerous instances in New South Wales and Van Diemen's Land, as Public Improvements made progress, Alterations took place; Tenures from Government were resumed, and buildings removed under an estimated valuation. This principle applied to Mr. Bethune's case would be analogous to that adopted in many, which arose out of alteration in the Towns, the Government applying the principle of compensation justly, where its faith and an acknowledged Interest claimed of it such consideration. In the Acting Colonial Secretary's Letter to Mr. Bethune this principle is admitted for the self-evident claim arising from the double finished front, but as Mr. Bethune was the original applicant for the spot, now intended for another to his disadvantage, I beg leave to submit to Earl Bathurst that the Individual obtaining it, on the ground of its being more valuable than the other disposable allotments, could feel no hardship in being required to make compensation upon a valuation under Government authority for the difference of value between Mr. Bethune's Store as it stood under the original allocation and as it would upon the annulment of the Reserve and the alienation of the Rock to another now stands."

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.
18th April, 1827.

[The substance of this circular despatch will be found on page 234, volume XIII, series I.]
1827.
18 April.

Application for additional land grant by F. W. Desailly.

Under Secretary Hay to Lieut.-Governor Arthur.

Sir,

Downing Street, 18 April, 1827.

I am directed by Earl Bathurst to transmit to you the enclosed Application in favour of Mr. Francis Desailly, a Settler at Van Diemen's Land, for an additional Grant, and his Lordship desires me to acquaint you that, provided Mr. Desailly shall appear to you to be deserving of further encouragement and possess sufficient Capital, there will no objection to a compliance with his request.

I have, &c.,

R. W. Hay.

[Enclosure No. 1.]

Mr. J. Window to Under Secretary Hay.

Sir,

Craigs Court, 23rd April, 1827.

I beg leave to submit a Letter received from Mr. Francis Wisdom Desailly, who is an Ensign on Half Pay, and as will be seen received permission to proceed to Van Diemen's Land in 1820, when 800 Acres were allotted to him, such being commensurate with the Capital he took with him to that Colony. At that period Mr. Desailly, considering that avowing himself to be Half Pay Ensign might injure his prospects as a Medical Practitioner, refrained from availing himself of the accustomed privilege of the Grant which his Military rank would have warranted his receiving.

It is proper I should state that sometime since he wrote to me enquiring how he should apply for a further Grant of Land and I replied to him that he should do so through the Governor; This it appears he has done, but unsuccessfully, and as he wishes me to address your Department on the subject I beg to be favoured with a communication thereon, and as I can with safety affirm that Mr. Desailly had through a Correspondence of 20 years with my Firm acted with the strictest honor, I hope that his case will be considered favourably.

I have, &c.,

James Window.

[Enclosure No. 2.]

Mr. F. Desailly to Mr. J. Window.

Sir,

Van Diemen's Land, 5th August, 1825.

Enclosed is the Half pay Affidavit from June 1823 to June 1825. I have inserted two years in one Voucher by instructions in letter to me of May 1824 and when you write again please say if such is according to form.

I was anxiously waiting to hear from you, when yours of October last came to hand about ten days ago, which has certainly created disappointment and the more so because all
my applications and efforts here to Colonel Arthur have been of no avail; I know under similar circumstances the order for additional Land has invariably issued direct from the Colonial Office in London by means of the Influence of some friend at home to Lord Bathurst.

You perhaps are not aware how little the British Government estimate Land in this Colony, and indeed for many generations to come it cannot be otherwise, as there are Millions of Acres lying waste.

I received on my arrival here, on virtue of the Capital I landed with, 800 Acres, which quantity would, I believe, have been allotted me as a half pay Ensign alone, but I purposely omitted to make mention of my Commission lest it might (by such as were not acquainted with the actual motive for which it was originally purchased) be considered strange and probably injure my practice.

I have been informed from tolerable good Authority that a Memorial in my name, expressed in the customary manner of Memorials, would have been successful, if supported and handed by a friend to Lord Bathurst, and I cannot think otherwise, for although my Commission may not perhaps enable me to claim Land as a right, yet it must in a Colony like this afford some plea for indulgence, to which I came by permission of the Commander in Chief in 1820.

With many thanks, Sir, for your very kind attention and good wishes in my behalf believe me to be, Sir, &c.,

F. DESAILLY.

P.S. The distance is so great between hence and England that perhaps you will be kind enough to acknowledge the receipt of Affidavit per earliest opportunity. F.D.

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UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.
(Despatch acknowledged by lieut.-governor Arthur, 9th October, 1827.)

Dear Sir,

Downing Street, 18th April, 1827.

The Bearer of this letter, Mr. Joseph Castle, is very well known to Mr. Hart Davis as a very respectable industrious Farmer, and, at his particular request, I am induced to recommend him to your protection. Mr. Castle takes Property with him to the amount of nearly five Hundred Pounds, which, with the good practical Information as a Land Surveyor and Farmer which he is stated to possess, will, I have no doubt, enable him to do credit to any Grant of Land which he may be able to receive under the Regulations.

I am, &c.,

R. W. HAY.
HISTORICAL RECORDS OF AUSTRALIA.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Downing Street, 18th April, 1827.

Lord Bathurst having received from the Governor of New South Wales a Report, which the Land Board had addressed to him relative to the arrangements necessary to be adopted for giving effect to His Majesty's Instructions with respect to the disposal of the Crown Lands, his Lordship deems it expedient that you should be made acquainted with the observations offered by the Governor and the Land Board, in order that the new Regulations may, as far as local circumstances will admit of it, be assimilated in both Colonies; and I am, therefore, directed to transmit to you Copies of the Papers, which have been received from General Darling, together with a Copy of Lord Bathurst's reply, by which you will perceive that very important modifications will necessarily take place in the original Instructions upon this subject.

I am further directed to inclose a Copy of the Memorandum, as altered, which is issued to all persons applying for information as to the terms upon which Lands are now granted in the Australian Colonies.

I have, &c.,

R. W. HAY.

[Enclosures.]

These comprised the following papers:—

Governor Darling to Earl Bathurst, 22nd July, 1826.
Minute by Governor Darling, 28th June, 1826.
Extract from minutes of executive council of N.S.W., 5th July, 1826.
Surveyor-general Oxley to Governor Darling, 26th January, 1826.
Do to archdeacon Scott, 29th August, 1825.
Do to colonial secretary Goulburn, 23rd May, 1825.
Do to Sir Thomas Brisbane, 4th November, 1824, and 18th June, 1824.
Instructions to surveyor-general Oxley by Sir Thomas Brisbane.
Surveyor-general Oxley to colonial secretary Goulburn, 5th April, 1823.
Messrs. Stewart, Lithgow and Campbell to Governor Darling, 23rd February, 11th and 20th March, 1826.
Form of application for land.
Form of memorial for land.
Return of ungranted lands in counties of Cumberland and Camden, N.S.W.
Governor Darling to Earl Bathurst, 5th September, 1826.
Extract from minutes of executive council of N.S.W., 22nd and 23rd August, 1826.
Government and general order, 5th September, 1826.
Earl Bathurst to Governor Darling, 2nd April, 1827.
Terms for land grants to settlers.

Copies of these papers will be found on page 374 et seq., page 536 et seq., volume XII, and page 219 et seq., volume XIII, series I.]
LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST. (Despatch marked "Separate.")

Van Diemen's Land, Government House, 20 April, 1827.

I have the honor to acknowledge the Receipt of your Lordship's Dispatch of 22nd November last, enclosing Copy of a communication, addressed by Sir Herbert Taylor to Mr. Hay, conveying the opinion of His Royal Highness the Commander in Chief upon the grounds of the Verdict which had been given in the action* brought against me by Mr. Bradley, and upon which opinion Your Lordship has not felt justified in recommending that I should be indemnified by His Majesty's Government.

It may be quite unknown to Your Lordship that the line of defence in that action was taken entirely by the Solicitors of the Treasury, and that many circumstances, which in their opinion did not bear upon the point of Law, however they might morally tend to the justification of my conduct, were entirely disregarded; just such was the point in which the verdict was given in favor of Mr. Bradley, and I have therefore taken the liberty of addressing Sir Herbert Taylor submitting some very material features of the case, and soliciting that he will lay the same before the Commander in Chief. Copy of my letter I have the honor to enclose.

Nothing can deprive me of the conviction that, under your Lordship's instructions, I discharged my duty to His Majesty, both in the Military and Civil Administration of Honduras, to the best of my judgment and ability, with an utter disregard to all personal feelings and considerations of any kind; that conviction has supported me under the accumulated injury, which I have suffered from Mr. Bradley and his associates, the Wood-cutters of that Colony. But I confess it is not proof against the distressing reflections, which accompany His Royal Highness's opinion, that, in one particular point, I might have exercised a more humane discretion; and I hope no honorable effort to remove that impression will appear importunate, when I sincerely assure your Lordship that, with every submission and duty which I owe to His Royal Highness, I believe it to have been formed under a mistaken apprehension of my conduct.

The documents to which I have now referred will, I trust, be entirely satisfactory to the point, that I pursued the very course which, it has been expressed, His Royal Highness would have approved, and I hope therefore the only objection which your Lordship appears to have felt to my being protected by the Government will be removed.

* Note 7.
Mr. Hume has so mis-stated in the House of Commons every point connected with this case that I have felt it my duty to give him a brief expose; and, as it will be very satisfactory to me that every part of my conduct should be thoroughly explained to His Majesty’s Government, I hope your Lordship will condescend to peruse my Letter to that Gentleman.

I have, &c.,

GEO. ARTHUR.

[Enclosure No. 1.]

LIEUT.-GOVERNOR ARTHUR TO SIR HERBERT TAYLOR.

Van Diemen’s Land,

Sir,

Government House, 20 April, 1827.

I have had the honor to receive your letter of the 30th September, in reply to mine of the 21st April with respect to the costs and damages which have been incurred by the issue of the Action brought against me by Mr. Bradley.

I have also this day had the honor to receive a communication from Earl Bathurst, dated 22nd November, in which His Lordship has been pleased to transmit copy of your subsequent letter of the 17th October, wherein you convey to Earl Bathurst the opinion of His Royal Highness the Commander in Chief on that part of my conduct in which the decision of the Court is against me, and upon which His Lordship has expressed his regret that he does not feel justified, on his own authority, that I should be indemnified for the damages and that portion of the Prosecutor’s Costs which the Verdict of the Jury has thrown upon me.

Mr. Bradley’s case, in itself perhaps one of the most plain and simple which could be presented for investigation, has been involved in intricacy from the tedious proceedings which have arisen out of it, and from the specious arguments which have been adduced by the able men, who, either from ignorance of the plain truth, or from the pure love of opposition and mischief, have espoused his cause; and it has been my misfortune that my cause has been advocated by professional gentlemen whose excessive weight of business has certainly led them to overlook some of the strongest points, and to pass by, without observation, such circumstances in justification of my conduct as must have satisfied the most sceptical.

It was absolutely impossible otherwise that a Verdict could have been obtained on the grounds that I had unnecessarily detained Mr. Bradley in confinement for a considerable time after I had been apprized of the Commander in Chief’s intention to submit to His Majesty that he should be removed from the Service; and upon which point, I lament more than I can find
words to express, that the impression still rests upon His Royal Highness's mind (as it appears by your letter to Lord Bathurst) that I might have exercised a more humane discretion.

Permit me to bring some circumstances to your recollection with the earnest hope that you will lay them before His Royal Highness. It was not until a late period that I had any intimation that Mr. Bradley's detention after the receipt of your letter formed any part of the Action against me; the moment I heard of it, I hastened to the Horse Guards, and, in an interview with which you favored me, I stated the circumstance, pointing out that I considered the Copy of your letter to Mr. Bradley had been sent to me simply, as it professed, for my information, and that it was not intended any measure should thereupon originate with me.

It was my impression that I should be quite unjustified in stating to him that his removal from the Service was determined, and that it would be premature and consequently most improper in me to take any step declaratory of such a construction of your letter; and therefore, I simply confined myself to the few observations which my communication to him contained. In this view, I understood you expressed to me your entire concurrence, and I stated as much to Mr. Boucher, adding that your opinion, if required, would be a decisive answer to this count; but you are aware that I was in no way consulted as to the line of defence, which was to be followed, and that I entertained and expressed to you very great misgiving upon the subject.

On opening the Mail from England, your letter to Mr. Bradley had passed through my hands, and I had thereby acquired the conviction that it had been received; but, as he denied the fact, I transmitted him a Copy, and caused an intimation to be made to him by Major Lord that, although I could not deem myself authorized to order his release from all further military restraint, yet, if he wished himself not to wait for the official instructions, and would apply for permission to return to England, I should not hesitate to take the responsibility upon myself. In this, however, as in every other part of his conduct, Major Bradley acted in the most determined spirit of opposition: He insisted that, upon the letter which I had received (and this accounted for his suppressing the receipt of your communication to himself), it was my duty formally to order his liberation, and to that effect he subsequently wrote me, and my reply (Copy of which I have the honor to enclose) must, I think, have escaped His Royal Highness's recollection. Mr. Bradley's original letter with Copy of my answer are deposited in your Office or with the
Treasury Solicitors; and I mentioned to Mr. Boucher that the fact of my disposition to allow Major Bradley to return to England immediately after the receipt of your letter, if he would make the application, might be proved by Major Lord, or Lieut. Willis, or Lieut. Wells; but I understood him to be of opinion that their testimony would not be required, it being deemed sufficient to substantiate through higher authority that your letter was not official authority for discharging Major Bradley from Arrest.

My Lord Bathurst's unfavorable decision upon my application appears to rest upon the expression in your letter that I should not have incurred His Royal Highness's displeasure, if I had exercised humane discretion by releasing Mr. Bradley from arrest at Honduras, and allowing him to await the formal communication of His Majesty's pleasure in Jamaica.

A reference to the documents which I have now submitted cannot fail, I trust, to exonerate me in the estimation of the Commander in Chief from the imputation of having carried any one point of duty to an unnecessary extreme of harshness, and will prove convincing that I actually did pursue the very course, which it appears His Royal Highness would have approved; for, although I was decidedly averse to issue any order formally anticipating His Majesty's pleasure, yet I was not only willing to allow Mr. Bradley, on his application, to leave Honduras after the receipt of your letter, but should have most sincerely rejoiced at the departure of an Individual, who, not satisfied with his Military insubordination, was fostering every subject of misunderstanding in the Civil Government of the Colony.

Had your letter to me, enclosing Copy of the one addressed to Mr. Bradley, been intended to convey authority for the release of Mr. Bradley from arrest, in anticipation of His Majesty's final pleasure, it would no doubt have been so expressed; and, making it the instrument, on which I ventured to accede to Mr. Bradley's immediate return to England on his own application, was surely the utmost limit to which a discretionary military power could be carried under such circumstances.

The very heavy expenses, which by other indirect means have already fallen upon me in the progress of this matter, I have borne without the least expostulation or expectation of relief; but the discredit, which must attach to my conduct, if I am not indemnified by His Majesty's Government from the damages and costs which are now sought from me, is so evident that I cannot but rely His Royal Highness will forgive my further appeal to be relieved from it.
If Mr. Bradley is ever brought to feel and avow, as his accomplice Major Lord did, the injustice of his past conduct towards me, His Majesty's Government will then discover that he has been nothing less than the tool of a combination, formed by the Wood-cutters of Honduras, whose animosity knew no bounds, because I ventured to protect the unfortunate Indians they held most unjustly in Slavery; and I am so convinced that Mr. Hume has been entirely misled and imposed upon by these people, that I have this day addressed a letter to him upon the subject, in the expectation, if he possesses one spark of honorable feeling, that he will be ready to avow the great injustice he has done me.

My letter to Mr. Hume, of which I have the honor to enclose you a Copy, I have felt it proper to submit for the previous perusal and approval of Lord Palmerston, because, as you are aware from my repeated communications, it was not under the Right of Commissions which were granted to me, neither was it under the authority of Sir Henry Torrens's letter of 1817, that I solely rested my right to the Command at Honduras. I have ever myself distinctly stated (whatever line the Treasury Solicitors thought proper to pursue) that there were additional circumstances confirmatory of the stronger ground, that, although my Regiment was ordered to be disbanded, no official intimation of my being placed on Half-Pay was made to me, the very contrary having been expressly notified by Major General Couran through Brigade Major Noel.

I have, &c.,

[Enclosure No. 2.]

LIEUT.-GOVERNOR ARTHUR TO MR. J. HUME.

Van Diemen's Land,

Sir,

Government House, 20 April, 1827.

As I am perfectly unknown to you, and it is therefore impossible to believe you are influenced by any personal feeling against me in taking up the cause of Col. Bradley, I am induced to hope that a plain and candid narrative of the whole affair will convince you, that you have been very much misled in supposing that gentleman to have been treated with oppression; on which account alone, I have no doubt, you have so warmly espoused his cause.

In order to put you in full possession of the facts of his arrest, and the circumstances which occasioned it, I shall be obliged to go into some detail, but I will be as brief as the subject will allow me. In July, 1814, His Grace the Duke of Manchester was pleased to appoint me, being then a Major in the 7th West India Regiment, and in temporary charge of the Paymaster General's Department in Jamaica, to succeed Colonel Smyth, as
His Majesty's Superintendent and Commandant of Honduras. I received from His Grace two Commissions, one appointing me Superintendent, and the other Commandant, and at the same time I received another Commission as Commandant from Lieut. General Fuller, Commander of the Forces in Jamaica. With these Instruments I proceeded to Honduras, presented my credentials to Colonel Smyth, and, about the termination of the same month, my Commissions were publicly read in the Court House, in the presence of my predecessor, Major Massey (being the next senior officer in the Garrison) and the Magistrates, and the oaths of office were duly administered. This was the most open and official manner in which the ceremony could be performed, and afforded the most public notification in a Colony destitute of a Gazette, and, according to the usage of the service, no officer could subsequently have a right to demand the exhibition of the authority under which I acted.

Being thus inaugurated, I assumed the Military command, as well as Civil administration of the Settlement, my appointment being notified to Earl Bathurst by the Duke of Manchester, for His Majesty's approval; and, as the most clear and decisive evidence of the nature and extent of the powers conveyed by my Commissions in a Military light, Major Massey of the 7th West India Regiment, although my Senior in the army, immediately submitted to my authority in the Garrison during several months, until he proceeded on leave of absence.

On the reduction of the 7th West India Regiment in the year 1816, His Majesty was pleased to appoint me to the 5th West India Regiment, and, about that period, Lieut. Col. Evans of the 2nd West India Regiment was ordered by General Couran to proceed to Honduras; but, as soon as it was known to the Duke of Manchester, His Grace interfered, the order was cancelled, and, to prevent even the possibility of any future question as to the Military command, a communication was made to the Horse Guards, and orders were sent out that the Officer invested with the Civil Government should also command the Garrison.

On the reduction of the 5th West India Regiment in the year 1817, His Majesty was pleased to remove me to the York Chasseurs, of which Regiment I was the Senior Lieutenant Colonel, when Major Bradley arrived at Honduras to join the Detachment of his Regiment (the 2nd West India) serving in that Garrison.

It is of importance to mention that neither the 5th West India Regiment, nor the York Chasseurs, to which I successively belonged, were serving in Honduras, but I had equally retained the Military command from the period of my first appointment, notwithstanding the reduction of the Regiment in which I was
serving, and in that condition Major Bradley found me in the year 1818, and acted under my orders without even raising the slightest question as to my authority until the year 1820.

In June, 1819, Capt. Noel of the York Chasseurs was ordered to Honduras from Jamaica, as Major of Brigade, and brought information that the York Chasseurs were ordered to North America to be disbanded, but that Major General Couran did not consider he was authorized to interfere with my appointment, and the Brigade Major was directed to report himself to me as Military Commandant at Honduras. It is of importance also that I should mention that, though I received from Captain Noel the information that my Regiment was ordered to another Colony to be disbanded, no official intimation was made to me that I was placed on half-pay, without which notification it is a rule of the Service that an Officer continues to serve in any distinct command to which he may have been previously appointed.

A little subsequent to this period (viz., June, 1819), Major Bradley involved himself in a very serious, and most disgraceful quarrel with a Merchant in Honduras, (Mr. Iles), and being placarded in the town of Belize in the most offensive terms, I was under the necessity of interfering. Having, in the sequel of this matter, violated his solemn promise to me as an Officer, I granted him at his own request a Court of Inquiry, and, the report of the Court being most unfavorable, he was perfectly at my mercy under circumstances which must inevitably have led to his removal from the Service, had I caused him to be proceeded against by a Military tribunal. But, in the month of January, 1820, I accepted his strong written expressions of contrition, and permitted him to return to his duty in the Garrison.

A very short time prior to the circumstance I have just described, Major Bradley was involved in another very serious disagreement with Captn. Lord of the same Corps. Most ungentlemanly expressions and proceedings passed, and, on this occasion, in defence of an officer whom I considered he was oppressing, I was under the necessity of intimating to him that, unless the matter was arranged, I should be obliged to bring him to a Court Martial.

These are the circumstances, I have no doubt, which preyed upon Major Bradley's mind, and, under the influence of which strengthened by excessive vanity, he first agitated the question in March, 1820, of my right to hold military command, and was finally led on, step by step, to proceedings nothing short of mutiny.
It was in the month of March, 1820, that Major Bradley first stated his objections to my holding the Military command on the ground that my Regiment was ordered to be reduced. My answer to him was that, having been appointed to the Military command of the station, I had neither the power to resign it, nor could I by any means be deprived of it without an official notification; and I referred him to the Army-list, published under the King’s authority, in which my name appeared as Commanding Officer at Honduras. At the same time I expressly stated to him in the presence of Brigade Major Noel, over and over, that, if he had any doubt upon the subject, I should never object to satisfy it by transmitting any respectful representation either to the General Officer commanding at Jamaica, or to His Royal Highness the Commander in Chief, which I conceived the proper manner of settling such a point. But this Major Bradley most positively declined, and, notwithstanding this and subsequent explanations to the same effect, on the 22nd of May, taking advantage of a period when the Negroes had excited very great alarm, he proceeded to issue a Garrison-order, assuming the Command. On the same day he addressed a short note to me, calling upon me for my authority for retaining the command, and, without waiting for any reply, he transmitted a second letter informing me that he should no longer obey my orders. I immediately issued orders for assembling the officers at the Government House, to whom (all having attended except Major Bradley) I produced my Commissions and stated at large the grounds on which I required their continued submission to my Military authority. They all acquiesced without the least hesitation, and, if Major Bradley could possibly be ignorant that I held such Commissions, the fault was his own in refusing to present himself on that occasion; but he was not ignorant, because I had repeatedly adverted to them.

All his subsequent proceedings, one day acknowledging my authority, and the next denying it, have been before the Public in the documents exhibited on the occasion of the Action he brought against me; and I can truly say I have always been impressed with the belief that his natural unruly and irritable temper so entirely overcame him, as to deprive him, for the time, of his judgment, a circumstance, indeed, which in one of his letters, he states as an excuse for his conduct.

Whilst Major Bradley was thus breathing vengeance, and expressing his fixed determination to resist my authority at all hazards, I am persuaded you will be convinced it was an act of common prudence to order him into arrest; but this restraint was never strictly enforced, and he was at full liberty to take
his range over at least 20 acres of land, which surrounded the Barracks, and was the inhabitant of a very airy, commodious, and comfortable quarter for a Field-officer, and subject to no kind of inconvenience, from which he would have been exempt, had he been doing duty with his Regiment.

The Verdict of a Jury, however, having subjected me to £100 damages, on the ground that I had detained Mr. Bradley in confinement unnecessarily for a considerable time after having been apprized of the Commander in Chief’s intention to submit to His Majesty that he should be removed from the Service, I wish to explain more particularly the real circumstances of this part of the transaction. Having reported Major Bradley’s conduct, and the steps I had taken, to the officer commanding the Forces at Jamaica, and received his instructions confirming my proceeding, Major Bradley was considered in arrest at large under his authority, and, through that officer, according to the routine of the Service, His Majesty’s pleasure would be made known. I therefore conceived I should be quite unjustifiable in releasing him, in anticipation of his removal, upon no other authority than the letter I received from Sir Herbert Taylor, apprising me of the intention of the Commander in Chief to take the King’s pleasure to remove him from the Service. Major Lord, however, was instructed by me to intimate to Mr. Bradley, that, although I could not deem myself authorized to order his release, yet if he wished himself not to wait for the official instructions and would apply for permission to return to England, I should not hesitate to take the responsibility upon myself, and I subsequently intimated as much to him in writing; and, as Mr. Bradley must be well known to you, you may of course require him to produce my letters to him of the 24th November, 1820, and 10th January, 1821, which will prove the most indisputable test of my conduct towards him in this part of the transaction. In this, however, as in every other part of his conduct, Major Bradley acted in the most determined spirit of opposition; he would have me anticipate the King’s final pleasure, insisting that, upon the intimation I had received, it was my duty formally to order his liberation, and nothing less would satisfy him.

As I perceive Major Bradley has not confined himself, in his Petition, to the affair of his arrest, but has taken upon him to impugn my general conduct in the Government of Honduras, I shall not be extraneous in offering a few further observations upon the charges, which I find were brought against me by Mr. Bradley’s Counsel, and of course from his instructions, at the trial. Mr. Brougham in the first place animadverted upon my
1827. most extraordinary conduct in addressing a note to Mr. Bradley when president of a Court Martial, signifying my approval of the prisoner then under trial being corporally punished, if found guilty. The Note was produced, and certainly, standing alone, must have appeared as extraordinary, as Mr. Brougham represented. The simple fact this; on the 2nd West India Regiment being ordered to Honduras, the Commander in Chief of the Forces, Lieut. General Francis Fuller, apprized me that the Commanding Officer was extremely disposed to tyrannize over the men, and therefore recommended my not allowing corporal punishment to be resorted to unless absolutely necessary, and with my own approval. This was not a subject, as you will readily perceive, to introduce into garrison orders; I therefore addressed a letter to the Commanding Officer, giving him to understand that I wished in no instance corporal punishment to be resorted to, unless in extreme cases of crime. This direction was continued to Major Bradley, who continually remonstrated personally with me upon its injurious tendency to the discipline of the Regiment; but it was persisted in throughout my command, as a standing instruction. In the instance in question, however, a soldier of the Royal Artillery had acted in a most insubordinate manner, and had struck a non-commissioned officer in the execution of his duty; and, upon a full report of the crime with which he was charged being laid before me, I notified to Major Bradley, in a demi-official note, that, if the prisoner was found guilty, I considered that corporal punishment should be awarded for such an offence for the sake of example.

I have no Copy of the note, but so perfect a recollection of the circumstance that I do not question its existence. The facts, as I have stated them, may be readily confirmed by General Fuller, who is most probably in London, and by Captn. Willis, R.A., to whose company the Soldier belonged; and I am sure you will allow that no man, possessing the feelings of a gentleman, would have resorted to such a disgraceful subterfuge, as that of producing the note referring to the particular case then under trial, and with-holding the document from which it resulted, and which freed its contents from every imputation of impropriety.

The number and severity of all punishments inflicted during the space of eight years, whilst I administered the Government of Honduras, may be put beyond all doubt by reference to the official records; and I may safely challenge any Colony, or Settlement, or Garrison, under the Crown to shew such a record.
With a mass of population composed of low Settlers, runagate Spaniards, Indians, Negroes, and Black Troops, in the space of eight years, only two persons suffered capitally, and those for two as atrocious murders as ever disgraced human nature. And the execution, which Major Bradley has represented to have been at his very door, took place at least a mile from his Quarters, and, according to the ancient usage of the Settlement, the bodies of the murderers, having been suspended for two or three hours, were taken down, and being placed in coffins and deposited in the earth, a funeral pile was burnt over the grave to satisfy the superstitious feelings of the Negroes. It had been the custom for the Jury and Magistrates, who tried the prisoners, to proceed in procession to this awful ceremony; but I recommended its discontinuance, and suggested it would be far better to hang the bodies in chains; my recommendation however was overruled by the unanimous opinion of the Bench of Magistrates, who thought the ancient custom had been most useful in its effect, and ought not to be departed from. James Hyde, Esqr., a merchant of great respectability, now resident in London, was a member of the Bench, and will be able to afford you further information upon this subject, as well as a full corroboration of every fact I have stated. But at all events it seems to be going a little too far to make me responsible for an act of the Magistrates of Honduras, who were jealous of my interference at every turn, and on this occasion acted directly contrary to my expressed advice. The only Negro, who was corporally punished by the Sentence of a Military tribunal, had committed an offence during the time the Militia was embodied, and was tried at the express instance and recommendation of the Magistrates of the Settlement, who, as Field-officers and Captains, composed in part the Court, with other officers of the Militia; a circumstance which Major Bradley has omitted to mention, as well as that the constitution of the Court was founded upon the laws of the Colony, and, until the interference of Parliament in the year 1820, afforded the only means of bringing such offenders to punishment.

As I am aware that Mr. Bradley has been supported throughout his proceeding against me by the Honduras merchants, whose inveterate hatred I brought upon myself by protecting some Indians held by them in slavery, I beg to refer you to a pamphlet, which I take the liberty of enclosing, published in answer to them by the Revd. John Armstrong, who was Chaplain to the Colony for 12 years, and, as he observes himself, had not always harmonized with me. But, barring two or three unimportant mistakes, and making allowance for his personal
friendship for one or two persons who were opposed to me, he has stated, in a fair and candid manner, the real facts as they existed at Honduras.

After this explanation, the question will naturally occur to you that, if I was in possession of such clear and convincing proofs of my title to the Military command, why write to Lord Bathurst, and Messrs. Greenwood and Cox respecting my situation, in consequence of the reduction of the York Chasseurs? My answer is simply this, However firm my right to the Military authority might have been, a doubt had been cast upon it by Major Bradley, and I was anxious to put beyond the possibility of question a point which might be attended with such embarrassing circumstances as actually resulted.

I have thus laid before you, with the unpremeditated frankness of a soldier, a plain statement of the whole case, and although, as I have written from memory, I may have fallen into some inaccuracies as to dates (the documents to which I wished to have referred being deposited in the Public Offices in London). I assure you, on the word of an Officer, the facts, to the best of my recollection, are perfectly correct. I trust they will convince you that you have done me great injustice by the Sentiments you have expressed in Parliament, and, as a man of honor, I have no doubt you will feel a pleasure in avowing it, although it is beyond your power to remove the injury you have done me.

I have, &c,

[Unsigned.]

ENCLOSURE NO. 3.

COLONEL ARTHUR TO LIEUT.-COLONEL BRADLEY.

Sir, Government House, Belize, 24th November, 1820.

I had the honor to receive a letter from Major General Sir Herbert Taylor by the arrival of the Ship Marshall Bennett, enclosing Copy of one which he had addressed to you on the 3rd August last by Command of His Royal Highness the Commander in Chief.

As it was reported to me that the original had reached you, I did not feel it necessary to transmit a Copy; but, as I am now informed that you stated to Lieutenant Webb that no such communication had come to your hands, I consider it right to enclose you a Copy.

Painful as the whole of this matter has been to my feelings, was I confident of your having received Sir Herbert Taylor's Dispatch, I should willingly have declined thus noticing the subject until the Official Orders arrived from Jamaica.

I have, &c,

GEO. ARTHUR, Colonel Commandt.
GODERICH TO ARTHUR.

[Enclosure No. 4.]

COLONEL ARTHUR TO LIEUT.-COLONEL BRADLEY.

Sir, Government House, Belize, 10th January, 1821.

In reply to your letter of yesterday's date, I beg to acquaint you that, from the period Instructions from the Officer Commanding the Forces at Jamaica were received and notified in Orders, you were considered in Arrest at large under his authority and through him no doubt, according to the Routine of the Service, His Majesty's pleasure respecting you will be officially notified.

Sir Herbert Taylor's letter conveyed no authority for me to act upon; but, as it is very far indeed from my wish to aggravate those painful feelings which the decision of His Royal Highness The Commander in Chief upon your conduct must occasion you, I shall readily take your application into consideration, if you are very desirous of proceeding to England before a Vessel arrives from Jamaica.

I have, &c,
GEO. ARTHUR, Colonel Commandant.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(A circular acknowledged by lieut.-governor Arthur, 20th October, 1827.)

Downing Street, 30 April, '27.

The Earl Bathurst having this day resigned The Seals of the Colonial and War Department, they were delivered by His Majesty to the Lord Viscount Goderich, who was sworn in Secretary of State accordingly.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 1.)

Sir, Downing Street, 1 May, 1827.

With reference to Earl Bathurst's dispatch of the 3d February last, relative to certain alterations which had been made by the Army Medical Department in the Supplies of Medical Stores, required by your letter of the 10th February, 1826, for the use of the Colonial Hospitals at Hobart Town, I have the honor to transmit to you the Copy of a further communication from the Treasury with the Inclosures therein referred to, exhibiting the whole supply which has been shipped for the Service in question.

I have, &c,
GODERICH.
MR. W. HILL TO UNDER SECRETARY HAY.

Treasury Chambers, 23 April, 1827.

Sir,

The Lords Commissioners of His Majesty's Treasury having had under their consideration a letter from the Secretary at War of the 4th Inst. with two Invoices of Medical Stores supplied for the use of the Colonial Hospital Hobart Town, I have it in command to transmit to you copy of the said letter together with the Invoices for the information of the Secretary of State with reference to the former letter of this Board dated 15th February last, on that subject.

I am, &c.,

W. HILL.

[Sub-enclosure.]

VISCOUNT PALMERSTON TO MR. W. HILL.

War Office, 4 April, 1827.

Sir,

With reference to my Letter dated 24 January last, I herewith transmit for the consideration of the Lords Commissioners of the Treasury, two Invoices of Medical Stores supplied for the use of His Majesty's Colonial Hospital Hobart Town and the Medical Establishments of Van Diemen's Land, in charge of James Scott Esq. R.N., Colonial Surgeon, for the year 1827 which have been received from the Army Medical Department.

I am, &c.,

PALMERSTON.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Van Diemen's Land,

Sir,

Government House, 1 May, 1827.

I have received your letter* of the 14th November last, with reference to the one you addressed to me on the 4th of Octr. respecting the Government Order* relative to the conduct of Mr. Samuel Hood, in which you desire to ascertain from me what is the precise meaning which is intended to be conveyed by the concluding part of the order in question; an inquiry which my Lord Bathurst is prompted to make, by perceiving that a construction has been put upon it which his Lordship cannot believe to be correct, but which it is important should not be allowed to remain without contradiction.

I regret your communication should not have explicitly conveyed to me the construction, which had been put upon the latter clause of the Public Notice, which states that "Mr. Hood's name has been directed to be recorded with the view of his being prevented from participating in any further favor or indulgence from the Local Government," because I should, in the most
plain and direct terms, have answered to the point, and because
it is extremely difficult for me to affix any precise meaning beyond
that which the expression itself conveys, and which is to be
found in many of the communications from the Colonial Office,
wherein Individuals, on emigrating to the Colony, have been re­
commended to the notice of the Lieutenant Governor.

In a Colony constituted as this is, the Officer administering
its affairs is unceasingly taken up with the wants and difficulties
of the Settlers. Almost all occasionally stand in need of some
temporary aid or friendly advice, and not uncommonly of as­
sistance not quite consistent with regulation; and these I imagine
are in the strict sense favors and indulgences; but the expres­
sion is more commonly applied to the assignment of Servants,
and I apprehend it is in this sense that Mr. Hood would be un­
derstood in his letter to Lord Bathurst of the 30th April, 1826,
wherein he states “He, (alluding to the Lieutenant Governor)
told one of my friends that, if I published my letters, he would
tell your Lordship to deprive all those Gentlemen, whose
business I transact, of Government Indulgences, as well as
myself.”

Supposing this to be the construction to which your com­
communication alludes, I beg to state, 1st That I never expressed
myself in any such terms to any one, nor did I ever entertain
such an idea; and it is fortunate for Mr. Hood that he has not
named his friend, or I might still more clearly have refuted the
assertion; 2ndly. That Mr. Hood did publish the letters, and
they were adorned with all the sophistry of “Robert Lathrop
Murray”; and thirdly. That no step or measure of any kind was
ever taken, either directly or indirectly, to deprive Mr. Hood, or
any of the Gentlemen whom he then or has since represented,
of Government indulgences. The Public Notice answered every
purpose that was wished or intended; it was the only record
of Mr. Hood’s conduct that was ever made, and, until I perceived
that it has so much excited Lord Bathurst’s attention, I confess
it appeared to me a very unobjectionable means of silencing a
rude and disaffected character.

I had scarcely been a fortnight in this Government, when Mr. Hood called upon me, on the particular introduction of Colonel Sorell, and, after a few prefatory observations, he inquired whether it was true, a circumstance I had stated to Colonel Sorell, and which he very inconsiderately, I thought, at that time divulged, that His Majesty’s Government had directed more prompt measures to be taken in the resumption of Lands where the conditions had been violated; on my replying in the affirma­
tive, he begged to know whether I intended to act upon those
Instructions; to which I replied, certainly, unless there were
strong objections against them, of which I was not then aware.
Upon receiving this answer, Mr. Hood, then a perfect stranger
to me, rose and abruptly left the room, observing, in the most
offensive manner, "Sir Thomas Brisbane has half ruined the
Colony, and you will complete its destruction."

I might advert to other instances in which I have received
much personal insult from Mr. Hood; in the affair of Mr.
Gellibrand* also, he conducted himself with particular impropriety, for, in the first place, he made the most serious accusa­tions against that person, and, when investigation was directed,
he absolutely refused to stand forward and confirm them; but I
have no desire to recriminate, or to say more than may tend to
shew that there was very considerable cause to call forth the
Government Notice, which Lord Bathurst has deemed objection­
able, and which was framed under the advice of perhaps the two
most dispassionate men in the Colony, the Chief Justice and
Mr. Humphrey, gentlemen certainly the very last whom any
Governor would consult who had improper prejudices to gratify,
and the latter had for several years been on terms of intimacy
with Mr. Hood.

It appears to me that the dissatisfaction, which my Lord
Bathurst has expressed in this matter, must be connected with
other circumstances, which have unfavorably impressed and in­
fluenced his Lordship's mind. Such subjects as have been already
communicated to me I have fully, and I hope satisfactorily, an­
swered; if any remain, I entreat you will submit my very earnest
solicitation to Lord Bathurst that I may be made acquainted
with them, for I am quite sure that no officer can administer
the affairs of this Colony, either with justice to the Crown, or
with advantage to the Public Service, who does not feel that the
entire confidence of his Majesty's Government is reposed in
him; there is a load of responsibility arising out of events, which
no instructions can anticipate or provide for, to be borne every
day, which no man, who doubted that the kindest construction
would be put upon his conduct and measures, unless they were
absolutely wrong, would in prudence attempt to support.

Messrs. Murray and Gellibrand of this Colony, and Wardell
and Wentworth† of New South Wales, have continually expressed
their determination in print to write me out of the Government,
and have not been backward, as I am given to understand, in
assailing me through other quarters at Home, which perhaps
are little suspected to originate with them. If their statements
are in any degree credited, my Lord Bathurst must naturally feel

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* Note 10. † Note 11.
very anxious; but I should adduce the vindictive feelings of such men as the strongest testimony I could offer of the integrity of my conduct.

I have now served immediately under my Lord Bathurst's orders for nearly fourteen years†; and I am sure His Lordship would wish that I should have an opportunity of exculpating myself from every statement, which may be made to my prejudice; and I feel a confidence that he will allow me to be furnished with any which may appear to His Lordship worthy of notice.

If I do not serve with a high reputation and with usefulness, I certainly serve without the attainment of the only object, which renders this Government desirable to me; under every other consideration, it would be my wisdom to retire from it; and I am convinced that the busy few, who are now most bitter against me, will often assail my Successor with the record of my impartiality and disinterestedness, however unbending those qualities have been to their present views and intentions.

I have, &c., Geo. Arthur.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 31.)

Van Diemen's Land,

My Lord,

Government House, 10 May, 1827.

I have the honor to report to your Lordship that the Arrival of Honble. East India Company's Ship Research, under the command of Capt. P. Dillon, arrived at this port on 5th of April, on her voyage to the Malicolo Islands in the pursuit of information respecting the fate of Count de la Perouse,† and Captain Dillon, finding it necessary to provide provisions and refit for the remainder of the voyage, applied for the assistance of the local Government in advancing the money requisite for these purposes. As his instructions from the Marine board of Bengal, a copy of which I enclose, fully authorized him to draw, if necessary, upon the authorities here on account of the Bengal Government, I have authorized the Assistant Commissary General to advance him 4,000 dollars upon his bills at par negotiable by the East India Company in England, which the Assistant Commissary General considered preferable to drawing on the Bengal Government, on account of the limited intercourse between this Colony and India.

Sanguine hopes appearing to be entertained in India of ascertaining with certainty the fate of La Perouse and relieving any

* Note 12. † Note 13.
of his Crew who may possibly still survive, and the Asiatic Society having also availed itself of the opportunity to advance the pursuit of science, I felt anxious to afford every facility to Captain Dillon in the prosecution of his voyage.

But I regret to say that I apprehend the scientific objects of the enterprise will in a great measure be defeated by an altercation, which has happened between Capt. Dillon and Dr. Tytler, the Surgeon and Naturalist to the expedition, the consequence of which had nearly proved fatal to its success from the Captain having subjected himself to a prosecution for an assault, for which he was sentenced to a fine and imprisonment for two months.

Being however very desirous to promote by every possible means this interesting enterprise, which mainly depended upon Captain Dillon, and originated from information obtained from the natives of the Malicolo Island by himself, I brought his Memorial to be liberated from imprisonment under the consideration of the Council, with a view to the remission of that part of his Sentence. Your Lordship will observe that two of the members differed with me in opinion; but, upon full consideration of the circumstances, I have deemed it advisable to sacrifice justice to humanity and science, especially as the Government of India will have the means of punishing Captain Dillon by depriving him of the reward he had otherwise reason to expect from the successful result of an expedition, which has already been attended with an expense of £20,000 to the Company; Capt. Dillon has been accordingly released, and is on the point of proceeding on his voyage.

I have, &c.

GEO. ARTHUR.

[Enclosure No. 1.]

CAPTAIN DILLON TO LIEUT.-GOVERNOR ARTHUR.

I beg leave to inform your Excellency that the Person, who takes the liberty of addressing you, is Captain P. Dillon, Commander of the Honble. East India Company's Ship Research, from Bengal on the 23rd of January last, which Ship anchored off Hobart Town last night.

The Research has been fitted out by the Bengal Government for the purpose of proceeding to the Malicolo Islands to render assistance to the Survivors of the French Frigates La Bassole and L'Astrolabe, which were under the command of the late Count De La Perouse, said to have been wrecked on the above Islands.

In consequence of the Biscuit and Flour prepared at Calcutta not keeping sound more than four Months, I am directed by the

* Note 14.
Bengal Government to take in a supply of the above description of provisions for the Voyage, as also to refresh my Crew, and complete the necessary out fit for the remainder of the voyage at this Port.

Enclosed I send for your Excellency's perusal a copy of my letter of Instructions, authorizing me to draw on the authorities here, on account of the Bengal Government, for such funds as I may require to defray the Ship's expense while in this Port.

I also beg leave to state that the probable amount of the necessary Expense here will be about three or four thousand Spanish Dollars.

If your Excellency will be so good as to grant me the above amount for the use of the Honble. Company's Ship Research, I will feel extremely obliged, and draw Bills in favour of this Government on the Bengal Government for the above amount, bearing Colonial Interest from the day of their date.

I remain, &c,

PETER DILLON.

H.E.I.C. Ship Research, at Anchor off Hobart Town, the 6th April, 1827.

[Enclosure No. 2.]

MR. J. TROTTER TO CAPTAIN DILLON.

Sir,

In continuation of my letter No. 1,421, under date the 22nd Ultimo, and with advertence to that part, which refers to your calling at Port Dalrymple or the Derwent in progress to Malicolo Islands, I am directed by the Marine Board to convey to you their authority for the purchase of such fresh provisions, etc., as you may find it absolutely necessary to provide for the Crew of the Honble. Company's Ship Research under your command, and also, in the event of your finding it requisite to draw on the authorities there, on account of this Government, for such small sums as the circumstances of the case may call for, giving the Board the earliest information of your proceedings on this and all other points connected therewith.

I have, &c,

J. TROTTER, Secretary.

[Enclosure No. 3.]

EXTRACT from the Minutes of the Executive Council, 9th May, 1827.

Present:—His Excellency the Lieutenant Governor; His Honor the Chief Justice; The Colonial Secretary; A. W. H. Humphrey, Esqr.; Jocelyn Thomas, Esqr.
With reference to the advice of the Council of the 16th Ultimo, respecting the money to be advanced to Captain Dillon, the Commander of the H.E.I. Company's Ship Research, The Lieutenant Governor informed the Council that, in consequence of a Prosecution in the Supreme Court, which Dr. Tytler the Surgeon to the Expedition had instituted against Captain Dillon for an assault, the payment of the Money had been deferred until the termination of the trial. As it had been represented to His Excellency that Capt. Dillon had been found guilty and sentenced by the Court to pay a fine of £50, and to be imprisoned for two calendar months, His Excellency now found it necessary to require the opinion and advice of this Council how to act towards Capt. Dillon on this occasion, in consequence of an application from Dr. Tytler, dated the 2nd Inst., requesting the remission of that part of the Sentence imposing two months' imprisonment, that the humane and scientific objects of the Expedition may not be frustrated. The Lieutenant Governor also laid before the Council a Memorial and a letter, dated the 9th Inst., from Captain Dillon to the same effect, and, although His Excellency could not consider Capt. Dillon's Memorial deserving the slightest attention, for his conduct towards Dr. Tytler appeared as cruel as unjustifiable, and his punishment as lenient as merited; yet, considering the circumstances and remarkably interesting objects of the Expedition, the heavy expense the Calcutta Government had incurred on its account, and the entreaties from Dr. Tytler on his behalf, it did appear to His Excellency desirable to forward the views and intentions of the Indian Government and the expectations of the scientific world, although it must be accomplished by the remission of a punishment, which, under any other circumstances, Captain Dillon should suffer without any mitigation. His Excellency further observed that Dr. Tytler would not again subject himself to a repetition of the treatment he had received from Captain Dillon, as it appears, by his letter to the Colonial Secretary of the 6th Inst., that he intends proceeding to Calcutta via Sydney.

The Council, having considered this subject at considerable length, came to the following opinions.

Mr. Thomas is of opinion to advise His Excellency to remit that part of Captain Dillon's punishment, which relates to his imprisonment, on the ground that the objects of the Expedition will be frustrated by his detention. Should the vessel remain in this port during the period of his Sentence, the season of the South East Monsoons will be past, and a delay of another year will be the consequence; or, should Captain Dillon carry into
effect his present intention of sending the vessel back to Calcutta, the objects of the East India Company will be defeated, and an excessive expense be uselessly incurred.

In the opinion of Mr. Thomas the means of inflicting ulterior punishment on Captain Dillon rests with the Government of India by withholding the promised promotion or stopping his pay; and this is an additional ground for recommending the mitigation of his Sentence, and not from any personal feelings for Captain Dillon, who, in Mr. Thomas's opinion, well deserves the punishment awarded.

Mr. Humphrey is of opinion that Captain Dillon is the only person, who can be found competent to the charge of the expedition, as he believes there is no one else has the same knowledge of the Islands and the language of the Natives where the vessel is directed to proceed; and, under this impression, he advises His Excellency to remit that part of Captain Dillon's Sentence imposing imprisonment, that the objects of the East India Government may not be frustrated after the heavy expense incurred, and not from any consideration towards Captain Dillon, who, in his opinion, fully deserves his punishment and ought to suffer it under any other circumstances.

The Chief Justice is of opinion that the question of Captain Dillon's imprisonment ought not to be considered one of Policy, but of Justice only, and therefore advises His Excellency not to attend to the application in his behalf, for it is not made upon the ground of Mercy but that of Interest to a third party; and it is His Honor's opinion that a mitigation of Sentence should only be granted to Captain Dillon upon a clear case for mercy being represented and not upon any other grounds.

The Colonial Secretary's opinion and advice coincided exactly with the Chief Justice's.

The Lieutenant Governor, having heard the opinion and advice of the Council, stated that, under all the circumstances of the case, he was of opinion Captain Dillon should be released, and the objects of the expedition should not be frustrated. His Excellency remarked upon the humane motives of the Indian Government in endeavouring to save the remainder of the Crew of the vessels under the command of the Count De la Perouse, and the heavy expense incurred to accomplish so desirable an object, and thought that both justice to that Government and mercy to the supposed survivors required the liberation of Captain Dillon to prosecute a voyage which must, if the Sentence be satisfied, be deferred for another year; and although, as His Excellency has already stated, Captain Dillon deserved not the slightest compassion or consideration, yet he deemed it a matter
of policy not to impede the Expedition by his imprisonment, and
to render unavailable the expense already incurred in the Cause
of Humanity and Science.

A true Copy.

JOHN MONTAGU, Clerk of the Council.

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LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 32.)

Van Diemen’s Land,

My Lord, Government House, 12 May, 1827.

I have the honor to acknowledge the receipt of your Lord­ship’s Dispatch No. 54 acquainting me that Richard Newman, Joseph Hewitt and Samuel Prendergrass had been selected by your Lordship for the purpose of taking upon themselves the duties of Police Officers in this Colony.

These officers, who are of a description much needed in Van Diemen’s Land, will, immediately on their arrival, be appointed to the Police, and I am sanguine in anticipating the most beneficial results from their Services.

I have, &c.,

GEO. ARTHUR.

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LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 33.)

Van Diemen’s Land,

My Lord, Government House, 12 May, 1827.

It is with much concern I have the honor to report to your
Lordship that the Revd. John Youl, the resident Chaplain at Launceston, died on the 26th March, 1827.

Archdeacon Scott has, on this occasion, addressed a Letter to me recommending that I will submit to your Lordship the necessity of supplying this vacancy with the least possible delay, and that Mr. Youl’s successor may proceed in a ship direct to Van Diemen’s Land.

The Archdeacon begs that the Chaplain selected for this situation may be a person of active habits, accustomed to tuition, as he will have a large district to attend to, and it is probable amongst so many families he may find several who would be disposed to place their children under his care.

In the importance of the situation, I quite concur with the Archdeacon; there are several circumstances of a local nature connected with Launceston which make it very desirable that the Chaplain should be a pious, active, and firm man, and one whose zeal for the Church is tempered with a great deal of discretion; but I am not quite of opinion that he should keep a school. It will be better under all circumstances perhaps that he should
not. There is a Jail, and Barracks for male Prisoners, as well as a Female Factory at Launceston, all places that will require so much of the Chaplain's time that I think any thing beyond his parochial duties in addition will be better avoided.

The Revd. Joseph Ditcher, who was recommended by the Bishop of London for the Chaplaincy at Honduras, but who was obliged to relinquish it from a complaint of which he subsequently I understood entirely recovered, I should deem a person highly qualified for Launceston, and I should very strongly recommend him to your Lordship's favorable attention, if he is disposed to resign the Church at Kingwood.

There is nothing more important to this Colony at present than the nomination of a respectable Clergy; men whose acquirements and prudent conduct will give them a decided ascendancy over the Prisoner population.

I have, &c,

GEO. ARTHUR.

[Enclosure.]

ARCHDEACON SCOTT TO LIEUT.-GOVERNOR ARTHUR.

Sir, Sydney, 20th April, 1827.

I have the honor to acquaint your Excellency that, in consequence of the decease of the Revd. John Youl, late Chaplain of Launceston, it will be necessary to make the vacancy known to the Secretary of State for the Colonies, and to request that no time may be lost in supplying his place; and it is desirable he should come out in a Ship destined for Van Diemen's Land.

I must beg to press upon your Excellency's attention the necessity of urging that a person of active habits, and one who has been accustomed to tuition, may be selected, as he will have a very large district to attend to, and the probability is that, amongst so many families, he may find several who would be disposed to place their children under his care.

I have, &c,

T. H. SCOTT.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Van Diemen's Land,

Sir, Government House, 12 May, 1827.

I have the honor to enclose Copy of the Report of a Board assembled on the representation of the Ordnance Storekeeper, relative to the deficiency of 1,200 pit-saw files in a Cask No. 1,208, part of the Stores sent out by the Transport "Sir Charles Forbes," which sailed from England in July, 1826.

I have, &c,

GEO. ARTHUR.
A Board of Survey will be held at the Ordnance Store tomorrow morning at 11 o’Clock, for the purpose of reporting upon a deficiency of 1,200 pit-saw files from a Cask lately received from England. It will be the duty of the Board to report the cause of this deficiency.

By Order of the Colonel Commanding.

JOHN MONTAGU,
Major of Brigade.

REPORT OF BOARD.

Members of the Board:—Capt. Hibbert, Ensign Bulkeley, 40th Regt.

In compliance with the above order, the Board assembled at the Ordnance Store, and made the necessary enquiries relative to the deficiency of 1,200 pit-saw files in a Cask No. 1,208.

Mr. Henry Miller, Chief Clerk in the Ordnance Store, states that he was at the original opening of the Cask, together with Michael Ives and Thomas Anderson, assistant Clerks, when the Cask appeared as closely packed as any others which had been received from England, and that it had no appearance of being either broken open or damaged.

On going to unpack it, about a fortnight after, he found the Cask exactly in the same state, but, on counting over the Articles mentioned in the Invoice, 1,200 pit-saw files were deficient. He also states that the Cask was so filled with other articles that it was impossible it could have contained them.

Michael Ives and Thomas Anderson, who were present at the opening of the Cask, corroborate the above Statement, and it is therefore the opinion of the Board that the Files could not have been put into the Cask when packed in England, and which was consequently the Cause of the deficiency.

G. HIBBERT, Capt., 40 Regt.
L. BULKELEY, Ensign, 40 Regt.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 2.)

Sir,

Downing Street, 14 May, ’27.

I do myself the honour of transmitting to you herewith, for your information, the Copy of a Dispatch, which I have judged it expedient to address to General Darling on the subject of certain Requisitions for Stores, which are annually sent home for the Service of New South Wales, and to which the Attention of my Predecessor had been called by a letter from the Secretary to the Treasury, therein inclosed. As the observations which have been offered by their Lordships equally apply to the Requisitions which are from time to time sent home from the
Colony under your Government, I am to desire that you will be guided, in all future cases, by the directions conveyed to General Darling in the dispatch in question. I have, &c.,

GODERICH.

[Enclosure.]

[A copy of this despatch and its enclosure will be found on page 298 et seq., volume XIII, series I.]

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Van Diemen's Land,

Sir, Government House, 14 May, 1827.

I have the honor to acknowledge the receipt of your letter of the 2nd November, enclosing the Memorial of a Convict named Joseph Firth, who was tried and convicted at York in September, 1820, of High Treason, and acquainting me that, in the event of this person's character and conduct having been such as to merit the approbation of his Superiors, my Lord Bathurst would approve of my affording to him any indulgence, which could with propriety be shewn him.

Joseph Firth is one of the Individuals, whom I had the honor of recommending to my Lord Bathurst's favorable consideration in my Dispatch, No. 59, and, as his conduct has continued to merit indulgence, I have now ordered for this prisoner the indulgence of a Free-pardon. I have, &c.,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 34.)

Van Diemen's Land,

My Lord, Government House, 19 May, 1827.

In reference to my Dispatch No. 26 enclosing a list of Runaway convicts, which your Lordship had directed me to transmit for the information of Mr. Secretary Peel, I now have the honor to forward a list of such convicts as have absconded from the period to which the former list was made up to the termination of the year 1826.

I have also the honor to submit a Return of 8 men, who made their escape from this Colony in the early part of the present year: it is probable, if they reached either New South Wales or New Zealand, that they may since have found means to return to England.

The Record from the Police Books of Hobart Town will shew all their associates and connections at Home, and may perhaps at once lead to their apprehension.

I take the liberty, on this occasion, of submitting that any and all the particulars furnished in this Return would be most
Transmission of returns of runaway convicts.

useful information, if it could be supplied in the first transport of the Convicts from England; it might be more fully depended upon and more positively and easily obtained than through the confession of the Criminals themselves, which is the only means we have of arriving at it.

I have, &c.,
GEO. ARTHUR.

[Enclosures.]

[Copies of these returns are not available.]

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.
Van Diemen's Land,

20 May, 1827.

Sir,

I have the honor to acknowledge the receipt of your letter of 1st December last, transmitting by Lord Bathurst's directions Copy of a Treasury Minute of 9th November, 1826, on the Requisition for Stores to be supplied for the Public Service in this Colony, and requesting an explanation of the grounds on which the articles, enumerated therein as objectionable, were applied for, viz., 12 Pieces of Green Baize, 3 Dozen Table Covers, 12 Pieces Carpeting contained in Requisition No. 2 were applied for by Captain Cotton, the Acting Engineer, for the year 1825, in his Requisition dated June, 1824.

Most of the articles applied for by this Requisition were sent by the Catherine Stewart Forbes; but such of them as were omitted were again applied for by a Requisition signed by Major Kirkwood, then Acting Engineer, and forwarded to England in my Dispatch No. 9, as articles required by the Engineer's Department and headed "Tools and Stores included in the Requisition for 1825, but not yet supplied." There is no note of Captain Cotton to shew the purpose to which it was intended to apply them, but the Assistant Engineer is of opinion that the Green Baize and Table covers were required for the Tables in the new Court House, and several Public Offices; the Carpeting for the Government House, there not being a yard to be procured in the Colony. It was an Article of Furniture much required, and which had hitherto been supplied at the Public expense.

6 Church-bells, 6 Church-clocks. Three of the Church-bells and Church Clocks were applied for on the representation of the Archdeacon for the Churches already erected at Launceston, Pitt-water, and New Norfolk; the other three for the small Churches he recommended to be built. As nothing is more important in a Convict Colony than the regular muster of the prisoners, the Church-bell and Clock are particularly useful, and
could not be purchased but at a most extravagant price; they are absolutely desirable for the benefit of the public service.

The 4 Circumferentors were applied for in my Dispatch No. 2, by a Requisition signed by Mr. Evans, and were not received when my Dispatch No. 9 was written; they were then reapplied for in a Requisition signed by Mr. Dumaresq, as Instruments included in the Requisition for 1825, but not supplied for the Surveyor General's Department, and in the same Dispatch was forwarded another Requisition, signed by Mr. Dumaresq, applying for 4 Circumferentors, and the Requisition was headed "For Surveying Articles for the year 1827 for the Surveyor General's Department.

The Surveyor General being absent on public business, I have not the means of obtaining any information from him, but the Assistant Surveyor feels confident that Mr. Dumaresq intended to apply for 8 Circumferentors at the time, but only stated 4 in his own requisition, as an equal number remained upon the unsupplied requisition of Mr. Evans. At the time Mr. Dumaresq forwarded these requisitions for transmission to England, the General Survey had been ordered, and, from the increase of business in the Survey Department, which at that time was most inadequately furnished with instruments, a circumstance to which I particularly drew my Lord Bathurst's attention in my Dispatch No. 11, a greater supply was absolutely necessary. The 4 Circumferentors, applied for in Mr. Evans's requisition of 1824, arrived here in June, 1826, and, from that circumstance, under the impression that those applied for in the last year would not be sent out, the same number, which was applied for in 1826, has been inserted in the Requisition for the year 1828, transmitted in my Dispatch No. 13, making the number already required for the Survey Department in its present state still the same.

The Government House in this Colony, as in all others, I believe, has hitherto been supplied with the ordinary articles of furniture, sofas, Chairs, Tables and Carpeting, partly made in the Lumber-yard, and partly purchased at the Public charge. Those which have been made here are of a very inferior description, and now in a condition so unserviceable, that I have been under the necessary of directing such as cannot be repaired to be replaced.

Whether this item of Expense is admissible or otherwise I submit, with the simple reference to my salary and the enormous expense of supporting a public table in this Colony, without any opinion; but I beg to renew my recommendation that every article of Stores required for the Public service should, as far as
1827.
20 May.
Disadvantage of purchases in colony.

Possible, be supplied by Requisition from England: the commission charged by Merchants in this Colony being most extravagant has a ruinous effect upon the limited funds of the Colony, which, if directed to such expenditure, are incapable of meeting the ordinary charges of the Government.

Hitherto all Requisitions for Stores from the several Departments (and they are necessarily augmented from the Jails, Prisoners' Barracks, Factory and Military Barracks now in progress, and most urgently required and reported upon) have had only such an examination as the pressing business of my Office has afforded me time to apply to them; but I have submitted in my Dispatch No. 1 to my Lord Bathurst the necessity of the appointment of a Colonial Auditor, whose duty it will be henceforth, and a very arduous one, not only to examine all requisitions, but the smallest item of expenditure, either of money or stores, that I may have a confidence in the accuracy of every account before it receives an approval.

I have, &c,

GEO. ARTHUR.

21 May.
Objections to manufacture of shoes by convicts.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Van Diemen's Land,

Sir,

Government House, 21st May, 1827.

I have the honor to acknowledge the receipt of your letter of the 1st December last, enclosing the copy of a Report from the Office of Ordnance as to the quality of the Shoes which have been sent to this Colony, and requesting I would communicate to Lord Bathurst my opinion upon the expediency of employing the Convicts in manufacturing their own Shoes, the materials being sent from England.

I am decidedly of opinion that the plan proposed would be very inexpedient, both as it regards the employment of the prisoner and as a measure of economy. Shoemakers are a class of Prisoners, who, if they behave well, can be assigned beneficially to Settlers, and, to those who behave ill, the sedentary labour of this trade is much too mild a discipline. And, as the Convicts thus employed would unavoidably have the opportunity of appropriating the materials, the loss to the Public from their thefts would be excessive.

If the Shoes sent to this Colony were put on board in a good state, being recently made, I do not apprehend they would be in any degree injured by the voyage: the Settlers import them for their assigned servants and those sent for the Military are generally very serviceable.

I will call the attention of the Commandant of the Penal Settlement of Macquarie Harbour to this subject, where the
LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 35.)

Van Diemen's Land, Government House, 22nd May, 1827.

My Lord,

In my Dispatch No. 50,* in answer to your Lordship's Despatch No. 14,* directing my attention to the principle, on which it is intended that the Expenses of the Civil Establishment shall in future be defrayed, I had the honor to submit that it was not at that time in my power to exhibit a Statement which was satisfactory.

Your Lordship's Instruction is that the Salaries of the Officers of the Civil Establishment of this Colony, now defrayed by an Annual Vote of Parliament, are to be henceforth paid from the Colonial Revenue, and that the Expenses, incidental to the management, superintendence and control of the Convicts, shall be transferred from the Colonial Fund to the British Treasury.

The difficulty, which arises in adjusting this system, proceeds from the fact that every transaction of the Colony is so interwoven with its convict character that the measures of the Government are everywhere bottomed upon it.

To open out an arrangement as free from intricacy as possible, a Committee was appointed to go minutely into the subject and shew what charges ought to be borne by the Colony, and what by the Home Government, upon the principle laid down by your Lordship.

The Report of the Committee I have the honor to enclose; but, although I coincided in their opinion, as to the classification of the charges, yet I could not concur that it was a prudent arrange- ment to draw from distinct sources the means of defraying the expenses of the same department. The Committee, shewing that a Department would exist, if no Convicts were in the Colony, submitted that so much should be defrayed from the Colonial Fund as would meet the probable charge, if the Colony was free, and that the excess should be transferred to the Commissariat; this no doubt is quite just, but then it is very complicated and liable to much inconvenience, if not to something worse hereafter.

It seemed to me that it would be a more simple arrangement, either to retain a Department wholly upon the Colonial Fund,

* Note 15.
or transfer it wholly to the Home Government; and, upon this system, an Estimate was prepared which I directed to be laid before the Executive Council together with the Report of the Board and requested advice thereon.

The Minute of the Council together with the Estimate I have the honor to lay before your Lordship, and, in concurrence with its advice, I have acted upon it.

Since an Officer of the Account Branch of the Commissariat Department has been sent to this Colony, I have availed myself of his experience and abilities in checking the Civil Expenditure, and to his examination I have caused the estimate to be referred, and Copy of his observations I have the honor to enclose, which propose some useful and practical suggestions.

The Estimate is prepared for the period commencing the 1st July, 1826, and ending 30th June, 1827, and amounts to the Sum of £11,234 18s. 8d.

The actual disbursements will not critically correspond with this Estimate, and principally for this reason: The appointment of five Police Magistrates has since taken place; the funds from which these Magistrates are paid were formerly a charge upon the Commissariat for commutation for Rations; this item should therefore have properly been included in the Estimate; but it is an arrangement, which has taken place subsequent to the framing of the Estimate, copy of which has already been transmitted to the Lords of the Treasury by Assistant Commissary General Moodie.

The plan will no doubt be simplified as we proceed; but the expense will not decrease, for, as I have repeatedly had occasion to submit to your Lordship, if a system of coercion is pursued with the convicts, and transportation is to be made a real, effective punishment, His Majesty's Government must be prepared to provide for a Police Establishment perfect and complete in all its parts, and for respectable characters as Superintendents and overseers.

Nothing else can be effectual; but I am quite sure this will be so, and that in the course of two or three years the effects will be sensibly felt in England; at least Your Lordship may depend upon it that you will no longer hear of the commission of Crime for the sake of being sent to Van Diemen's Land. And this apprehension I do not propose to create by harshness and severity, but by vigilance in the prevention of crime, by the certainty of detection and punishment, when it is committed, and by the regular exaction of labour, which, of all things, the Prisoners detest.

I have, &c,

Geo. Arthur.
[Enclosure No. 1.]

GOVERNMENT ORDER.

Colonial Secretary's Office, 23rd September, 1826.

A DESPATCH having been received from the Right Honble. The Secretary of State for Orders re

board the Colonies, dated the 23rd April last (No. 14), an extract of which is annexed, to report on

whereby it is directed that the Salaries of the Officers of the Civil Establishment of classification

this Colony, now defrayed by an Annual Vote of Parliament, are to be henceforth of expenditure.

paid from the Colonial Revenue, and that the expenses incidental to the manage­

ment, Superintendence and Control of the Convicts, shall be transferred from the

Colonial fund to the British Treasury.

A Committee of the Board for General purposes to consist of

The Lieut. Colonel Commandant,

The Assist. Comy. General, and

The Clerk of the Councils

will take the Subject into particular consideration and report thereon.

It will be the duty of the Committee to ascertain the names and employments of

the several individuals now in the receipt of Salaries and emoluments on the several

Colonial Establishments, and the nature of the expenditure incidental to each, in

order that so far as may be practicable, a line may be drawn between the Charges,

which would attach to the Island under circumstances of an ordinary nature in its

Character of a Free Settlement, and those which are incurred from its being made

a receptacle for Offenders transported from the Mother Country.

The Heads of Departments will at the requisition of the Committee furnish all

information that may be deemed necessary.

By Command of His Excellency,

W. H. HAMILTON,

Acting Colonial Secretary.

[Enclosure No. 2.]

REPORT ON EXPENSES OF THE CIVIL DEPARTMENT.

Board Room, September, 1826.

The Undersigned, having formed a committee of the Board of General purposes Report by

agreeably to the above Order and having met from time to time for the purpose of board on

enquiring into and carefully examining the expense, incurred on account of the Civil expenses

department in this Colony, are of opinion that the following arrangement is, as far of civil

as circumstances will permit, conformable to the spirit and meaning  of the instruc- establishment.

tions contained in the extract of the Despatch from Earl Bathurst, dated 23 April,

1826.

The expense of the Executive incurred on account of Salaries appears to be fairly

chargeable to the Colonial Fund as follows:—

Executive No. 1.

Lieutenant Governor, £2,500; Private Secretary, £185 10s.; Clerk, £30; Assistant Executive

Clerk, £13 5s.; 2 Messengers, £20; Clerk of Councils, £50; Colonial Secretary establishment.

Salary, £1,000; House rent, £200; Chief Clerk, £120; 2nd Do, £100; 3 Convict

Writers, £34 15s.; 2 Messengers, £20; Office Keeper, £25 2s. 6d.—£4,754 12s. 6d.

The Expense incurred on account of the Salaries of the Officers of the Judicial Judicial

Department as underneath appears to the Committee to be chargeable to the funds of establishment.

the Colony, according to the late determination of His Majesty's Government.

Judicial No. 2.

Chief Justice—Salary, £1,500; House rent, £216 13s. 4d.; Registrar, £600; Clerk
to Ditto, £100; Clerk of the Court, £300; Attorney General, £700; Office rent, £30;
Stationary, £50; Master of Supreme Court, £500; Chairman of Quarter Sessions,
£200; Clerk of the Peace, £100; Clerk at Launceston, £25; Commissioner of Court
of Requests, £300; Registrar of Ditto, £100; Crier of Ditto—Hobart Town, £200;
Launceston, £60; Crown Solicitor, £200—£5,211 13s. 4d.

The Sheriff's department, altho' a necessary and unavoidable Establishment in a Sheriff's

Colony, be the Population what it may, but constituted as that of Van Diemen's Land department.

is, the Committee consider that the scale, upon which this branch of the Civil Estab­

ishment unavoidably is placed for the protection of Property and the general pre­

servation of peace in the Colony, is much greater than it would be in a free Colony

and therefore consider that one half of the Expanse of the Salary list, as follows, i-

fairly chargeable to the British Treasury.

Sheriff No. 3.

Sheriff—Salary, £800; Office Rent, £100; 2 Under sheriffs, £300; Gaolers at
Hobart Town and Launceston, £150; Ditto at New Norfolk, Sorell, Richmond,
Jericho, George Town, £200; Under Gaoler, Hobart Town, £50; 2 Turnkeys £25 and
£23, £50; 2 Do, Launceston, £50; Sheriff's Clerk, £40; Chief Bailiff, £80; 2 Execu-
tioners £25 and £20, £400; 4 Officers £25, £20, £15, £10, £75; 12 Javelin Men* at

* Note 16.
Printing Establishment. No. 4.

This being almost entirely dedicated to the Orders and regulations necessary for the economy and well being of the Convict population of the Colony, the Committee consider that one half of the Expense may be fairly chargeable to the British Treasury.

Printers, as per Contract, £800. One half of which or £150 to belong to the British Treasury and the remainder to the Colonial Fund.

Police Establishment No. 5.

In considering the Police Establishment of Van Diemen's Land, it is evidently much greater on account of the constitution of its population than it would be otherwise; and, after giving the subject due investigation, the Committee consider that three fourths of the expense ought fairly to be defrayed by the British Treasury.

Police Magistrate—Hobart Town, £300; Launceston, £200; Chief Clerk, Hobart Town, £35; Chief Constable, £60; 2 District Constables, £90, £60; Secretary of Convicts, £109 10s.; 164 Chief District and Petty Constables at £10, £1,640; Chief Clerk, Launceston, £25; 4 Convict Clerks, £64 15s.; Chief Constable, £35; 2 District Constables, £60; Watch House Keeper, £15; Chief Constable, George Town, £10; Field Police, £190—£2,781 15s., Of which one fourth or the Sum of £695 8s. 9d. is recommended to be defrayed by the Colonial Fund and the remainder or the Sum of £2,086 6s. 9d. by the British Treasury.

The Establishment of Coroners is much increased on account of the nature of the Population of the Colony. The Committee therefore consider that one half be fairly chargeable to the British Treasury.

Six Coroners at £40 each, £240; one half of which or £120 is recommended to be defrayed by the Colonial Fund, and the remaining £120 by the British Treasury.

The Female Factory being entirely a place of confinement for Female Convicts, every expense belonging to it is considered to be chargeable to the British Treasury and is included under the head of the principal Superintendent.

No. 6.—The Medical Department being solely for the benefit of the Convict population, the Committee conceive the Charge on this head ought to be made against the British Treasury.

Colonial Surgeon, Hobart Town, £182 10s.; Two Assist. Surgeons, Do, £273 15s.; 1 Asst. Surgeon, Pitt Water, £130 17s. 6d.; Colonial Surgeon, Launceston, £25 10s.; 1 Asst. Ditto, £136 17s. 6d.; 2 District Surgeons, 3s. pr. diem, £109 10s.; 2 Do, £50 per annum, £100; Lodging Money, 3s. and 10s., £78; Do, Asst. Surgeon at 6s. per week, £10 10s.; Forage Money, 6 at 2s. 6d. pr. diem, £273 15s.; Dispenser of Medicines, £25; Overseer and Matron, £50; Ditto, Launceston, £25; Ditto, George Town, £10; Medical Clerk, £10; 3 Constables at £10, £30—£1,639 7s.

Engineer's Department No. 7.

In considering the Charge on Account of the Engineer's Department, the Committee are of opinion that the greater part of it ought to be defrayed by the Colonial Government; but, as there are many Overseers kept solely on account of the safe custody of the Convict Workmen and laborers, the Committee consider the following Division of Expense to be in conformity with Earl Bathurst's instructions.

To be defrayed by the Colonial Fund.—Acting Engineer, Hobt. Town, £136 17s. 6d.; Superintendant of Public Works, £75; Rent for Ditto, £40; 2 Do of Road Parties, £182 10s.; Do of Carpenters, £75; Rent, £49; Do of Stone Masons, £75; Rent, £15; Do Public Works, New Norfolk, £28 17s. 6d.; Rent, £22 10s.; Overseer of Sawyers, £50; Overseer of Government Garden, £30; Overseer of Governor's Farm, £10; Overseer of Blacksmiths, £30; Overseer of Lime Burners, £30; Overseer of Nailers, £30; Gate Keeper, Lumber Yard, £35; Keeper of Govt. Garden, New Norfolk, £10; Overseer of Road Gangs, £55; Supt. of Horses, Govt. House, £10; Engineer's Coxswain, £10; Clerk, £5; Clerk to Supt. Public Works, £10; Store Keeper, £91 5s.; Clerk, £10; Clerk to Supt. of Lumber Yard, £10; Clerk of Stores, £10; Supt. Public Works, Sorell, £15; Supt. of Horses and Bullocks, £10; Overseer, Brick Makers, £15; of Horse Carts, £10; of Launch, £15; Superintendant's Clerk, £10; Launceston—Inspector, Public Works, £91 5s.; Supt., Road Parties, £91 5s.; Store Keeper, £25; Inspector's Clerk, £18 5s.; Coxswain, Govt. Boat, £10; Overseer of Carpenters, £12 10s.; Overseer of Carpenters, £12 10s.; Overseer of Road Party, £10; Overseer of Blacksmiths, £10; Overseer of Brickmakers, £10; Public Messengers, £18 15s.; Overseer, Lime Burners, £10; 2 Keepers, Govt. Houses, £20; Overseer, Lumber Yard, £10; Overseer, Government Gardener at Do. £10—£1,716 10s.

To be defrayed by the British Treasury.

Hobart Town.—30 Overseers of Convicts at £10, £300; 4 Do Do £10, £60.

Launceston.—9 Do Do £10, £90; 1 Do Do £15, £15—£355.
According to the instructions, the School and Clerical Departments are chargeable to the Colony.

- 4 Chaplains, £1,010; 2 Clerks, £25; 2 Sextons, £20; 1 Asst. Chaplain, £109 4s.;
- 1 Catholic Priest, £100; 1 Presbyterian Minister, £100; Organist, £25; Clock Keeper, £15; 1 School Master, £50; 3 Ditto at £20, £160; 5 School Mistresses, £75;
- Extra Services at Gaol, etc., of Chaplain at Hobart Town, £100; Forage allowance to three Chaplains at 2s. 6d. per diem, £36 17s. 6d.; Do Asst. Chaplain 10s. pr. wk., £26; House rent for Chaplain, New Norfolk, £86 13s. 4d.; Do Schoolmaster, Launceston, £56—£3,064 14s. 10d.

The Charge for the Naval Office Establishment in the opinion of the Committee Naval officer's department is chargeable to the Colonial Fund.

- Naval Officer, Hobart Town, £800; Launceston, £300; Assist. Do, Hobart Town, £150; Clerk to Ditto, £100; Ditto at Launceston, £50; Wharfinger, Hobart Town, £200; Launceston, £80; Water Bailiff, Hobart Town, £35; Deputy Do., £30; 2 Clerks at £10, £20; Coxswain, £10; Harbor Master, Hobart Town, £50; Launceston, £50—£1,955.

The Committee consider the Charge on account of Colonial Architect ought to be Archiitect's department defrayed by the Colonial Fund.

- Colonial Architect, £150; Lodging, £26; Office, £26; Forage, £45 12s. 6d.; Clerk, £10—£257 12s. 6d.

The Committee consider the Charge for the Colonial Treasurer's Department to be made against the Colonial Fund.

- Treasurer, £800; 2 Clerks, £200—£1,000.

The Charge for the Barrack Department being entirely of a Military Barrack nature, the Committee consider that it ought to be defrayed by the British Treasury department.

- Barrack Master, £182 10s.; Lodging, £70; Barrack Serjeant, £45 12s. 6d.—£298 2s. 6d.

As the Ordnance Store Department is generally understood to be a distinct Branch Ordnance store of Expenditure from the Civil Department in the Colonies, the Committee presume this Item is Chargeable to the British Treasury.

- Ordnance Storekeeper, £126 17s. 6d.; Principal Clerk, £45 12s. 6d.; 3 Clerks at £10, £30—£212 10s.

In considering the Nature of the Establishment at Macquarie Harbour, the Committee conceive that, it being entirely penal, the expense is fairly Chargeable to the British Treasury.

- Commandant, £185 10s.; Surgeon, £136 17s. 6d.; Master Boat Builder, £182 10s.; Pilot, £50; Superintendent of Convicts, £50; Clerk, £18 5s.; 3 Overseers, £30; Storkeeper, £18 5s.—£668 7s. 6d.
The Committee consider that this Establishment is also fairly chargeable to the British Treasury.

Commandant, £182 10s.; Surgeon, £91 5s.; Principal Overseer, £30; 4 Overseers, £40; Clerk, £10—£353 15s.

Although this is a Military Department, the under mentioned individuals being wholly employed on Civil Duties are considered as belonging to the Colonial Revenue.

3 Signal Men at £12 ea., £36; Man in charge of Telegraph,* £9 2s. 6d.; Lieutt. Governor's Orderlies, £45 5s. 6d.; 8 Mounted Police, £13; Military Commandant of Field Police, £182 10s.—£345 15s.

Superintendt., of Government Herds No. 20.

This branch also belongs to the Colonial Revenue according to the opinion of the Committee.

Superintendent, £100; 4 Overseers at £10, £40—£140.

Commandant at Launceston.

Upon the Principle explained in No. 1 (the Executive), the expences of this Establishment become chargeable upon the Funds of the Colony.

Commandant, £182 10s.; Clerk to Ditto, £35; Coxswain, £12 10s.—£230.

Pensions.

The Authorities under which the undermentioned Pensions have been granted having expressly provided that they should be defrayed by the Colonial Revenue, it is the opinion of the Committee that they should so continue.

Lieut. Colonel Sorell, £500; Edwd. Abbott, Esqre., £400; Revd. R. Knowwood, £100; G. W. Evans, Esqre., £200; J. Mountgarrett, Esqre., £91 5s.; Henry Hacking, £25; Emanuel Griffin, £20; Oliver Smith, £25; W. Blackhall, £12 10s.—£1,373 15s.

[Enclosure No. 3.]

EXTRACT from the Minutes of the Executive Council, 26 December, 1826.

Present,—His Excellency the Lieutenant Governor; The Colonial Secretary; A. W. H. Humphrey, Esqre.; Jocelyn Thomas, Esqre.

Read the Minutes of the last Council.

Read an Extract of a Dispatch from Earl Bathurst to Lieutenant Governor Arthur, dated 23 April, 1826, which directs that the Salaries of the Officers of the Civil Establishment of this Colony, now defrayed by an Annual vote of Parliament, are to be henceforth paid from the Colonial Revenue, and that the expenses incidental to the management, Superintendence and Control of the Convicts shall be transferred from the Colonial Fund to the British Treasury.

Read a Government Order, dated 23 Sept., 1826, appointing a Committee of the Board for General purposes to consider and report upon the subject.

The Report of the board and an estimate of the Charges for defraying the Civil Establishment of the Colony, exclusively engaged in the management and control of Convicts, were read, and His Excellency was pleased to require the opinion of this Council whether the Instructions of Earl Bathurst and the intentions of His Majesty's Government have been fully complied with in drawing up this Estimate.

Read a Government Order, dated 14 Novr., 1826, appointing a Committee of the Board for General Purposes to consider how far it would be advisable and proper to reduce the number and consequent expense of Convict overseers employed by the Government.

His Excellency was pleased to require the advice and opinion of this Council upon the recommendations of the Committee generally.

The Council, having very fully considered and deliberated upon the subject submitted by His Excellency, is of opinion that the charges proposed to be defrayed by the Estimate for the current year, under the several heads following, viz.:-

1. Medical Department.
2. Marine Department.
4. Police.
5. Maria Island.
7. Commandant of Launceston.
8. Veteran Company.

amounting to £12,617 18s. 2d. are in unison with the intentions of His Majesty's Government, so far as the mixed nature of the Constitution of this Colony will admit. The Council is of opinion that the deviations in the Estimate from the recommendations of the Board are desirable, as the payment of the Salaries of a Department from two funds, is in the opinion of this Council liable to great objection and much inconvenience.

* Note 17. † Note 18.
This Council is also of opinion to advise His Excellency to carry into effect the recommendations of the Committee appointed to report upon the number and expense of the Convict overseers, as it appears under any other arrangement that it will not be possible to apply that vigilant circumspection over the conduct of the prisoners, which is so desirable and important.

The Council is further of opinion that the recommendation for granting Tickets of Leave and Conditional Pardons to the Convict overseers at the expiration of three years' good conduct for the former indulgence and five for the latter may be the means of reducing the Salaries, and of inducing the men so employed to be more attentive to their duties, and circumspect in their conduct: for which reasons, the Council is of opinion to advise His Excellency to adopt the recommendation of the Board.

A True Copy:—JOHN MONTAGU, Clerk of the Council.

[Enclosure No. 4.]

[No. 1] Estimate of Sums to be paid by the Colonial Treasurer, which have hitherto been defrayed by the Commissariat under the Parliamentary Estimate.

Lieutenant Governor, £2,500; Colonial Secretary, £600; Chief Justice, £1,200; Attorney General, £300; Chaplains, £260; £250—£750; Surveyor, £200; Assistant Surveyor, £150; Overseers of Convicts, £60; 4 Ditto, £120; Schoolmaster, £60; Commandant of Launceston, £162 10s.; Chaplain Ditto, £550; Agent, £150—£7,372 10s.

[Enclosure No. 5.]

[No. 2] Estimate of the Charges of defraying the Civil Establishment of Van Diemen's Land, exclusively engaged in the management and Control of Convicts—£11,234 18s. 8d. ("The proposed distribution of the above sum" has been omitted; the following was the "Recapitulation.")

Medical—The sum estimated for this head of service exceeds the probable expenditure of the year to the extent of about £250.

Marine—The Amount estimated for this service is considerably less* than the actual expense; and this circumstance is explained as follows; Viz.—The Superintendent of Government Vessels and his establishment are paid by the Colonial Treasurer out of the funds drawn from the Military Chest, but the Masters and Crews of the Vessels, and contingent expenses are paid by the Assistant Commissary General.

The Government Vessels being employed in the conveyance of Prisoners, and in furnishing those stations with supplies, the pay and allowances of the Masters and Crew are obviously chargeable upon the British Treasury by the late regulations, and it is submitted should be included in this estimate accordingly.

Commandant of Launceston.—The Commandant and establishment appear to be a portion of the Executive; but there is probably a satisfactory reason to be found for placing the charge upon the British Treasury in the control necessary to be exercised over the Convict population.

Police.—With reference to the principle upon which the present division of the expenditure has been made, the expense of that part of the Police establishment, which may be considered permanent, ought perhaps to be borne in equal proportions by the Colonial Chest, and the British Treasury, but the expense of the other part, which has been produced by the exigencies of the times, and may be deemed of a temporary nature, is chargeable upon the last mentioned fund, as appertaining exclusively to the management of Convicts.

* Marginal note.—£305.
It is always attended however, with more or less inconvenience and delay in settling Accounts, when the expenses of an establishment are drawn from distinct sources; and the small relief, that would be afforded to the Home Treasury by such an arrangement, is much better obtained by throwing the Judicial, (with the exception of a portion of the Sheriff's department, which admitting of an easy division is transferred in this estimate to the Police), the Printing and School branches upon the Colonial Fund, a part of each of which would be perceived on examination to be fairly chargeable upon the British Treasury.

His Excellency the Lieutenant Governor will observe that the estimate under consideration contains no provision for contingent expenses; and, as these are found to be considerable, it is submitted as a question for His Excellency's decision, whether the amount should be added to the estimate of the Sums to be drawn from the British Treasury, or be left still chargeable upon the Colonial fund as a set off against the fees and fines collected in the Police office, and paid into the local Chest; and the value of Stores sent from England, and applied to the general service of the Colony.

Office of Civil Accounts, Hobart Town, 21 May, 1827.

G. W. Botes, Actg. Local Audr.

[Sub-enclosure.]

Estimate of the amount of contingent Expenses of the Civil Establishment of Van Diemen's Land, engaged in the management and control of Convicts for one year, £2,794 4s. 10d.

Upon referring to the accounts of the last and of some preceding Quarters, and estimating by them the probable annual Amount of contingent charges, the following is the result, Viz.:

Medical.—Consisting of purchases for the use of the Sick in the Hospital P. Anm., £141 18s. 8d.

Marine.—Consisting of Stores of all kinds which are now paid by the Asst. Comy. General, P. Annum, £800.

Police.—For the equipment and various expenses incurred, for and during the pursuit of Bushrangers, Rewards for their capture and for the apprehension of Run-away Prisoners, Rent and other Office expenses, £1,000.

Macquarie Harbour.—Stores of various kinds, £280.

Maria Island.—Stores of various kinds, £252 6s. 2d.

Comt., Launceston.—House Rent, travelling and other expenses, £200.

Supt. of Convicts.—Materials for occasional repairs of Factory and Prisoners' Barracks, £120—£2,794 4s. 10d.

Amounting to Two Thousand, Seven Hundred and Ninety four Pounds, four Shillings and Ten Pence.

Office of Civil Accounts, Hobart Town, 21 May, 1827.

G. W. Botes, Actg. Local Audr.

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LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 36.)

Van Diemen's Land,

My Lord, Government House, 23 May, 1827.

In my Dispatch No. 19,* I had the honor to submit to your Lordship the uncourteous conduct, which I had experienced from the Deputation appointed to present to the Lieutenant Governor the Petition to His Majesty praying for Trial by Jury and Legislation by Representation.

My communication to your Lordship was necessarily very hastily prepared, as the Vessel, by which it was forwarded, was on the point of sailing, and I had various other important subjects, which pressed upon my attention at the moment, to address your Lordship upon.

* Note 19.
The Meeting itself, quite a party matter, was got up, and the subsequent proceedings of the Deputation were regulated by Mr. Gellibrand and his Father, and these persons, having a Colonial Newspaper* at their control, had it still further in their power to mislead the Community: I therefore deemed it proper, with the advice of the Executive Council, to place before the Public a succinct account of what had transpired.

The Gazette, which contains the Statement, I have the honor to enclose, and I am happy to say the explanation gave general satisfaction, except to Messrs. Gellibrand and the Gentlemen of the Deputation.

After the lapse of a fortnight, a statement was published by the Individuals composing the Deputation in contradiction of the Government Notice, in which by a train of prevarication and perversion of circumstances compounded by Mr. Gellibrand, they accuse the Government, in terms scarcely to be misunderstood, of having sent forth an untruth.

With my knowledge of these Gentlemen, and conviction of the sentiments they entertain, and of the influence by which they are actuated, I should have taken no notice whatever of their production; but, seeing that they addressed your Lordship, it appeared proper that their statement should undergo deliberation in Council.

An Extract from the Minutes of the Council I have the honor to enclose, by which your Lordship will perceive it is advised that the conduct of Mr. Gellibrand, Senr., should be noticed in the most public and marked manner, by removing him from the Commission of the Peace; and that the Editor of the Tasmanian (Mr. Gellibrand, Junr.), should be prosecuted, if, in the opinion of the Law-officers, the publication be considered libellous.

The Crown-Solicitor was therefore called upon to collect all the facts of the case, and upon them the Attorney and Solicitor General have given their opinion that the Publication of the Tasmanian is a libel.

In the opinion formed by the Council I entirely concur, and am quite persuaded that both the Gellibrands deserve to be punished, and the Deputation merit but little consideration for having suffered themselves to be so completely duped by these mischievous men.

But, when I contemplate your Lordship’s views in the matter of Doctor Hood, although the cases are not exactly in point, yet they so far assimilate as to incline me to great, though perhaps unnecessary, caution, and I have judged it therefore more advisable to transmit the facts as collected by the Crown Solicitor.
in corroboration of the Government Notice, and which are certified by the Sheriff, who was the organ of the Deputation, and by Mr. Curr, who was a party to the transaction, for your Lordship's satisfaction.

And with regard to Mr. Gellibrand, Senr., as a new Commission of the Peace must shortly be issued, his name may be left out, and the cause, I apprehend, he will not misunderstand.

The Government Notice, to which I have already alluded, will put your Lordship entirely in possession of the circumstances as they transpired, and your Lordship will from this transaction perceive the sort of characters with which I have to contend.

The manner in which the Meeting was convened and conducted is described by Mr. Meredith in a letter, which he has just published in answer to Mr. Gellibrand, who had, erroneously it appears, numbered Mr. Meredith amongst his friends, and for no other reason, I believe, than because that Gentleman had been disappointed in obtaining from the Crown all the indemnification* he anticipated from the result of his controversy in the affair with Mr. Talbot.

I have, &c.,

GEO. ARTHUR.

[Enclosure No. 1.]

GOVERNMENT NOTICE.

Colonial Secretary's Office,
28 March, 1827.

The Deputation appointed at the late Public Meeting, convened by the Sheriff, to wait upon The Lieutenant Governor with the Petition to The King for Trial by Jury and Legislation by Representation, having declined to attend His Excellency, and there being reason to believe that the grounds of their conduct upon the occasion have not been understood, His Excellency has directed the following statement of the circumstances to be laid before the Public, whom the Deputation were intended to represent.

No intimation was made to the Lieutenant Governor of the desire of the Deputation to wait upon him on the 19th instant, until 9 o'clock in the morning of that day, on His Excellency's return from New Norfolk. The time was not fixed by His Excellency, but named by the Sheriff, in a verbal communication with the Private Secretary, as the hour, which, if convenient to His Excellency, would best suit the Deputation.

The Lieutenant Governor, without noticing the total absence of all etiquette in the proposed arrangement, at once most readily acceded to it, and accordingly directed his Secretary to inform the Sheriff that he would receive the Deputation at 2 o'clock,

* Note 21.
only requesting that the usual course adopted in such cases of previously transmitting a copy of the intended Address might not be omitted.

The Address and Petition were not brought by the Sheriff until between 12 and 1 o'clock, at which time, and from thence until 2, His Excellency's attention was entirely engaged by Mr. Curr, in discussions upon important Public business connected with the Van Diemen's Land Company. It appears that, during this period, the Address and Petition were, in fact, laid upon the Lieutenant Governor's table: but His Excellency was not apprised of the circumstance, and consequently had no opportunity afforded to him of perusing these Papers until the hour originally named for receiving the Deputation had arrived.

His Excellency having thus been unexpectedly deprived of the means of giving a due consideration to the subject of his reply to the Address, immediately directed his Private Secretary to write to the Sheriff for the purpose of explaining the circumstances, and of directing that he would present his compliments to the Deputation with a request that they would do him the favour to defer their visit for one hour. In order, however, still further to prevent disappointment, Mr. Thornloe, a gentleman in the Office, was instantly despatched with a corresponding message to the Sheriff.

His Excellency has ascertained that Mr. Thornloe met the Sheriff with the Deputation in Macquarie-street, and there delivered the communication with which he was charged. The Sheriff then proceeded to the Government House, and received The Lieutenant Governor's personal explanation of the cause of the unavoidable delay, with the intimation that His Excellency, under these circumstances, would wish to postpone receiving the Deputation until half past 3 o'clock.

It was, therefore, with the utmost surprise, that His Excellency was made aware by a letter shortly afterwards received from the Deputation that, under such circumstances as these, the Deputation had construed this postponement into an intentional slight, and had come to the determination not to wait upon His Excellency as they had been appointed to do. The Lieutenant Governor regrets that by this conduct of the Deputation, the important Petition agreed to, at a Public Meeting of the inhabitants, should not have been transmitted through the proper channel, and His Excellency begs to assure the Colonists at large, that he would have felt pleasure in being the medium of communication between them and His Majesty's Ministers on the occasion.

By Command of His Excellency,

J. Burnett.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 3.]

Extract from the Minutes of the Executive Council, 9th April, 1827.

Present:—His Excellency the Lieutenant Governor; His Honor the Chief Justice; The Colonial Secretary; A. W. H. Humphrey, Esqr.; Jocelyn Thomas, Esqr.

Read and confirmed the Minutes of the last Council.

The Lieutenant Governor informed the Council that, acting upon the advice of the 27th Ultimo, a Government Notice had been drawn up and published, containing a full and plain statement of the facts as they occurred of the conduct of the Deputation to His Excellency, and which he believed had been the means of satisfying the public mind as to the real circumstances of the case, and removing an impression which might otherwise have obtained, from being so industriously circulated, that inattention had been shewn to the Deputation. Subsequently to the publication of this Government Notice, a letter had been received from Mr. Wm. Gellibrand by the Colonial Secretary, dated the 5th Inst., recapitulating the circumstances connected with the conduct of the Deputation, and replying more particularly to the Colonial Secretary's Letter of the 23rd Ultimo, which letter being read to the Council, His Excellency was pleased to require its advice whether any and what notice should be taken of it.

The Lieutenant Governor also laid before the Council the "Tasmanian" Newspaper of the 5th Instant with observations and contradictions to the Government Notice, and was further pleased to require the advice of this Council whether any proceeding should be instituted against the Editor of the Paper, if, in the opinion of the Attorney General, the statements it contains be considered libellous.

Mr. Wm. Gellibrand's letter to the Lieutenant Governor, and the statement in the Tasmanian Newspaper having been perused and considered with much attention, it is the opinion of the Council that the Government Notice of the 31st Ult. contains so satisfactory a statement of the whole circumstances that every reasonable and well disposed person would be at once convinced by it. There is no doubt to this Council that Mr. Gellibrand's letter was written with a mischievous spirit, and evidently done for a wicked purpose, for it omits to notice those parts of the Government statement, which would satisfy the Public mind, perverts others, and inserts untruths, all of which could only have been done for the purpose of irritating the Public mind by endeavouring to substantiate and perpetuate the original falsehoods.
Under this persuasion, and that Mr. Gellibrand has wilfully misrepresented the facts, it is the opinion of the Council that his improper conduct should be noticed in the most public and marked manner by removing him from the Commission of the Peace by a Government Notice, stating the reasons for his dismissal, and which the Council is of opinion will be more efficacious than any other proceeding.

The Council is further of opinion that there is no necessity for replying in any other manner to Mr. Gellibrand's letter, but it would be advisable to prosecute the Editor of the "Tasmanian" if, in the opinion of the Law Officers of the Crown, that publication be considered libellous.

A true Copy.

JOHN MONTAGU, Clerk of the Council.

[Enclosure No. 4.]

OPINION BY MR. A. STEPHEN.

In the matter of the libel in the Tasmanian Newspaper upon the subject of the proceedings of the lately appointed Deputation.

Having in obedience to my Instructions seen and conversed with the Sheriff and other individuals, acquainted with the facts of this case, and carefully heard and minuted their several statements upon the subject, the following is the result of their united Testimony.

The appointment for two o'Clock in the afternoon of the 19th March having been made, His Excellency was, at or about twelve, waited on by Mr. Curr, the Van Diemen's Land Company's Agent, who was immediately admitted.

Soon after half past twelve, the Sheriff, having procured from Mr. Kemp (one of the Deputation) copies of the petition and intended address, proceeded with them to Government House, and was instantly announced. The Lieutenant Governor however being still engaged with Mr. Curr could not then receive him.

These facts appear by the testimony of the Sheriff, of Mr. Parramore, of Mr. Charles Arthur, and of Mr. Curr, who distinctly heard the announcement of the Sheriff's name and recollects the answer given by His Excellency, the purport of which (as it appears by Mr. Curr's letter* to the Colonial Secretary, dated 21st March) was that His Excellency would see him in a few minutes.

The Sheriff waited for several minutes; when, finding that Mr. Curr did not leave the Lieutenant Governor, he left the papers and retired. They were accordingly shortly afterwards taken in to the Lieutenant Governor's office by Mr. Charles

* Note 22.
Arthur and there laid upon the Table. Mr. Arthur, perceiving that the Lieutenant Governor's attention was entirely engrossed at the moment, did not communicate the contents or nature of the papers; and His Excellency continued engaged in such earnest and strenuous discussion with Mr. Curr that he in fact had neither time nor opportunity to look at them nor was aware of the circumstance until after Mr. Curr's departure.

These circumstances I have ascertained from Mr. Arthur, Mr. Parramore and Mr. Curr, in whose letter just alluded to most of the same facts have already been stated.

The time of Mr. Curr's departure distinctly appears by the positive testimony* of Mr. Parramore, of Mr. Arthur and of Mr. Thorneloe, to have been either at two or within a few minutes after. Mr. Curr's letter is to the same effect, altho' in its positive terms not quite so definite. He there says, "I think it was near half past two when I went away, tho' it might not be later than two." Mr. Curr informs me that he was not aware until some days after the occurrence of how much importance it was to fix within a few minutes the time of his departure, and the Sheriff's announcement; and it had then become impossible for him to recall the time sufficiently well, to be able to speak upon the point with precision. The time is, however, by reference to another part of Mr. Curr's letter, equally well ascertained. Mr. Curr there says that he thinks he may have kept the Lieutenant Governor engaged for an hour after the Sheriff's announcement. This circumstance, therefore, connected with the fact of the Sheriff's having indisputably called with the papers before one o'clock, fixes the time of Mr. Curr's departure with equal certainty at or soon after two.

Captain Montagu also is enabled to speak to the fact, in consequence of his having by Mr. Curr's interview been prevented from obtaining the Lieutenant Governor's signature to several warrants, which he had been anxious to transmit that day for payment. The Orderly had consequently been desired to inform him of Mr. Curr's departure the instant it took place. This notification must have been given accordingly soon after two. Captain Montagu then saw His Excellency and applied to him to sign the warrants, and to the best of his recollection, upon quitting the Lieutenant Governor's Office, it was by the Church Clock from ten to within twenty minutes past two only.

The instant of Mr. Curr's departure, the Lieutenant Governor had directed Mr. Parramore to write to the Sheriff to the effect mentioned in the Government Public Notice. But, shortly afterwards adverting to the circumstance that the time had already

* Note 23.
arrived, His Excellency instructed Mr. Thorneloe immediately to repair to the Sheriff and deliver to him a corresponding verbal message.

This is supported by the testimony of Mr. Thorneloe, Mr. Parramore, and Mr. Charles Arthur.

Mr. Thorneloe proceeded from Government House accordingly, but met the Sheriff with Mr. Gellibrand and Mr. Edward Lord in Macquarie Street near the avenue and there delivered his message. The remainder of the deputation he perceived considerably lower down the Street. Mr. Thorneloe then returned to Government House; whither he was accompanied or closely followed by the Sheriff, who on arrival entered the Governor’s office and there personally received from His Excellency his expression of regret at the postponement, which was then finally fixed for half past three precisely.

On this part of the case, the Sheriff’s and Mr. Thornloe’s positive testimony* is borne out by that of Mr. Parramore; and also supported by Mr. Arthur, who was present when the interview took place.

The same facts are also supported by Mr. Burnett, to whom, after this interview with the Sheriff, the Lieutenant Governor wrote a note mentioning the appointment; which note Mr. Burnett is clear that he received at half past two o’clock.

The Sheriff afterwards repaired to Mr. Lord’s, from whose house the Deputation had proceeded. But, according to the Sheriff’s most positive assertion, they had entered it before he got there. That at all events he did not accompany them down the Street appears further by the statement of Mr. James Grant, who conversed with them for some minutes near Mr. Lord’s entrance. Mr. Grant did not see the Sheriff with them, and he has no doubt that, if he had been, he must have observed him. It is however proper to be observed that, as the Sheriff remained with the Lieutenant Governor only a very few minutes, there may have existed an unintentional error in the minds of some of the Deputation on this point. For he certainly entered Mr. Lord’s house very shortly after their arrival; and his absence on the way down may therefore by possibility not have been (by some of them) noticed.

The Sheriff, having entered Mr. Lord’s dining room, found the Deputation assembled and there delivered the Lieutenant Governor’s message to them. They were, however, as he states, evidently so much excited by their feelings, that they apparently did not pay much attention to what he said. The Sheriff is quite positive that he delivered the message as one immediately and personally received from His Excellency. And he informed

* Note 23.
the Deputation that the Lieutenant Governor would see them at half past three o'clock, as His Excellency had appointed.

I happen to know from a member of the Deputation, and I have heard in other quarters, that the delivery of some message by the Sheriff upon this occasion, is admitted by the deputation themselves. But their assertion is, as I collect, that they understood him simply to have been repeating His Excellency's message as delivered by Mr. Thorneloe, which message, they insist, was that His Excellency was then engaged with Mr. Curr; and this, in fact, is the version of it given in Mr. Gellibrand's letter. Now, the only persons, who could have heard the message, were, besides Mr. Thorneloe and the Sheriff, Mr. Lord and Mr. Gellibrand. But Mr. Thorneloe solemnly denies that he ever delivered such a message as that so imputed to him. The Sheriff, to whom he addressed himself, did not so understand the message. Nor is it probable that Mr. Thorneloe could have asserted that the Lieutenant Governor was still engaged with Mr. Curr, when he must have been aware that that Gentleman had quitted the Government House nearly a quarter of an hour before.

The Sheriff left the Deputation at Mr. Lord's at the time when Mr. Bethune was employed in copying Mr. Gellibrand's letter for transmission to the Lieutenant Governor. One of the Deputation remonstrated with Mr. Gellibrand as to the expression "waited upon His Excellency at Government House," and suggested the use of words more accurately describing the fact, as that they repaired or were repairing thither; But the proposed alteration was rejected. The Sheriff on leaving Mr. Lord's proceeded to the Lieutenant Governor's Office, and there communicated in presence of Mr. Burnett, who had been engaged with His Excellency a few minutes, that he had delivered His Excellency's message, but that the Deputation declined to wait upon him, and were about to communicate such their decision by letter. Shortly afterwards and, whilst the Sheriff remained in the room, Mr. Gellibrand's letter was brought in opened and—

The testimony* of the Sheriff on this head is therefore confirmed by that of Mr. Burnett, by that of Mr. Charles Arthur, who was also with the Lieutenant Governor, and by that of Mr. Parramore and Mr. Thorneloe, who were both, when the Sheriff entered, in the Private Secretary's Office adjoining. Nevertheless Mr. Gellibrand has asserted that his letter was sent and delivered before the Sheriff even left Mr. Lord's, and has insinuated that until then the Sheriff never could have had an interview with the Lieut. Governor at all.

These are all the facts bearing upon that part of the case, which appears to be the most important.

* Note 23.
Mr. Thorneloe’s message having been only a verbal one, and Messrs. Gellibrand and Lord’s statement to their fellow members of the purport of that message having doubtless accorded with the misconception which is put on the same message in Mr. Gellibrand’s letter, the fact does certainly appear possible that the rest of the Deputation may thereby have been originally led into unintentional error. If the other members were really so misled, it does also seem probable that Mr. Curr’s mistake as to the time, at which he quitted His Excellency, tended to confirm them in that error. For, if Mr. Curr had quitted at so late a period as half past two o’Clock, or even at a quarter past two, then he actually was with the Lieutenant Governor, when Mr. Thorneloe delivered his message, and the Sheriff consequently could not then have seen His Excellency.

Mr. Curr’s statement* was that he remained with the Lieutenant Governor nearly an hour after the Sheriff’s announcement, and that, during the whole period, no person whatever was admitted. This very statement, which (when connected with the Sheriff’s first visit at one o’clock, to which it properly applied) so completely fixes the hour of Mr. Curr’s departure at two, would only strengthen their error in the minds of men, who, in ignorance of any other call and previously misled upon the point, might refer it to a call, which took place at a quarter or half past two.

What palliation if any this circumstance may afford to persons, who would thus without due enquiry or consideration permit themselves to be deceived, and even so far misguided as, at the dictation of an individual, to sanction a scandalous publication, founded on such hasty and mischievous assumptions in direct contradiction to His Excellency’s own personal allegation of the fact, is a question into which it is not my province here to enter. But I nevertheless have thought it right to introduce it in this place, simply as being matter of fact, which suggests itself on a candid review of the circumstances of the case, upon which I have here collected the evidence.

21 May, 1827.

ALFRED STEPHEN.
The Memorialist states a very heavy loss by Arson in the year 1826, amounting to the Sum of £2,047 10s., which he asserts was perpetrated by Brady and his gang, and he therefore prays to be indemnified by the Crown.

After a personal interview with Mr. Walker, I assented, on his pressing application, to take the opinion of the Executive Council upon his Petition, and it was the unanimous advice of the Council that it should not be favorably entertained.

I submit, my Lord, that Mr. Walker gives no satisfactory proof that the injury he sustained was from Brady's Gang. Brady always denied it, and he made a bravo of all his villainy. It is much more probable that Mr. Walker suffered from his own servants, some of whom he had a very short time before brought to justice, but my sentiments would undergo no change, even though the act had been done by Brady, for I am quite convinced that indemnification in any such case would be attended with the worst consequences: there would be no end to plunder and robbery in the Colony.

I have, &c.,

GEO. ARTHUR.

[Enclosure No. 1.]

COLONIAL SECRETARY BURNETT TO MR. A. WALKER.

Sir,

Colonial Secretary's Office, 7th May, 1827.

I am directed by the Lieutenant Governor to acquaint you that, by a late opportunity, His Excellency has received, from your Brother, your Memorial and its accompanying Documents, for transmission to The Earl Bathurst, and that they will be forwarded by the Ship "Cumberland," which will shortly sail for England.

I am also to state that the Acting Colonial Secretary, in his communication of the 22nd May, addressed you under the impression that the injury, which you had suffered, had positively been ascertained to have been committed by Bushrangers, but that subsequent circumstances demonstrated that it could not have been perpetrated by Brady and his Gang.

As however, in your Memorial to The Earl Bathurst, you state that your Property "had been destroyed by the Crown Prisoners unlawfully at large," I am to request, that you will transmit to me, for His Excellency's information, any testimony which you possess confirmatory of that representation.

I have, &c.,

JOHN BURNETT.

You will be pleased to forward to me a duplicate of your Memorial and the Documents accompanying it for transmission to England.
Mr. A. Walker to Colonial Secretary Burnett.

Sir,

Rhodes, 21st May, 1827.

I am duly honoured with your communication of the 7th Instant, and have to express my acknowledgement for the prompt and kind intention expressed by His Excellency The Lieutenant Governor of forwarding my Memorial to The Earl Bathurst per Ship “Cumberland.”

With regard to your observations on the letter of the Acting Colonial Secretary of the 22nd May, 1826, I beg leave to observe that I am altogether ignorant of any “subsequent circumstances” having transpired, tending to prove that the injury suffered by us was not inflicted by the Bushrangers; on the contrary, I have to express my firm conviction, from the nature of the evidence then adduced, that the act of arson was perpetrated by them.

It is a well known fact that Brady and his gang, six in number, were at the Cocked Hat Hill on the night of the outrage, which is only nine miles from this Farm, a distance, which as the River was fordable, they would have easily attained in two hours and a half after perpetrating the act; a reference to the depositions on Oath of Joseph Collard, and William Lappin, will prove that six Men were seen in the Act of firing our Stacks, but, as they all unfortunately escaped, we were deprived of any positive personal identity; still I submit that, on a due consideration of the circumstances above detailed, I am fully warranted in the statements contained in my Memorial to The Earl Bathurst.

I beg to hand the enclosed Duplicates of the Memorial and Memorandum.

I have, &c.,

Abraham Walker.

[Enclosure No. 3.]

The Memorial of Abraham Walker, a Settler in Van Diemen’s Land.

The Earl Bathurst, K.G., Principal Secretary of State for the Colonies, etc., etc., etc.

Memorialist respectfully sheweth to Your Lordship by the documents marginally noted and forwarded herewith that, on the evening of the 5th March, 1826, The Harvested Crops, Wool, Barn and other valuable property belonging to himself and brother were wilfully set Fire to and destroyed by the Crown Prisoners unlawfully at large from the Penal Settlements.

Memorialist has until now entertained hopes of receiving remuneration from His Excellency the Lieutenant Governor and Council, the accompanying letter D leaves him without chance of obtaining any from the Local Government.
Memorialist is distressed and his concerns almost ruined from this severe barbarous and wanton Act of Arson, which has been inflicted, he has reason to consider, from his having at all times done his utmost to check lawless marauders, and in one instance having brought two men to condign punishment. By the unremitting assiduity and outlay of Capital, Memorialist has done much in the improvement of Sheep, Cattle and Agriculture, thereby enhancing the value of the Colony to the Mother Country.

The Brother of Memorialist addressed a letter to Your Lordship on this subject on the 20th September, 1826. Memorialist begs to represent that he agrees with his Brother to share equally the remuneration which Memorialist feels assured will be extended by His Majesty's Government to carry them thro' their difficulties, and which acts of bounty have been extended to other Colonies and in Ireland to the sufferers by Acts of Arson in times of Commotion, in which state Van Diemen's Land was when Memorialist's Property was burnt.

Memorialist trusts Your Lordship will direct an equivalent either by a Grant of Land in both or either Colonies to Memorialist and Brother, or the Sum equal to the loss sustained be paid them out of the Colonial Fund. For which Act Your Memorialist as in duty bound will ever pray.

Rhodes Farm, 22nd Decmr., 1826.

ABHM. WALKER.
LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Van Diemen’s Land,

My dear Sir,

Government House, 24 May, 1827.

In reference to your official letter of the 9th of September last, will you allow me to observe that the want of the Public Seal is seriously and pressingly felt. No avoidable time I feel persuaded will be lost in sending out the Seal, but I take the liberty of renewing the subject at the instance of the Chief Justice, the want of it having made the legality of some official documents extremely questionable.

I have, &c.,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Van Diemen’s Land,

Sir,

Government House, 24 May, 1827.

I have the honor to transmit the enclosed application from several Convicts resident in this Colony, requesting that their Wives and Families may be sent from England; it having been stated that they possess the means for their support, and as the character of the applicants is good, I beg to recommend their solicitations to the favorable consideration of The Earl Bathurst.

I have, &c.,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 39.)

Van Diemen’s Land,

My Lord,

Government House, 25 May, 1827.

I have the honor to acknowledge the receipt of your Lordship’s Dispatch No. 53, enclosing His Majesty’s Warrant dated 10th September, 1826, appointing the Legislative Council for this Colony.

I have the honor to submit that your Lordship’s Dispatch reached me on the 13th Ultimo, and on the 21st the Warrant was promulgated in the Hobart Town Gazette.

I have, &c.,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Van Diemen’s Land,

My Dear Sir,

Government House, 25 May, 1827.

In your letter, marked Private of the 22nd December, 1825, you requested such general information as I could afford you respecting the Penal Settlements.

* Note 24.
My Report* to Lord Bathurst upon the general treatment of Prisoners went pretty largely into the economy of those Establishments, but as the accompanying letter* from the Commandant of Macquarie Harbour gives a comprehensive view of one interesting branch of labour, I beg to enclose it for your perusal.

Two of the Vessels employed in keeping up the communication with Macquarie Harbour and Maria Island became very frail, and I therefore suggested to the Commandant of the former Settlement, as he had amongst the prisoners two or three ship carpenters, that he might usefully employ them in constructing a Vessel. This was carried into effect, and the "Derwent" a very strong Brig (but not very handsome I believe) of 120 Tons was built; and one or two smaller craft for the river service, and some boats for the Engineer Department were in progress, when I directed the Colonial Secretary to intimate my wish that no further labour should be applied to Ship-building than was absolutely necessary, on the grounds that useless vessels are always expensive, and the Timber might be otherwise advantageously disposed of.

His reply is an answer to this communication. I have not come to any decision upon it, but probably shall concur in permitting him to construct one or two vessels more for sale, as a means of helping to defray the expense of the Establishment.

Captain Butler makes an admirable Commandant, and has rendered such service that I look forward to the departure of the 40th Regiment next year with great concern on his account. It is the most difficult matter to get cool, determined, sensible men to act in such situations, for which indeed it appears to me that none but Military officers are qualified.

I have, &c.,

GEO. ARTHUR.

P.S.—Having now reported officially upon this subject, the Enclosure* is transmitted with my Dispatch.

22 Sepr. G.A.

LIEUT.-GOVERNOR ARTHUR to UNDER SECRETARY HAY.

Van Diemen’s Land,

Dear Sir,

I have the honor to acknowledge your letter of the 15th October requesting me to transmit a Series of the "Colonial Times" Newspaper† from the commencement of the last year.

I now have the honor to forward a series for the year 1826, having already transmitted the numbers of that paper from the commencement of the present year. I have, &c.,

GEO. ARTHUR.

* Note 25. † Note 26.
HAY TO ARTHUR.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

(Despatch acknowledged by lieut.-governor Arthur, 18th December, 1827.)

Dear Sir,

Admiral Sir Philip Durham having made an application to this Department in favor of Mr. Robt. Barr, of Fordel, in Van Diemen's Land, who is anxious to obtain an additional Grant of Land in that Colony, I am directed by Lord Viscount Goderich to acquaint you that, if it should appear that this Gentleman's statement, as set forth in the inclosed Extract from a letter from his Brother, be correct, his Lordship requests that you will make to Mr. Robert Barr such an augmentation to his present Grant, as he may possess the means of bringing into cultivation.

I remain, &c.

R. W. HAY.

[Enclosure.]

MR. J. G. BARR TO SIR PHILIP DURHAM.

Dear Sir Philip,

In a letter dated 9th April last, received from my brother, Mr. Robert Barr of Fordel, on the Upper Clyde, Van Diemen's Land, he requests of me to solicit from you the favour of recommending him to the Government at home for an additional grant of 2,000 Acres of Land, which I now most respectfully do with the utmost confidence in your wish to serve him.

The grounds of his application for such Grant is that, altho' he now has 1,200 Acres, which he got in consequence of his Capital, yet the soil is so thin and light that it takes one and a half acres of land to support a sheep and its followers. That circumstance prevents him increasing his flocks, or carrying his system of improving it and the Wool into perfection. Upon both of which, he has spared neither cost nor labour: and, to enable him to keep a Sufficient Stock, and at same time to improve Stock and Wool, an additional grant has become necessary. I am certain his operations, which are ever spirited and important, will benefit the Colony as well as himself, and that the grant will not be refused, where there are so much to give away.

Governor Arthur has the power of making such grants in the Island; and the Government at home can do the same. Since the date of my brother's letter, I observe various regulations respecting grants have been published by order of Government, which he will conform himself to in omnibus, should the additional Grant be conceded him.

May I therefore request the honour of your interceding for him in that behalf for the accomplishment of his wishes. It may be proper to state that he served in the Commissariat Staff, under
Mr. Herries, during the whole Waterloo Campaign; and after the peace, when that establishment was reduced, he received the most honourable testimonials for his Services from the Treasury. It gives me great satisfaction to add that his literary acquirements and his many virtues make him a most respectable and valuable acquisition to any Community.

With sincere respects,

J. G. Barr.

My Lord,

Government House, 1 June, 1827.

I have the honor to lay before Your Lordship the Copy of a Memorial from Mr. Jonathan Griffiths, praying remuneration for the very heavy losses which he has suffered consequent upon an action brought against him for damages and false imprisonment by a person named Lawrie.

The grounds of Mr. Griffiths' Claim are that his loss has sprung from his disinterested exertions in what he believed to be his duty to the Government, the apprehending of Felons and runaway Convicts; and facts which have been proved since the action leave not the slightest room to doubt that he was fully justified by Law in the act for which he has so severely suffered, and that he might have defended himself with success, but for the culpable negligence or the incapacity of his professional advisers, and the very extraordinary conduct of the then Attorney General, Mr. Gellibrand.

For the particular circumstances under which Mr. Griffiths claims compensation, I beg to refer Your Lordship to the statement of the Crown Solicitor set forth in the Minute of Council, which I have the honor to enclose. But the prominent facts of the transaction appear to be as follows:—Mr. Griffiths (who had always been zealous in the apprehension of runaways, and had received a written authority from Governor Macquarie to apprehend at Sea all runaway Convicts, suspicious persons, and others leaving the Colony in breach of the Port Regulations), had received information that Lawrie had sailed from Sydney, having cleared out for a Port to the Northward, suspected to have Convicts on board, and to have stolen a Boat: And Mr. Griffiths, having fallen in with him 230 Miles to the South of Sydney under circumstances which confirmed these suspicions, and induced the belief that a piratical seizure of some Vessel...
was intended by Lawrie, apprehended him with his accomplices
Oldfield, Child, and another, and took them with their Vessel to
Port Dalrymple whither Mr. Griffiths was bound. Mr. Griffiths
immediately gave information to the Police Magistrate of that
place, which led to the ultimate development of a Forgery of
Treasury Bills to the Amount of £5,000, then in the possession of
these people, and for which Child has been subsequently con­
victed and executed. Oldfield was proved to be a runaway Con­
vict, and Lawrie, though it was then impossible to establish at
Launceston his stealing of the Boat from New South Wales, has
since been convicted at Sydney of this Felony, and transported.

It will be evident to Your Lordship that, under circumstances
such as these, Mr. Griffiths should have received the prompt and
vigorous assistance of the law Officer of the Crown. Mr. Gelli­
brand, however, seems to have been blinded by his avarice,* to
what was so obviously his line of duty, and so far from giving
any aid to Mr. Griffiths in his endeavours to bring Lawrie and
his accomplices to justice, or at least of defending Mr. Griffiths,
if he has incurred responsibility in the cause of Government,
that Gentleman did not hesitate to advise the action for Damages
which has terminated so unfortunately for Mr. Griffiths; to
afford his legal assistance to the Cause of Lawrie after he was
acquainted with the strong suspicions of the Man’s guilt, and not
content with this, is proved to have drawn the pleadings for
both parties, and to have advised a demurrer to the pleas of
justification, which he himself had drawn on the part of Mr.
Griffiths, the unsuccessful issue of whose case was owing to the
insufficiency of these very pleas.

It will be apparent to Your Lordship that, however unfortu­
nate Mr. Griffiths may have been in his legal advisers, his loss
has entirely arisen from his zeal to serve the Government, and
that, at least, he is entitled to its consideration for having been
the means of preventing the issue of forged Treasury Bills to a
very large amount.

It is from these peculiar circumstances, and sensible of the
great importance to the Colony of affording protection to Indi­
viduals who are active in the apprehension of Runaways, that I
feel bound to recommend strongly Mr. Griffiths’ claim to the
favorable consideration of Your Lordship, and I would submit
that, with such pecuniary compensation as Your Lordship may
approve, part of his loss (a statement of which I enclose) may be
remunerated by a Grant of Land free from all restrictions except
the usual Quit Rent.

I have, &c.,

GEO. ARTHUR.
1827. 1 June.
Memorial from J. Griffiths soliciting relief from costs in suit brought by J. Lawrie.

HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 1.]

THE MEMORIAL OF JONATHAN GRIFFITHS.

His Excellency Lieut. Governor Arthur, etc., etc., etc.

Most respectfully sheweth,

That your Excellency's Memorialist is induced again to address you, in consequence of the heavy damages incurred in the action of Lawrie v. himself. Perhaps your Excellency has not obtained further knowledge than that the Verdict given for £460, with the then attached expenses, would be the ultimate result, but Memorialist prays to state to your Excellency that, since that period, other circumstances have taken place which have given much uneasiness to Memorialist: the tenor of different letters from professional gentlemen now followed up by summons to appear at Hobart Town in four days, to answer a certain demand incurred in this case, has induced him that day to sacrifice valuable property to realize the amount.

Your Memorialist will not trouble your Excellency with further particulars in this case, than to beg you will take into consideration the trouble and expense he has been at, the anxiety of mind, and certainly a debility of constitution in pursuance of arresting notorious characters, and afterwards bringing them to judgment; in thus laying his Case before your Excellency, he respectfully begs to submit to your good consideration that the part he has acted on behalf of Government, in carrying a special Order from under the hands of the deceased* Governor Macquarie into execution, may meet with that protection as he feels assured that, consistent with justice in the discharge of your high and important duties, you will afford him. Memorialist begs to say he has written to Captain Montagu herewith in order not to trouble your Excellency; but in conclusion he begs to say that he is truly grateful for the justice you have already caused to be rendered to him. And for such further remuneration as your Excellency may think that His Majesty's Government will admit you to afford him in consideration he shall duly pray.

Launceston, 25 April, 1826.

Jonathan Griffiths.

[Enclosure No. 2.]

EXTRACT from Minutes of the Executive Council 14th July, 1827.

Present:—His Excellency The Lieut. Governor; His Honor The Chief Justice; The Colonial Secretary; Jocelyn Thomas, Esqr.

The Lieutenant Governor laid before the Council a Memorial from Mr. Jonathan Griffiths, dated Launceston, 25th April, 1826,
praying remuneration for a heavy expense incurred by him, arising upon the Judgment of the Supreme Court of Van Diemen's Land, in the case Lawrie v. Griffiths.

Mr. Griffiths prays for compensation on the ground that the prosecution by Lawrie was occasioned by the performance of a duty imposed on him (Mr. G.) by Governor Macquarie, to apprehend all runaway prisoners, wherever and whenever he should meet with them between New South Wales and Van Diemen's Land.

The following summary of the facts of the case having been read and ordered to be recorded, The Lieutenant Governor is pleased to require the opinion and advice of this Council upon the application made by Mr. Jonathan Griffiths.

"In obedience to the commands of His Excellency the Lieutenant Governor, I have the honor to report the particulars of the recent claim for indemnity, made by Mr. Jonathan Griffiths upon His Majesty's Government, as follows:—

"Into this report, I have deemed it right to introduce all the facts which appear to me to affect the case, without regard to the manner in which they may be stated in Mr. Griffiths' memorial, and whether they are stated therein or not; in order that His Excellency may be enabled to ascertain without difficulty, the true grounds on which Mr. Griffiths is entitled to rest his claim.

"The origin of this claim is, the circumstance of the Memorialist Griffiths having, in June, 1824, seized in Twofold Bay (Coast of New Holland) a small vessel, the property of John Lawrie: taken out part of the Crew, placed a seaman in charge of her, and sent her with her owner into Port Dalrymple in this Island. For this act, Lawrie shortly afterwards commenced against Mr. Griffiths, by the advice of Mr. Gellibrand, then Attorney General, an action of trespass and false imprisonment; in which action, (tried in the Supreme Court of Van Diemen's Land in July, 1825), a verdict was given against the Defendant for £460 Stg. damages. Efforts were afterwards made by Mr. Griffiths to obtain from the Court a new trial; and, subsequently, to prosecute an appeal from its decisions to the Supreme Court of New South Wales; which efforts being unsuccessful, the property of Mr. Griffiths was levied upon, and he was eventually compelled to pay the amount of the verdict, with costs, and various heavy incidental expenses, amounting in the whole to the Sum of £720 17s. 7d.

"For indemnity against these, and certain other losses, incurred by him in reference to the seizure, as hereinafter particularly detailed, Mr. Griffiths conceives that he possesses a strong equitable claim upon His Majesty's Government, by reason of the following circumstances; which, altho' he did not,
because under the circumstances he could not, prove them at
the trial, he maintains that he is now enabled satisfactorily to
establish.

"It appears that, on the 2nd June, 1824, a man named Ternen,
a resident at Sydney, lent a boat of his on hire to one Oldfield,
and that, in this boat, Oldfield, Lawrie, a man named Child,
and another man left Cockle Bay, promising to return the same
evening. At the same time it was that Lawrie's vessel lay in
the harbour, all ready for sea, and cleared out for Newcastle.
Oldfield was a prisoner and Lawrie and Child much involved in
debt. The next or following day, it was known that Lawrie had
sailed, and, the boat not having been returned, many reports
were in circulation respecting the parties, and it was suspected
that they had all escaped from the Colony, carrying the boat
with them. Shortly afterwards, some of these suspicious circum­
stances were stated publicly in print, and appeared in the Sydney
Gazette, and Mr. Griffiths, being then at Sydney, but about to
proceed to sea in a brig under his command, was applied to by
Ternen and requested to secure his boat for him if he (Griffiths)
should chance to fall in with her. (Memorial—Ternen's Affi­
davit—Sydney Gazette* No. 1,073, depositions annexed to the
'admissions,' also, evidence of Oldfield on Child's Trial).

"Mr. Griffiths soon afterwards sailed and, in his passage to the
Southward, having accidentally touched at Twofold Boy, a place
situated about 230 miles down the Coast, he there fell in with
Lawrie and his party, and discovered in their possession Ter­
nen's Boat; the name and other distinguishing marks of which,
he found had recently been entirely obliterated. He found also
with the party four or five muskets and some ammunition, and
received from the Master information of a highly suspicious
nature; from which, Griffiths and his Captain and Crew were led
to believe that Lawrie and his associates seriously meditated the
piratical seizure of the first vessel they might meet and be strong
enough to capture. The party were, according to their own
account, bound for Newcastle; a Settlement many miles to the
Northward of Sydney. Yet here they lay, a very great distance
to the South. The Master, however, informed Mr. Griffiths that
their real destination always was Port Dalrymple, that they had
laid in three months' provisions, that he had heard Lawrie and
one or two of the others say, they had paper money with them,
and his (the Master's) belief was that they all proposed entirely
to escape from these Colonies. Lastly, not only was the prisoner
Oldfield on board, but another man, who it appears that Griffiths
thought was a runaway convict also (See Log-book of the Brig

* Note 29.
Glory, and the depositions of Apsey and others in the paper marked 'admissions').

"All these circumstances, as Griffiths alleges, induced him to think it his duty to seize and detain the whole party and the vessel and cargo; and he accordingly did so.

"Now, so far as the seizure affected only the men, reasonably suspected of having committed felony in stealing Ternen's boat, probably Griffiths knew that law would justify him. But it forms by far one of the most important features in his case, that, having for a long time before had in his possession a written authority from His Excellency Major General Macquarie, then Governor of these Colonies, to apprehend all suspicious characters, and which authority had never been revoked, Mr. Griffiths was led thereby falsely to imagine his power and duty to be much more extensive.

"This Warrant or authority Mr. Griffiths is unable to produce. But the existence of such a document is undeniable. The fact appears by the testimony of three most respectable persons; Mr. Surgeon Owen, the Revd. Mr. Youl, and Mr. Campbell, Secretary to Government during General Macquarie's administration. The instrument appears to have been a paper under the hand of Governor Macquarie, authorizing Mr. Griffiths to apprehend at sea all runaway convicts and suspicious persons, and others leaving the Colony in breach of the Port Regulations (See Mr. Campbell's Certificate and the Affidavits of Mr. Youl and Mr. Owen).

"I am not called upon to notice whether this warrant could afford the slightest protection to Griffiths in an action at law. But there does appear to be no doubt that he conceived the instrument did fully afford protection to him, and that he acted throughout, as he thought, for the benefit of the Public.

"As soon as he possibly could do so, after his arrival at Launceston, Mr. Griffiths caused Oldfield, and the other man suspected of being a Convict, to be apprehended, and subsequently to be sent back to Sydney; where both were claimed by the authorities, as prisoners of the Crown, and delivered up by him accordingly. (See certificate of Superintendent of Police there.)

"Within (as I believe) a very few weeks after this, Child was fully committed to Launceston Gaol for feloniously uttering in the Town a set of forged Treasury bills, for which offence he has subsequently been tried and executed. Not very long after his apprehension, it was generally reported and believed that many other forged bills on the Treasury to a large amount had been imported into the Island by him or some other of Lawrie's party. None however made their appearance until within the last few
months, when, by the exertions of the Police, Forged Treasury Bills to the amount of about £5,000 were, as it is well known, discovered and taken possession of. In every particular, these bills and those uttered by Child bear the most exact similitude to each other; and there can be but little, if any, doubt that the manufacture is by the same hand. If therefore the seizure and detention of Lawrie and his companions actually prevented them from passing off these extensive forgeries in Launceston, the Isle of France and elsewhere, it will probably be the opinion of his Excellency that Mr. Griffiths has, at least in this respect, deserved well of His Majesty's Government.

"With respect to Lawrie himself, Mr. Griffiths appears to have been either ill advised, or (if advised) unfortunate in his endeavours to pursue the course recommended. For this man remained in perfect security for a very considerable period. At length however, Mr. Griffiths procured a warrant from a member of the Legislative Council of New South Wales, under which Warrant Lawrie was arrested and sent to Sydney. He there took his trial for the stealing of Ternen's boat, and, being found guilty, he was sentenced to 7 years' transportation, which Sentence, it is understood, he is now undergoing at Port Macquarie.

"With respect to the fate of Lawrie's little vessel, the circumstances do not on the face of these papers (so far as I can collect them) very distinctly appear. Two facts are however sufficiently established, 1st that she has never been used by Griffiths, and 2ndly that for some months subsequent to December, 1824, she was in the service of Government. Mr. Griffiths himself states that he has always conceived her as belonging to the Crown. On the other hand, the vessel has never been so treated by the Crown Officers, at all events, up to the date of Lawrie's conviction. When taken into Government employ, the Superintendent applied to Mr. Griffiths as her Owner; Griffiths however does not appear ever to have received on that account, or until very lately to have asked for any hire or other remuneration for her. What has now become of her, I do not know. (See Mr. Griffiths' Memorials, Mr. Kenworthy's letter, Lawrie's letters.) The Court and Jury, on the trial of the action, intimated that they had taken the value of the vessel into consideration in estimating the damages.

"The total amount of losses, which Mr. Griffiths alleges that he has, by reason of all the before mentioned circumstances, been compelled to sustain, is £1,140. (paper marked A.B.C.) This includes a sum of £229 that he was obliged to pay to Lieutenant Clements for demurrage of the brig Glory; which was seized and detained several weeks under the writ of execution. It includes
also £190 for Griffiths' personal expenses in travelling to and from Sydney, and in other respects. I understand the two last mentioned items however to be currency only.

"With regard to another claim lately preferred by Mr. Griffiths for the hire of Lawrie's vessel, which claim is referred by His Excellency's commands for my opinion thereon, I conceive such claim to be inconsistent with the claim for full indemnity. And, even if Mr. Griffiths be not indemnified to the full amount of the verdict and costs, I still think that such claim is ill-founded. The vessel never was his; the only person legally entitled to demand hire for her, during the period specified by Mr. Griffiths, was Lawrie himself, her owner.

"It will appear extraordinary that, with such strong circumstances of suspicion existing to justify Mr. Griffiths in apprehending and detaining Lawrie, a verdict should have been given against him for so large a sum. I am unable to state with precision the real causes, which led to so unfortunate a result. I did not arrive in the Island, till long after the action had been commenced and proceeded in, and, when professionally employed in the cause, I was retained on behalf of Lawrie. I did not become acquainted with the real history of the transactions until afterwards. Mr. Gellibrand was Lawrie's leading Counsel; and it was my duty, as (in that capacity) it was his, to use my best exertions on the side of my client. So far, however, as I can understand the causes of Griffiths' failure and may with propriety state them, I will do so.

"I have already adverted to one cause, namely that no legal ground of defence existed, as I apprehend, in respect of the detention of the vessel and her cargo. The second, and perhaps the main cause, appears to have been the want of evidence. Apsey, the Master of Lawrie's vessel, together with Mr. Griffiths' own crew, were at the time of the trial and had long been absent from the Colony. Ternen was in New South Wales; and so were the witnesses who could have proved that two of Lawrie's passengers were convicts. To supply these expected deficiencies, so far as they would have arisen from the absence of Apsey and the crew, Griffiths' Solicitor obtained, as I collect, a kind of order by consent of Mr. Gellibrand on Lawrie's behalf, for their examination before a Magistrate, both parties undertaking that the substance of those examinations should be afterwards reduced to the form of mutual admissions in the cause. I apprehend this to have been, on the part of Griffiths' advisers, a fatal error, and, indeed, I am of opinion that much of his failure may be attributed throughout to the culpable negligence of his Solicitor."
Another and principal cause of his failure arose from the following circumstances. In actions of this nature, all matters of justification must be, as it is termed, pleaded specially: that is, specifically set forth at considerable length on the record. Now, in the preparation of Griffiths' pleas in justification, great care and attention, as well as legal skill and nicety, were essential; and very much of the result of the cause would depend upon their sufficiency. These pleas nevertheless were, at the request of Griffiths' attorney, prepared by Mr. Gellibrand. That this step was, in all who were parties to it, most unfortunate, I have more than once stated my conscientious opinion, I do not think it possible for the same man (especially one situated as Mr. Gellibrand had been in the case) in a highly adverse and important suit efficiently to assist and support, in the same suit, both the litigating parties. Be that as it may, the fact is, that, in conjunction with Mr. Gellibrand himself, I afterwards put in a demurrer to those same pleas for insufficiency: and altho' (by order of Government) Mr. Gellibrand subsequently sent back Lawrie's retaining fee, and argued in their support, the pleas were held informal and insufficient; and Mr. Griffiths was deprived of this his most important ground of defence.

Notice of trial being given, the parties met for the purpose of reducing the examinations already mentioned into the form of admissions: but, not being able to agree on their effect, it was arranged that the examinations themselves, as sworn before the Magistrates, should be annexed to certain actual and regular admissions in the cause, and the whole read as admissions accordingly. At the trial however, His Honor the Chief Justice, deeming this course to be, as undoubtedly it was, highly irregular, rejected the examinations, and would not permit them to be read on behalf of either party. Mr. Gellibrand, for Mr. Griffiths, at first took an objection to this decision; but shortly afterwards, in consideration of my consenting to put Lawrie's Son in the witness box, he expressly and unreservedly abandoned it. Young Lawrie was examined: no facts favourable to Griffiths were extracted from him: It appeared from his and other evidence that Lawrie's vessel, with Lawrie on board, had, at no small risk of his life, been towed astern of the Glory: And Lawrie obtained a verdict for £460. (See Petition of Appeal, in which however the facts as to the examinations and admissions are differently stated.)

I need not, I apprehend, trouble His Excellency with the grounds upon which the motions for a new trial, and for leave to appeal, were refused. It has been seen that the objection to the Chief Justice's decision upon the examinations was
absolutely *waived*. That objection was nevertheless renewed upon occasion of the motion for the new trial; and it was again, but, as I conceive, most unjustifiably in both instances, insisted upon in the petition of appeal.”

**Alfred Stephen,**
Solicitor Genl. and Crown Solicitor.

The Council having given the fullest consideration to Mr. Griffiths' Memorial and the circumstances of his case, is of opinion that according to the statement of the facts he was warranted in seizing Lawrie's vessel, but the facts now stated did not appear or were not proved on the trial.

As, in the opinion of the Council, the safe custody of the Convicts in these Colonies is an object of great importance to the Home Government, and as it does not appear that Griffiths had any private interest or purpose to serve in taking possession of Lawrie's vessel, but acted with the best intentions to carry into effect the object of the home Government, under the sanction and authority, as he conceived, of Governor Macquarie, and as it also appears that Lawrie had been subsequently convicted of the robbery of Ternen's boat, and that two of the persons on board his vessel have been identified as runaway convicts, and as it further appears that he rendered an essential benefit to the Colony by preventing the circulation of Forged Treasury bills to an immense amount, for uttering some of which one man (Child) has recently been executed; under all these circumstances, the Council begs to advise The Lieut. Governor to transmit the application of Mr. Griffiths to the Right Honble. the Secretary of State for the Colonies, and recommend it for the most favorable consideration of His Majesty's Government.

A true Copy.

**John Montagu,** Clerk of the Council.


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<td>4</td>
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£1,140 7 7
HISTORICAL RECORDS OF AUSTRALIA.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.
Van Diemen's Land,

1 June.

Sir,

Government House, 1st June, 1827.

In reference to the "Blue Book" which accompanied my Dispatch No. 20 of 24th March last, and a Duplicate of which is transmitted by this opportunity, under the head Survey Department, the Sum of £409 4s. 11d. is stated to have been paid to the Acting Surveyor General in commutation of Fees for part of the year 1826. As however this arrangement would not be conformable to my Lord Bathurst's Dispatch No. 19 (17th May, 1826), settling the establishment of the Survey Department, I have the honor to communicate to you that, on the 15th May, I directed the above sum to be refunded by the Acting Surveyor General, and that his fees should be returned to him, the same having been paid into the Treasury.

Under the head "Law department" also, an error has been committed in stating that the Solicitor General received the Sum of £222 12s. for "Fees." This sum I find was paid to Mr. Stephen, not as Fees, but for professional business performed by him altogether distinct from his proper duties, and in aid of the Attorney General during his indisposition, his absence when at Launceston, or engagement in other duties.

I have, &c,
GEO. ARTHUR.

3 June.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.
(Despatch No. 41.)
Van Diemen's Land,

My Lord,

Government House, 3 June, 1827.

I have the honor to acknowledge the receipt of your Lordship's Dispatch No. 36,* enclosing the Copy of a Memorandum delivered in England to persons proposing to emigrate to New South Wales and Van Diemen's Land.

I beg to assure your Lordship that I shall not fail to observe the regulations which your Lordship has laid down; and, as the Land Commissioners have now completed the survey of several parishes, the whole arrangement may be proceeded with, according to the plan directed, without prejudice to new Settlers.

I have, &c,
GEO. ARTHUR.

* Note 30.
Van Diemen's Land,

My Lord, Government House, 4 June, 1827.

I have the honor to acknowledge the receipt of your Lordship's Dispatch, No. 39,* enclosing Copy of a further Dispatch, which, in reference to the Instructions addressed to the Governor of New South Wales (Copies of which have been forwarded to me) explaining the conditions on which lands are in future to be granted, your Lordship had addressed to General Darling on that subject, and, by the directions of which, it is your Lordship's pleasure that I should be guided. I have, &c.,

GEO. ARTHUR.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

(Despatch acknowledged by lieut.-governor Arthur, 5th December, 1827.)

Sir, Downing Street, 14 June, 1827.

In reference to the correspondence which has passed between this Depart. and the Directors of the Van Diemen's Land Company, Copies of which were forwarded to you on the 18th of April last, I am now directed by Lord Viscount Goderich to transmit, for your information and guidance, Copies of two further communications from the Company together with the answers returned to the same, relative to their proposition to send out a number of Free Labourers, the expense of whose conveyance the Company request may be allowed to them in abatement of the Quit-Rent payable on their Lands, according to the Principle, on which that Indulgence was to have been granted, had the stipulated number of Convicts being assigned to them.

You will perceive by the Inclosed Papers upon what conditions Lord Goderich has been induced to comply with the arrangement suggested by the Company, and that the measure has been only sanctioned to a limited extent. I have, &c.,

R. W. HAY.

[Enclosure No. 1.]

MR. J. INGLIS TO UNDER SECRETARY HAY.

Van Diemen's Land,

Sir, Company Office, 18 April, 1827.

I am instructed by the Court of Directors of the V. D. Land Company to acknowledge the receipt of your letter† of the 28th Ultimo, and to assure you of their entire readiness to

* Note 30. † Note 31.
consult the convenience and wishes of H.M. Govt. on the important point to which it refers.

One material inducement in the formation and objects of the Company was certainly the expectation of procuring Convict labour, on the terms specified in their agreement* with the Colonial Department on that head. The arrangements of the Directors have accordingly proceeded rather in the expectation of being called upon immediately to provide for the maintenance and employment of a considerable number of Persons of that description, than on any apprehension of being obliged to supply from some other source the labour necessary for commencing the cultivation and improvements of the Company’s Lands; and their proceedings will of course be subjected to much inconvenience from the change that has so unexpectedly taken place in the circumstances of the Colony.

The Directors, however, are fully sensible of the difficulty which would be felt by the Colonial Government in supplying at present on the terms of the agreement a greater number of Convicts than have hitherto been assigned to the Company’s Agent, and they will immediately instruct him to suspend all further applications, till it be more consistent with the convenience of the local authorities to comply with them. In the meantime I am directed to request you will lay the following proposition, on behalf of the Directors, before Earl Bathurst, as a suggestion for remedying the inconvenience which the Company may be subjected to from the want of an adequate supply of Labourers for their present objects.

The Directors intend to dispatch a vessel in the Month of June to Van Diemen’s Land with Sheep and other live Stock; and they would be disposed, as an experiment, to send at the same time to the Establishment, they have already formed, from 40 to 50 Emigrants of both sexes to be employed by the Company, if Govt. will consent to allow the expense of their conveyance in abatement of the Quit Rent to become due hereafter for their Lands. The Directors suggest the expediency of sending at least an equal number of Women, on principles entirely distinct from the interests of the Company, and they have no doubt of finding a sufficient number of voluntary Emigrants, who, in consideration of a free Passage, would readily indent themselves for a period of three or four Years in the Service of the Company, for which period the Company will of course undertake to indemnify the Colonial Government against any charge for their maintenance or support.

The Directors calculate the Expense of sending them out at about £30 per head for adults, and of course they would select

* Note 32.
in preference young Married people without large families. If the first experiment succeeded it might lead hereafter to Emigration on a more extensive scale on a similar principle.

The Directors hope Lord Bathurst will see in this suggestion their anxiety to meet the wishes of His Majesty's Government and that the substitution of the Expense of conveying and maintaining respectable Settlers in the Colony for an abatement of Quit Rent in consideration of the maintenance and employment of Convicts will be viewed, as it is intended by the Directors, essentially for the advantage of the Public and the Colony.

I have, &c.,

JAMES INGLIS.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO MR. J. INGLIS.

Sir, Downing Street, 23rd May, 1827.

I have received and laid before Lord Viscount Goderich your Letter of the 18th Ultimo, stating in reply to one which I addressed to you by Lord Bathurst's direction on the 28th March, the entire readiness of the Court of Directors of the Van Diemen's Land Company to consult the convenience and wishes of His Majesty's Government with respect to the assignment of Convicts to the Company and proposing to send out to the Colony "from 40 to 50 emigrants of both Sexes" to be employed by the Company, if the Government will consent to allow the expense of their conveyance in abatement of the Quit Rent to become due hereafter for their Lands.

Under the circumstances which have prevented the Government from affording to the Company, at the present moment, the Indulgence which had been held out to them by their Charter in regard to the employment on their Establishments of a certain number of Convicts, and considering that the Colony may derive advantage from the introduction of the free labourers, whom the Company propose to send out to the Colony, Lord Goderich agrees to the Experiment being tried upon a limited Scale, the number of Emigrants at the most not exceeding that proposed in your letter; and Lord Goderich desires that it may be clearly understood that, by giving his consent to this arrangement, he by no means pledges himself to the adoption of a similar measure on every future occasion, as the increase of the disposable Convicts might enable the Government to revert to the original plan of supplying persons of that description to the Company.

Upon the principle, however, that Settlers are not encouraged to proceed to either of the Australian Colonies unless they
1827.  
14 June.  

Security required for maintenance of immigrants.

Allowance in abatement of quit rent.

possess a sufficient Capital to prevent them becoming a burthen on the Colony hereafter, Lord Goderich considers that some security should be given by the Company that those Persons who shall be sent thither for the Company's purposes should at no period hereafter become a charge upon the Colonial Finances.

As men of industrious habits will always find employment of a profitable description, there is very little probability that the Company will ever be called upon to maintain the Emigrants beyond the time of their engagement and the actual demand for their services; but as cases may arise wherein the Parties may be incapacitated from work by sickness or other accidents, as well as by contracting disorderly habits of Life, it would be desirable that the Public should be exonerated from even the possibility of being called upon to provide for any casualties of this description and it is with this view, therefore, that Lord Goderich considers this stipulation to be necessary.

Lord Goderich desires me to add that as it appears reasonable that the Company should bear a fair proportion of the Expense that will be occasioned in the conveyance of the Emigrants whom the Company propose to send out to the Colony, his Lordship considers that £16 will be a sufficient sum to be allowed in deduction of the Quit Rent, hereafter, payable by the Company for each adult person that may be disembarked at Van Diemen's Land with the understanding, however, that £20 per head will be granted for each adult Female who may be engaged in the Service of the Company.

I am, &c.,

R. W. Hay.

[Enclosure No. 3.]

Mr. J. Inglis to Under Secretary Hay.

Van Diemen's Land,  
Company's Office, 30 May, 1827.

Sir,

I have the honor to acknowledge the receipt of your letter of the 23rd Inst. in which you inform me of the terms on which Lord Viscount Goderich has been pleased to agree to the experiment suggested by the Directors of this Company of sending out to Van Diemen's Land 40 to 50 Emigrants for employment on the Company's Lands; and I am instructed by the Directors to submit to you for his Lordship's consideration, a few points upon which they are desirous to have a more clear understanding, before they proceed to carry the proposed arrangement into effect.

The Directors in employing the term "adult" intended generally to designate all those Males and Females who should be of an age to perform the ordinary labors or services of grown
persons; but in order more clearly to define the term, they propose it shall be understood, as being applicable to all Males of 18 years and upwards, and to all Females of 16 years and upwards. The Directors conclude that the abatement of Quit Rent will be allowed for all persons of the above ages; notwithstanding some of them may be Members of one and the same family.

In regard to the proposition that the Directors shall give security that the persons, sent out for the Company's purposes, shall at no period hereafter become chargeable on the Colonial finances, the Directors beg leave to represent that the Court would not only be undertaking a responsibility having no certain or ascertainable limits, and that as applicable to persons leaving the Company's service at the expiration of their Indentures upon the speculation of bettering their circumstances, it would be unreasonable; but that the knowledge of the Company being so bound to the Colonial Government might be a motive with others to throw themselves, without sufficient cause, upon the Company for their support. The Directors therefore propose to indenture persons for a period of 3 to 5 years according to circumstances, but they will not object to be answerable that such persons shall not become chargeable on the Colonial finances during the period of 5 years, notwithstanding they may be indentured for a shorter period.

I have, &c.,

James Inglis.

[Enclosure No. 4.]

Under Secretary Hay to Mr. J. Inglis.

Sir, Downing Street, 7 June, 1827.

I have received and have laid before Lord Viscount Goderich your letter of the 30th Ultimo, acknowledging mine of the 23rd Ultimo conveying to you his Lordship's approval of the proposition of the Directors of the Van Diemen's Land Company that they should be allowed to send out 40 or 50 Emigrants for employment in the Company's Lands. I am directed to acquaint you, in reply, that Lord Goderich agrees to the Company's proposal that all Males thus sent out by them, as Emigrants, of 18 years and upwards and all females of 16 years and upwards shall be considered as Adults although some of them may be Members of one and the same family.

I am also to inform you that his Lordship, being unwilling to throw any obstacles in the way of an equitable arrangement respecting such Persons who may be bound to the Company by Indentures, agrees in the propriety of the Directors not being obliged to maintain them for a longer period than five years;
but his Lordship at the same time begs that it may be distinctly explained to those Persons that they, upon their discharge at the end of that period from the employment of the Company, must not expect to receive any assistance from the Colonial Government, nor will they be suffered to become a Burthen to the Colony.

I am, &c.,

R. W. Hay.

16 June.

Lord Viscount Goderich has received an application in behalf of Mr. Thomas Gourlay, who is stated to have "received a Grant of Land which was afterwards taken from him under the plea that it was previously granted to another"; and I am now directed to acquaint you that should Mr. Gourlay be worthy of such Indulgence, and have the means of cultivating such Land as he may receive, it is his Lordship's wish that a Grant should be made to him upon the usual conditions.

I have, &c.,

R. W. Hay.

22 June.

I am directed by Lord Viscount Goderich to transmit to you herewith a Memorial, which has been received from Mrs. Elizabeth Badley, residing at Hobart Town, applying for a Grant of Land at Van Diemen's Land, which she states that she has been unable to acquire, the Colonial Government having declined to comply with her request under Instructions from the Secretary of State. Lord Goderich is not aware to what Instructions you may have referred in the reply, which you directed to be made to Mrs. Badley's application; but, as he sees no reason why Females should be excluded from holding Lands in the Colony, provided they possess sufficient funds for that purpose, intend bona fide to reside on their Lands, and to fulfil any other stipulations which may be required of them in common with all other Grantees, you will consider yourself at liberty to comply with the Petitioner's request, if upon enquiry her circumstances shall be found to be such as she has represented them to be, and unless any other objection should exist for refusing it.

I have, &c.,

R. W. Hay.
HAY TO ARTHUR.

[Enclosure.]

THE Memorial of Mrs. Elizabeth Badley of Hobart Town, Van Dieman's Land, Widow of the late Francis Badley, Esqre., of Jamaica.

Hobart Town, Van Dieman's Land, 1st Septr., 1826.

To the Right Honorable Earl Bathurst, His Majesty's principal Secretary of State for the Colonies, etc., etc., etc.

Respectfully Sheweth,

That your Memorialist arrived in this Colony from England on the 8th September, 1825, accompanied by her Daughter and Son in Law, Mr. J. A. Eddie, who came with the view of settling, and with an Order for a Grant of Land from your Lordship, which he has located and stocked.

That she has now decided on remaining in the Colony and is desirous of employing her Capital on Land, with a view to its improvement, and as a further provision for her Family.

That, in order to obtain this, she has addressed the annexed Memorial (No. 1) to His Excellency Lieutenant Governor Arthur, accompanied by a Schedule (No. 2) of her Effects, verified as is usual by two of the most respectable Merchants in Hobart Town, and to which the answer (No. 3) has been returned by the Acting Colonial Secretary, stating that the Lieutenant Governor is prevented from granting her any Land, as it is contrary to your Lordship's Instructions,* and she therefore respectfully prays that your Lordship may be pleased to order her a Grant of Land in proportion to her means of improving the same, and your Memorialist, as in duty bound, will ever pray.

ELIZA BADLEY.

Copies of the Documents referred to in the annexed Memorial to the Earl Bathurst.

No. 1.

THE Memorial of Mrs. Elizabeth Badley of Hobart Town, Widow of the late Francis Badley, Esqre., of Jamaica.

To His Excellency Colonel Arthur, Lieutt. Governor of Van Diemen's Land, etc., etc., etc.

Respectfully Sheweth,

That your Memorialist arrived in this Colony by the Andromeda, on the 8th of Septr., 1825.

That she is desirous of augmenting her means by a judicious employment of Capital on Land, under the superintendance of her Sou in Law, Mr. J. A. Eddie, with a view to provide more substantially for her family and other purposes.

That she submits a faithful Schedule of said means annexed, verified as is usual on applications for Land, and, therefore, respectfully prays that your Excellency may be pleased to indulge her with a grant of Land in proportion to her means of improving the same, and your Memorialist, as in duty bound, will ever pray.

Hobart Town, 6th July, 1826.

* Note 33.
STATEMENT of Property in Cash, Goods, etc., belonging to the under­signed, and referred to in the annexed Memorial.

Cash left in the hands of Trustees in London, with which I have ordered Goods to be purchased for this market, under the super­intendence of My Son in Law—

Mr. Eddie ..............................................Sterling £1,000
Annuity of £300 Stg. receivable quarterly secured on an unencumbered and most valuable Coffee plantation in Jamaica, disposable at pleasure, and valued at ten years' purchase or .........................................3,000
Wardrobe, Jewellery, etc. ..............................300

4,300

ELIZABETH BADLEY.

We, the undersigned, Merchants of Hobart Town, having examined the documents on which the foregoing Schedule is founded, do hereby declare the same, in our opinion, to be a fair and reasonable Statement.

JAMES GRANT.
WALTER A. BETHUNE.

ACTING COLONIAL SECRETARY HAMILTON TO MRS. BADLEY.

Madam, Colonial Secretary's Office, 25th August, 1826.

Your Memorial of the 6th Instant for a grant of Land having been laid before the Lieutt. Governor, I am directed to acquaint you that, under the Earl Bathurst's instructions, His Excellency is sorry he cannot accede to your request.

I am, &c.,
W. H. HAMILTON,
Acting Colonial Secretary.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

Sir, Downing Street, 28 June, '27.

With reference to your letter of the 2 June, 1826, submit­ting the necessity of the appointment of a Barrack Master, and proposing that the charge, as in the case of a similar appointment at New South Wales, should be defrayed out of the Military Chest; I am directed by Lord Viscount Goderich to transmit to you the Copy of a letter which has been received by me from the Secretary to the Treasury, by which you will perceive that their Lordships have acquiesced in that arrangement.

I have, &c.,
R. W. HAY.

[Enclosure.]

MR. W. HILL TO UNDER SECRETARY HAY.

Sir, Treasury Chambers, 28 June, 1827.
I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you for the information of
Viscount Goderich in reply to Your letter of the 13th February last that They have been pleased to signify to the Officer in command at Van Diemen's Land their approval of the appointment of a Barrack Master in that Colony and the charge of his Pay and allowances on the Army Extraordinaries.

I am, &c.,

W. HILL.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House,

Sir, Van Diemen's Land, 1st July, 1827.

With reference to my Dispatch to Lord Bathurst No. 17 of the 23rd March last, with which I transmitted a statement of the existing Regulations for the safe custody and good conduct of the Convicts, I have the honor to transmit a Report from the Commandant of Macquarie Harbour, shewing the discipline observed at that Penal Settlement, which, not having been received, it was not in my power to forward with my Dispatch, but which I beg the favour of your laying before Lord Bathurst, and I trust his Lordship will be convinced by this Report that the Regulations, established at Macquarie Harbour, are as perfect with regard to strictness of discipline and severity of punishment, as can be well desired. I have, &c.,

GEO. ARTHUR.

[Enclosure.]

CAPTAIN BUTLER TO COLONIAL SECRETARY BURNETT.

Sir, Macquarie Harbour, 30th June, 1827.

Agreeably to instructions contained in your Letter of the 13th of January last, by order of His Excellency The Lieutenant Governor, transmitting certain questions to be replied to for the information of the Secretary of State for the Colonies.

I have the honor to enclose herewith detailed Answers to these several Queries, and I beg to solicit the Lieutenant Governor's favorable Consideration of the subject generally, and that His Excellency may be pleased to make due Allowance for this Report upon Circumstances hitherto so novel to my duty.

I have, &c.,

J. BUTLER, Commandant.

[Sub-enclosure.]

REPORT ON MACQUARIE HARBOUR.

1st. The general Conduct of the Prisoners under your control.

I am happy to have to state that a large portion of the Prisoners at the Settlement conduct themselves extremely well, and are very attentive in the performance of the labor assigned them. To this
100 HISTORICAL RECORDS OF AUSTRALIA.

1827.
1 July.

General conduct of convicts at Macquarie harbour.

portion there are occasional exceptions, arising from mutual quarrels and resistance of their Overseers' Orders; but, as they are far from being frequent and generally unproductive of any evil consequence, I don't consider them of sufficient moment to detract from the general merit of their conduct.

Another Class of the Prisoners requires an unremitting attention either to induce or compel them to habits of labor or exertion, particularly on their first arrival at the Settlement; but, after they have been some time, they improve, and many of them gradually pass into the more useful and more trusted Gangs.

A third Class, which varies much as to numbers, I am constantly obliged to keep on this Island, their grand Object being to abscond, and, with a view to this, their entire attention is directed towards procuring Fish Hooks, Steels, Provisions, and other means by which to effect their purpose.

As it would appear from the foregoing Observations that there are only three Classes amongst the Prisoners, it may be necessary to observe in explanation that they are thus arranged for the purpose of brevity only, and that the Boats' Crews, Overseers, Shipwrights, Carpenters, Blacksmiths, Shoemakers, Brickmakers, Charcoal Burners, Gardeners and Assistants, and Sawyers are all distinct occupations, which are sought after by the various descriptions of Prisoners, agreeably to their capacity to perform or learn the duties.

2nd. The Nature and frequency of Punishment.

Corporal Punishment is that which I have chiefly had recourse to, in addition to which I have had a Gaol Gang established for bad and incorrigible Characters, who are always worked in double Irons.

A small barren Island, of about a quarter of an Acre in its utmost extent and about five hundred Yards from the nearest point of this Island and more in the centre of the Bay, has a Penitentiary upon it, which contains, as occasion may require, from 50 to 100 Persons.

All Prisoners on their first arrival I put upon this Island with some exceptions, such as special recommendations, Age, or infirmity. And as good conduct may entitle them to the indulgence, I remove them to the Main Island, which is a privilege they set no small value upon.

The small Island being dreadfully dreary, to which must be added the very great trouble of getting backwards and forwards in Boats twice in the 24 Hours.

The Weather for the greater part of the Year is generally wet and windy, and occasionally violently boisterous, which materially increases the punishment and inconvenience of a residence upon this solitary Rock.

All turbulent and permanently bad Characters, I necessarily place upon this Island, and to frustrate their Schemes of carrying off Boats, whilst passing to and fro, I have a light Whale Boat with two Soldiers as a Guard, in invariable attendance to prevent such an occurrence.

Corporal Punishments are by no means frequent, The total number of Lashes inflicted during the half Year ending this 30th Instant being 2,271; The average Number of Prisoners for same period 320.

3rd. The effect of punishment, and that which is found most beneficial.

Corporal Punishment, as a last resort, appears to me to have far better effect upon the Prisoners than solitary confinement, the lazy habits of many of whom would find a suitable indulgence in this species of punishment.
The Penitentiary upon the small Island, I also look upon as producing the best effect, as it subjects those there confined to a very great daily inconvenience, and next as it makes them at all events assume an appearance of reformation and good conduct, in order to get removed, and then a continuance of the same to prevent being sent back. Should an unusual degree of turbulence be shown, I generally put the offenders or the ringleaders in irons, and compel them to work thus shackled for a short or extended period, according to the nature of their conduct.

This also has a good effect by being attended to, so as not to let them enlarge their irons and slip them off at pleasure, a very common practice among the prisoners, and not observable unless they are closely examined.

Solitary confinement, in addition to what has been already observed, would fail in its effect at this settlement, as compared with most other stations where it might be had recourse to, for it is obvious that the diet, bread and water, would be no punishment to a prisoner who would run the risk of passing from three to six weeks in the bush at a most inclement season, desolate and unprovided, and subsisting upon grass roots, herbs (very scarce) and such chance fish as high tides and heavy gales may cast upon the beach. Besides, that at most other stations the bulk of the prisoners can obtain a variety of comforts which are unknown here, and the being deprived of which, by solitary confinement, would in itself be a punishment that could not fail to be severely felt.

4th. The progress of reformation amongst the prisoners?

It appears to me that many of the prisoners have been impressed with a sufficient sense of the degradation and hardship, to which their former crimes have reduced them, to regulate their future conduct so as to become (at least for some years) useful and honest members of the community.

Many of them express themselves to this effect, and I have reason from personal observation to give them credit for sincerity, of which they afford strong proofs by systematic regularity.

There are however several others whose conduct for a considerable time continues to be creditable, but who, from the force of habit or suppressed evil inclination, break out occasionally in the commission of various offenses.

There are besides many whom it would be difficult to trust in any respect, and who alone, from being placed under continued and unremitting restraint, are kept within the bounds of subordination.

The ordinary excitements to excesses or irregularities are not numerous at this settlement, so that the prisoners have an opportunity of concealing for a considerable time their real character. I am however of opinion that much good and improvement are effected in their habits and conduct by the labour and privations of the station.

5th. The hours appointed for labour?

Are from six o'clock in the morning till six in the evening for one half the year, and from seven till five during the other half, with one hour in the forenoon from nine till ten, and one hour in the afternoon from one till two o'clock for breakfast and dinner; but these hours cannot be punctually attended to from the delay of getting over the small islands to morning muster, and also from the daily detached gangs returning earlier or later than the prescribed hour.
From about the 25th of May to the 24th July, the Evening Bell rings about half past four P.M. according to the darkness of the Day or badness of the Weather; and also at other seasons, the hour of leaving off Work is obliged to conform to the state of the Weather.

6th. The description of labour in which they are generally employed?

Felling Pine Logs, rolling them to the Water, and rafting them to the Settlement as the Weather permits; Felling Gum, Light Wood, Myrtle, and other heavy Timber Logs and getting them to the Settlement as the Weather will allow; Celery top pine Spars for Vessels, Oars, and various other uses, and collecting materials of every description for future purposes both here and elsewhere.

Also in the construction of large and small Vessels, all sorts of small Boats and Launches required by Government Requisitions, as well as for the use of the Settlement; Making Furniture for Hobart Town Barracks, Bricks for Settlement; occasionally burning Lime; conducting a Tannery; cultivating this and another small Island in the Harbour; Sawing Timber for use and export; Burning Charcoal for Blacksmiths, who are employed in making the Iron Work of all descriptions required.

7th. The quantity and description of Food?

The fixed Weekly Ration for each Prisoner is Seven Pounds of Wheat Meal, which yields about Ten Pounds of good Bread, also Seven Pounds of Salt Beef, and a daily Allowance of Four Ounces of Wheat Meal, or an equivalent in Oat or Maize Meal. This is the Ration prescribed by Regulation, and is all that the Bulk of the Prisoners receive.

The Boats' Crew, many of the Mechanics, such as Carpenters, Shipwrights, Blacksmiths, etc., also all Overseers, receive in addition Seven Pounds of Flour Weekly or Three and a half Pounds; and Seven Pounds of Potatoes for the remainder.

8th. The general State of health at the Settlement?

In answer to this query, I subjoin the following Statement, furnished me by Mr. Barnes, now Assistant Surgeon at this Settlement.

"Macquarie Harbour, 19th April, 1827.

"When it is recollected that the great bulk of the Prisoners for many Years previous to their Transportation have indulged in the most vitiated habits by which the System is materially injured, and, from the nature of the labor performed at the Settlement, exposing them to a frequent repetition of Wet and cold, the general state of health at the Settlement may be considered as remarkably good.

"The prevailing Diseases are Rheumatism, Scurvy and Dysentery, with Cases of Fevers, and local inflammations. The principal Cause of Rheumatism is cold and wet from frequent and sudden changes in the Weather: Dysentery depends very much upon the same Causes, and the cases were very numerous in the beginning of the Year 1826. Living constantly upon salt Food may be considered as the cause of Scurvy, together with repeated exposure to wet, and frequently sudden changes in the Weather from hot to cold.

"The Diseases are generally mild in their nature, and, altho' there have been four Deaths from disease in the space of sixteen Months (The aggregate Number of Persons at the Settlement being Three
Hundred and thirty) yet they cannot be considered as depending upon
Causes peculiar to Macquarie Harbour, excepting in one instance, and
that may be doubted." 

JOHN BARNES, A.S.

and

9th. A detail of the general Advantages or disadvantages which attach
to Macquarie Harbour as a Penal Settlement?

It appears to me that the localities of Macquarie Harbour render it
peculiarly adapted for an Establishment of this kind.

1st. From the narrowness of the entrance to the Harbour, which
compels all Boats entering or leaving it to pass close by the Pilot’s,
and in the event of a Boat being seized, upon prompt notice to the
Pilot, he, with the assistance of the Guard at his Station, may at all
times prevent its escape.

2nd. That, until a passage through the Interior becomes better
known, the Prisoners will be compelled to take the Route by the Nor-
West Beach to enable them to pick up Fish, Muscles, and other means
of subsistence, by which they are almost always certain of being
apprehended by the Soldiers, who are usually stationed upon it, when­
ever a Party absconds.

If Prisoners should happen to have taken Provisions with them, they
may then have a chance of eluding the Military, by keeping the Bush
inside them when they know their precise situation.

Should Absconders take the Route to Port Davey, they invariably
return to the Settlement, or, if they get too far or even reach Port
Davey, as far as can be ascertained, they cannot escape that fate
which want of Food and every other convenience prepare for them.
The Skeletons of many Runaways have been found about that Coast,
whenever adverse Winds have compelled the Colonial Vessels to seek
shelter in the Harbour. Besides that, their debilitated and emaciated
state render them an easy conquest to the Aborigines, who along that
shore are extremely hostile, which they omit no opportunity of shewing,
whenever they meet the Pilot or any of his People at all distant from
their Station.

The bulk of the labour at this Settlement, being of a Weighty
description, calls forth at times the utmost exertion on the part of
the respective Gangs, and accustoms those, heretofore little experienced
in hard work, to its practical effect. Indeed there are many Prisoners,
who on their first arrival declare themselves unacquainted with every
species of Labour or means of obtaining a subsistence, and to which
their method, manner and appearance give the strongest confirmation:
Those being further questioned have no hesitation in saying that bred
up in the Metropolis, or perhaps in the larger Cities and Towns of
Great Britain, their most honest occupation was that of Message and
package Carriers, or some such employment, but their more frequent
and general mode of subsisting was by petty thefts and a variety of
other frauds. There are also many other Classes, such as Weavers,
Tailors, Cotton Spinners, and other indoor and sedentary Trades, who
are unfit for and disinclined to Out-door labour, and I should conceive
a very troublesome and useless set for Settlers to have to depend upon
in a young Colony like this.

All such Persons at Macquarie Harbour answer very well to roll
Logs out of the Bush as a commencement, form Rafts of Pine under
proper direction, and tow them to the Settlement as they get accus­
tomed to the Boats. Also after a while, they become acquainted with
Advantages and disadvantages of Macquarie harbour as penal settlement.

1827.

1 July.

the use of the Axe and the Cross-cut Saw in falling Pine and other species of Timber required for various purposes both here and at Hobart Town, etc. On the arrival of these heavy Logs at the Settlement, together with the Pine Rafts, their being rolled up and stowed away form a very weighty and useful portion of an occupation for a numerous Gang of strong sturdy Characters, whom Schemes to abscond and other Causes induce me to keep invariably upon this Island, where they are more under restraint, and their designs more effectually frustrated than they could be elsewhere.

Sudden Changes of the Weather, a wide and extensive Bay, constantly traversed in large Lauches, the towing of Rafts, and various impediments arising from locality and circumstances incidental to the Station, render these occupations at times very laborious and severe, and draw forth the utmost energies of the Ganges to accomplish them. For instance, whilst a Raft is being tow'd across the Harbour, a moderate Nor-Wester may set in, and cause an agitation of the Water, such as to retard its arrival at the Settlement for a whole Day, possibly break it up, or compel the Gang to bend their course with the Wind and Sea to seek for a lee in a distant Bay or under some point of Land, where it can be deposited in comparative Security.

This species of Labour, which most generally the Prisoners find it impossible to swerve from, has the very best effect in promoting good Conduct, and exciting an emulation to be appointed to other less laborious, tho' possibly more useful occupations, and induce them to exert themselves to acquire a knowledge of them, both for present convenience and future subsistence. In proof, I have several instances of, at first, useless characters becoming very good Sawyers, useful Assistant Carpenters, Fencers, Attendants on Shipwrights, and various other employments, which cannot fail to be beneficial to the Community whenever these Prisoners are enlarged.

The latter must also be strongly impressed with the advantages of their situation (when Settlers' Servants) to that which their conduct has brought them to at a Penal Settlement; and I should hope cannot fail to teach them to study the interest and conciliate the good opinion of their Masters, whenever they may be again assigned, whose heaviest demands upon their exertion will be light when contrasted with the labour which Circumstances at times imposed upon them at this Settlement.

I also consider that the Settler would find his Ci-devant Servant a more useful and expert workman, either for clearing his Land, breaking it up, fencing, etc., than when he was first assigned to him, and that the effects of a course of discipline, the objects of which are two fold, vizt. that of correcting former bad and evil propensities, and rendering by toil and labour the Individual of more practical and experienced utility, cannot fail to be observable, whenever his Sentence expires, or his good Conduct may entitle him to a removal from the Station.

The arrangements made by Government for building Vessels, Boats, etc., at this Settlement have been of the most essential service in many respects, and have been in practice for nearly two Years, as they have created great additional Labour, which enables me to classify the Prisoners more effectually and find adequate employment upon this Island for the worst Characters, and thereby prevent their absconding, and taking many others with them, which would oblige me to withdraw the Ganges necessarily stationed on the Main. Next, as it affords a
HAY TO ARTHUR.

profitable means of employing such Mechanics as are amongst the Prisoners, as well as a School of Instruction for many young and smart Hands, who have no trade or knowledge of any occupation by which they could obtain a subsistence. There have been several Prisoners of this description employed in this way since the building commenced, and, should it continue for about two Years longer, there is every prospect from their application that they as well as others will be very useful, which, independent of the reformation effected in their habits, cannot, I should consider, be otherwise than beneficial to a Community where such high Wages are demanded by Mechanics of this branch.

The disadvantages, which appear to attach to this Station as a Penal Settlement, are its want of permanence, from the approaches which Settlers and others are daily making towards it, which must obviously decrease its security. Secondly, its total ineligibility and unfitness as a future establishment for free Persons, the Soil being quite unfavorable for the purposes of Agriculture, and there being no pasture for Sheep or Cattle around the Station.

These disadvantages necessarily prevent the construction of permanent Buildings, or making such improvements as would otherwise be useful and necessary and therefore of employing the different Tradesmen requisite for these purposes, by which the means would also be afforded of instructing others in their respective employments. As I consider that a Penal Settlement where the temptations to excess are not numerous, aided by the inducements held out to good Conduct, the younger Classes of the Prisoners may in the course of a few Years acquire a knowledge of the respective Trades, for which they seem adapted, with much greater facility than if employed in the same manner elsewhere.

J. BUTLER, Captain 40th Regt. and Commandant.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

(Despatch acknowledged by lieut.-governor Arthur, 24th December, 1827.)

Sir,

Downing Street, 5 July, '27.

Several applications having been addressed of late to the Secretary of State by Individuals, entrusted with dispatches, for the reimbursement of their expenses in landing and conveying the same to London; I am directed by Lord Viscount Goderich to desire that you will make arrangements for preventing in future all claims of this description, either by sending home your dispatches according to the usual Post-Office Regulations, or by giving written Instructions to the Masters of Vessels or other Persons, whom you may think proper to entrust with them, not to convey them to London under their own charge, but to deliver them over in all ordinary cases to the Post Master of the first Port at which the Vessels may touch on reaching this Country.

I have, &c.,

R. W. HAY.
HISTORICAL RECORDS OF AUSTRALIA.

1827.
5 Julv.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 43.)

Government House,

My Lord,

Van Diemen's Land, 5 July, 1827.

I have the honor to acknowledge the receipt of your Lordship's Dispatch No. 55,* with the deeds duly executed of a small piece of Land purchased of Mr. Edward Lord for public purposes. The Copies of the correspondence also sent by your Lordship as to the form of conveyance, I have transmitted to the Crown Solicitor for his information and future guidance.

I have, &c.,

GEO. ARTHUR.

6 Julv.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 3.)

Sir,

Downing Street, 6th July, 1827.

I have had the honor to receive and lay before the King your dispatch dated the 3rd December last with reference to certain observations, contained in a letter received from the late Attorney-General, Mr. Gellibrand, in consequence of which my Predecessor deemed it necessary to call upon you for information; and I have much satisfaction in now acquainting you that His Majesty is perfectly satisfied with the Statement which you have furnished in answer to that made by Mr. Gellibrand.

I have, &c.,

GODERICH.

7 Julv.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 4.)

Sir,

Downing Street, 7 July, '27.

I have had the honor to receive your dispatch No. 63 of the 20 December last, reporting the new system which you have introduced with a view to ensure a more economical appropriation of the Clothing supplied for the use of the Convicts, as likewise the Regulations which you have established respecting the scale of Rations which Crown Servants in the employment of the Settlers are in future to receive from their Masters; and I have much pleasure in approving of the measures which you have adopted in these respects, which appear to be highly judicious.

I have, &c.,

GODERICH.

* Note 34.
Lieut.-Governor Arthur to Earl Bathurst.
(Despatch No. 44.)
Government House,
My Lord,

Van Diemen's Land, 10 July, 1827.

With reference to my Dispatch No. 33,* reporting the decease of the Revd. John Youl the late Resident Chaplain at Launceston, and the recommendation of Archdeacon Scott to submit to Your Lordship the necessity of supplying the vacancy with the least possible delay from Home, I have the honor to transmit Copy of a subsequent letter with its enclosure addressed to me by the Archdeacon, by which Your Lordship will perceive he recommends the Appointment of the Reverend James Norman, a Minister in Sydney connected with the Church Missionary Society, to the Spiritual duties at Launceston.

As the appointment of this Gentleman for Launceston will lead to some embarrassment, should Your Lordship have nominated a Minister from Home to supply the place of Mr. Youl in accordance with the recommendation contained in my Dispatch No. 33, I would beg to suggest that Mr. Norman, who appears a very pious, zealous Minister, should, in that case, be appointed to one of the Districts in the Interior where his Services may be most beneficially employed.

I have, &c,
GEO. ARTHUR.

[Enclosure.]

Archdeacon Scott to Lieut.-Governor Arthur.
Sir,

Sydney, 24th May, 1827.

In obedience to the King's Commands, I have the honor to signify to Your Excellency in writing that the Revd. James Norman be appointed to the spiritual duties at Launceston until the pleasure of His Majesty be known.

I further beg leave to recommend that, as the Duties of that District are very wide and laborious, Mr. Norman should be provided with a Horse and the usual allowance for Forage, together with the annual Stipend ordered by His Majesty and the use of the Parsonage House.

I do myself the honor of enclosing the Form of Publication according to the Ecclesiastical usage. I have, &c,

T. H. SCOTT.

[Sub-enclosure.]

Appointment of Revd. James Norman.
Colonial Secretary's Office, 1827.

His Excellency the Lieut. Governor upon the recommendation of the Archdeacon has been pleased to nominate the Revd.

* Note 34.
108 HISTORICAL RECORDS OF AUSTRALIA.

1827. 10 July.

James Norman Clerk to the Chaplaincy at Launceston, void by the death of the Revd. John Youl, Clerk, until the pleasure of His Majesty be known.

By Command of His Excellency.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen’s Land, 10th July, 1827.

Dear Sir,

I have had the honor to receive this day your letter of the 20th of December last informing me of the mistake, which had arisen in the transmission of your letter to Mr. Hood. The original, which was accidentally forwarded to me, has been sent to Mr. Hood, and, agreeably to your request, I beg to enclose a correct transcript to be recorded in your Office.

I have, &c.,

GEO. ARTHUR.

[Enclosure.]

[A copy of this letter will be found on page 388, volume V in this series.]

12 July.

Approval of appointment of G. T. Boyes as auditor.

Viscount Goderich to Lieut.-Governor Arthur.

(Despatch No. 5, acknowledged by lieut.-governor Arthur, 22nd December, 1827.)

Sir, Downing Street, 12 July, ’27.

I have the honor to acknowledge the receipt of your dispatch of the 2 Jany. last No. 1 reporting the appointment of Deputy Commissary General Boyes to the situation of Auditor of the Civil Accounts of the Colony under your Government. The Salary which has been given to Mr. Lithgow, who fills the corresponding Office at New South Wales, does not exceed £100 pr. annum; and therefore, in approving of the appointment in question, I have not considered myself at liberty to authorize a higher remuneration to be granted to Mr. Boyes for executing this duty than an allowance at the rate of 5s. pr. diem.

I have, &c.,

GODERICH.

Viscount Goderich to Lieut.-Governor Arthur.

(Despatch No. 6.)

Sir, Downing Street, 13 July, ’27.

I have received your dispatch of the 7 December last No. 59, transmitting a petition addressed to His Majesty by Joseph Firth and eleven other Prisoners at Van Diemen’s Land, who were convicted at York of High Treason in September, 1820,
and transported to that Colony for life. The case of these prisoners was, it appears, brought under the consideration of the Secretary of State for the Home Department, when a former petition was presented in their favor by the late Governor of Van Diemen's Land; but Mr. Secretary Peel did not then hold out any hope that their prayer could be complied with. Your recommendation, in behalf of the Prisoners, has also been transmitted to the same Department. Mr. Secretary Sturges Bourne, however, sees no reason for departing from the opinion entertained by Mr. Peel, whose sentiments were communicated in a letter from Mr. Hobhouse, dated the 5 July, 1826, and of which I now forward to you a copy, for your information.

I have, &c.,

GODERICH.

[Enclosure.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY HAY.

Sir, Whitehall, 5th July, 1827.

Having laid before Mr. Secretary Peel your Letter to me of the 6th Ulto. with reference to Mr. Horton's of the 15th March, 1824, transmitting for Mr. Peel's consideration a Memorial, presented by Colonel Sorell from certain Convicts at Van Diemen's Land, praying a commutation of their Sentence of Transportation, I am directed to acquaint you for the information of Lord Bathurst that the Ground, upon which the Petition rests, is not founded in fact; and Mr. Peel can not help observing that it is somewhat extraordinary for the Governor of a Colony to press upon the Consideration of the Government at home the claims of persons, who were Transported for High Treason.

I am, &c.,

H. HOBHOUSE.
1827.
13 July.

Approval of disposal of half pay by W. de Gillem.

17 July.

Despatch acknowledged.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 7.)

Sir,

Downing Street, 17 July, 1827.

I have received your dispatch of the 15th of November last, inclosing the Minutes of the Executive Council for the half year ending the 30th of June, 1826.

Observing from one part of those Minutes that the late Attorney General, who was appointed by Warrant under the Royal Sign Manual, received a Patent under the publick Seal of the Colony, I request to be informed of the grounds upon which it was thought necessary to issue any such Instrument.

The Instructions, communicated to you by the late Secretary of State in his Dispatch of the 23d June, 1826, by which you were directed to transfer Mr. Abbott from the situation to which he had been at first appointed, that of Commissr. of the Court of Requests, will of course supersede the temporary arrangements, which became necessary for holding that Court on the removal of Mr. Hone, the Acting Commissr., to the vacant Office of Attorney General.

With reference to the differences of opinion which appear to have existed between the Members of the Council and yourself on the propriety of placing Military Officers in the Commission of the Peace, and of putting Detachments of Troops, assisted by Parties of the Police, under their Command, I beg to acquaint you that the reasons contained in your minute for adhering to your opinion, in opposition to that of the Majority of the Council upon this subject, are perfectly satisfactory. The objections, entertained by the Chief Justice to investing Military Officers with the character of Civil Magistrates, seem to be applicable to a state of Society very different from that which unhappily exists in Van Diemen's Land: for an evil, so erroneous as that which appears to prevail throughout the Island, will of course require the temporary sacrifice of many principles of Law, which, under other circumstances, can hardly be too scrupulously maintained.

H. TAYLOR.
GODERICH TO ARTHUR.

With respect to the question which was proposed to the Attorney and Solicitor Generals, I should feel disposed entirely to subscribe to their opinion that the measure could not have been lawfully or safely established by a mere Garrison Order; but that an Act of the Legislative Council was necessary; and however inconsistent such an enactment may be with the general principles of English Law, the exigency of the case, as explained by you, appears to afford a complete justification of it.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.
(Despatch No. 8.)

Sir,
Downing Street, 18th July, 1827.

I have received your dispatch of the 20th of January last, conditional submitting to the consideration of His Majesty's Government for the case of Mrs. Martha Luttrell (a Widow of a late Colonial Surgeon) to whom you have granted a Pension of £50 a year.

Under the distressing circumstances of the party, and the length of time during which her husband appears to have been employed under the Colonial Government, I am induced to sanction the allowance which you have made to her; but you will take care that Mrs. Luttrell’s case forms no precedent with reference to any application which may be hereafter made of a similar kind, and that the allowance, which I have now consented to your assigning to Mrs. Luttrell, should cease in the event of her Situation ever becoming so far improved as to enable her to do without this assistance from His Majesty's Governt.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.
(Despatch No. 9.)

Sir,
Downing Street, 19th July, 1827.

A question having arisen how far Officers on Foreign Half Pay, not being British Born Subjects, could avail themselves of the General Order* of His Majesty of the 8th of June, 1826, I have deemed it necessary to obtain a competent legal opinion with reference to this point, and it appearing that such persons cannot hold Lands in Van Diemen’s Land, because they are in point of Law Aliens, notwithstanding their enlistment into the British Army during the last War and their having held Commissions in His Majesty's Forces; I have to desire that you will bring under the consideration of the Legislative Council the propriety of enacting a General Law, whereby the Governor may be enabled to grant Letters of Denization to such officers.

I have, &c.,
GODERICH.

* Note 35.
Foreigners, who may arrive in the Colony with a recommendation to that effect from the Secretary of State.

If the Governor be armed with this power, and it be understood that in the cases referred to the letters will be granted, Foreign Officers, or Men going from home with recommendations from the Secretary of State, will go with the certainty of obtaining Grants of Land, whereas, if the obtaining of the Grant were to be made contingent upon an Act of the Legislative Council to be done after the Individual shall have arrived in the Colony, he might ultimately not obtain the necessary documents, and consequently find his expectations disappointed. It is clear that, under such circumstances, very few Foreigners would be induced to go out for the purpose of settling in that Colony; and I, therefore, think it more advisable that the Governor should be invested with the general power of granting these Letters of Denization, than that the Legislative Council should be called upon in every successive case to confer that privilege.

I have, &c,
GODERICH.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.
Sir,
Downing Street, 19 July, '27.

I referred your letter of the 8th of November last, on the subject of Corporal Thomas Horner's wish to have his Wife's two Children sent out to him at Van Diemen's Land, to Colonel Williamson in order to ascertain what agreement had been entered into with Corporal Horner on that subject. By the inclosed Copy of a letter from Colonel Williamson, you will perceive that no stipulation of the nature of that alluded to was made with him, previously to his leaving this Country.

I have, &c,
R. W. HAY.

COLONEL WILLIAMSON TO UNDER SECRETARY HAY.
Sir,
Royal Military Asylum, 2 July, 1827.

I have the honor to acknowledge the receipt of your Letter of the 30th Ultimo with its enclosure and to acquaint you that no engagement was made by me with Corporal Thomas Horner of the New South Wales Veteran Company to send his Wife's two Children to Van Dieman's Land, the Boy Thomas Cutts volunteered his Services to the 4th (or King's own) Regiment on the 2nd February last; the Girl Mary Cutts will be 14 years old on the 5th of May, 1827, and is now at the Royal Military Asylum at Southampton; when she attains the above age, I have no doubt the Commissioners of managing the Affairs of this Institution would make an Application for a free
GODERICH TO ARTHUR.

passage for her to Van Dieman's Land provided her Parents would appoint some respectable person to take charge of her during the Voyage. I have, &c.,

J. WILLIAMSON, Com't and L. Col.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 10, acknowledged by lieut.-governor Arthur, 31st December, 1827.)

Sir,

Downing Street, 31st July, 1827.

I have recently had under my consideration the statements of Revenue and Expenditure of the Government of Van Diemen's Land, transmitted to me in your Dispatch N. 30 of the 21st June, 1826, and as it is necessary that I should explain to you the sentiments of His Majesty's Government upon this subject, I will, with a view to the more convenient examination of its details, in the first place enumerate the description of the charges, which it appears the Colony has to defray, and, in the next place, the means which it possesses of meeting them.

With respect to the first point, it seems impossible from the Difficulty in system which has hitherto prevailed to separate the various heads of Expenditure in such a manner as to estimate with accuracy the actual amount of each charge as it has hitherto stood; I can, therefore, only state in general terms that its Expenditure seems to be comprised in the annual charge on account of its Civil Establishment, including Miscellaneous Civil Services and the Ordinary and contingent Military Disbursements. The expense occasioned by the Convict Establishment, their superintendence and maintenance, I am sorry to observe cannot be estimated, as you have not accompanied the Returns by any information which would enable me to form an idea of the Sum which may be annually required to meet this Disbursement.

<table>
<thead>
<tr>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21,196</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>19,811</td>
<td>10</td>
<td>10½</td>
</tr>
<tr>
<td>1,774</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>£42,781</td>
<td>13</td>
</tr>
</tbody>
</table>

With respect to the Revenue, it appears to have consisted of the Sums collected in the Colony on account of duties, etc., and, if estimated at what it produced in 1825, may be taken at £32,852 2s. 1d.

There are other sums for which credit should have been taken, such as a proportion of the Monies voted by Parliament to

1827, 19 July.
answer Bills drawn by the Commissariat Department for the support of the Convicts, but which cannot be inserted here from the amount not appearing in the Returns which you have transmitted. As, however, the Expenditure on this head, at least as far as I can make out, has not been included in the statement of the disbursements, so the receipts on the same account could not with propriety be set down, had I been able to do so.

I shall now proceed to state the arrangement which His Majesty's Government propose to adopt for the Establishment of a more regular system of accounting for the Expenditure of the Colony under your Government, and which will be found to be precisely the same, in principle, as that which was communicated to you by the late Secretary of State in his Dispatch of the 28th of April, 1826.

As many charges had hitherto been defrayed out of the Colonial Revenue which would with more propriety fall upon the Government at home, and, on the other hand, as many charges which were exclusively Colonial and which therefore ought to have been paid out of the Revenues of the Colony, had been either provided for by an especial Grant from Parliament, or had been defrayed from the amount voted from another service, viz. for the support and maintenance of the Convict Establishment, you are aware that it was determined, in the beginning of the year 1826, to do away entirely with the Estimate annually submitted to Parliament for the expense of a part of the Civil Establishment, to throw upon the Colonial funds the Salaries of such Offices as were thus defrayed, and to relieve those funds from several expenses, which, as being more or less connected with the Convicts, devolved with greater propriety upon the home Government.

Although His Majesty's Government have not yet received the particulars which you were desired to send home upon this subject, yet sufficient information is to be collected from the statements of Revenue and Expenditure which you have now transmitted, as to enable me at once to point out, without the necessity of my waiting for those further details, those charges which should be paid out of the Revenues of the Colony, and those which ought to be otherwise provided for; and, in making this separation, I am restricted in some degree by the amount of Revenue, which appears to be available for the maintenance of those Establishments, which as a British Settlement, not in relation to its situation as a place of Banishment for persons convicted of Offences in the Mother Country, it will be compelled to keep up and to support.
GODERICH TO ARTHUR.

The net produce of the Revenue collected in the Colony may be estimated, as I have before observed, at £32,852 8s. 1d., out of which I propose should be defrayed for the future the following charges, vizt.:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lieut’ Governor</td>
<td>2,500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Colonial Secretary</td>
<td>1,304</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Post Office</td>
<td>455</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Engineer Depart’t including Contingencies</td>
<td>9,789</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Judicial Depart’t</td>
<td>7,567</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Surveyors do. do.</td>
<td>1,014</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Commiss. Dept. do. do.</td>
<td>4,245</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Treasurer, including Contingencies</td>
<td>1,391</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schools and Clerical Establishments</td>
<td>3,009</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pensions</td>
<td>323</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>4,115</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Total Currency £35,912 0 0
Sterling £31,123 12 8

From the above list, you will observe that every charge, with the exception of the Police and Jail Establishments, which can in any way be considered as belonging to the Civil Institutions of the Colony has been included, and the two excepted items appear so intimately connected with the Convict branch of the Service, that I do not think it advisable to divide any part of the expense incurred on those heads for the purpose of throwing a proportion of it upon the Colonial Revenues; more especially as they will be called upon to defray the whole expense of the Judicial Establishment.

It now only remains for me to point out to you those particular charges which, under the new arrangement, it is proposed that the Lords Commissrs. of the Treasury should provide for, in addition to the sum annually required to answer the Bills drawn upon them from the Colony for the maintenance of the Convicts. These are as follows, vizt.:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Medical Establishment</td>
<td>1,958</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>The Marine and Naval</td>
<td>4,706</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>The Police Establishment</td>
<td>5,320</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Penal Settlements</td>
<td>1,570</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Total £13,554 0 0
Sterling £11,746 0 0

As the aggregate sum to be defrayed, as before stated, out of the funds collected in the Colony will come within the amount at which those funds are estimated, and as I am aware that the inefficient state, in which you found many of the Departments of your Government on your arrival at Van Diemen’s Land, has given rise to so many alterations necessarily leading to an increase of Expenditure, I shall not urge upon your attention, at
1827.
31 July.
Necessity for economy.

Probable further charges on colonial funds.

the present moment, any immediate retrenchments, confident that you will not be less anxiously impressed than I am with the necessity of observing the strictest economy in the application of the means which are placed at your disposal, and that you will readily enter into the views and wishes of His Majesty's Government by keeping down the Expenditure, so that it shall at least not exceed although it may not fall materially within the Revenue of the Colony.

I have, &c.,
Goderich.

P.S.—You will observe that the foregoing Statement of charge to be thrown upon the Colonial funds is founded upon the existing estimated amount of that Revenue; but, as the growing prosperity of the Colony may augment its receipts, you must be prepared to expect that some portion at least of the Convict Expenses (particularly those of a mixed nature, such as the Police) will eventually become chargeable upon the local Treasury.

Viscount Goderich to Lieut.-Governor Arthur.
(Despatch No. 11.)

Sir,
Downing Street, 1 August, 1827.

Having received a Communication from Mr. Burnett, the Colonial Secretary of Van Diemen's Land, representing the inadequacy of his Salary to the duties which he is called upon to perform, I do myself the honour to acquaint you that I have been induced, under the circumstances of his case, to sanction the augmentation of his Salary from £1,000 to £1,200 a year. This arrangement will take effect from the date at which you may receive this Dispatch; but, as this increase of Salary is given to Mr. Burnett under the impression that he derives no other advantages than the mere Salary which has been assigned to his Office, any fees, which he may have hitherto received, must of course be carried to the account of Government.

I have, &c.,
Goderich.

Viscount Goderich to Lieut.-Governor Arthur.
(Despatch No. 12.)

Sir,
Downing Street, 2d August, '27.

It having been deemed expedient, in addition to the encouragement held out to Officers of the Army (who might be disposed to sell their Commissions) to emigrate to New South Wales and Van Diemen's Land, to offer similar inducements to
Officers of all Ranks on Half Pay, who may wish to become Settlers in those Colonies; I do myself the honor of transmitting to you the inclosed Copy of a General Order, which has been issued from the Horse Guards, dated the 16th of May last; and as the same principle, which was adopted in the case of the Officers alluded to in the General Order of the 8th of June, 1826, will extend to those Officers who may emigrate retaining their half pay, I have only to refer you, on the subject, to the dispatch addressed to you by my Predecessor, dated the 1st Octr., 1826, and to desire that you will take especial care that those persons, who may arrive in the Colony upon the faith of the present arrangement, may receive the benefit to which they may respectively be entitled.

I have, &c.,

GODERICH.

[Enclosure.]

MEMORANDUM shewing the Advantages held out by His Majesty's Government to Officers on half pay Settling in New South Wales and Van Diemen's Land.

Officers of all ranks on Half pay are allowed to emigrate, and are not required to sell their Half pay, or make any Deposit as Security, the intention being, that they shall retain their Half pay, and obtain Grants of Land without Purchase, subject, however, to the conditions hereinafter specified; vizt.:

The remission of Quit Rent shall take place for a certain number of years beyond the average period which is prescribed in the case of ordinary Settlers, according to the following scale:—

Officers who have served Twenty years and upwards, to be exempted from all Quit Rent.

Officers who have served Fifteen years and upwards, but short of Twenty years, to be exempted from Quit Rent for the first Twenty years.

Officers who have served Ten years and upwards, but short of Fifteen years, to be exempted from Quit Rent for the first Fifteen years.

Officers who have served Seven years and upwards, but short of Ten Years, to be exempted from Quit Rent for the first Ten years.

No Officer to be eligible under Seven years Service, nor any who cannot produce satisfactory testimonials of good conduct and unquestionable character.

In other respects the Conditions on which the Grants are made, to be similar to those which are now in operation in New South Wales.
The Officer, to whom Land is granted, shall enter into a Bond, that he, or his family, shall reside for at least Seven years in the Settlement, and the Grant shall not be allowed to be sold by him, until he shall be reported to have expended upon it a Capital equal to half its value, as that value was estimated when the Grant was made.

For instance, supposing the Grant to be 200 acres, at the estimated value of 5s. per acre, the individual will not be allowed to sell it until he shall be reported to have expended £25 upon it. In the event, however, of his death taking place before the expenditure of Capital already alluded to, the Grant will be continued to his heirs, but subject to the fulfilment of the Conditions under which he himself held the Grant.

The quantity of Land to be received by Officers will be in the same proportion to their Capital, as in the case of ordinary Settlers; but until an accurate valuation has been made of the Lands throughout the Colony, and an average price shall be fixed for each Parish, it is not possible for the Colonial Department to fix the quantity of Land which any Individual may be able to obtain in proportion to his Capital.

The quantity of Land to be granted must depend entirely upon the value which that Land, either from local circumstances, or from its peculiar character, may possess; and this, as must be evident, can only be determined in the Colony.

The Officer, who may avail himself of this offer, will be required to provide for his own passage, and that of his family, to the Colony.

The ordinary Rates of Passage are the following, so far as can be collected from the best sources of information which have been applied to:

To New South Wales.

<table>
<thead>
<tr>
<th>Class</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabin</td>
<td>£94</td>
</tr>
<tr>
<td>Steerage</td>
<td>40</td>
</tr>
</tbody>
</table>

To Van Diemen’s Land.

<table>
<thead>
<tr>
<th>Class</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabin</td>
<td>£84</td>
</tr>
<tr>
<td>Steerage</td>
<td>35</td>
</tr>
</tbody>
</table>

Everything supplied to the Passengers except Bedding. £10 is deducted from Cabin, and £5 from Steerage Passage, in case of a Man and his Wife occupying one Berth.

Children of 14 years pay the same as Adults.

From 9 to 13 ...................... 2-3rds.
  5 to 8 ......................... ½
  2 to 4 ......................... ¼th.

Heavy Goods £4 per Ton. £ In the Hold.
Measurement Goods £5 do. £
GODERICH TO ARTHUR.

Viscount Goderich to Lieut.-Governor Arthur.
(Despatch No. 13.)

Sir,
Downing Street, 2d August, '27.

General Darling has referred" for the consideration of His Majesty's Government the claim advanced by Lieutenant Travers, one of the Officers of the Royal Veteran Companies, to an additional allowance of 4s. pr. day under the Army regulations, in consequence of his having charge of a party of Convicts employed in making and repairing Roads in Van Diemen's Land; and, as I think it advisable that you should be informed, as early as possible, of the opinion entertained by His Majesty's Government on the claim in question, I lose no time in acquainting you that, as those Companies were formed for the purpose of being employed as "Superintendents and Overseers" of Convicts, and as the duty performed, vizt. that of having the Superintendence of a Road Party, was exactly a part of the Employment for the due performance of which Lieutt. Travers received his present Commission (supposing the Party to be Convicts), His Majesty's Government are of opinion that the additional Allowance in question ought not to be granted to him nor to any other Officer belonging to the Veteran Companies, who may be employed on any similar service. As however the requiring repayment from Lieutenant Travers of such part of that allowance, which he may have already received, may occasion great inconvenience to him, I have no objection to his retaining the same; but you will take care to direct that this allowance be discontinued from the date at which you may receive this Dispatch. I have, &c.,

Goderich.

Viscount Goderich to Lieut.-Governor Arthur.
(Despatch No. 14.)

Sir,
Downing Street, 3d August, '27.

I have received your dispatch of the 27th of January last, in reply to one which was addressed to you by my Predecessor relative to the case of Henry Savary.

Although you have accounted in a satisfactory manner for this Convict having been employed in the Colonial Secretary's Office, yet your explanation does not appear to advert to the circumstance of his being employed to conduct the Government Gazette, which was alleged to be the fact by the Editor of the Colonial Times Newspaper, within six weeks of the Convict's arrival in the Colony, nor to the fact of his having obtained, within four weeks of his arrival there, a Certificate (with a view to his Wife and Child being sent out at the publick expense) of his ability

* Note 36.
120 HISTORICAL RECORDS OF AUSTRALIA.

1827.
3 Aug.

Further report required re H. Savery.

to support his family, which certificate was signed by Mr. H. J. Emmett, Chief Clerk in the Secretary's Office, and was transmitted in your dispatch of the 14th January, 1826; nor is this last mentioned circumstance easily reconcilable with the statement, contained in your dispatch now received, that Savary was at that period "receiving only £18 per annum, out of which he was to find himself with Lodging, Washing, Vegetables, Wood, Candles, Water, and Apparel." I am, therefore, under the necessity of calling upon you for further explanations on the two points to which I have above adverted, in order that I may be able to satisfy the Secretary of State for the Home Department, whom the explanation contained in your late dispatch has not yet convinced, that the Prisoner Savary has not received greater indulgence than, under the circumstances of his case, should have been shewn to him, as well as to remove the impressions which now so generally prevail throughout the Country that Transportation, instead of being rendered a formidable punishment to offenders, is rather an incentive to Crime from the indulgences to which they are admitted on their reaching the place of their destination.

I have, &c,

GODERICH.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 15.)

5 Aug.  Downing Street, 5th August, '27.

With reference to the Correspondence* (of which Copies have been already transmitted to you), which has passed between this Department and the Directors of the Van Diemen's Land Company relative to the emigrant Labourers which they have agreed to send out at their own expense, upon the understanding that an abatement would be made from their Quit Rent according to the principle on which they were to receive that benefit, had it been in the power of Government to supply them with so many Convicts as they required, I herewith transmit to you the indented Copy of a further letter from the Company, together with the list,* therein referred to, of the men, women and Children, who have been engaged for their Service, and have actually sailed for Van Diemen's Land; and I am to desire that you will take such steps, in pursuance of the arrangement in question, as may be necessary for securing to the Company a proportionate deduction from their Quit-Rent, whenever the time shall arrive for their claiming such an abatement.

I have, &c,

GODERICH.

* Note 37.
MR. J. INGLIS TO UNDER SECRETARY HAY.

3rd August, 1827.

I am instructed by the Court of Directors of the Van Diemen's Land Company to acquaint you, in reference to the correspondence that has passed between us on the subject of Emigrant labourers to be sent out at the Company's expense for employment on the Company's lands, that the Directors have engaged and shipped on board the Caroline, Robert L. Hare Master for Van Diemen's Land, the men, women and children whose names are recited in the annexed list, in respect of whom they claim an abatement from the first payments to be made of Quit Rent, at rate of £16 each for 24 adult Males, and £20 each for 13 adult Females, being in the whole £644.

Orders have been sent to the Agents of the Company in Van Diemen's Land to tender to the Colonial Government Satisfactory proof of the landing of these people on the Company's Settlement at Circular Head, whenever they shall arrive, and I have to request that corresponding instructions may be transmitted to His Excellency Lieutenant Governor Arthur that such proof be received, and a Certificate be issued thereupon, so that the Company's claim may be put on record and in due time allowed.

I am further authorised to say that in pursuance of the condition which, by your letter of the 7th June, Lord Viscount Goderich has been pleased to impose upon the Company that the Emigrants sent out under the agreement shall not for five years after their landing become dependent upon the Colonial Finances, the Directors engage on behalf of the Company that none of those people shall during the said period of five years become chargeable on the Colony.

The Ship Caroline sailed from the Downs on the 24th of July last, having taken on board the passengers in question in the port of Hull.

JAMES INGLIS, Managing Director, V.D.L. Co.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen's Land.

Dear Sir,

6th August, 1827.

I have the honor to acknowledge the receipt of your letter of the 6th March enclosing the Copy of a letter which Lord Bathurst had received from Mr. Meredith, dated the 2nd November 1826, together with a Copy of your reply.

I beg to remain, &c.,

GEO. ARTHUR.
LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch marked "Separate.")

Government House, Van Diemen's Land,

My Lord,

I have the honor to acknowledge, with the deepest concern, your Lordship's Dispatch of the 6th January last, communicating the melancholy intelligence of the death of His Royal Highness the Duke of York and Albany.

Your Lordship truly observes that the death of His Royal Highness cannot but be in an especial manner deplored by the whole British Army, and I deeply feel, in common with every officer in the Service, the loss of a Commander in Chief, whose undeviating attention to their welfare, and zeal for their Military honor and renown had obtained their unbounded love and confidence.

I have, &c,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen's Land,

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 21st February, 1827, marked Private, enclosing Copy of letter from Mr. Greenwood in favour of Mr. O'Farrell, and shall be happy to give effect to Lord Bathurst's wishes regarding a Grant of Land to that Gentleman in the manner, and to the extent, which you have pointed out.

I have, &c,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 45.)

Government House, Van Diemen's Land,

My Lord,

I have the honor to acknowledge the receipt of your Lordship's Dispatch, marked Separate, of the 25th March, 1827, accompanied by Copies of two communications from the Gentlemen, who have engaged with Mr. Thomas in an undertaking for the improvement of the breed of horses and other cattle in New South Wales and Van Diemen's Land, together with a Copy of your Lordship's Dispatch to General Darling when the subject was first brought under your notice, the instructions contained in which Dispatch it is your Lordship's desire that I should follow with the view of enabling the parties to prosecute their undertaking in Van Diemen's Land.
Previously to my receiving your Lordship’s Dispatch, an order had been given in favor of the gentlemen connected with this undertaking for a grant of 5,000 acres of land, and a reserve of 5,000 acres, according to the terms of your Lordship’s instruction communicated to me by General Darling, and, as it appears from a report of progress, which I called for from Mr. Thomas, that the Company are proceeding in their improvements with a very enterprising spirit, I have given instructions to the Surveyor General for a grant to them of 5,000 acres of land in addition to the 5,000 acres previously ordered, and for a reserve of 10,000 acres in one continuous tract and adjoining the 10,000 acres now granted.

The 20,000 acres of land being directed to be given to the Company by successive grants, a question arises with regard to the time at which the quit rent shall become payable on the additional grants, the quit-rent on all additional grants, according to the King’s instructions, being payable immediately, whilst upon original grants it commences at the end of 7 years. As this consequence, to which according to the letter of the Instructions the successive grants to these gentlemen would be liable, could scarcely have been contemplated in your Lordship’s arrangement with them, and will subject them to harder terms than other Settlers, I submit the point for your Lordship’s consideration; recommending that, as the successive grants of 5,000 acres are only intended to make up the original aggregate promised grant of 20,000, the Quit rent should not be chargeable upon any portion until it shall have been in possession of the Company seven years.

I have, &c.,

GEO. ARTHUR.

[Enclosure No. 1.]

COLONIAL SECRETARY BURNETT TO MR. B. B. THOMAS.

Sir,

Colonial Secretary’s Office, 10th August, 1827.

I am directed by the Lieutenant Governor to acquaint you that, in consequence of Instructions received from Earl Bathurst, His Excellency requests you will furnish me with a return of the Cattle, Horses and Sheep in this Colony belonging to the Company which you represent, and of the extent of the Improvements which you have actually made upon the Land already granted.

This Return is required with the view of considering the claim of the Company to an augmentation of Land.

I have, &c.,

J. BURNETT.
MR. B. B. THOMAS TO COLONIAL SECRETARY BURNETT.

Sir,
Cressy, 13th August, 1827.

I have the honor to acknowledge the receipt of your letter of the 10th Instant, and beg to state, for the information of the Lieutenant Governor, a Summary of the Grounds on which my Partners and Self submit to the consideration of His Excellency our claims to 20,000 Acres of Land in this Colony.

"Imprimus," We have fulfilled to the letter our first proposition* to Lord Bathurst, by embarking Three distinct Breeds of Stock, vizt.

1st. Thorough bred Flanders and Cleveland Stallions and Mares.

2nd. Improved short horned and Hereford Bulls and Cows:—

3rd. Leicester, South Down, and Merino Sheep.

Twenty Seven farming People; Farming Implements to a large extent; Seeds of various sorts; the whole amounting to an expense of upwards of £14,000 immediate outlay of Capital.

On our arrival, we embarked a considerable property on board a Vessel called the "Sally," for the purpose of taking our Grant, by the recommendation of Government, at Cape Portland. The lamentable loss of which Vessel, with Thirteen Souls having perished, and all our property lost, must be too fresh in the recollection of His Excellency, and too painful to dwell upon.

Bearing up against these heart breaking misfortunes, as well as the loss of a considerable part of our Stock during a dreadful passage out, we purchased a Farm containing River frontage, thereby rendering eligible a large tract of Country, otherwise unprofitable from want of Water, and have since last September cleared, ploughed, and reaped Sixty Acres of Wheat, Eight Acres of Oats; ploughed already this Spring One Hundred and Twenty Acres, and cleared it.

Erected a House weather-boarded with sawed Timber, Brick nogged and plastered; with Skilling the whole length, containing eight rooms, and Carpenter’s Shop, Veranda, etc.

We have also built, with good brick Chimnies, three good houses for Servants, containing two Rooms each; and a four Horse Stable.

We have fenced in, with a most substantial four railed Fence, 1,300 Acres of Land; and within it, Three Paddocks of 100 Acres each, making upwards of Eight Miles of Fencing; and have, ready to draw, split stuff to fence as much more, when the weather permits us to draw it a distance of 6 Miles.

* Note 38.
We have now upwards of 4,000 Sheep and Lambs, improved by crosses of our English Rams, in three Flocks, for the preservation of each Breed pure.

Eleven of our English Cows are now ready to calve; and Forty Colonial Cows purchased are in Calf by our English Bull; also Sixty working Oxen have been purchased and One Hundred Pigs.

Our three remaining thorough bred Stallions are, I believe, as high bred and fine as ever crossed the Line; and the greater number of our Mares are in Foal.

It now only remains for me to enumerate our losses during the Voyage, trusting that the Government, ever liberal in supporting and compensating enterprising Individuals, who have expended and ventured large Capital in speculations calculated to improve their Colonies, will not be less indulgent to us, who have nearly all served our Country in various parts of the World.

During our passage, we lost Four Stallions of great price and value, Nineteen Mares, Nine Bulls and Cows, one of the former from England having cost in England £80, and two of the Cows £50 each, and about fifty Sheep of the best breed.

To sum up, the Capital already expended, with the large exportation of Cart Stallions, thorough bred Mares, Sheep, Seeds, a large number of free Labourers, etc., which I have advices of by the last Ships as being on their passage out, amounts to £30,000 at least, and enables me to say that in no instance have our expenditure and improvements been equalled by the same number of Individuals, since the formation of the Colony in the first Year.

I trust that His Excellency will be graciously pleased to view it in a favorable light, and to grant us 20,000 Acres, free from restrictions.

I have, &c,

B. B. THOMAS.

[Enclosure No. 3.]

COLONIAL SECRETARY BURNETT TO MR. B. B. THOMAS.

Sir,

Colonial Secretary's Office, 5th September, 1827.

I am directed by the Lieutenant Governor to inform you that His Excellency has fully considered your letter of the 13th Ultimo, containing a Summary of the grounds on which yourself and Partners submit a claim to Twenty Thousand Acres of Land in this Colony; and, with reference to a Despatch from Earl Bathurst, dated the 25th March last, addressed to His Excellency upon the subject of granting Land to yourself and Partners; and having referred to the Communication made to you by the acting Colonial Secretary on the 4th September, 1826,
His Excellency has now given full instructions to the acting Surveyor General carefully to retain a Reserve in one continuous tract of Twenty Thousand Acres of Land.

Of this Reserve, Five Thousand Acres will now be granted, in addition to the Five Thousand Acres ordered in September last; and the remaining Ten Thousand Acres will be successively ordered, according to Earl Bathurst's instructions, as Grants to the Company, as their improvements proceed and their outlay is extended.

It is the express instruction of the Secretary of State that the Lands, thus granted, shall be subject to the usual conditions of Quit-rent, etc.; but, as a question will thereupon arise whether the charge of Quit-rent shall be immediately imposed, agreeably to the King's instructions, upon the additional Grants, a copy of your letter will be transmitted by the first opportunity, for the purpose of being submitted to Earl Bathurst's most favorable consideration, as the enterprising spirit, with which the Company is proceeding, seems to entitle them to the most liberal encouragement.

I have, &c.,

J. BURNETT.

Viscount Goderich to Lieut.-Governor Arthur.
(Despatch No. 16.)

Sir,

Downing Street, 14 August, '27.

Since I addressed to you my dispatch of the 17th July last, in which I requested that you would acquaint me with the grounds on which it was thought necessary to issue Letters Patent under the Great Seal of the Colony, appointing Mr. Gellibrand Attorney General, I find that you were specifically directed by Warrant to adopt that course; it therefore becomes unnecessary that you should reply to that part of my former dispatch, above alluded to, which relates to this point.

I have, &c.,

Goderich.

Viscount Goderich to Lieut.-Governor Arthur.
(Despatch No. 17.)

Sir,

Downing Street, 14 Augst., 1827.

I have to acknowledge the receipt of your dispatch of the 28th January last, and to approve of the measures which you have adopted with a view of carrying into effect the Instructions conveyed to you by my Predecessor in his dispatch of the 13th of March, 1826, relative to the disposal of the Money and
Property which a Convict may possess at the time of his arrival in the Colony; but I have more particularly to approve of the proposed formation of a Savings Bank upon the principle recommended* by Mr. Commissr. Bigge for the disposal of the property, which may be thus taken from the Prisoners on their Landing.

I have, &c.,

GODERICH.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.
14th August, 1827.

Mr. Hay presents his Compliments to Lt. Governor Arthur and begs to inclose for his information a Copy of an Act† passed last Session for continuing until the 31st of December, 1829, the Act passed in 1823 for the better administration of Justice in New South Wales and Van Diemen’s Land.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

SIR,
Downing Street, 14 August, '27.
The Bearer of this letter, Lieutenant H. Ramus, having obtained His Majesty's permission to quit the United Kingdom for the purpose of settling in Van Diemen's Land under the arrangement detailed in the General Order of the 16th of May, 1827, Copy of which was transmitted to you in Lord Goderich’s dispatch of the 31st Ultimo, I am directed by his Lordship to desire that you will make to Lieutt. Ramus a Grant of Land in proportion to his Capital, and that he may be admitted to the benefits, to which an Officer emigrating to the Colony under such circumstances will be entitled.

I am, &c.,
R. W. HAY.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.
(Despatch No. 18.)

SIR,
Downing Street, 15th Augt., 1827.
I have the honour to acknowledge the receipt of your dispatch N. 9 of the 1st of February last, accompanied by a Memorial from Mr. J. Grant, a Settler in Van Diemen’s Land, applying for a Grant of 1,500 Acres of Land which had been promised to his deceased Brother, but who unfortunately died before he had actually located it. I beg to acquaint you in reply that I fully approve of your having declined to accede to Mr. Grant’s application, whilst preferred by him as a claim; but, under the peculiar circumstances of the case, and the favorab
128 HISTORICAL RECORDS OF AUSTRALIA.

1827.
15 Aug.
Land grant to be confirmed to J. Grant.

representations which you have made of his means and disposition to cultivate the same, I have no objection to the Land in question being confirmed to him, provided he is disposed to acknowledge this act on the part of H.M. Government in the light of an indulgence, disclaiming all title to it as a matter of right.

I have, &c.,
GODERICH.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.
(Despatch No. 19.)

Sir, Downing Street, 16 Augt., 1827.

I have received your dispatch N. 10 of the 1st of March last on the subject of the temporary occupation allowed to the Van Diemen's Land Company of a tract of 10,000 Acres of Land near the River Ouse for the purpose of grazing some flocks of Sheep, which the Secretary of the Company has represented that it would be difficult, at this time, to remove to Circular Head where the Company's Establishment has been fixed; and I beg to acquaint you in reply that, under the circumstances stated by Mr. Curr, I approve of the decision to which you came with the advice of the Council of permitting the occupation in behalf of the Company of the Land in question. But, with reference to the regulations* recently adopted by General Darling in New South Wales, by which a rent of £1 for every hundred Acres is required to be paid annually by all Settlers, who are allowed to occupy Lands under similar circumstances (which measure has been approved by His Majesty's Governt. in a dispatch of which a Copy has been already communicated to you), I consider that the Company have no claim to be exempted from payment of the same consideration from the time they may receive possession of their permanent Grant; and you will, therefore, require a rent at that rate for the reserve of Land, which has been applied to their use, should the Company be desirous of retaining occupation of the same after their location shall have been fixed.

I have, &c.,
GODERICH.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Downing Street, 17 Augt., 1827.

I have had the honor to receive and to lay before The Secretary of State your letter of the 1st of March last, accompanied by an Application from the Colonial Secretary relative to a loss he has sustained of £106 6s. in re-letting a House, which had been provided for his accommodation before his arrival in the Colony, but which proved unsuitable for his Residence; in

* Note 41.
reply to which I beg to acquaint you that this transaction could not, under any circumstances, be looked upon otherwise than in the light of a private affair, and therefore not a case in which any compensation could be granted to him for his loss. As, however, the Colonial Secretary's Salary has been lately raised on the representations which had been received of the inadequacy of his Emoluments, he will have the means of defraying the unexpected charge for House Rent which has fallen upon him without suffering that pecuniary inconvenience which he might, but for this assistance, have experienced. I have, &c.,

R. W. Hay.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen's Land,

Dear Sir,

17 August, 1827.

I have the honor to acknowledge the receipt of your letter of the 13th January enclosing a Copy of a communication from the Secretary to the Committee of the Wesleyan Missionary Society, in reference to my recommendation that two Ministers of the Wesleyan Mission should be sent out to be stationed at the Penal Settlements of Maria Island and Macquarie Harbour.

It affords me much satisfaction to find that measures have been adopted for supplying the Settlements with Ministers of this description, whose labours—if zealous, efficient, and pious men be happily selected—cannot fail to prove eminently useful.

Orders will be given that a small, but sufficiently commodious quarters to be erected for the residence of these ministers, and I hope, and particularly request, it may be understood before they leave England that the Penal Settlements do not admit of arrangements which will allow more than the most simple accommodation in every way.

I have, &c.,

Geo. Arthur.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 20.)

18th August, '27.

Sir,

Downing Street, 18th August, '27.

I have the honor to acknowledge the receipt of your dispatch N. 11 of the 3d of March last, accompanied by the proceedings of the Council and various other papers, explaining the grounds on which you have deferred carrying into effect the Instructions which you had received for the Appointment of Mr. Scott to the Office of Surveyor General on the retirement of Mr. Evans from that Situation.
1827.
18 Aug.

Approval of inquiry re conduct of G. W. Evans and T. Scott.

Impolicy of withdrawal of pension from or of public censure on G. W. Evans.

Practise re acceptance of presents by officials.

I approve of the resolution, to which you came, of submitting to the consideration of the Council the whole of the matter connected with the complaints, which had reached you from so many quarters of the misconduct of Mr. Evans and of his Assistant Mr. Scott, previously to your appointing the latter to the Office for which he had been chosen by my Predecessor, although I cannot but regret that a more accurate investigation had not been earlier made into the circumstances of the two cases, which seemed to throw a suspicion upon the conduct of those Officers; for, if I had received at an earlier period all the information respecting Mr. Evans, with which I am now furnished, I should scarcely have thought him a fit object for a retiring Pension. After, however, the recommendation contained in your dispatch of the 16th December, 1825, I do not consider that it would be either equitable towards that Individual, or advantageous to the Interests of the Colony, now to deprive him of the benefit which he has received; nor do I think that it would be advisable to take any other publick notice of Mr. Evans' alleged misconduct, as by so doing I might materially increase the apprehensions which are at present entertained respecting the tenure of the Grants, which were surveyed by him, and add to those "altercations and jarrings," which you already anticipate as the consequences of the irregularities which have taken place in the Surveyor General's Department.

It must also be remembered, in pronouncing an opinion upon the conduct of Mr. Evans (so far as relates to his accepting of Presents in the discharge of his duty) that, at the time he received his appointment of Surveyor General, publick Officers in that, as well as in other Departments of the Colonial Government, were not restricted from receiving fees and other perquisites in addition to their fixed Salaries, which were generally upon so low a scale as to be inadequate to their maintenance; and, from the inquiry instituted by you under orders from home (when charges of this kind were first brought under the notice of His Majesty's Government against the Surveyor General), it appeared to have frequently happened that extra duties were performed by the Officers belonging to that Department, for which it was not unusual for the parties, who were benefited by their Services, to grant them some small compensation.

The same observations as those above stated apply equally to the case of Mr. Scott, with this additional circumstance in his favour, that, as a young and inexperienced person, he might not unnaturally be led into error in some degree by the example of his principal, as well as by the generally received opinion that such a proceeding was allowable.
GODERICH TO ARTHUR.

As it does not appear, moreover, from the examination into which the Council have gone, that Mr. Scott was in the habit of receiving presents from those who applied to him officially for assistance (for with the exception of one instance he does not appear to have done so), I am not disposed to do more with reference to this point than to repeat the injunctions, which were conveyed to you in Lord Bathurst's dispatch of the 18th of June, 1826, that this practice should be most strictly forbidden for the future.

At the same time, it is with much pain that I feel compelled to observe that the share, which Mr. Scott bore in the case of Mr. Knopwood's Grant, and his conduct in passing over without correction the error which was originally committed in regard to the measurement of the Land comprised within that Grant, by which Mr. Knopwood received several Acres more than it was intended that he should obtain, and above all in concealing the circumstance from the Colonial Government when they applied to him Officially for Information on the subject, not only calls for the severest animadversion, but renders him unworthy of that confidence which one at the head of the Surveyor's Department ought to enjoy.

You are therefore instructed to communicate to Mr. Scott that, for the reasons which I have above stated, I have found it necessary to abandon the original intention of appointing him head of the Surveying Department in Van Diemen's Land, and that the Instructions, in regard to his Appointment to that Office, have been annulled. In making known however this determination to Mr. Scott, you will further apprize him that, although his conduct has been such as to prevent my feeling such a degree of confidence in him as will admit of my entrusting him with the charge of the Department to which he belongs, yet that it is not my intention to remove him from the Situation of Assistant Surveyor, as it is hoped that the consequences, which have resulted to him personally, and the severe admonition, which he has received, will operate beneficially by exciting him to a more strict and conscientious discharge of his duty for the future. It will of course depend upon the Report, which may be received on some future day of Mr. Scott's conduct, whether he should be permitted hereafter to rise above the station which is now assigned to him.

In consequence of Mr. Scott not succeeding to the Office which had been destined for him, Mr. Frankland, according to the arrangement communicated to you in Lord Bathurst's dispatch of the 17th May, 1826, will of course be placed in the situation...
132

HISTORICAL RECORDS OF AUSTRALIA.

1827.
18 Aug.

Regret at delay of inquiry.

18 Aug.

Criticism of treatment of T. Scott by E. Dumaresq.

1827.
18 Aug.

Mr. Thomas Scott to Earl Bathurst.

Hobart Town, Van Diemen's Land,

My Lord,

15th December, 1826.

I beg leave to have the honor of enclosing for Your Lordship's information the substance of a communication, which I have had with the Colonial Government here, since the arrival of my appointment from Your Lordship as Surveyor General of this Island, and beg to trespass shortly on Your Lordship's time by mentioning a few of the Circumstances, which have given rise to this Communication.

In the year 1824, when Mr. Evans first thought of retiring, I was induced to send a Memorial to Your Lordship praying to be appointed. This Memorial was recommended by Colonel Sorell, the Lieut' Governor, Major Bell, C.B., the Acting Engineer, all of whom knew my services in the department. I received an answer from the Colonial Office from Mr. Hay, "that, when Mr. Evans's retirement was accepted of, my claim would be taken into consideration." This letter, on its arrival, I shewed to Colonel Arthur, who paid no attention to it, and I was told by his Secretary that it was merely a Horse Guards letter. I have still been in the department here, doing almost all the active duty; and, since the arrival of Colonel Arthur in May, 1824, he has never gone any distance into the Interior without taking me along with him; and, during these journeys (some of them...
lasting several weeks), he has often expressed to me that I ought to be at the head of the Department, and that he considered, after my long service and the knowledge I had of the interior, I had a claim to succeed Mr. Evans. He gave me a letter recommending me for an increase of pay, which I had the honor to send to the Colonial office, besides sending me private and public letters in testimony of his approbation of my conduct up to the time of the arrival of my appointment from your Lordship.

In December, 1825, the present acting Surveyor General, Mr. Dumaresq, arrived in very bad health (being then and is so now a lieutenant on full pay in the Bombay Native Infantry on leave of absence) from the effects of the hot climate of India. He, I believe, was recommended to Colonel Arthur by General Darling, the Governor of New South Wales and Van Diemen’s Land, and, without any communication to me (although I had produced Mr. Hay’s letter), Mr. Evans was allowed to retire and Mr. Dumaresq put over me in his place. Some time after Mr. Dumaresq had been appointed, Colonel Arthur sent for me and told me that my appointment would not be confirmed, owing to my being with Mr. Evans when he measured Mr. Lawrence’s Land, after I had explained to Colonel Arthur that Mr. Evans had the sole charge of measuring it and that I had nothing to do with it, as the Copy of a letter (No. 18) from Colonel Sorell to Mr. Evans will explain.

It was of no use my making any remonstrance in this Colony at such a distance from England. But still I looked forward to Your Lordship’s decision, and have continued now nearly 12 months under Mr. Dumaresq and during all that time having been on the most friendly terms with him and all the principal authorities here; and, for the very best service I performed, I received a public testimonial by order of the Governor for my conduct, being only a few weeks previous to my appointment arriving from Your Lordship; a Copy of this letter is annexed No. 14 with Nos. 16 and 17, two invitation Cards from the Lieutenant Governor to dinner, and No. 15 when I was employed to purchase Land for Colonel Arthur. I send these letters to shew Your Lordship that I have been up to this time on the very best terms with the Government of this Colony, and should have been so still, had I not been appointed by Your Lordship to the head of the Surveying Department.

I beg leave also to state to your Lordship that, since Mr. Dumaresq has been in the Department, I have never seen him attempt to make a survey or to calculate the contents of any piece of land; that he has frequently confessed to me that he was ignorant of the method of surveying, until I explained it to him.
1827.
18 Aug.

Expectations
of promotion.

Motives for
submitting
statement.

and, since that, he has often come to me to ask the length of a
Chain. I have almost always been fixed upon to perform the
scientific duties of the Department, and to afford him informa­
tion, for which he has repeatedly expressed his approbation and
gratitude.

I have enclosed the last communication I had from the
Colonial Secretary (No. 11) previous to the sailing of this vessel
for England, and hasten to acquaint Your Lordship, as I have
no doubt, unless a more positive order comes out from Downing
Street, I will be kept out of my pay and appointments, after
having so long filled the 2nd Situation in the Surveying Depart­
ment at the small pay of £150 per annum. The principal induce­
ment, I have always had to cheerfully perform many fatiguing
duties, was at length to have promotion and rise in the Depart­
ment, to which I belong and to which your Lordship has been
pleased to appoint me chief.

Feeling persuaded from the former intimacy I held, and from
the sudden change produced in the conduct of those in authority
here by the arrival of your Lordship’s order to appoint me, that
some charge may be sent home or statement made to your Lord­
ship unknown to me, I have taken this liberty of so far trespass­
ing on your Lordship’s time in order that your Lordship might
be acquainted with all the proceedings.

And I have, &c.,
THOMAS SCOTT.

[Sub-enclosures.]

[Many of the enclosures to this letter were also forwarded as
enclosures to lieut.-governor Arthur’s despatch dated 3rd March,
1827; see page 533 et seq., volume V in this series. These were:
T. Scott to E. Dumaresq, 28th November, 1826, see page 550;
T. Scott to lieut.-governor Arthur, 30th November, 1826, see
page 556; T. Scott to E. Dumaresq, 5th December, 1826, see
page 553; E. Dumaresq to T. Scott, 6th December, 1826, see
page 554; T. Scott to E. Dumaresq, 7th December, 1826, see page 555;
E. Dumaresq to T. Scott, 9th December, 1826, see page 555; and
colonel Sorell to G. W. Evans, 26th July, 1826, see page 556. In
addition, the following were enclosed:—]

[1] ACTING SURVEYOR-GENERAL DUMARESQ TO MR. T. SCOTT.

Sir,

I am directed to call upon you to explain your having, in
surveying and drawing a Plan of a 30 acre Grant to the Revd. R.
Knopwood (between the Burial Ground and Mulgrave Battery),
included so much larger a quantity of land as 11 or 12 acres,
The space considered by Mr. Knopwood to have been his amounting to 41 or 42 acres according to the Plan you made, when accurately calculated.

I have, &c.,
E. Dumaresq.

The Sketch of a plan of Mr. Knopwood's land, which Mr. Dumaresq alludes to, was a Copy taken from the original Chart of the Measurement of that land (in 1813 by Mr. Evans), when it was located and measured to Mr. Knopwood. This Chart is now in the Surveyor's office here, bearing the signature and approval of General Macquarie. The land being given to Mr. Knopwood 6 years before I left England, it is quite impossible that I could have anything to do with the measurement of it. Besides I had not power to alter old defined boundaries, which had been approved of by the Governor in Chief.

T. Scott.

Sir, Colonial Secretary's Office, 11th November, 1826.
Having laid before the Lieutenant Governor your letter of the 28th Ultimo, transmitting the report of the Gentlemen appointed to examine the Coal at South Cape and Adventure Bays, I am directed to acquaint you that His Excellency considers it a very able report and highly creditable to Mr. Assistant Surveyor Scott and the other Gentlemen attached to the expedition; but, as it appears that the sinking of a Shaft and the construction of the necessary road for conveying the Coal to Shipping would be most arduous undertakings, the Work cannot at present be commenced.

The Lieutenant Governor is of opinion that every possible effort should be made to discover Coal at New Town or New Norfolk or in situations where it can be conveniently worked.

I have, &c.,
W. H. Hamilton.

Dear Sir,
New Norfolk, 18th November.
Before you left Hobart Town, I was making some enquiry respecting Mr. Lascelles' farm which I heard was offered for sale; I have since learnt I was misinformed, and therefore would not wish you to trouble yourself any further respecting it.

The Main Street in this Township, I observe, is laid out in a manner that renders it so steep that loaded carts will neither be able to go up or down. I should be glad that you would examine
1827.
18 Aug.
Proposed re-
planning of
New Norfolk.

the whole Township with a view of improving the plan of it.
Might not 20 acres be found agreeably to the Charter for the
Church, School, and Parsonage together. It seems to me this
might be done, if the present School Allotment was carried down
to the Rivulet.

G. ARTHUR.

19 Aug.
Report accepted
re salary of
J. Hone.

Viscount Goderich to Lieut.-Governor Arthur.

19 Aug.
Downing Street, 19 Augt., 1827.

Sir,
I have had the honor to receive your dispatch N. 12 of the
5th of March last, in reply to one addressed to you by my Pre-
deressor on the subject of the Salary granted by you to Mr. Hone
whilst acting as Attorney General; and I beg to acquaint you
that the explanation, which you have afforded on this point, is
perfectly satisfactory.

GODERICH.

20 Aug.
Despatch acknowledged.

Viscount Goderich to Lieut.-Governor Arthur.

20 Aug.
Downing Street, 20th Augt., 1827.

Sir,
I have had the honor to receive your dispatch N. 15 of the
16th of March last, reporting the measures which you had taken
for establishing a more perfect surveillance over the Convict
population, and recommending with that view that Additional
Police Magistrates should be established in the interior of the
Colony, to whom you propose to assign Salaries at the rate of
£350 per annum each, including Lodging Money.

As the charge, which will be occasioned by this arrangement,
will be more than equalled by the saving of Expense which you
have effected by withdrawing from the Magistrates, generally,
the rations and other indulgencies hitherto received by them, I
feel no difficulty in approving of the measures, which you have
now submitted to His Majesty’s Government; but, as I conceive
that it is in your contemplation to enlarge the Establishment of
Stipendiary Magistrates beyond that now fixed, as soon as you
shall have tried the experiment upon this smaller scale, I must
cautions you against incurring any expense on this head, exceed-
ing that which belonged to the former system. One additional
appointment, however, I think may take place with advantage.

Viscount Goderich to Lieut.-Governor Arthur.

(Despatch No. 22.)

As the charge, which will be occasioned by this arrangement,
will be more than equalled by the saving of Expense which you
have effected by withdrawing from the Magistrates, generally,
the rations and other indulgencies hitherto received by them, I
feel no difficulty in approving of the measures, which you have
now submitted to His Majesty’s Government; but, as I conceive
that it is in your contemplation to enlarge the Establishment of
Stipendiary Magistrates beyond that now fixed, as soon as you
shall have tried the experiment upon this smaller scale, I must
cautions you against incurring any expense on this head, exceed-
ing that which belonged to the former system. One additional
appointment, however, I think may take place with advantage.

and, as the expense will be still kept under that to which I have
adverted as having been already disbursed by the Commissariat
for Rations to the Magistrates, you will consider yourself at
liberty to extend the arrangement accordingly.
In the dispatch which I addressed to you on the 31st ultimo, I mentioned the charge attending the maintenance of the Police as one which would be henceforth defrayed out of Funds supplied by the Government at home, as a part of the expense resulting from the Penal Character of the Colony; but, as an equal charge will be now saved to the Commissariat by the discontinuance of another expense for which that Department had originally to provide, an addition of £2,100 must be made to the Estimate for the Police of the Colony, although a very trifling difference will occur in that which I had formed as to the prospective Expenditure of the Colony generally.

GODERICH.

Lieut.-Governor Arthur to Earl Bathurst.

(Despatch No. 46.)

Government House, Van Diemen's Land,

My Lord, 20 August, 1827.

In compliance with your Lordship's Circular of 11th Sept., 1826, I have the honor to transmit the Half yearly tables required to be forwarded in July, shewing the Civil and Military Establishments on the 30th of June last.

In the return of the Civil Establishment, I have caused to be inserted all appointments except the minor ones of Convict Constables and Overseers, concluding your Lordship desired the fullest information of the strength of each Department.

But, in the Return of Promotions and Increase of Salaries, I have only included appointments of £50 per annum and upwards. If however your Lordship should desire the smaller ones to be inserted, the continual changes in which, it appears to me, would tend to confuse the statement, I will take care to include them in the next return.

The few instances of increased Salaries contained in the Table, which I have not officially reported to your Lordship, I have been induced to accede to upon the pressing representations of the heads of the departments to which the individuals belonged, and the recommendation of Committees appointed to report upon the necessity for any increase. On the latter ground, I have consented to augment the Salaries of Mr. George and Mr. Thomas Smith, whom your Lordship brought under my notice at the interest of the Marquis of Camden, one of whom is Clerk in the Naval Office, and the other in the Treasurer's; though in neither case had I ventured to follow to the extent the recommendation of the Committee on these Departments. In these instances of augmentation, which I can assure your Lordship have not been made without being urgently required, I trust...
I shall not be considered to have exceeded the permission given by your Lordship in Dispatch No. 56 of the 22nd December, 1826.

I have, &c.,
GEO. ARTHUR.

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

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

21 Aug.
Criticism of notice published re S. Hood.

Sir,
Downing Street, 21st August, 1827.

I have had the honor to receive and to lay before Secretary of State your letter of the 12th March last, explaining the circumstances which occasioned the publick Notice which you issued relative to Mr. Hood, the whole tenor of whose conduct towards you appears to have been extremely improper and disrespectful. Lord Goderich regrets, however, that you had not adopted the severer measure, to which you allude as the most effectual manner of punishing such insulting behaviour and of preventing a recurrence of similar proceedings, as his Lordship cannot but still consider, although he is quite satisfied with the explanation which you have afforded, that the occasion, on which the objectionable Notice was issued, was not itself (no other cause having been assigned for its publication) sufficiently important to call for the measure which you adopted; although combined with the other instances of disrespect which you have now adverted to, it fully justifies the determination to which you came of marking the sense which you entertained of Mr. Hood's conduct.

I have, &c.,
R. W. HAY.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

22 Aug.
Acknowledgment of memorial from W. Clark.

Sir,
Downing Street, 22d Augt., 1827.

I have received your dispatch N. 18, dated in the Month of March last, accompanied by a Memorial from William Clark Esq. (late Captain of the 6th Regt. of Foot, who disposed of his Commission in the year 1824 and proceeded to Van Diemen's Land where he has since become located), praying that he may be admitted to the benefit of the General Order* of the 8th of June, 1826, as regards the payment of Quit Rent.

I have the honor to acquaint you in reply that, in every case in which an Officer may have proceeded to the Colony, prior to the promulgation of the General Order in question, I do not conceive that he would be entitled, as a matter of course, to the

* Note 35.
benefits which it bestows, although His Majesty's Government would always feel disposed to view indulgently any Application of this kind, but, considering the favourable testimony which has been borne to the merits of the present Applicant in his previous and subsequent character as an Officer and a Settler, I have no hesitation in authorizing a remission of Quit-Rent on the Land which he has already obtained (whenever the proper time arrives at which payment will become due) in proportion to the length of his Military Services. But you will understand that Mr. Clark will, in that event, be subject, in all other respects, to the conditions (excepting in so far as they may be modified with respect to Military Officers by the General Order adverted to,) which the late Regulations impose on Ordinary Settlers, as he cannot expect on the one hand to participate in a Privilege so recently bestowed on Military Officers who may have sold their Commissions, and to be exempted on the other from the Rules established lately upon that subject, which apply as well to Military as to Ordinary Settlers, on the plea that his Grant was obtained prior to their promulgation.

I have, &c.,

GODERICH.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 24.)

Sir, Downing Street, 22d August, 1827.

I have the honour to acknowledge the receipt of your Despatch N. 19 of the 23d March last, inclosing the Copy of a letter addressed to the late Secretary of State by the Members of a Deputation appointed to lay before you an Address to His Majesty, which had been carried at a Meeting of the Inhabitants of the Colony assembled for that purpose at Hobart Town, praying for Trial by Jury and Legislation by Representation, in which Letter they detail, as a reason for their not having adopted the ordinary course of transmitting this Petition, certain circumstances which occurred connected with the interview which they had solicited with you, in consequence of which they thought proper to consider themselves as not having been treated with that courtesy, which, as the Representatives of the Meeting which had entrusted to them their Interests, they conceived they had a right to expect.

I have much pleasure in acquainting you that the explanations which you have afforded, supported by the testimony of so many respectable Individuals who were necessarily acquainted with the circumstances of the case, satisfy me that no blame is imputable to you in this transaction, and that the parties composing the
Deputation appear to have most unnecessarily taken offence at a trifling and unavoidable delay in their reception; and, at the same time therefore that I approve of the temper with which you acted upon this occasion, I find it difficult to account for their conduct, except upon the supposition that they suffered themselves to be influenced by feelings very inconsistent with that absence of Party Spirit, which, in their letter to Lord Bathurst, they so strongly assert to have marked their proceedings.

The conduct of Mr. Gellibrand, Senior, cannot be passed over with the mere expression of His Majesty's displeasure, and I have therefore to desire that you will immediately dispense with his Services in the Magistracy, deeming it impossible that after such conduct they can be attended with any advantage to the interests of the Colony.

I have, &c.,

GODERICH.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.
(Despatch marked "Separate.")

Government House, Van Diemen's Land,
22nd August, 1827.

I have much distress in reporting to Your Lordship that Mr. McCleland, whom His Majesty has been pleased to appoint Attorney General to this Colony, arrived in the "Persian" Transport on the 5th of August in the most debilitated state both of Mind and Body.

It appears that very soon after the Vessel left England symptoms of great anxiety were manifested in Mr. McCleland's conversation and conduct. He frequently alluded to his inability to fill the important Office to which he had been appointed, and expressed much regret at the separation from his friends.

Subsequently it seems he applied himself with great earnestness to the study of the Criminal Law, from which occupation the Surgeon Superintendent hoped he might have gained some relief; but his Health gradually declined, and his aversion to all food became so great that it was next to impossible to prevail upon him to take any nourishment. Aberration of mind followed, with such excitement that it was necessary to watch him with the most unceasing caution.

In this lamentable condition poor Mr. McCleland was landed, and has since received every attention and comfort that his melancholy situation demanded; his Bodily Health has decidedly improved, but his Mind is in no sensible degree restored.
I have this day directed a Medical Board to assemble and report upon the case, and the opinion which the professional Gentlemen have given is very discouraging.

Two of the Members are intelligent Officers, Doctor Wilson and Doctor Patton, Surgeon Superintendents of the Transports "Governor Ready" and "Persian," and have been put on the Board, that, as they are returning immediately to England, they may afford any further information which your Lordship may be pleased to require.

It may be very satisfactory to Mr. McCleland's Friends to trace on the Surgeon's Journal the progress of his Malady, an Extract I have therefore the honor to enclose, and it will no doubt be a great consolation to them to be assured that neither care nor attention nor any comfort, which the Colony can supply, shall be wanting during his Illness.

Doctor Wilson, who proceeds for England to-morrow by way of New South Wales, will be the Bearer of this Dispatch; and, by the "Admiral Cockburn" which Vessel sails in the course of a Fortnight direct from hence, I shall have the honor of communicating further to Your Lordship still more decisively respecting Mr. McCleland's state.

The disappointment to me is very great, as I have been very anxiously expecting much relief from Mr. McCleland's Services.

I have, &c,
GEO. ARTHUR.

[Enclosure No. 1.]

DR. JAMES PATTON TO LIEUT.-GOVERNOR ARTHUR.

Sir, Persian Convict Ship, 5th August, 1827.

It is with feelings of deep regret that I have to notify to your Excellency that Thomas McCleland, Esquire, a Gentleman appointed by Government to fill the Situation of Attorney General of Van Diemen's Land, embarked on board this Vessel at Woolwich, labouring under general Debility, and a complication of other Diseases. During the early part of the passage, he applied himself with unusual diligence to the Study of Criminal Law, soon fell into a state of Despondency, and exhibited evident symptoms of Mental aberration, which have continued up to this day, so as completely to incapacitate him from taking charge of his own affairs.

For these reasons I have to request Your Excellency will direct the Colonial Surgeon, or some other eminent Medical Man, to visit him as soon as possible, in order that arrangements may be made for taking charge of him on Shore.

I have, &c,
JAMES PATTON, M.D., Surgeon Superintendent, Persian.
[Enclosure No. 2.]

[1] SURGEON SCOTT TO LIEUT.-GOVERNOR ARTHUR.

Sir,

5th August, 1827, 7 O'clock P.M.

Your Excellency's letter with its enclosure of this evening's date, I have just received, and have to acquaint your Excellency that I visited the Persian Convict Ship on her coming to anchor, and found Mr. McCleland in the state as reported in the Surgeon's letter to your Excellency; however, considering all the circumstances of his case, I am in hopes that his removal from on Ship board to quiet Lodging on shore, where he will reap various advantages to which he has been for some months a Stranger to, will operate considerably to his advantage, although I fear much not to his thorough recovery. I will do myself the honor of communicating personally with your Excellency tomorrow morning respecting Mr. McCleland and on the best means to be adopted for his accommodation and recovery.

I have, &c.,

J. SCOTT.

[2] SURGEON SCOTT TO COLONIAL SECRETARY BURNETT.

Sir,

Colonial Hospital, 22nd August, 1827.

In conformity to your letter of this day's date requiring a Report on the State of Mr. Attorney General McCleland's Health, and recommending the assistance of Doctor Wilson, Surgeon and Superintendt. of the Prison Ship "Governor Ready," and Doctor Patton, Surgeon and Superintendent of the Prison Ship "Persian," I have to acquaint you, for the information of His Excellency the Lieutenant Governor, that the same has been complied with according to the accompanying Certificate.

I have, &c.,

J. SCOTT, Col'I Surgn.

[Sub-enclosure.]

REPORT BY MEDICAL BOARD.

We, the undersigned have carefully examin'd into the state of Health of Robert McCleland, Esq., Attorney General, and have unanimously made the following conclusions:—

1st. That, altho' his corporeal health is considerably improved since his arrival in this Colony, yet there is very little amendment as to the faculties of his mind.

2nd. That, allowing the most favourable prognoscs to take place, a long period must elapse, ere he could be able to perform his official duty.
3rd. That, taking into consideration the nature of the malady under which he labours, we deem it exceedingly doubtful, whether he ever will be competent to perform any duty requiring mental exertion.

Given under our hands at Hobart Town, Van Diemen's Land Augt. 22nd 1827.

J. Scott, Col'l Surgeon.
T. B. Wilson, M.D., Surgn. R.N.
James Patton, M.D., Surgn. R.N.

[Enclosure No. 3.]

[A copy of this extract is not available.]

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Dear Sir,

Downing Street, 23d Augt., 1827.

I have received the inclosed Letter from Sir Edward Kerrison in favor of the Bearer Robert Ormiston, who is about to proceed to Van Diemen's Land as a Settler; and I shall be much obliged to you to give him any facilities, in furtherance of his views, which it must not be inconsistent with the Regulations to grant.

I am, &c.,

R. W. Horton.

[Enclosure.]

[A copy of this letter is not available.]

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen's Land, 24 August, 1827.

I have the honor to acknowledge the receipt of your letter of the 28th of March last enclosing, for my perusal, the Copy of a letter addressed to Earl Bathurst by Mr. Gellibrand, the late Attorney General of this Colony, together with a letter which His Lordship has directed you to write in reply to his communication, and which letter has been forwarded to Mr. Gellibrand.

I have, &c.,

Geo. Arthur.

VISCOUNT GODERICH TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 25.)

Sir, Downing Street, 25th Augt., 1827.

Since I addressed to you my dispatch of the 22d instant, I have received from the Gentlemen, deputed by the Inhabitants of Hobart Town to undertake the transmission to England of
the Address to His Majesty, voted at a Publick Meeting held in the Colony for that purpose, praying “Trial by Jury and Legislation by Representation.” And I have to desire that you will acquaint the Gentlemen chosen to perform this duty that the Address in question has been laid before His Majesty.

I have, &c.,

GODERICH.

LEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 47.)

Government House, Van Diemen’s Land,

My Lord,

25 August, 1827.

I have the honor to acknowledge Your Lordship’s Dispatch, No. 19, informing me, in reference to Your Lordship’s Dispatch No. 54 (which notified the Appointment of Richard Newman, Joseph Hewett, and Samuel Prendergrass, as Police Officers for this Colony), that, Samuel Prendergrass having declined to fulfil his engagement, Your Lordship had nominated Richard Hinksman to succeed him in his Appointment with the same Salary and advantages.

I have the honor of acquainting Your Lordship that Messrs. Newman, Hewett, and Hinksman arrived by the “Persian” Transport on the 5th Inst’, and will immediately enter upon the duties of their situations.

Having consulted with the Police Magistrate, it has been determined that, at present, “Newman and Hewett” shall be attached to the Police of Hobart Town, and “Hinksman” to the Police at Launceston; as their characters and capacities are developed, some future change may be found desirable.

A Committee of Public Officers having been directed to take into consideration the Amount of the Allowances to be given in lieu of Lodging Money, Fuel, and Rations to Messrs. Newman, Hewett and Hinksman, I have the honor to enclose Copy of their Report, the recommendation it contains being sanctioned subject to Your Lordship’s approval.

I have, &c.,

GEO. ARTHUR.

[Enclosure No. 1.]

MINUTE NO. 191.

20th August, 1827.

MINUTE No. 191.

LORD BATHURST having authorised the allowance of lodging Money to the three Police Officers Newman, Hewett, and Hinksman, direct a Board to consist of the Colonial Treasurer, the Assistant Commissary General, and the Police Magistrate at Hobart Town, to assemble to-morrow morning, and report what should be the amount of the allowance, both here and at Launceston on the most moderate terms consistent with their Office.
ARTHUR TO BATHURST.

His Lordship has further directed that these Officers shall have the usual allowance of Rations and Coals; the Board will therefore further report what allowance should be made under each of these heads, supposing a Money commutation should be granted, as it will no doubt be inconvenient to these Officers to receive rations in kind.

The Colonial Secretary.

GEO. ARTHUR.

[Enclosure No. 2.]

REPORT BY COMMITTEE.

A COMMITTEE of the Board for General Purposes, consisting of The Colonial Treasurer, Assist' t Commissary General and Police Magistrate of Hobart Town, having assembled as directed by a Government Order dated 20th inst't to report what should be the Amount of the Allowances to be given in lieu of Lodging Money, Fuel, and Rations, to the Three Police Officers, Messrs. Newman, Hewett and Hinksman, beg to report as follows:—

That, on account of the very high and exorbitant prices obtained in this Colony for Lodgings and Fuel, the Committee are of opinion that Forty Pounds in lieu of the former, and Twenty Pounds in lieu of the latter, should be awarded to each per annum; and the Committee, having taken into their due consideration the Families of each of these Individuals, are further of opinion, that the undermentioned Sums per annum should be awarded in lieu of Rations to

- Mr. Newman .............. Twenty five Pounds
- Hewett .................. Twenty Pounds
- Hinksman ............... Fifteen Pounds.

The Committee see no Cause to make any difference in these Allowances at Hobart Town and Launceston.

JOCELYN THOMAS, Coll' Treasurer.
A. MOODIE, A.C.G.
THOS. A. LASCELLES, Police Magistrate.

Hobart Town, 22nd August, 1827.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 48.)

My Lord, 30th August, 1827.

I have the honor to report to your Lordship that Mr. Anstey, the Police Magistrate at Oatlands, having represented to me that no means of public worship were afforded to the Inhabitants of that neighbourhood, I brought the subject under
the attention of the Archdeacon with a view to appointing Catechists for the purpose of administering religious instruction in the more populous districts in the interior of Van Diemen's Land. And, the Archdeacon having strongly recommended the appointment of a few respectable persons on account of the absence of regular Clergymen, I brought the subject under the consideration of the Council, and by its advice have named Mr. William Pike to be Catechist at a Salary of £100 per annum and forage for a horse, until your Lordship's pleasure shall be known, the Salary for similar appointments in New South Wales being £182 10s. per ann. with the allowance of forage and a house.

I have further the honor to acquaint your Lordship that I have approved of a small log building being erected at the Township of Oatlands for the purpose of assembling the prisoners in that neighbourhood for public worship. And that I have concurred in the proposition of the Inhabitants of the district of Green Ponds, 20 miles distant from Oatlands, to subscribe £100 and cart all the materials for erecting a small Chapel, if the Government would consent to contribute the Sum of £100, upon the understanding that the Inhabitants give some guarantee, to be approved by me, for the completion of their part of the proposed arrangement.

At these two stations, Oatlands and the Green-ponds, Mr. Pike will therefore officiate as Catechist, and, as your Lordship will perceive, it is at least a very inexpensive means of affording some religious instruction to the district in the Interior.

I have, &c.,

Geo. Arthur.

[Enclosure No. 1.]

ARCHDEACON SCOTT TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Sydney, 18th October, 1826.

Upon the subject of appointing Catechists in Van Diemen's Land, to which your Excellency has been pleased to call my attention, I beg leave to remark that I have been induced to recommend them on account of the absence of regular Clergymen, and until His Majesty's pleasure be known as to the augmenting their number in these Colonies.

The directions I have given them here have been to inspect the Schools of the district to which they have been appointed, to read the Liturgy, with the exception of the absolution, on the Lord's day at the usual hour and places, to read a printed Lecture or Homily of the Church as shall be forwarded to them, and also to read the funeral Service over a Corpse, But that they are not
to administer the Lord’s Supper, or celebrate marriages, and with regard to Baptisms, although our Church admits its validity when done by lay hands, yet with so much caution and circumspection should that be gone about, that, unless in cases of absolute necessity, such as immediate danger, I have desired them to refrain from administering that rite.

The two I have recommended here to the Governor are persons in a superior situation of life, and the Trustees did not think £182 10s. per annum and a house, with ten shillings per week for a horse, too much. Upon the same principle, if your Excellency is satisfied with the character and fitness of Mr. William Pike, I strongly recommend such an appointment.

I am persuaded that at the Penal Settlements these persons would do a great deal of good where their characters have been strictly enquired into.

T. H. Scott.

[Enclosure No. 2.]

Extract from the Minutes of the Executive Council.

Present:—His Excellency the Lieut. Governor, His Honor the Chief Justice, The Colonial Secretary, A. W. H. Humphrey, Esq., Jocelyn Thomas, Esq.

The Lieutenant Governor informed the Council that, in consequence of a representation from Mr. Anstey, the Magistrate residing at Jericho, strongly urging the want of some individual exclusively appointed to read the Church Service to the persons in that district and to the Inhabitants of that Neighbourhood, His Excellency addressed the Archdeacon upon the subject, suggesting the appointment of a Catechist or Lecturer, and at the same time transmitting Mr. Anstey’s favourable recommendation of Mr. Wm. Pike for the Office.

The Archdeacon’s reply, dated Sydney, the 18th October, 1826, was read, in which he recommends the appointment of a Catechist, and states the rate of Salary authorized in New South Wales to have been £182 10s. per annum and a house, with ten shillings a week for the keep of a horse.

His Excellency requested the advice of the Council what allowance would be necessary in this Colony, if the appointment was considered desirable.

The Council having considered this subject is of opinion that the appointment of Catechist is very desirable and, where persons of good character and respectability can be obtained, beneficial
1827.
30 Aug.
Minutes of executive council re appointment of catechist at Oatlands.

results may be expected from the performance of the duties recommended by the Archdeacon. The Council is also of opinion that the extent and population of the District and the proportion of duty to be performed should be taken into consideration in fixing the Salaries of the Catechists; but the Council is of opinion that £100 per annum, and the usual allowance in lieu of Forage, is the smallest stipend which should be allowed, and therefore begs to advise His Excellency to grant that allowance to Mr. Pike from the commencement of the present year, as it has been represented to the Council that Mr. Pike has performed the duties for a longer period, without any Salary or remuneration whatever.

A true Copy:—JOHN MONTAGU, Clerk of the Council.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen's Land,

Sir,

I have the honor to acknowledge the receipt of your letter of 20th February last, introducing to my notice, by Earl Bathurst’s directions, Mr. William Archer who has emigrated to this Colony with the view of joining his sons* already settled in the Island.

I shall feel happy in extending to this Gentleman any indulgence in my power which does not militate against the established regulations, and have assured him of my best assistance on all occasions.

I have, &c.,

GEO. ARTHUR.

RIGHT HON. W. HUSKISSON TO LIEUT.-GOVERNOR ARTHUR.

Downing Street, 3d Sept., 1827.

The Lord Viscount Goderich having this day resigned the Seals of the Colonial and War Department, they were delivered by His Majesty to The Right Honorable William Huskisson, who was sworn in Secretary of State accordingly.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

Dear Sir,

I am directed by Viscount Goderich to transmit to you the inclosed Copy of an Application from a Gentleman named Cummings, in favor of Mr. Allardyce, a Settler at Van Diemen's
Land; and, in transmitting to you also a copy of the Reply, I am
desired by his Lordship to acquaint you that, provided Mr.
Allardyce has performed all the conditions required of him with
respect to his original Grant, and has sufficient funds remaining
to do equal justice to a further one, and is not on other accounts
undeserving of the indulgence which is solicited on his behalf,
he will not object to a compliance with his wishes to a reasonable
extent.

I am, &c,
R. W. HAY.

[Enclosure No. 1.]

MR. J. L. CUMMING TO UNDER SECRETARY HAY.
Marden Ash Cottage,
Ongar, Essex, 1st Sept., 1827.

I crave your indulgence for thus intruding on your valuable
time; yet when I inform you that the cause of my doing so is in behalf of a deserving young Gentleman, I feel assured you will pardon my intrusion. Mr. William Allardyce of the River Clyde district, in Van Diemen's Land, is the son of the Revd. Alexander Allardyce, the Minister of the Parish of Fongue, in the County of Aberdeen, and who is desirous of obtaining an additional Grant of Land for his Son; if this request should not be in concordance with the Rules of your Department, I hope you will be pleased to recommend Mr. William Allardyce of the River Clyde district to the favorable consideration of His Excellency the Governor of Van Diemen's Land, as I am convinced that a recommendation from you will be of the greatest consequence to him. I have the honor to enclose you a note addressed to me by the Honble. Captain H. Gordon, M.P. for Aberdeen-shire, and the Certificate of two Magistrates, with that of three Clergymen, also the statement of the young Gentleman's father who is I assure a highly respectable person, he has a large family, and your compliance with this request will gratify them much, and lay me under a great obligation to you, having long felt an interest in the young man.

I have, &c.,
J. L. CUMMING,
one of His Majesty's Justices of the Peace for Aberdeenshire.

[Sub-enclosure.]

THE HON. H. GORDON TO MR. J. L. CUMMING.

My Dear Sir,
Argyle Street, 14 July, 1827.

I am glad to hear that you are using Your endeavours to obtain an additional Grant of Land for Mr. William Allardyce,
and from the respectability of the Young Man himself, as well as that of his Father, the Minister of the Parish of Fongue in Aberdeenshire, I have no doubt your application will be favourably received. I am satisfied he is in every respect highly deserving and will do credit to your recommendation.

I remain, &c.,
H. Gordon.

[Enclosure No. 2.]

UNDER SECRETARY HAY TO MR. J. L. CUMMING.

Sir, Downing St., 3rd September, 1827.

I am directed by Viscount Goderich to acquaint you in reply to your Letter of the 1st Inst., in behalf of Mr. Wm. Allardyce, that it is unusual to direct any additional Grants of Land to be made to persons who may have already established themselves at Van Diemen's Land, without a previous reference to the Governor to ascertain the claims which such persons may have to this further Indulgence; but that a reference will be made to the Colony, in the present case, with the expression of the Secretary of State's disposition to comply with your request, in Mr. Allardyce's favour, should there appear in the opinion of the Governor to be no objection to the same.

I am, &c.,
R. W. Hay.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

Dear Sir,

Downing Street, 3d Sept., 1827.

With reference to Lord Goderich's dispatch of the 22d Ultimo, in reply to Captain Clark's Claim to be admitted to the benefits of the General Order* of the 8th of June, 1826, Lord Goderich has desired me to explain to you, in this private Communication, that, although he has been induced, in consequence of the favorable testimony which you have borne to this Gentleman's Character as a useful Settler, etc., to comply with his request, yet that he conceives such Officers only, as have disposed of their Commissions subsequently to the promulgation of the General Order in question, come within its operation. This principle it has been deemed proper to lay down more generally than was thought necessary at the time Lord Goderich's dispatch, above referred to, was written, in consequence of several applications having been lately received from Officers, who have long since retired from the Service, to be admitted to the same Indulgence, and which it was certainly not in the contemplation of

* Note 35.
HAY TO ARTHUR. 151

Government at the time to extend to any but those whose determination to sell their Commissions was the result of the offers thus held out to them.

I beg to add that the grounds, upon which this arrangement was first adopted, were to hold out to Officers of the Army such inducements to become Settlers in the Australian Colonies as would secure to the public the Services of a valuable and intelligent class of persons. As, however, it has not been deemed expedient to include those Officers who may have quitted the Army prior to the date of the Order, it would be still less necessary to extend its benefits to such Officers as have already established themselves in that quarter, in as much as, being already on the spot, no additional temptation is required to induce them to proceed thither.

I am, &c.,
R. W. HAY.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

My dear Sir, Downing Street, 3d Sept., 1827.

As it appears that the Business of the Naval Officer’s Department at Van Diemen’s Land has encreased to a degree which renders it difficult for Mr. O’Farrel (who has been unaccustomed to such employment) to fulfil the duties of his Situation with that advantage to the public Service which I am confident he would himself desire, I have received the directions of Lord Goderich to acquaint you that he deems it advisable, under these circumstances, that Mr. O’Farrel should have leave to return to this Country. Lord Goderich (for a limited time however) will be disposed to allow him the enjoyment of half Salary, until some other employment can be found for him more suited to his accustomed habits.

Should he prefer, however, to remain in the Colony, Lord Goderich sees no objection to his being allowed to retain his Situation for the next six months after the receipt of this instruction, with the hope that within that time some less responsible Situation may fall vacant, to which Mr. O’Farrell might be appointed, and which, though of less Salary, might be more agreeable to him than to wait for a situation in another quarter of more emoluments, and approaching nearer in amount to that which he will now vacate. But it must be understood, in case he prefers remaining in the Colony, that he cannot be permitted to enjoy half of his Salary, as intended in the first proposition, for any period subsequent to the six Months, should no opportunity offer in the intervening time for otherwise providing for him.
I have received the further directions of Lord Goderich to acquaint you that he conceives Mr. Hamilton, from the manner in which he is reported by you to have discharged the duties of Naval Officer, previously to the appointment of Mr. O'Farrel, to be a very fit and proper person to be placed in that Situation; and you will therefore consider yourself authorized to offer the appointment to Mr. Hamilton, to whom you will explain that he can only receive half Salary so long as Mr. O'Farrel shall be permitted to enjoy the other half. Mr. Hamilton, however, will of course be permitted to enter upon the full emoluments of the Situation, from the moment that the former has been otherwise provided for either at Van Diemen's Land or in some other quarter.

I have, &c.,

R. W. Hay.

Transmission of copy of letter to V.D.L. company.

UNDER SECRETARY HAY TO LIEUT.-GOVERNOR ARTHUR.

My dear Sir, Downing Street, 3d Septr., 1827.

Although the inclosed letter, which I have addressed to the Secretary of the Van Diemen's Land Company, is written in nearly the same terms as Lord Goderich's dispatch to you upon the same subject, yet, from the misapprehension which has arisen upon other points connected with the Company's Interests, I deem it right that you should be placed in possession of whatever Correspondence may pass between the Company and this Department, and upon this principle I trouble you with the letter alluded to.

I have, &c.,

R. W. Hay.

[Enclosure.]

[A copy of this letter is not available.]

LIEUT.-GOVERNOR ARTHUR to EARL BATHURST.

(Despatch No. 49.)

Government House, Van Diemen's Land, 3 September, 1827.

I have the honor to acknowledge the receipt of Your Lordship's Dispatch of the 2nd December, 1826, acquainting me that Your Lordship had appointed Mr. John Lee Archer to fill the situation of Civil Engineer at Van Diemen's Land.

Mr. Archer arrived at Hobart Town on the 2nd August last, and immediately entered upon the duties of Civil Engineer and Architect, the former of which, combined with the Duties of Inspector of the Gangs employed on the Roads, had, previous to his arrival, been performed by Major Turton of the 40th Regiment, and the latter by Mr. Lamb.

* Note 44.
Mr. Archer's practice having been chiefly in the latter profession, I have felt it my duty to merge the Office of Architect into that of Civil Engineer, and I have continued Major Turton in charge of the Road Parties and Log Buildings erecting at the outstations for Barracks and Jails at the Salary of 7s. 6d. per diem, it being impossible that any Individual could embrace the whole duties of Civil Engineer, Architect, and Inspector of Roads, especially in the direction of Men employed in compulsory labour, who, under the strictest and most careful discipline, are indolent and fraudulent to an extreme.

The appointment of a permanent Officer as Civil Engineer had been long a desideratum in the Colony, as the frequency of transferring the accounts and stores with the management of the public Works from Officer to Officer could not fail to be highly injurious, and I have no doubt the advantage will soon be apparent of committing the duties of this important Department to a Gentleman of experience in his profession; at the same time, I must observe to Your Lordship that the undertaking is quite new to Mr. Archer, as the management of any public Work in this Colony executed by Convicts not only requires a scientific Head, but plenty of nerve with an active determined spirit.

The arrangement, which the good of the Service has obliged me to make, has unavoidably displaced Mr. Lamb, and I therefore hope when any favorable opportunity presents itself that Your Lordship will sanction his nomination to some small Appointment.

I have, &c.,

GEO. ARTHUR.

Lieut.-Governor Arthur to Under Secretary Hay.

Government House, Van Diemen's Land,

Sir,

3 Septr., 1827.

I have the honor to acknowledge the receipt of your letter of the 28th March, transmitting the Assignment list of 191 Male convicts embarked on board the "Governor Ready" for this Colony.

This Ship arrived on the 2nd August, and 190 Prisoners have been landed in a clean and healthy state, one having died on the passage. One hundred and thirty eight of these men have been assigned to Settlers, 44 retained in the Public Works, 6 are invalids, and 2, "Collins and Williams," who have been discovered to have been transported before, have been sent to Macquarie Harbour.
The Surgeon Superintendent Dr. Wilson, and the Master Mr. Young appear to have paid every attention to their duties. Of the manner in which the former, more particularly, has discharged his trust, I have much satisfaction in expressing my entire approbation.

I have, &c.,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen's Land,

Sir,

3 Septr., 1827.

I have the honor to acknowledge the receipt of your letter transmitting the Assignment list of 60 Female Convicts embarked on board the "Persian."

This Transport arrived on the 5th August, and the women have been landed in a clean and healthy state, 50 of whom have been assigned to the Service of Settlers at Hobart Town, and 10 sent for assignment to Settlers on the other side of the Island. The Surgeon Superintendent, Dr. Patton, and the Master Mr. Plunkett appear to have paid every attention to their duties.

I have, &c.,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Gespach No. 50.)

Government House, Van Diemen's Land,

My Lord,

4 September, 1827.

I have the honor to submit to your Lordship an application, which has been made on the part of the Wesleyan Mission, for a grant of 300 acres of land free from the usual conditions for the purpose of enabling the Trustees of the Wesleyan Chapel to purchase a small building and allotment of ground advantageously situated for their School, for which it has become necessary to provide additional accommodation.

I have not felt at liberty to accede to this application without the sanction of your Lordship. But, as, independent of the benevolent object for which the land is required, and which it is highly important to the Colony to encourage, the Wesleyan Society have some claim to the consideration of the Government on account of their having given up an allotment which was required for the additions to the prisoners' barracks, I have much pleasure in submitting their application to your Lordship's favorable attention, and beg to recommend that a grant of 300
Acres be made to them free from conditions, except the payment of quit-rent, which, looking to the future support of the Local Government, I have not considered myself authorized in any instance to abandon.

Copy of the application from the Wesleyan Minister, together with my reply, I have the honor to enclose.

I have, &c.,
Geo. Arthur.

[Enclosure No. 1.]

Revd. B. Carvosso to Lieut.-Governor Arthur.

Sir,

Hobart Town, 29th August, 1827.

Immediately in the rear of the Wesleyan Chapel in this Town stand a House and an Allotment of Ground, which have no other communication with the Street than through the Premises of the Chapel. At present the House is unoccupied, and has been so for some considerable time past. Our Sunday School being much augmented and greatly inconvenienced by want of suitable accommodations for affording instructions to the Children, and this House being situated alongside the door of the present School-room, it becomes particularly desirable for us to obtain possession of it, that it may be immediately fitted up for a second Schoolroom for teaching the Boys apart from the Girls. But neither the Managers of our School, nor the Trustees of our Chapel have any Funds to purchase what is so obviously desirable, both on account of the Chapel and the School. But the Owner of these Premises, a Settler in the Interior, having recently offered to exchange with us for their equivalent in Land, free from the usual restrictions, if we could, on the ground of a public Charity, obtain a Grant from Government of that description. Now, Sir, conscious that we have only a Christianly benevolent object in view, and knowing that your Excellency is pleased to think highly of our little exertions to promote the moral welfare of the Colony; and learning also, by one of the last arrivals from England, that the operation of our Mission in the Island is to be enlarged at the expense of the British Government, I am emboldened to solicit in behalf of our Mission in this Town a free Grant of Land from Government, consisting of 300 Acres, for the particular purpose herein specified. Although the value of such a Grant will not be sufficient to secure the desideratum (a convenient Schoolroom), yet we hope the deficiency may be supplied by voluntary subscriptions among those who are friendly to the benevolent object.

I have, &c.,
B. Carvosso.
Letter acknowledged.

Desire of G. Arthur to assist mission.

Land surrendered by mission.

Request to be recommended to Earl Bathurst.

[Enclosure No. 2.]

COLONIAL SECRETARY BURNETT TO REVD. B. CARVOSSO.

Colonial Secretary's Office,

Sir,

3rd September, 1827.

I am directed by the Lieutenant Governor to acknowledge the receipt of your letter of the 29th Ultimo, representing, that, in consequence of the Sunday School belonging to the Wesleyan Mission being much augmented and greatly inconvenienced by want of suitable accommodation for affording instruction to the Children, it had become desirable to purchase a House, with an Allotment of Ground adjoining, the Proprietor of which was willing to exchange it for an equivalent in Land free from the usual restrictions, and, under these circumstances, soliciting a Grant of Three Hundred Acres to enable the Mission, their Funds not being adequate, to carry their object into effect.

In reply to this communication His Excellency has desired me to state that He is quite satisfied with the zealous and peace­ful exertions of the Mission, and will derive pleasure from assisting the Institution whenever it is in His power.

The Lieutenant Governor is also not unmindful of the ready disposition shewn by the Institution to give up their Allotment in Campbell Street, which it was apprehended would in­con­veniently interfere with the Prisoners' Barracks.

Under these several considerations, it would be gratifying to His Excellency at once to accede to your request; but He does not feel justified in unconditionally making the Grant of Three Hundred Acres, small as it is, without the sanction of His Majesty's Government. His Excellency will therefore transmit your application to Earl Bathurst by the earliest opportunity, and recommend it to His Lordship's favourable attention.

The Lieutenant Governor has every hope that Earl Bathurst will, in this case, dispense with the restriction respecting Cultivation, etc., etc.; but the Condition of Quit Rent His Excellency has in no instance recommended to be abandoned; and He could not therefore undertake to depart from a point, which He cons­iders very important as a general principle.

I have, &c.,

J. BURNETT.

9 Sept.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 51.)

Government House, Van Diemen's Land,

My Lord,

9th September, 1827.

I have the honor to acknowledge the receipt of Your Lord­ship's Dispatch No. 6, transmitting for my information Copies
of the Correspondence which passed between the Under Secretary of State and Mr. Young at the period of his application for a Grant of Land on behalf of his Son, and desiring that I would acquaint Mr. Young verbally with Your Lordship's extreme surprise at his conduct on that occasion, and that Your Lordship has not only deemed it necessary to refuse to authorize any Grant of Land to be reserved for the use of his eldest Son, but to direct that he should not himself receive any further Grant from the Colonial Government at any future period.

As Mr. Young resides on the other side of the Island, I have not yet had the opportunity of communicating to him personally your Lordship's sentiments, but I have intimated my wish to see him as soon as he visits Hobart Town, and I shall not fail fully to express the unfavorable opinion Your Lordship has formed of his conduct.

I have, &c.,

GEO. ARTHUR.

Lieut.-Governor Arthur to Under Secretary Hay.

Government House, Van Diemen's Land,

Sir, 11 Septr., 1827.

I beg to acknowledge the receipt of your letter of the 5th of February last, transmitting by direction of Earl Bathurst the Copy of a Memorial from a Convict named George Dudfield, who complains of having been subjected to an unnecessary personal restraint, and the loss by plunder of considerable property, which had been taken from him and placed in the hands of the Assistant Commissary General, and for which he could obtain no redress on his personal representation to me beyond an expression of my sorrow and recommendation to put quietly up with the loss.

I presume I need not assure Earl Bathurst that there is no denial of part of truth in the last part of his statement; but it will be satisfactory to me to go into this case at some length that I may obtain His Lordship's Instructions for my future guidance.

It appears to me you have rather mistaken Dudfield's statement, and suppose him to imply the loss of money or other valuable property, that had been lodged in the Commissariat Chest.

The fact is that, according to the regulation which has been established for the last three Years, this Prisoner previous to his landing was required to deliver over to the Surgeon Superintendent of his Transport all the money and valuable property which he had brought with him. This, according to his representation at the time, consisted of the Articles stated in the
Margin,* and was deposited with the Senior Commissariat Officer, A statement having been distinctly read to the Prisoner in my presence and acknowledged to be correct. The whole of this property still remains untouched, and is secured in the Military Chest.

But, in addition to Money, the Prisoners are very generally permitted to bring one or two Boxes in the Transport, containing, as it is understood, wearing apparel. With regard to Articles of this nature, it is next to impossible for the Surgeon Superintendent to take a minute Inventory of them. He is therefore only required to render an account of the number of boxes or bags or parcels belonging to each Prisoner, of which a statement is delivered to the Principal Superintendent, called over in the presence of all the Prisoners, and the correctness of it allowed or denied, as the case may be, during the Lieutenant Governor's Inspection on their landing.

Property of this description cannot be entirely protected, for as these wretched Men have no compassion on their fellow sufferers, they rob each other without compunction. But the Government does all it can for them; their Boxes are deposited in the Commissariat Store (to the great vexation and inconvenience of the Officer in charge of that Department), and the utmost care is taken of them; the ingenuity of Convicts, however, defies every measure of precaution, and, in spite of all vigilance, robberies are occasionally perpetrated.

Dudfield, it appears, brought three Boxes on shore supposed to contain Clothes; no account was taken of their Contents, but they were deposited in the Commissariat Store. Two robberies were no doubt subsequently committed, and this Man's boxes with others broken open. On this occasion Dudfield exhibited a statement of the property which he said he had lost, including among other items two Bank Notes of the Value of £100 each; and, as he was transported for being concerned in a robbery of Notes to a large extent, nothing is more probable than that he really had such Notes secreted with his Clothing; although, as he insisted upon his innocence of the Crime for which he was transported, it was not convenient for him to comply with the regulation and deliver up the Notes. But it was therefore in my opinion only a reasonable consequence that his subsequent claim for indemnity should be disregarded!

With regard to the articles of Wearing Apparel contained in the Prisoners' Boxes, I have not considered these property of

* Marginal note.—114 Sovereigns; 1 Gold Watch, Chain and Seals; 1 Silver Watch, Chain and Seals; 1 Gold Chain and Seals; 1 Gold Broach; 1 Bag containing 20 Pieces of Foreign Coin and a Queen Anne's Guinea.
which, according to Lord Bathurst's Instructions, Prisoners were intended to be deprived, and, on their assignment, they have been permitted to take any such Boxes with them; but it has generally followed that they have robbed one another. In cases, such as Dudfield's, when it is not deemed prudent to assign Prisoners on their landing, their Boxes remain in the Commissariat Store; but, in the event of Robbery of any particular articles of which no inventory has been taken, I have not considered the Commissariat Officer chargeable if there has been no apparent neglect, and have rather visited the misfortune upon the Prisoner as one of those evils necessarily attendant on the crimes which have led him to be congregated with such wicked and corrupt associates.

It is a question I have often been anxious to propose, whether it would not be proper to restrict the Prisoners on their Em- barking, and on no account allow any Man to embark more than one Box; and now, as Earl Bathurst has recently given Instructions for various measures of restraint, I would venture to suggest the subject for consideration; and, so far from indemnifying a Prisoner for any loss of his property, especially such as is taken charge of without any precise inventory, I would rather submit it as a most useful principle that their possession of any should be understood largely to be an act of extraordinary grace, and that their incapacity to hold property is a consequence necessarily resulting from their Crimes! Moreover, if they are still permitted to bring Articles beyond mere necessary wearing apparel, I would suggest the immediate disposal of such property, and the proceeds to be placed in the Savings Bank!

Upon the subject of Dudfield's personal restraint, I beg to observe that, on his transportation an intimation was given from the "Home Department" that, as he was a very bad character and likely to attempt an escape, the strictest watch upon his conduct was recommended.

By the Report of the Principal Superintendent of Prisoners, Earl Bathurst will perceive that this intimation has been acted upon without the least recourse to any unnecessary severity; but the plain state of the case is that the situation of a Convict in its mildest form is now most severely felt by the Prisoners, and no punishment is so great to them as being deprived of the means of gratifying their habits of debauchery.

With regard to the last paragraph of your letter informing me that Earl Bathurst sees no objection to my directing the Money, which may belong to this Prisoner, to be returned to his friends in England, if he should prefer that course to leaving it in the hands of Government, I shall of course comply with His
1827.
11 Sept.
Objections to system ordered.

Lordship's instruction; at the same time, I beg to state, that the consequence will most probably be that some means will be devised by Dudfield's friends to remit his Money or property through a private Channel, and thus afford him, what he has been most anxious to obtain, the full enjoyment of it.

I have, &c.,

GEO. ARTHUR.

The principal Superintendent has reported that Dudfield does not wish his money to be returned to his friends in England.

[Enclosure.]

MR. J. LAKELAND TO COLONIAL SECRETARY BURNETT.

Principal Superintendent's Office,

10th August, 1827.

Sir,

In reference to the Memorial addressed to Lord Bathurst by George Dudfield a prisoner of the Crown, I do myself the honor to report, for the information of His Excellency The Lieutenant Governor, that he arrived in this Colony per the "Medina," September, 1825; that, on his arrival, the property he brought with him was deposited in the King's Store according to the established regulations; and, from a list handed to me by the Surgeon Superintendent Dr. McGregor, it appears he had the following Articles:—114 Sovereigns; 1 Gold Watch, Chain and Seals; 1 Silver Watch, Chain and Seals; 1 Gold Chain and Seals; 1 Gold Broach; 1 Bag containing 20 pieces of foreign Coin and a "Queen Ann's" Guinea.

These were taken in charge by the Head of the Commissariat Department, and are now safe in his hands.

There were also three Boxes, and one Carpet Bag, which were deposited in charge of the Storekeeper, the contents of which were not known to any individual here; some short time afterwards the Store was broken into and the prisoners' Boxes plundered, amongst which are those belonging to Dudfield; the particulars, as far as could be collected, I reported at the time, a copy of which I beg to enclose, and also the report made to me by Dudfield of the loss he had sustained, amongst which your Excellency will observe two one hundred pound notes; I do not believe that any individual knew that he had this money secreted in his Box, for, had the Surgeon Superintendent known it, he would no doubt have taken it from him and lodged it with his other money in the hands of the Commissary, where it would have been safe.

There can be no doubt but that Dudfield's Boxes have been plundered (but to what extent it is impossible for me to say, or
gain any information except from himself); a man named Kerr was tried at the Criminal Court and convicted for having some of Dudfield's property in his possession.

On his arrival, I was directed by His Excellency, in consequence of a letter received from Mr. Capper, to place him in the Prisoners' Barracks with instructions to keep a strict observance of his conduct, it being contemplated that he would endeavour to effect his escape. He has no just ground of complaint; on account of his confinement in Barracks for the first six months, he was incapable of performing any labour from illness, and ever since he has filled some petty situation, and for more than twelve months has been kept from the other prisoners by being permitted to sleep in the same apartment with the Overseers and Constables.

With regard to his application for a part of his money, I can only say it was not made through me.

I have, &c,

JOHN LAKELAND,
Principal Super. of Convicts.

[Sub-enclosure No. 1.]

MR. J. LAKELAND TO COLONIAL SECRETARY BURNETT.
Principal Superintendent of Convicts Office,
Sir, 9th February, 1827.

In obedience of your instructions of yesterday's date, I beg to inform you that I have investigated the robbery, committed at the Commissariat Stores, of the baggage belonging to Convicts, and have to report as follows:—

I find that the boxes etc. belonging to Convicts are deposited in the upper story of the old Commissariat Store, and, by marks which are visible on the wall, it appears that a ladder has been placed there for the purpose of effecting the robbery; this ladder was left in the yard by the Contractor who is Building a New Office; it is ascertained that a Convict named John Kerr, who is a labourer employed in the Store, had secreted himself in the Yard, and in the night, ascended by the ladder, assisted by a large pair of Cooper's Compasses effecte the purpose.

I am unable to ascertain the extent of the property stolen, but find three boxes are broken open, one belonging to Thomas York, Robert Evans, and the other with no marks. There are also two others broken open belonging to George Dudfield, but am unable to say if they were plundered at the same time.

I understand that one of the Convicts in the Store gave the information, which led to the detection of John Kerr and the recovery of a part of the property stolen.

I cannot find out by what means the man escaped from the yard, without the Sentries or Watchmen were concerned in the robbery.

I beg to enclose a statement, made by Dudfield, of his loss; one of his boxes was plundered upwards of six months ago; he only found out on Saturday last that the other two boxes had been broken open.

I have, &c,

JOHN LAKELAND, Principal Super. of Convicts.
STATEMENT BY G. DUDFIELD.

9th February, 1827.

GEORGE DUDFIELD states: I arrived Per Ship "Medina," 14th September, 1825. I brought with me three boxes, and a Carpet bag, which were placed in the Commissariat Stores; I heard, about 7 months since, the Commissariat were broken open, and I went there in company with Kerbey Police Constable, and I found the contents of the largest box were nearly gone.

4 Superfine Coats, 8 Waistcoats, 3 Pair of Trowsers, 5 Pair of Small Clothes, 15 Sheets, 5 Pair Drawers, 24 Pairs White Cotton Hose, 13 Towels, 20½ Fancy Handkerchiefs, 3 Pair Braces, 3 Pair Gloves, 25 Yards Superfine Black Cloth, 4½ Yards Ditto Ditto, 6 Cotton Night Caps, 12 Pairs Black Silk Hose, 4 Pairs Ditto (been worn), 6 Pieces Silk Handkerchief Spital Fields, 3 Pieces Black Ribbon, 13 Yards White Jean, 6 Yards Calico, 2 Table Cloths, 3 Silk Handkerchiefs, 25 Town Printed Common Handkerchiefs, 2 One Hundred Pound Bank of England Notes.

When I first went to the Stores, The two small boxes and the Carpet bag at that time appeared to me not to have been molested; on my going to the Stores on last Saturday, I found the contents of the two small boxes were gone, as also the Carpet bag, all but one pair of Boots which I found at the bottom of the Carpet bag.

I have seen no part of my property, which has been taken from the boxes, deposited in the Stores, except a pair of Boots, and a Cloth Waistcoat in the hands of the Chief Constable, which I have sworn to.

LIEUT.-GOVERNOR ARTHUR to UNDER SECRETARY HAY.

Sir,

Government House, Van Diemen's Land,

11 September, 1827.

I have the honor to acknowledge the receipt of your letter of the 15th February last, enclosing Copy of a letter from Mr. Lynnot, which represented the inadequacy of the grant of Land ordered to Mr. James Aitkin, in proportion to the Capital which he possessed, with Copy of your reply to Mr. Lynnot.

The utmost capital, which Mr. Aitkin possessed on his arrival in the Colony, as will be seen by the accompanying Copy of a letter from him dated 22nd June, 1824, was £380, which entitled him, according to the regulation at that time established, to no more than 300 acres of Land. On his obtaining, however, a small augmentation to his capital, the fruits of his industry in the Colony, the area of his grant was extended to 800 acres, which in strictness exceeded the quantity to which he had any claim upon the grounds of his property. And it has surprised me exceedingly that he could have ventured to make any representation upon the subject.

I have, &c.,

GEO. ARTHUR.
MR. J. AITKIN TO LIEUT.-GOVERNOR ARTHUR.

Hobart Town, 22nd June, 1824.

In compliance with your order I beg leave to subjoin the following Statement of my property.

I have, &c.,

JAMES AITKIN.

Cash ........................................ £180
Merchandise unsold consisting of Paint, Oil, Brushes, Stationery, etc. ...... 200

£380

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen's Land,

Sir, 12 Septr., 1827.

I have the honor to acknowledge the receipt of your letter of the 27th June last, enclosing Copy of an application from Colonel Sorell for a piece of Land of 900 Acres, adjoining a Grant which had been made to him by the late Governor Macquarrie, and to acquaint you that my Lord Bathurst's Commands, that I should comply with the request of Colonel Sorell by making to him a Grant of the piece of land in question, are directed to be carried into effect.

I have, &c.,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HAY.

Government House, Van Diemen's Land,

Sir, 12 Septr., 1827.

I have the honor to acknowledge the receipt of your letter of 15th January last, acquainting me that the Sum of £250 had been advanced to Mr. John Archer on account of his Salary as Civil Engineer of this Island, and in reply, I beg to acquaint you that intimation thereof has been conveyed to the Colonial Treasurer.

I have, &c.,

GEO. ARTHUR.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(My Lord,

Government House, Van Diemen's Land,

My Lord, 12 September, 1827.

I have the honor to report to Your Lordship an alteration, which I have considered it advisable to make provisionally in the mode of remunerating the Police Magistrates of Hobart Town and Launceston.
Both these Officers, in addition to their Emoluments as Police Magistrates, received Salaries with Rations and Fees for their Appointments as Coroners, the value of which last Year was respectively £95 and £93. As however the Police Magistrates appointed in the Interior (as reported to Your Lordship in my Dispatch of the 16th March, 1827) were required to do the duties of Coroners without any payment, I submitted to the Council whether it would not be desirable to discontinue the Emoluments enjoyed by the Police Magistrates of Hobart Town and Launceston as Coroners, and allow them an equivalent by a proportionate increase to other Salaries as Superintendents of Police. The Council having coincided with me in opinion, the Salary of the former Officer has been increased from £300 to £400, that of the latter from £200 to £300 per annum subject to Your Lordship’s confirmation, and both will discontinue to receive any Emolument as Coroners.

On my bringing this subject under consideration, the Council took occasion to record its opinion that the two Officers in question are very inadequately paid, and recommended an increase to their Salaries, proportioned to the extremely arduous, responsible, and important duties of these Police Magistrates, which must entirely occupy their time and attention by day and frequently until late hours of the night.

It is the opinion of the Council that the Police Magistrate of Hobart Town should receive a Salary of not less than £800 per annum, and that the Police Magistrate of Launceston should receive a Salary of not less than £600 per annum, exclusive of all emoluments.

I submit it to Your Lordship that I concur with the Council in the opinion that these Magistrates are inadequately remunerated; but, considering that at least some accommodation is provided for them at their Offices where they are expected to reside, a Salary of £500 a Year to the former and of £400 a year to the latter, exclusive of their Fees, would I think place them on a footing corresponding with the other Departments of the Government.

I do not concur with the Council in recommending a Salary in lieu of Fees, nor shall I ever do so on any future occasion, unless under circumstances of a peculiar nature, because I have seen the practical effect of this compromise to be, that the Fees so greatly diminish as to become a total loss to the Crown!

I have, &c.,

GEO. ARTHUR.
Extract from the Minutes of the Executive Council.
29 June, 1827.

Present:—His Excellency the Lieutenant Governor; His Honor the
Chief Justice; The Colonial Secretary; Jocelyn Thomas, Esq.

The Lieutenant Governor laid before the Council the following state­ments of the salary, fees, and allowances at present received by the
Superintendents of Police for Hobart Town and Launceston, with a
view of altering the mode of remunerating these officers for their
services.

<table>
<thead>
<tr>
<th></th>
<th>Hobart Town</th>
<th>Launceston</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary as Supt. of Police, 1826</td>
<td>300 0 0</td>
<td>200 0 0</td>
</tr>
<tr>
<td>Fees as Do Do</td>
<td>98 0 6</td>
<td>50 2 6</td>
</tr>
<tr>
<td>Commutation for Rations and value of Slop clothing for 2 Conv. Servts.</td>
<td>60 0 0</td>
<td>60 0 0</td>
</tr>
<tr>
<td>Salary as Coroner for 1826</td>
<td>40 0 0</td>
<td>40 0 0</td>
</tr>
<tr>
<td>Fees as Do Do</td>
<td>22 7 3</td>
<td>20 0 0</td>
</tr>
<tr>
<td>Commutation for Rations for 1½ Ration as Coroner and Wife £12 ea.</td>
<td>18 0 0</td>
<td>18 0 0</td>
</tr>
<tr>
<td>Do. Do. 1 Servant</td>
<td>15 0 0</td>
<td>15 0 0</td>
</tr>
</tbody>
</table>

£553 7 9  £403 2 6

His Excellency stated that, as the Police Magistrate lately appointed
in the Interior would be required to do the duties of Coroners without
receiving payment for that service, he considers it desirable to dis­
continue to the Police Magistrates for Hobart Town and Launceston
the Salary, Fees and allowances they derive from that appointment,
and to allow them an equivalent by a proportionate increase to their
Salaries as Superintendents of Police. By this arrangement the
reduction from the Superintendent of Hobart Town would be £95
7s. 3d. and to the Superintendent of Launceston £93, and in lieu
thereof the Lieutenant Governor proposes to allow them each £100 per
annum to their Salaries. As all commutation allowances have lately
ceased, the Lieutenant Governor further proposes to allow the two
Superintendents to draw in kind the rations for the 4 Convict Servants,
as he does not think they ought to be deprived of any part of their
emoluments of office, which were originally attached to the appoint­
ments without an equivalent, and upon these points is pleased to
require the opinion and advice of the Council.

The Council, having considered the Lieutenant Governor’s pro­
positions, is of opinion they are very desirable for the reasons stated,
and advises His Excellency to consolidate the Salaries of the two
Superintendents of Police under one head, as no additional expense
will accrue to the Crown, and the objection of defraying the charges
of a department through two funds will be removed. By this arrange­
ment, the Superintendent for Hobart Town will receive a Salary of
£400 per annum and rations for four Convict Servants, and will retain
his fees which amounted last year to £98. The Superintendent for
Launceston’s Salary will be £300 per annum with the Rations for four
Servants, and he will also retain his fees which amounted last year to
£50. Although the Lieutenant Governor has stated that he does not
feel justified in increasing the Salaries of these two officers without
the previous sanction of Earl Bathurst, and has not therefore required
the opinion and advice of the Council on that point, the Council begs
permission to be allowed to record its opinion that these two officers
are very inadequately paid and recommends an increase to their
Salaries. In the opinion of this Council, the extremely arduous and
important duties of the two Superintendents of Police in a Penal
Colony must always occupy their entire time and attention, and they
should have no duty to perform which can require their absence from
the Towns, for their official business in the Police Office is not con­
fined to the day, but frequently, and in Hobart Town generally occupies
the Superintendent until a late hour of the night. Considering the
labour and responsibility which devolve on these two officers, the
Council is of opinion that a Salary of £800 per annum for the Superin­
tendent of Hobart Town and £600 for Launceston is not more than
an adequate remuneration for their services, but in naming these
Salaries the Council is of opinion the Rations for the four convict
Servants should be discontinued, and the fees of the Offices should be
paid into the Colonial Treasury.

A true Extract:—JOHN MONTAGU, Clerk of Council.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.
(Despatch No. 53.)
Government House, Van Diemen's Land,
My Lord, 14 September, 1827.

I have the honor to acknowledge Your Lordship's
Dispatch No. 23, respecting the augmentation of the Survey
Department, which Your Lordship had ascertained through the
report which had been required from Mr. Evans on his return to
England, and Your Lordship expresses much dissatisfaction that
so considerable an augmentation should have taken place since I
last brought the state of the Department under your Lordship's
consideration.

My Dispatch of 1st March, 1825, contained the Report, to
which Your Lordship alludes, in which I simply stated the
strength of the Department, but solicited no augmentation
beyond the Appointment of Mr. Sharland. In the Month of
November in that Year, I was honored with Your Lordship's
Commands to proceed with the general Survey of the Colony,
and during the last Year Commissioners were accordingly
appointed, and the Survey commenced. The deficiency in the
Survey Department then became apparent, as the operations
both in the field and in the Office could not keep pace with the
movements of the Commissioners, and as the Acting Surveyor
General reported in very strong terms, and convinced me of the
serious injury which the Public Service sustained from the want
of assistance, I consented to allow additional aid, not however
at all increasing the permanent strength of the Department, but
simply granting the temporary aid which was urgently necessary
for carrying on an operation expressly ordered by His Majesty's
Government.

This temporary augmentation of the Department was fully set
forth in the annual Blue Book for the Year 1826, and I confess
it did not appear to me under the terms of Your Lordship's
Dispatch No. 18,* that the appointment of these temporary junior
Officers at the pay of 5s. 6d. per diem, literally differing but in
name from mere Clerks, required any more particular notice.
But, in laying before Your Lordship the representation of Mr.
Sharland in my Dispatch No. 30,* I expressly referred to the
circumstance, and as to these Appointments proving in any way
an inconvenient interference with Appointments made by Your
Lordship from Home, I reported in my Dispatch No. 29* to Your
Lordship that I had guarded against such inconvenience by the
general rule, which I had laid down and distinctly explained
to every Officer accepting an Office of any kind under the
Government.
The Letters from the Acting Surveyor General soliciting
additional aid during the last Year I have already had the honor
to transmit; but, considering Your Lordship will desire to be
put in possession of still fuller information, an additional
detailed report has been now required, the substance of which
will I hope convince Your Lordship that the augmented Estab­
lishment of the Office has been a measure of prudence and sound
policy, whether viewed in relation to the immediate settlement
of Emigrants or to the future Revenue of the Colony drawn
from the Land.

I have, &c.,

Geo. Arthur.

[Enclosure.]

ACTING SURVEYOR-GENERAL DUMARESQ TO COLONIAL SECRETARY
BURNETT.

Surveyor General's Office, Hobart,
12th September, 1827.

Sir,

I have the honor to acknowledge the receipt of your letter
of 3rd Inst. acquainting me "that Earl Bathurst having noticed
the Appointment in my Department of three acting Assistant
Surveyors General, His Excellency the Lieutenant Governor
desires me to report fully upon the necessity, which existed, for
the employment of these extra Officers."

I beg to submit the following observations explaining the
necessity which existed for an augmentation in the Survey
Department at the period of my taking charge; and that the
expense is inconsiderable when compared with the importance
of the Duties to be performed.

* Note 45.
168 HISTORICAL RECORDS OF AUSTRALIA.

The very great arrear of business in the Survey Department at the time of my taking charge, and the extreme incorrectness of the Maps and Plans handed over to me, rendered a very considerable augmentation of its Establishment absolutely necessary, both with reference to the King's Instructions and to the current business of the Surveys with the great arrears to be brought up.

Previous to the augmentation, not Six Grants or Leases of Town Allotments had been prepared in the Island. There are now 632 ready for Signature and the Seal, The Quit Rents upon which amount to £1,101 pr. annum; 131,000 Acres of Land have been located by me, a great proportion in situations which many Persons have stated they had in vain applied for previously, and many Settlers have complained in the strongest terms and manner that, when they first arrived, they had been prevented from taking lands which they were told at the Survey Office were already appropriated, although the contrary is now evident, and that the same ought to have been open to their choice at that time, and, if located accordingly, would have saved them the most serious losses and inconvenience, and have been very materially to their advantage in many respects.

The Quit Rents due, which may be levied by means of the information, Lists and Returns, which will be furnished by me in the course of a few weeks, amount to not less than £500 pr. annum, and the Quit Rents upon 131,000 Acres located by me will amount to at least £1,000 pr. annum. The exact Sum cannot be stated at present, but it will exceed that which I have mentioned. 80,000 Acres of Land have been applied for to purchase, nearly the whole of which may be sold immediately and will realize at the low valuation of 4 to 5s. per acre 16 to £20,000.

Previously to the augmentation of the Department, neither Plans nor Papers had been kept with any order or regularity, and it has since required my most constant and unremitting attention and exertion to instruct both Assistants and Clerks in Surveying, in Drawing, and in keeping in some degree of order the various official Documents.

For the proof of this, I can refer to the Surveys and Plans made under my superintendence, and to those made previously, and to the state of the Office and Department now, and to that in which I found it.

The Department, which has been formed since my taking charge (and taught and instructed by me), is now beginning to work, and I confidently engage that it shall work well and
effectually. In all that I have hitherto been able to effect (as may be easily imagined), I have had to act under great disadvantages and peculiar difficulties, incidental to an Officer while only in the Exercise of temporary and uncertain superintendence over a Department.

The serious evils, resulting from the manner in which the Surveys and Plans had been made, are now becoming apparent in such cases as Terry and Barker, Lord, Risely, Langlosh, Mazetti, etc., Macintosh and Degraves, Robertson and Murray, etc., with many other Instances too numerous to mention here.

It must necessarily occupy a considerable time, as well as the most unremitting and cautious attention and exertion, to correct the errors of the Surveys carried on during a period of about 20 Years; but the longer the correction might be delayed the greater and more complex the difficulties would become; many cases may now be settled without much trouble or expense which, if delayed and all opportunities taken advantage of as they occur, would become evils of great magnitude.

With regard to expense, I am certain that it must appear upon a close examination trifling in comparison with the very important Duties performed, and at all events is more than repaid by the preparation of Documents without which the Revenues to be derived from the Lands cannot be collected; while the Documents cannot possibly be prepared without an efficient Survey Department.

All Revenue being ultimately derived from the Lands, what can be of more importance, or in what can a liberal outlay and expenditure be more consistently, more judiciously and profitably made than in placing upon the most efficient and respectable footing a Department, by means of which those lands are to be justly and advantageously appropriated and the very sources of Revenue discovered and laid open.

Some further observations in explanation of the more extended nature of the duties of the Van Diemen's Land Survey Department as compared with those usually understood to be performed by a "Survey Department."

The duties of this department in addition to those usually understood to be performed by a "Survey Department" are more particularly those of a Revenue Survey, for the two branches are inseparably connected; the Revenues could not be established without the Surveys, and of course the Surveys could not be made without Revenue.

The mode of Surveying is also distinguished from that of Trigonometrical Surveying as usually performed, viz., by measuring one or more Bases and fixing a certain number of
1827.
14 Sept.

Mode of surveying.

Inability to make trigonometrical survey.

Points by measuring the angles, which imaginary lines drawn from one point to another contain, filling up the Map or Plan by means of the Plain table, Sketching, etc. But, in surveying and measuring the circumscribing lines of Grants of Land and other Boundaries, those lines must be actually walked over with the Theodilite or Compass and chain.

A Trigonometrical Survey, though very desirable for every Country, is almost impracticable in a new, wild and unsettled Territory, presenting scarcely any Points that can be called fixed Points for making such a Survey with accuracy; it may in fact be said that it is only practicable in a well settled Country; as the expense of making fixed Points and generally of carrying on the Work in wild and unsettled parts would be so great that it cannot be incurred.

So far as the Country is well settled and open, it will be very useful and well worth the expense but not beyond.

In consequence of the incorrectness of the old Surveys, the most complicated and perplexing questions arise relative to the Boundaries of Grants of Land. These, together with the enquiries and examinations to be made relative to applications for and respecting land and the infringement of the conditions upon which it is granted, with all Land Revenue Questions (in which are comprehended a great variety), render the present Duties of this Department of a nature infinitely more extended and comprehensive than the mere superintendence of the Surveys and construction of the Maps and Plans to be made from them would be, unattended by the other duties to which I have adverted.

The foregoing observations and statement of facts will I trust sufficiently prove the necessity, which existed at the period of my taking charge, of an immediate augmentation in this Department, and that the Expense is trifling considering the great importance of the Duties performed, and which ought to be performed by the Survey Department.

I beg this opportunity of reporting that the Department is still very deficient in strength; and to recommend as particularly desirable for the benefit of the Service, for the improvement, cultivation and advancement in Wealth and consequent augmentation in value and importance to His Majesty of these parts of the Empire so uncommonly rich in their natural Resources, that two more Assistant Surveyors, and one Draughtsman, active, efficient and well instructed in their Profession, should be appointed.

I have, &c.,

E. DUMARESQ, Actg. Surveyor General.
ARTHUR TO BATHURST.

RIGHT HON. W. HUSKISSON TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 1.)

Sir,

Downing Street, 15 Sepr., '27.

Mr. Beamont having addressed a communication to my Under Secretary representing that the Appointment in which he had been placed by Earl Bathurst as Clerk of the Council, had, notwithstanding the arrival of his Lordship's Instructions to that effect, been withheld from him, I have to desire that you will secure to Mr. Beamont the amount of the Emoluments belonging to the Situation of Clerk of the Council from the date at which you were instructed by the late Secretary of State to appoint him to that Office; and I have further to acquaint you that the permission, which was subsequently conveyed to you to transfer Mr. Beamont the first opportunity to some other Situation of equal value, should the objections* which you stated to his holding the particular Office in question then exist, was not intended to interfere with his retaining the Appointment, and consequently receiving the Emoluments of Clerk of the Council, during such time as you should be unable to provide for him otherwise.

I have, &c,

W. HUSKISSON.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 54.)

Government House, Van Diemen's Land,

My Lord,

15 Septr., 1827.

I have the honor to acknowledge Your Lordship's Dispatch No. 20, desiring that I would transmit to Your Lordship the Judge's Notes on Mr. Murray's trial, that person having prayed His Majesty's Pardon for altering the date of a Bill of Exchange.

In obedience to Your Lordship's Commands, I have requested the Chief Justice to furnish me with a Copy of his notes on this trial; as, however, Mr. Pedder is at this time much pressed with the consideration of some Acts of Council, and is preparing some observations to be submitted to Your Lordship upon the Court Act, I fear I may not have the notes to forward by this opportunity. But I beg to inform Your Lordship that I considered Mr. Murray's case in Council on the 27th of July last, and, on the recommendation of the Chief Justice, granted him a pardon on the grounds of some legal points, although there could be no moral doubt of his being guilty of the Crime of which he was convicted.

I have, &c,

GEO. ARTHUR.

* Note 46.
172 HISTORICAL RECORDS OF AUSTRALIA.

1827.
17 Sept.

Right Hon. W. Huskisson to Lieut.-Governor Arthur.

(Despatch No. 2.)

Sir, Downing Street, 17 Septr., 1827.

I have the honor to acknowledge the receipt of your dispatch dated the 6th of March, addressed to the Earl Bathurst, transmitting several Requisitions for Stores for the use of the Colony of Van Diemen’s Land for the year 1828, and I beg to acquaint you in reply that directions have been given for forwarding the Articles enumerated therein with as little delay as possible.

I have, &c.,

Wm. Huskisson.

Despatch acknowledged.

Report re schools to be submitted.

Lieut.-Governor Arthur to Earl Bathurst.

(Despatch No. 55.)

Government House, Van Diemen’s Land,

17 September, 1827.

My Lord,

I have the honor to acknowledge the receipt of Your Lordship’s Dispatch, No. 56, in answer to mine, No. 19, transmitting two Reports from the Archdeacon on the Church and School Establishments of Van Diemen’s Land on the occasion of his first visitation to the Colony.

With reference to that part of Your Lordship’s Dispatch which requires further information respecting the description and number of Schools, which it would be of importance to establish, their situation, the establishments of this description most urgently required, and those which may be deferred with the least inconvenience, and also as to the best and most practicable mode of disposing of a portion of the Church property, in order to raise, by degrees, the necessary funds for defraying the expenses of these establishments, as well as for maintaining the additional Clergymen recommended by the Archdeacon to be appointed, I shall do myself the honor of reporting fully to Your Lordship after I shall have conferred on these subjects with the Archdeacon, who is immediately expected on his second Visitation.

By the 31st Article of the Governor’s Instructions, it appears that a body politic and corporate was intended to be established for the purpose of having the control and superintendence of the Church Lands; I take the liberty therefore of submitting that no Instructions on this subject have been transmitted to me.

I have, &c.,

Geo. Arthur.

* Note 47.
Despatch No. 56.

Government House, Van Diemen's Land,

My Lord, 17 September, 1827.

I have the honor to acknowledge the receipt of Your Lordship's Dispatch 15th February, 1827, in answer to mine of the 14th July, 1826, respecting the state of the Police Office, and reporting the purchase which I had sanctioned of a more suitable building for the transaction of that most important branch of public business in a penal Colony.

I am much concerned that Your Lordship has not approved of this measure; and that, with reference to the Treasury Instructions* by which I am directed to abstain from undertaking any Service which shall involve an expenditure exceeding the Sum of £200, Your Lordship has been pleased to direct that the building shall be again offered for Sale, and, if the Government is not reimbursed, the loss must be considered as a special item of charge against myself; And further that, as the Police Magistrate does not appear hitherto to have received any allowance for House Rent except the Sum of £32 per annum for his Office, Your Lordship does not consider it necessary that he should now be provided with a house, and therefore, in the event of his occupying any part of whatever new building may be appropriated as a Police Office, he is to be called upon to pay a fair rent in proportion to the accommodation which he may receive.

As Your Lordship's Instructions are not peremptory, but admit my waiting a favourable opportunity for disposing of the premises, I trust I shall be excused in offering some further observations upon this subject, and, should I unfortunately fail in convincing Your Lordship of the necessity of the measure which I adopted and of its advantage to the public Service, I shall not hesitate a moment in submitting to any loss which may fall upon myself for having authorized the purchase.

The Treasury Instructions* to which Your Lordship advert,s, which restrain the Governor from undertaking any expenditure exceeding £200 without authority, did not reach me until April last.† I am sure therefore Your Lordship would not hold me responsible under those Instructions for an Act, which took place so long before I received them: at the same time, I do not wish, from this circumstance, to shrink from the strictest responsibility, for, although I had never received the Treasury Instructions, I should still consider myself accountable for every

* Note 47.
† Marginal note.—Transmitted in a Letter from Governor Darling dated 30th March, 1827.
1827, 17 Sept.

Condition of old police office.

Refusal of magistrates to sit in old office.

Health of A. W. H. Humphrey.

Result of want of accommodation in police office.

Selection of new police office.

I take it for granted that Your Lordship is satisfied by my former Report of the extreme state of delapidation and ruinous condition of the old Police Office: Scarcely do I exaggerate, My Lord, when I affirm that Justice might almost as well have been administered in the open street; and, as, in Police matters, secrecy is often required, the most positive injury was almost daily apparent. The representation of the Magistrates, Your Lordship will observe, was made to me in January 1826, and yet, so difficult was it to procure any building suitable as to accommodation and situation, that I was driven to the last necessity for a remedy, and five months expired before another Office could be determined upon. In the mean time, although the Police Magistrate himself patiently submitted to the accommodation with which he was provided, yet all the unpaid Magistrates would endure it no longer, and actually declined giving their attention in a situation so disreputable and unwholesome, and where they were promiscuously huddled together with Clerks, Constables, and Convicts. About the same period, the health of the Police Magistrate, Mr. Humphrey, began to decline, and the life of this valuable Magistrate was imminently endangered by his incessant labours in that miserable dwelling; and he has since continued in so precarious a state, as to be obliged to remove from Hobart Town totally incapacitated from performing any duty.

The want also of additional assistance and better arrangement in the Police Department, for which a commodious building was indispensable, began to be seriously felt by the Government. The Black Books were not posted up, and many months transpired before the characters of Prisoners were furnished, which should have been certified in 24 hours, a circumstance which threw back the business of the Colonial Secretary's Office, and originated complaints of a very serious and distressing nature, the effects of which have scarcely ceased to be felt to the present hour.

It was in this state of things that I renewed my directions to the Acting Colonial Secretary that every possible enquiry should be made for a Building for a Police Office, which had hitherto in these Colonies (and from necessity) comprised some accommodation for the Police Magistrate, when the building, which has since been purchased, presented itself. The first endeavour of the Government was to rent it, but this could not be arranged
even under the extremely disadvantageous terms, on which alone the Government can hire Buildings in this Colony, and no alternative remained but to purchase it; and Your Lordship will perceive, by the accompanying Extract of the Minutes of the Council, that this step was not finally taken without the most deliberate investigation.

Had the Government succeeded in renting a suitable building with regard to situation for the office and residence of the Police Magistrate, it would still have been necessary to make considerable alterations in any that could have been procured, and to add a strong room for the confinement of the Prisoners, the expense of which alterations and additions, if laid out upon a rented house, would have been lost to the public; and another very strong objection to hiring any Building in this Colony, which is permanently required by the Government, is the obligation which is laid upon the Tenant to keep it in repair.

With reference to Your Lordship's instruction that the Police Magistrate should be called upon to pay rent for such portion of the new Police Office as he should occupy for the use of his residence, under the impression that it is an indulgence which he has not hitherto enjoyed, I beg to observe that the Police Magistrates of Hobart Town and Launceston have always been accommodated with residences at the public expense; and the fact of the rent at Hobart Town amounting to no more than the small Sum of £32 per annum has arisen from the circumstance of Mr. Humphrey's having submitted to put up with the wretched hovel in which he resided, whilst at the same time, for the house and Office of the Police Magistrate at Launceston, where the business is by no means so extensive, a rent has been paid of £108 per annum.

The truth is, My Lord, there are peculiarities in the character of almost every Man, and Mr. Humphrey gave proof that he was willing to endanger his life, and, if left to himself, would readily have suffered the Government to continue the occupation of his House at the trifling rent that was paid for it, and have submitted to all the confusion in which he was daily living rather than be put out of his way by transferring his Papers and Himself to any other Building.

There is another circumstance relating to the old Police Office, to which it is proper that I should allude on this occasion; Mr. Humphrey purchased it at the Sheriff's Sale for a very trifling Sum under certain and very extraordinary conditions. The original Proprietor has lately returned to New South Wales, and I have recently received a communication from the Sydney Government claiming indemnification in his behalf, so that I
1827.  
17 Sept.

Proposed protection of A. W. H. Humphrey from loss.

Extensive business of police office.

Necessity for residence of magistrate at office.

Absence of instructions to G. Arthur on important issues.

fear the Government may hereafter be called upon to make satisfaction for the occupation of the Building on the low terms in which it has been obtained, and I am confident when Your Lordship reflects upon the Services Mr. Humphrey has for nearly Twenty Years rendered this Colony, and the trifling Salary he has derived from it, that Your Lordship will not be disposed that any loss should fall upon him.

When Your Lordship considers the multifarious and very extensive business transacted at the Police Office at Hobart Town, which more than doubly exceeds that of any Police Office of the Metropolis, and for a detail of which I beg to refer Your Lordship to Commissioner Bigge's Report,† although the business since that period has greatly increased, I am sure Your Lordship will be convinced that, in a Colony where the duties of this Department are so highly important, every facility should be afforded for their prompt execution. For this purpose the Police Magistrate must be always at his post, and it is consequently indispensable that he should reside at the Office where his attendance has been always unremittingly demanded throughout the day, and frequently at all hours of the night.

These are circumstances and considerations, My Lord, which weighed with me in sanctioning the purchase of the Police Office; and, upon this plain statement of the facts, I confidently submit the prudence of the measure to Your Lordship's judgement. The Treasury Instructions, as I have already observed, had not indeed, could not have reached me, and I take this opportunity of explaining—as Your Lordship has elsewhere appeared to be impressed with the idea that I must have received instructions from the Governor of New South Wales, founded on Your Lordship's Dispatches for my guidance—that neither in the management of the Convicts, in the appropriation of Lands, in the formation of Departments, or in the Public Expenditure, did I ever receive any information from His Excellency beyond those few points which I specially submitted for his formal approval and confirmation. No Dispatches or Instructions of any importance were in the possession of my Predecessor, and I may venture to affirm that no Officer serving under Your Lordship's orders was ever more decidedly thrown upon his own undirected responsibility.

In the administration of a new and penal Colony at such a distance from the Mother Country, cases must continually arise which call for decision on points for which no instructions can possibly provide; this I have especially felt in the formation of this Government on its separation from New South Wales; but

* Note 48.  † Note 49.  ‡ Marginal note.—Sir Thos. Brisbane.
ARTHUR TO BATHURST.

I am not aware of any one transaction that can give Your Lordship occasion to regret the confidence you reposed in me in placing the Colony in my hands at such a moment.

I have, &c.,

GEO. ARTHUR.

[Enclosure No. 1.]

THE MAGISTRATES TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Hobart Town, 26th January, 1826.

We beg leave to represent to your Excellency the extreme unfitness of the Building appropriated as the Police Office, and the great personal inconvenience suffered by us in the performance of our weekly duties therein.

It is known to you that the public business is conducted in one room of a small House, which has, for many years, been the residence of the Superintendent of Police. This room is confined, low, and in a ruinous condition; the entrance to it is through a back yard of the premises; it is crowded with Clerks and papers, and subject to consequent confusion and noise, from the constant applications for passes, permits, &c., and at this Season its proximity to the kitchen of the House, and enclosure by Trees, render it not only intolerably hot, but exceedingly unhealthy. The Prisoners, who are held in Custody for examination, Witnesses, Constables, &c., are all huddled together in the back yard before mentioned, which is open to the Street, and this affords every facility for escape, individual communication and irregularity. These evils appear to be irremediable in that House; We therefore entreat Your Excellency to direct that some fitter place be chosen, where the business of the Police can be concluded with more facility, secrecy and effect.

We have, &c.,

REVD. R. KNOPWOOD,
J. SCOTT,
JOCELYN THOMAS,
W. H. HAMILTON.

[Enclosure No. 2.]

EXTRACT from the Minutes of the Executive Council.

8th July, 1826.

Present:—His Excellency The Lieutenant Governor; His Honor The Chief Justice; A. W. H. Humphrey, Esqr.; Jocelyn Thomas, Esqr.

The Lieutenant Governor directed to be laid before the Council a letter, addressed to him by four of the Town Magistrates, dated 26th January, 1826, representing the extreme unfitness of the building appropriated to the Police Office, and the great personal inconvenience suffered by them in the performance of their weekly duty therein.

They state that the public police business is conducted in one room of a small house, the residence of the Superintendent of Police; that

Ser. III. Vol. VI—M
the room is confined, low, and in a ruinous condition; crowded with clerks, and subject to great confusion and noise from the multiplicity of business going on in it, and also from the inconvenience of its proximity to the kitchen of the house.

The want of a proper place for the security of the prisoners under examination, and separation from them of the witnesses, is also pointed out by these gentlemen, and, as in their opinion these evils appear to be irremediable in the house at present occupied, they request His Excellency will be pleased to direct a fitter place to be chosen, where the business of the police can be conducted with more facility, secrecy and effect.

Two tenders, dated 29th March and 15th June, from Mr. Butler, offering his premises in Elizabeth Street, known as the "Waterloo Stores," were laid before and read to the council.

Read the report of a board of survey, consisting of the colonial architect and barrack master, dated 4th July, 1826, describing the house tendered by Mr. Butler, both as to the building, and its fitness as a police office and residence for the police magistrate, and recommending the purchase of it for that purpose, stating that in their opinion the house is worth two thousand pounds sterling.

The terms proposed by Mr. Butler for the sale of the house are £1,600 sterling, or £600 sterling and three thousand acres of land in grants of 1,000 acres each.

The lieutenant governor desires being informed the opinion of the council, both as to the necessity of removing the police office, and of the conveniency and suitability of the house tendered by Mr. Butler.

The council, having considered the subject submitted by his excellency, is of opinion that an urgent necessity exists for removing the police office, as the house at present appropriated to it is extremely inconvenient and insufficient for the performance of the increased and increasing duties of the department.

In the opinion of the council, the house tendered by Mr. Butler is desirably and advantageously situated for a police office, and the board having reported its suitability and conveniency, the council has no hesitation in advising his excellency to purchase and appropriate it as a residence and office for the superintendent of police.

The council begs to recommend that any alterations required for completing the office, etc., etc., be immediately performed by contract.

A true extract:—John Montagu, clerk of the council.

Lieut.-Governor Arthur to Earl Bathurst.
(Despatch No. 57.)

Government House, Van Diemen's Land.

My Lord,

18th September, 1827.

I have had the honor to receive your lordship's dispatch of the 4th April last in which your lordship, having called upon Mr. Evans to explain the affair of Mr. Lawrence's land, expresses your surprise to find from his answer that I should not have communicated to him, previous to his departure from the colony, that I had received particular instructions from your lordship upon this subject as connected with his retirement.
Your Lordship further expresses regret that I should have made up my mind to recommend a retiring Pension, whilst I continued so little satisfied with the explanations which had been afforded by Mr. Evans, or, at any rate, that I should not have apprized Mr. Evans of the scrutiny to which his conduct might be subject at home.

Your Lordship's Dispatch of the 7th April, 1826, reached me on the 7th of October in the same year. I have it not in my power to state the precise day on which I saw Mr. Evans, and expressed your Lordship's dissatisfaction at the explanation he had afforded in vindication of his conduct in locating the excess of land to Mr. Lawrence; but I am positive it was before the 24th of October. Mr. Evans, then on the eve of taking his departure, informed me that he could offer no explanation further than that he had always represented himself to have acted under the express directions of Colonel Sorell, and, as this, as far as Mr. Evans was concerned, was the point on which the whole question hinged, I stated to him that, as it was impossible to establish his assertion here, he must be prepared to satisfy your Lordship at home, and I therefore desired him to leave his address at your Lordship's Office, which he promised to do.

The accompanying Statement from Captain Montagu will satisfy your Lordship that I directly repeated to him the substance of the conversation that passed at this interview, and, as Mr. Evans admits that I expressed the expectation that he would call at your Lordship's office, it would perhaps be difficult for him to assign any possible object I could have in any such expectation unconnected with the point, which I was at the moment discussing with him.

I beg, my Lord, most distinctly to state that I not only signified to Mr. Evans your Lordship's disapprobation, but expressly mentioned to him the great probability of further investigation, requiring him to leave his address at your Lordship's office, and notified at the same time to your Lordship that I had so done.

Upon the subject of the retiring pension which your Lordship considers I should not have recommended, I submit that my Dispatches faithfully convey the painful state of my mind. Col. Sorell admits in his letter to Mr. Horton that Mr. Evans' proceedings in his office had been frequently suspected before my arrival, and a combination of circumstances led me to the belief that his conduct had been most improper, but then, at that time, I had no positive proof by which the fact could be established. Mr. Lawrence's case appeared to form an exception; but Mr. Evans so solemnly affirmed that he had acted in that matter
under Col. Sorell's positive instructions, in which he was to a
degree supported by Mr. Scott, that I could not totally reject his
assertions; but, as Colonel Sorell's letter of the 9th May, 1825, to
Mr. Horton admitted that the practice of taking presents was
not altogether without his knowledge, I could not view Mr.
Evans' conduct in that particular, as I should otherwise have
done, and therefore did not retract my recommendation that he
should be permitted to retire.

With regard to Mr. Evans' statement contained in the extract
of his letter, which your Lordship has done me the honor to
transmit, his drift, as far as I can comprehend him, appears to be
to shew that I did not act with perfect openness towards him, but
suffered him to return to England apparently satisfied with his
conduct, without apprizing him of the situation in which he
stood. This is the very last complaint I could have expected to
have heard from Mr. Evans: from first to last, although I have
made every allowance for the circumstances of temptation under
which he was placed, I have at all times expressed myself to him
most pointedly and most decidedly in reprobation of his pro-
ceedings. Mr. Evans has given a colouring to my communi-
cation to him in presence of General Darling, which the trans-
action does not altogether justify, but this is of minor importance,
and Mr. Evans seems to avoid touching the main question. The
unprecedented quantity of 8,000 acres of Land was ordered for
Mr. Lawrence; the description of this land, professing to describe
8,000 acres, actually comprehend 12,000; on my calling for
explanation, Mr. Evans averred that he had prepared the descrip-
tion under the express orders of Col. Sorell, and Mr. Scott
seemed to confirm that statement, and therefore I submitted the
matter to your Lordship's disposal. By the extract of a letter
since laid before the Executive Council by Mr. Scott, it would
appear that Colonel Sorell disavows giving any such authority,
so that in this Colony it would still have been utterly impossible
to have reconciled the contradictory representations contained in
the documents which have been already transmitted to your
Lordship; some of which (having had occasion to refer to them
in drawing up this Dispatch) I enclose for your Lordship's
immediate reference, as substantiating every point I have
advanced.

In my Dispatch No. 11 of the 3rd March last, I have been
constrained to bring the affairs of this important department
further under your Lordship's consideration, and the more its
former transactions have been opened out, the more discreditable
have they appeared.

I have, &c.,

Geo. Arthur.
ARTHUR TO BATHURST.

[Enclosures Nos. 1 to 6.]

These enclosures were:


Copies of these papers will be found on pages 320, 326, 327, 330, 333 and 334, volume IV in this series.

[Enclosure No. 7.]

Extract of a Letter from Colonel Sorell to Mr. Evans.

Ramsgate, 26th July, 1826.

"Received your letters and papers by the Denmark Hill. With respect to Mr. Lawrence's land, a reference had been previously made to me from the Colonial Department, and I then transmitted a Copy of my memorandum of Instructions to you on that occasion, to shew that I had directed the location to be made under your personal Superintendence: Mr. Scott meeting you on the Spot, I pointed out to Mr. Hay the authority given by me to make an allowance for the Swamps. In that state the matter was, when your papers by the Denmark Hill arrived, which rendered it necessary for me to make a further communication to Mr. Hay, to state that I had no recollection of the reference to the Governor in Chief as stated in your letter to Lieut. Governor Arthur, though at the same time I thought it very probable that I had pursued that course in the locating a Grant of unusual magnitude. Neither could I recollect the plan stated in the same letter to have been given in by Mr. Scott marked 12,000 acres. And as the plan that you furnished to me, in your own hand and signature of Mr. Lawrence's grant, was marked 8,000 acres, This being before Mr. Hay, there appeared a discrepancy which I could not account for, except by supposing (which I stated to Mr. Hay) that the plan alluded to in your letter to Lieut. Governor Arthur, as marked by Mr. Scott, 12,000 acres was the first chart of the tract of ground prepared by him on the first examination, and not at all as a measurement for Mr. Lawrence, and that the plan given in by
you, marked 8,000 acres, after you had located the land was that which was to form the Grant. In this plan there can be no error, the whole being in your own hand.

"I know that a very respectable addition was made to the Department some time ago by the appointment of Lieut. Frankland, who called upon me twice. He also stated that he was to stand next to Mr. Scott, all the Salaries in the Department were also to be increased.

"I remain, &c.,

"W. SORELL."

[Enclosure No. 8.]

STATEMENT BY CAPTAIN MONTAGU.

A short time before the departure of the Ship "Henry" for England in November last, the Lieutenant Governor sent for and informed me that Mr. Evans, the late Surveyor General, had requested permission to wait on him before he left the Colony; and that he had then just left the Office, having stated himself unable to afford any additional explanation of the circumstances relating to Mr. Lawrence's Grant of Land beyond that previously given. That he again affirmed and persisted that he had acted with respect to that grant entirely under the orders of Colonel Sorell, and, as he was now about to proceed to England, he hoped the Lieutenant Governor would inform Lord Bathurst that he would give any personal explanation His Lordship might require, and, as Colonel Sorell was then in England, Lord Bathurst would also be able to refer personally to him, if it was necessary, after hearing Mr. Evans' statement.

JOHN MONTAGU.

Hobart Town, 17th Septr., 1827.

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LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 58.)

Government House, Van Diemen's Land,

My Lord,

18 September, 1827.

I have the honor to acknowledge your Lordship's Dispatch of the 10th February last, in which your Lordship, intimating that you had observed by the "Blue Book," which accompanied my Dispatch of the 21st of June, 1826, that Mr. Beamont's name was returned as "Acting Sheriff" with a Salary of £800 per annum, requires me immediately to report the circumstances under which that gentleman had been allowed to receive a salary for performing the duties of a situation, which had never been authorized from home; and which, as no information had been received on the subject, had not failed to create very considerable surprise on the part of His Majesty's Government. And, as your Lordship does not consider Mr. Beamont entitled to receive
To any allowance either as Provost Marshal, or as Acting Sheriff
for any time subsequent to Mr. Dudley Fereday’s arrival in the
Colony, it is your Lordship’s pleasure that Mr. Beamont shall
be called upon to refund any sum, which may have been issued
to him as “Acting Sheriff” for the period in question.

In reply, I have the honor to observe that, in obedience to the
Instructions contained in your Lordship’s Dispatch of the 24th
Oct., 1823, Mr. Beamont was appointed “Acting Sheriff” by
Colonel Sorell before my arrival in the Colony, under a Com-
mission, copy of which I have the honor to enclose; that, in my
Dispatch of the 1st Oct., 1824, I had the honor to report to your
Lordship that Mr. Beamont was exercising the duties of Sheriff;
that, on the arrival of Mr. Fereday on the 31st January, 1825,
Mr. Beamont’s office ceased, and he drew no salary subsequent
to that period, and, unless there is some very great mistake in
the “Blue Book” which has been transmitted to your Lordship,
the Sum of £66 13s. 4d. will be found to be carried out in the
total, as paid to Mr. Beamont for his services as Acting Sheriff
during the month of January, 1825, being at the rate of £800
per annum.

During the year preceding the establishment of the Supreme
Court, Mr. Beamont’s fees as Provost Marshal, out of which
there were several deductions, amounted to the Sum of £1,400;
these fees were according to your Lordship’s arrangement
directed from that period to be paid into the Treasury, and a
Salary of £800 per annum was assigned to the office of Sheriff.

It did not appear to me therefore reasonable to deprive Mr.
Beamont of any part of this Salary, and, with the explanation I
have afforded, your Lordship will probably not be disposed to
press his refunding any part of it.

Mr. Fereday drew his Salary from the period of his embarka-
tion, 28 July, 1824, and I believe has made a representation to
your Lordship because an objection was made to its being issued
from the period of his appointment, 30 September, 1823, which
he stated to have been the understanding on his being trans-
ferred from the establishment of Sierra Leone.

I have, &c.,

GEO. ARTHUR.

[Enclosure.]

COMMISSION FOR J. BEAMONT.

BY His Honor William Sorell, Esquire, etc., etc., etc., Lieutenant
Governor of His Majesty’s Island of Van Diemen’s Land.

WHEREAS, by His Majesty’s Royal Charter bearing date at West-
minster on the 13th day of October, 1823, It is ordered and provided
that a Sheriff shall be appointed for Van Diemen’s Land, And Where-
as, by a letter addressed by the Right Honorable Earl Bathurst His
Commission for J. Beamont as acting sheriff.

Majesty's Secretary of State for the Colonial Department to the Lieutenant Governor of this Colony under date 24th day of October, 1823, Power is given to the said Lieutenant Governor to appoint a Person to act as Sheriff, in case of the non-arrival of the Sheriff appointed by His Majesty in time for the opening of the Supreme Court.

In virtue of the authority above stated, and in consequence of the non-arrival of the Sheriff of Van Diemen's Land, I do hereby appoint, authorize and require you to act as Sheriff, commencing on the 10th day of the present Month of May, the day fixed by Proclamation for opening the Supreme Court; and for so doing, and for performing all Duties appertaining to the Office of Sheriff according to Law, This shall be your sufficient Warrant and Authority.

Given under my Hand and Seal at Government House, Hobart Town, Van Diemen's Land, this 7th day of May in the Year of our Lord 1824.

WM. SORELL.

Pardons submitted for approval.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.
(Despatch No. 59.)

Government House, Van Diemen's Land,

My Lord, 19 Septr., 1827.

I have the honor to transmit to your Lordship Duplicates of One Free and ten Conditional Pardons for His Majesty's approbation and allowance, in pursuance of 4 Geo. 4, Cap. 96, S. 35, the causes of which indulgences are set forth in the accompanying Schedule.

I have, &c.,

GEO. ARTHUR.

Condition of schooner Waterloo.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.
(Despatch No. 60.)

Government House, Van Diemen's Land,

My Lord, 21 September, 1827.

I have the honor to report to your Lordship that the small Government Schooner "Waterloo" being much worn out in the service, and having been always found very ill adapted to the purpose for which the Government requires vessels, viz., conveying Convicts, Provisions and Stores to the Penal Settlements, and bringing from thence return cargoes of timber, I directed the Commandant of Macquarie Harbour to make the Labour of the Convicts available, if possible, in constructing a larger vessel more suitable to the public Service.

The result has been the construction of a very useful brig of 120 Tons, which with some little alteration will be extremely well adapted to the navigation between Macquarie Harbour and this Port.

An Estimate prepared by the Commandant, Captain Butler, of building this vessel I have the honor to enclose, and, the
Government having in consequence no further occasion for the Waterloo, I caused her to be disposed of by public auction, and from the want of vessels just at this time amongst the Merchants, she was sold for the Sum of Six Hundred and forty pounds, being One Hundred and Forty pounds above her valuation.

I have, &c.,

GEO. ARTHUR.

[Enclosure.]

CAPTAIN BUTLER TO COLONIAL SECRETARY BURNETT.

Sir, Macquarie Harbour, 10th May, 1827.

In forwarding the Brig "Derwent" to Hobart Town, I have prepared an Estimate to accompany her, which is enclosed herewith, shewing, as nearly as can be ascertained, the actual expense incurred in building and rigging her, including Mr. Taw's wages and also his Mates from the date of appointment to the 24th Instant, at which period I hope the Vessel will be in Hobart Town. Mr. Cole's Salary is taken for Twelve months, being about the time he was employed at the Brig, including the Construction of her Boats.

I have deducted from the total amount of her expense the value of her present Cargo of Pine, which I consider to be admissible, upon the principle that, unless it can be ascertained or presumed that this Settlement will be drained of Pine, before its abandonment by Government, every Cargo taken up by a Vessel built at the Station is a Cargo gained, and may be fairly set off against the expense incurred in the construction of such Vessel, as in this instance.

This being admitted, it will be observed that the actual outlay of Government is £423 14s. 4d. when the "Derwent's" Cargo is deposited in Hobart Town; and which may therefore be considered the price that she stands the Government in.

I have, &c.,

J. BUTLER, Commandant.

[Sub-enclosure.]

[This account detailed the expenditure on wages and credit was taken for a shipment of pine valued at £503 11s. 4d.]

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Sir, Downing Street, 22d Sep., '27.

With reference to the observations contained in your letter of the 23d of March last, addressed to Mr. Hay, upon the inexpediency of discontinuing the practice of supplying the
Convict Ships with ten months provisions, I am directed by Mr. Secretary Huskisson to transmit to you for your information the inclosed Copy of a letter which has been received from the Secretary to the Treasury upon this subject.

I have, &c.,
R. W. Horton.

[Enclosure.]

Mr. W. Hill to Under Secretary Hay.

Sir,
Treasury Chambers, 21st September, 1827.

I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you for the information of Mr. Secretary Huskisson with reference to your letters of 17th and 18th Ultimo relative to the propriety of sending Supplies of Provisions by the several Convict Ships for the use of the Convicts at Van Diemen's Land, that they have directed a letter to be written to the Commissioners of Victualling, acquainting them, with reference to one from their Lordships desiring them to discontinue the Shipment of Provisions to New South Wales, that a Representation has been since received from the Lieutenant Governor of Van Diemen's Land, of the inconvenience that would be felt at that Settlement from the cessation of the usual supplies from this Country, and that therefore My Lords desire they will cause a stock of Salt meat to be put on board each Convict Ship bound for Van Diemen's Land, equal to six months consumption of the Convicts embarked after their arrival.

I am, &c.,
Wm. Hill.

Lieut.-Governor Arthur to Earl Bathurst.

(Despatch No. 61.)

Government House, Van Diemen's Land,

My Lord,

Since I addressed my Dispatch marked "Separate" of 24th August last to your Lordship reporting the arrival and debilitated state of Mr. McCleland, the Attorney General to this Colony, that gentleman has astonishingly revived, and I have the most sincere satisfaction in transmitting the Report of a Medical board, which was assembled this morning to report upon his health. Your Lordship will perceive that every expectation may be formed of Mr. McCleland's being shortly able to enter upon the duties of the Office of Attorney General.

I have, &c.,
Geo. Arthur.
ARTHUR TO BATHURST.

[Enclosure.]

REPORT BY MEDICAL BOARD.

Sir,

Hobart Town, 22nd September,

We the undersigned, in compliance with the direct

His Excellency Lieutenant Governor Arthur, have th"es of

examined into the health of Thomas McCleland, Esqr., Attonial

General, and beg leave to transmit the following Report.

1. Since the last Medical Report of this Gentleman, we

leave to state that his mental debility has recovered in a sur-

prising degree, and that he now possesses the full enjoyment of

his mental faculties.

2. His bodily debility has improved in the same ratio with th-

mental complaint, but his muscular strength is not sufficiently

re-established for him to commence his official duties; but, should he continue to improve in the same proportion with what

has occurred since out last report, there is every prospect of his

being able to fill his official situation at a very early period.

We have, &c.,

J. SCOTT, M.B., Col. Surgeon.
JAMES PATTON, M.D., Surgeon R.N.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 62.)

Government House, Van Diemen’s Land,

My Lord,

22 Sepr., 1827.

I have the honor to acknowledge Your Lordship’s Dispatch of the 23rd June, 1826, in reply to mine of the 9th January, 1826, reporting the difficulties which had occurred in carrying into effect Your Lordship’s Instructions of the 27th June, 1825, respecting Mr. Abbott’s Appointment as Civil Commandant at Port Dalrymple, by which Colonel Balfour was displaced at a moment when the Colony was very uncomfortably circumstanced from the Outrages committed by the Bush Rangers.

During the interval between my addressing Your Lordship and the period of my being honored with Your Lordship’s Commands in reply, the Bush Rangers were secured: Mr. Abbott was placed in possession of the Office of Civil Commandant, and Colonel Balfour had proceeded to England; and, as Your Lordship’s arrangement was in part directed to prevent the very unpleasant supercession of that Officer, and as Mr. Abbott very anxiously pressed his Age and Infirmities as grounds for his non-removal, I have considered that Your Lordship would under all circumstances be best pleased with my not disturbing the original arrangement.
Convict S\'h source of sorrow to Mr. Abbott, and he feels it very secret: his being displaced from the Council, and, as your incl. expresses yourself in the last paragraph of your Dispatch:very favourably towards Mr. Abbott in this particular, I beg to submit that a remedy may be found for it either by appointing him a Member of the Executive Council, although I not expect to benefit by his attendance at the Council, or by his succeeding Mr. Curr. should it be the intention of Directors of the Van Diemen's Land Company that their Secretary should permanently reside at Circular Head, which, for all the purposes of the Council, will render Mr. Curr's services as unavailable as if he was absent from the Colony.

I have already submitted to Your Lordship that Mr. Hone was elected, early in the Year 1825, Chairman of the Bench of Magistrates, and was appointed under the Provisions of the Court Act Commissioner of the Court of Requests, the duties of which Offices he has continued to perform without receiving any Salary for the latter, whilst acting as Attorney General, and, as he is not now necessarily displaced to make room for Mr. Abbott, I would beg to recommend, on his ceasing to perform the duties of Attorney General, that he should permanently enjoy these Offices in place of receiving the additional £200 per annum as Master of the Court under the authority of Your Lordship's Dispatch 30th June, 1825.

The saving thus effected, I would submit will be most justly and most deservedly bestowed upon the Crown Solicitor, whose Office at the Salary of £300 a year, so far from being beneficial, has been and is a very serious injury to him by interfering with his Private Business to a degree that has made it perfectly uncomfortable to the Government to employ his services to the extent to which they have been required; and I submit to Your Lordship, as an act of positive justice, Mr. Stephen should be allowed the additional £200 per annum, which would otherwise have been given to the Master of the Court, from the commencement of the present year, for, being a person of considerable Talents and great dispatch, a very large portion of extra duty has fallen upon him.

I have, &c.,

GEO. ARTHUR.

P.S.—In stating the case of the Crown Solicitor, it is my duty to advert to the circumstance of Your Lordship's having declined on his first Appointment to accede to a larger Salary* than £300 pr. annum, but the increased and extensive Duties of his Office will I trust excuse my having favoured the renewal of his application.

G.A.

* Note 50.
Government House, Van Diemen's Land,

My Lord,

I have the honor to transmit to your Lordship Copies of two letters, which have been addressed to me by the Colonial Secretary, stating the insufficiency of his Salary, and requesting I would bring the subject under your Lordship's consideration.

In submitting Mr. Burnett's application for increased emolument to your Lordship, I am happy to bear testimony to the zeal and assiduity with which he has applied himself to the duties of his office, since his arrival in the Colony; I can also bear testimony to the great expense of living in Hobart Town, and that the present Salary of the Colonial Secretary is inadequate to keep up those appearances, which Mr. Burnett considers a gentleman holding his situation in the Civil Government is called upon to maintain.

It is but justice to the Colonial Secretary I should add that the duties of his department require his undivided attention, and that he can have but little time to devote to the regulation of his domestic affairs.

I have, &c,

GEO. ARTHUR.

[Enclosure No. 1.]

COLONIAL SECRETARY BURNETT TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Shortly after my arrival, I took the liberty of representing to your Excellency that I found my Salary altogether inadequate to the support of my family with either respectability or comfort in this very expensive place.

You were pleased at that time to express that, however you might agree with me as to the fact, from the short period I had then resided in the Colony, you did not feel warranted in making any communication on the subject to His Majesty's Government. A longer experience having now fully confirmed the truth of the statement which I then had the honor to make, I am induced to hope that you will no longer decline submitting my case to Earl Bathurst and recommending it to the favorable consideration of His Lordship.

Your Excellency is too well acquainted with the unremitting attention and application to business, which the various duties of my official situation require, to render it necessary for me to remind you that I cannot command the smallest portion of my own time for the regulation of my domestic affairs; but, as the circumstance cannot be equally well known to my Lord Bathurst,
Comparison of colonial secretaries at Sydney and Hobart Town.

Family of J. Burnett.

Request for increased salary or allowance of fees.

Claim to equality of salary with chief justice.

1827.
23 Sept.

Comparison of colonial secretaries at Sydney and Hobart Town.

Perhaps you will have the goodness to bring it under his notice, and also to make known to his Lordship that, however arduous and laborious the duties performed by the Colonial Secretary in New South Wales may be, mine are certainly no less so here, although they are only compensated by one half the salary enjoyed by that Gentleman in the Sister colony, where the expenses of living are fully 30 per cent. less than they are at Hobart Town.

In drawing this comparison, I trust it will not for a moment be supposed that I intend to rank myself with Mr. McLeay either in point of talent or experience, conscious as I am of my own inferiority in both; but, in assiduity and a zealous discharge of my duty, I may safely say, and I think it will be confirmed by your Excellency, that I stand upon an equal footing with him.

In an official application of this nature I am very doubtful of the propriety of advertsing to circumstances affecting myself individually; if therefore I am wrong in stating here that I am the Father of a large and expensive family of nine children, I trust you will pardon the error on account of the motive, which has caused it, which I am very sure no one can more justly appreciate than your Excellency.

Under these circumstances, I trust you will be pleased to represent to my Lord Bathurst the absolute necessity which exists of either augmenting my salary from the period of my arrival in the colony, or of restoring to me those fees and allowances which formerly belonged to the Secretary, so as to enable me to support my family with that degree of respectability which is expected from the situation I hold.

J. Burnett.

[Enclosure No. 2.]

Colonial Secretary Burnett to Lieut.-Governor Arthur.

Sir,

Colonial Secretary’s Office, 18th August, 1827.

As you have been kind enough to say that you would submit my application for an increase of salary to the favorable consideration of Earl Bathurst, I trust I shall be pardoned for requesting that you will at the same time bring under His Lordship’s notice the relative amount of salary enjoyed by the Chief Justice and Colonial Secretary in New South Wales, as the circumstance of those Officers being there placed upon an equal footing in point of emolument was unknown to me, when I last had the honor of addressing you on this subject; perhaps too I may be excused for adding that the salary of the Chief Justice here bears a still greater real disproportion to mine from the fact, which is probably unknown to my Lord Bathurst, that the
LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 64.)

Government House, Van Diemen's Land,

My Lord,

23 Sepr., 1827.

It is with much regret that I have the honor to communicate to Your Lordship that a very serious robbery has been effected upon the Colonial Treasury, and the Sum of Twelve Hundred and Fifty Pounds, eighteen Shillings, has been abstracted from the Chest; And it is with still greater regret that I am constrained to report that the robbery has been completed by the aid, connivance, and participation of the Military Sentinels, who were placed in charge of the Treasure.

The robbery was perpetrated on the 18th June, a day of all others on which it might have been hoped that no British Soldier would have tarnished the honor of his profession.

Your Lordship will expect a most detailed report of all the circumstances of this robbery, which I shall best supply by stating the precautions, which have been adopted for the security of the Treasury, and by a circumstantial recital of the measures which have been taken by the local Government to develop the transaction and bring the Offenders to Justice.

The Treasurer's Office, with that of the Naval Office, stands facing Davey Street enclosed by a Pallisade, and totally unconnected with any other building, so that no person can have occasion to be within the enclosure by day except on business; and, at night, none but the Sentries can have excuse even for approaching the Office. The ground plan of the building, which consists of a single Story only, describes the Offices and the beat of the Sentries (one by day and two by night), who are placed over it. The Room, in which the Treasure Chest, which is strongly fixed by Screws to the floor, is deposited, has a Window at each end well secured down, but without Shutters; so that it is impossible for any one to enter the apartment by day or by

J. BURNETT.
192 HISTORICAL RECORDS OF AUSTRALIA.

1827.
23 Sept.

Absence of J. Thomas from Hobart town.

Robbery reported to G. Arthur.

Committee of inquiry appointed.

Findings of committee.

Suspicion of participation of sentinels.

Confession by accomplice.

In the middle of May last, the Treasurer, having met with a domestic affliction, was permitted to be absent from Hobart Town, and proceeded to the North Side of the Island, where it was also my desire that he should look into the Accounts of the Assistant Treasurer stationed at Launceston, his Son and the first Clerk being left in charge of the Office. On the 19th June, it was reported to me that a robbery had been perpetrated on the Chest during the night of the 18th, and, from the circumstances which I have described, immediate suspicion of course fell upon the Soldiers on Duty. A Committee, consisting of the senior Officer of the Commissariat Department, the Police Magistrate and the Commissary of Accounts, were directed immediately to investigate the circumstances of the robbery, and ascertain the exact amount of the Public loss. Their Report I have the honor to enclose. It is sufficiently minute to afford Your Lordship the fullest information of every circumstance connected with the order and arrangement of the Office for the security of the public property. The Committee accurately ascertained the extent of the loss, and came to the conclusion that the robbery was effected by means of skeleton keys, but reported themselves otherwise unable "to throw a single ray of light upon the mysterious transaction," and stated "that nothing had transpired throughout the proceedings to leave an impression on their minds that any wilful negligence or want of caution, in the execution of their duty, was chargeable upon the Colonial Treasurer, or the Clerks employed under him."

The strongest suspicion, amounting indeed to conviction, remained in my mind that some one or more of the Soldiers must have aided or assisted; but no fact led to the possibility of ascertaining at what hour of the night the robbery was effected; and, consequently, it was not possible to fix upon the particular offenders.

Circumstances, however, in a few days began to open out, and the confession of one of the accomplices at length disclosed the guilty parties, though not the lost Treasure.

A Man named "Davis," who had been defrauded of his share of the booty, offered himself as an approver, and his statement is:—that the Messenger at the Treasurer's Office had been gained over by a Man named "James" to procure an impression on...
Soap of the key of the front door, of the private Office, and finally of the Key of the Iron Chest. All of which after some Months perseverance was accomplished. Then two Soldiers named "McGuire" and "Dore" of the 40th Regt. were admitted into the plot, and, at length, the wished for period arrived, when one of them, "McGuire," mounted Sentry over the Treasury, and the object was effected. The parties, on this information, were all immediately apprehended by the Civil Power, and, on much strong circumstantial evidence, fully committed, and brought to trial; but the case broke down even before the prosecution was closed, under circumstances highly censurable and quite unconnected with its merits. The Attorney General, however, has informed me that he shall file a fresh Information against the prisoners who are still retained in custody.

To supply the full and accurate information which I anticipated would have been derived from the Trial, I have required a Report from the Law Officers of the Crown and the Police Magistrate, which very circumstantially describes the transaction, and the Police Magistrate, it appears, is of opinion, "that nearly the whole of the Money is still in its original place of concealment, and that by possibility it may yet be recovered," and the Committee are of opinion "that the loss is in no way attributable to mismanagement or neglect on the part of the Treasurer or his Clerks; that it could not have been, under the circumstances, prevented by them; and that, had the Sentries been faithful to their trust, the robbery could not have been effected at all."

The circumstance in this case, which Your Lordship may conclude has most especially attracted my attention, is the base conduct of the Soldiers. If the free persons concerned in the robbery be convicted, their offence will be no more than a simple larceny; but the Crime of the Soldier, "McGuire," as a Military offence, is so monstrous that I have been extremely desirous he should be brought to a Court Martial for having abandoned and delivered up his Post, and disobeyed the lawful command which was given to him to protect the Public Treasure, which Crimes would, under such circumstances, have subjected him, if convicted, to suffer death. But, by the enclosed correspondence, Your Lordship will perceive that the Attorney General is of opinion (and no doubt he is legally right) that the Soldier must remain in the hands of the Civil Power, although the civil offence is altogether of a minor character.

Your Lordship may be assured that every measure shall be perseveringly pursued for the recovery of the property; but, as both the Committees have exonerated the Treasurer, I beg to
194

HISTORICAL RECORDS OF AUSTRALIA.

1827.
23 Sept.

Report by committee on robbery of colonial treasury.

The Committee, appointed by the Government Order, dated 19th June, for the purpose of investigating the circumstances of the Robbery committed upon the Colonial Chest, and ascertaining the consequent deficiency of Public Money in the Treasury, assembled on 19th, 20th and 21st, and having, in the course of their proceedings, called before them and examined all the parties from whom it was probable any information upon the subject of their enquiries could be derived, inspected the large Iron Chest in which the Bulk of the Treasure was kept, and taken an accurate account of the residue of Public Money found therein; and having also considered with attention the form and situation of the Treasury, and the means adopted for the security of the Money; express their concurrence in the following Report, which they beg to submit for the information of His Excellency the Lieutenant Governor.

1st. The Building appropriated to the Naval Office and Colonial Treasury is situated on the East side of Davey Street, and at the back of it is a portion of unoccupied Ground, bounded on three Sides by the Government Domain, Sullivan's Cove, and an unfinished road leading from the Street to Fort Mulgrave. This Building, which consists of a range of Six Rooms, is divided equally between the two Public Offices abovementioned.

2nd. Immediately on entering the Treasury from the Street, a door opens on the left side of the passage into an outer Room in which the business of the day is transacted, and within that is Mr. Smith, the Chief Clerk's Office; at the further end of the Passage on the right, is the entrance to the Treasurer's private Office, and in this room, under the Window looking into the Street, the large Iron Chest is placed.

3rd. The Key of the private Office, when not in the Lock, has been always kept in Mr. Smith's room; but the Keys of the Iron Chest are never out of the custody of the Colonial Treasurer or his Family. It is the custom on locking up the Offices to hang up the Key of the Inner room in the outer Office, and to leave the Key of the latter in the passage; the back door is secured with two Bolts, and the Key turned, but not withdrawn from the Lock. Mr. Smith then locks the Street door and keeps the Key carefully in his own possession. It was stated that none of these observances had been neglected on the afternoon of the 18th, and

I have, &c.,

GEO. ARTHUR.

[Enclosure No. 1.]

REPORT BY COMMITTEE.

recommend that he may be relieved from the loss with which he now stands charged on the face of the Public Accounts.

GEO. ARTHUR.
this statement was partially corroborated by Serjeant Norman, who visited the place about five O’Clock that Evening, and satisfied himself that both the front and back doors were fast.

4th. On or about the 21st May, the Colonial Treasurer and Mr. Smith made up a Cash Account and placed the Money in the Chest; this was a short time before the Treasurer quitted Town on leave of Absence; on the 24th, Mr. J. B. Thomas, by his Father’s directions, took out Fifty Pounds in Notes for a special payment, and on the 25th a Treasury Bill, to be forwarded to England. On the 26th the Chest was again opened, and Sixty Two Van Diemen’s Land Notes, and ten Shillings in British Silver were exchanged for Rupees; at this time, the Wooden Tray, which fits in over the bulk of the Money, was taken out, and the Cash contents, being then inspected by Mr. Smith, appeared, with the exception of the Rupees, to be the same that were deposited by him and the Colonial Treasurer, as above-mentioned. The Notes were left in the Tray, and on the 16th June, Mr. J. B. Thomas having another occasion to open the Chest, Mr. Smith observed them in the same place, but the Tray was not taken out, and consequently the Treasure remained unexamined.

5th. Between 9 and 10 O’Clock on the Morning of the 19th, Mr. Smith came to the Office, and, after trying in vain to get admittance at the Street Door, went round to the back, and found to his surprise that the door opened on “turning the handle of the latch”; He walked up the passage and perceived that the front door was unlocked, but the small bolt “shot out,” which had caused the resistance he experienced in his endeavours to open the door. The doors of the private Office, and of the outer and inner Offices on the opposite side of the passage were all locked, and the Keys disposed in the same order as when the Office was shut the day before. He then opened the private room, and, on approaching the Iron Chest, observed close to it a check for Fifty Pounds and an order for Twelve Pounds, ten shillings, lying on the floor. He tried to open the lid of the Chest, but it was fast; He then locked up the Offices and proceeded on the New Town Road till he met Mr. J. B. Thomas, and, having communicated to him the state in which he had just found the Treasury, requested he would return to his home and procure the Key of the Chest; which he did, while Mr. Smith awaited his return in the Naval Office. Henry Kelly, the Sentry on duty at the Office, had followed Mr. Smith round to the back of the house; hoped he would not make any alarm about a Robbery, until he was quite sure the place had been robbed, and seemed otherwise to take a lively interest in the business.
1827.
23 Sept.

Report by committee on robbery of colonial treasury.
Examination of treasure chest.

Amount of deficiency in treasure chest.

Repairs to lock for former owner of chest.

Possible opportunity for securing impression of key.

6th. On Mr. Thomas's arrival with the Key, they repaired to the Treasurer's private Room, and, in the presence of Mr. Smith's elder Brother, the Assistant Naval Officer, opened the Chest. The first circumstance that struck them was the disappearance of the Notes, exchanged for Rupees, and which were observed in the Tray on the Saturday Morning; and, on further examination, a very considerable reduction in the Contents of the Chest was manifest. Mr. Smith took a hasty account of the residue, and after comparing it with the sum originally made up and deposited, estimated the deficiency at a sum between thirteen and fourteen hundred pounds.

7th. The Committee have since satisfied themselves from the statement of the Colonial Treasurer and the Chief Clerk, that the several Sums in Cash and Notes, placed in the Chest on or about the 21st May last, amounted to One Thousand Eight Hundred and Thirty Five Pounds, One Shilling and Three Pence, Sterling. The motives for opening the Chest on the several occasions between the 21st May and 18th June have been already explained, and it does not therefore appear that any change, unaccounted for, could have taken place in the collective amounts of Cash and Notes therein until the commission of the Robbery. On the 19th June, the remains in the Chest were estimated by the Labels or Marks on the Bags and Parcels at Five Hundred and Forty Pounds, and on the 20th the Committee counted the whole of the Coins and found that they amounted to Five Hundred and Thirty Four Pounds, Three Shillings, and Three Pence, leaving a Deficiency upon the original contents of the Chest of One Thousand, Two Hundred and Fifty Pounds, and Eighteen Shillings.

8th. Before the Chest became the property of the public, Mr. Smith believes it belonged to Mr. J. P. Deane, and that, whilst it was in his possession, some dirt got into the lock, and impeded the motion of the Key; a Blacksmith of the name of James was sent for on the occasion, who, besides the opportunity thus afforded him of examining minutely the construction of the Lock, had the Key most probably for some time in his hands, and the inference therefore to be drawn from this circumstance may render it unnecessary to enquire further in what way the means were obtained of opening the Locks without leaving the smallest traces of violence, or any indication that the true Key had not really been used on the occasion. It was admitted by Mr. Smith that a person upon the watch might have taken advantage of the Colonial Treasurer's momentary absence from the private room to possess himself of an impression of the Key, which was sometimes laying on the Table; but nothing occurred to excite...
ARTHUR TO BATHURST.

suspicion that the Treasurer's absence had ever been made available to such a purpose.

9th. The Key of the private Office was usually left in the door, when the Treasurer was in the Room, and during that time, a person might have taken it out, and replaced it, without being perceived; but it may appear unnecessary to advert to possibilities when it is considered that two Mechanics, Prisoners of the Crown, had been some time about the house, hanging and repairing Bells, and fitting on the Lock itself to the door, before the Room was occupied; and that two other Prisoners had been employed as Clerks in the Treasury for about a Month, whose habits of intoxication brought them under the notice of the Superintendent of the Barracks, and they were in consequence sent to the Gaol Gang; these Men were put to write in the outer Office, but there is no doubt their situations gave them opportunities which they knew how to improve and to render subservient to any views they or their colleagues might have entertained of gaining access at some favorable moment to the interior of the Treasury.

10th. Although it did not appear that any attempt was made to gain admission to the house in any other manner than by the door, it may be proper to state that one of the Windows in Mr. Smith's Room is secured with a Padlock, but that all the others in the Office are kept down by a cheap and simple contrivance which prevents their being opened on the outside. The Iron Chest is screwed to the Floor of the private Office, and a Bell was provided, and occasionally hung, at the back of the door: but the disturbance it occasioned on visiting the room during Office hours, and it having been discovered that, with great care, the door might be opened without agitating the Bell sufficiently to cause any alarm, it had been taken off and laid aside at the time of the Robbery.

11th. It has been already mentioned, that at the back of the Building, of which the Treasury forms a part, there is a portion of unoccupied Ground, and on one side of it, an unfinished Road, leading from Davey Street to the Battery. The Burying Ground is on the other side of the road, extending along Davey Street a considerable distance; the Building stands by itself, and is the only house on that side of the Street in a line of two or three hundred Yards. These circumstances combined seem at the first glance to convey an idea that the situation is unfit and ill chosen for the purpose intended; but a little consideration will shew that those peculiar localities, in which the Building is placed, afford, under watchful Sentries, the best guarantee of its security. With Houses or other Buildings contiguous, the
1927.
23 Sept.

Report by committee on robbery of colonial treasury.

Sentries on duty at treasury.

12th. From the statements of the Soldiers who were posted at the Treasury and Naval Office on the Night of the 18th and Morning of the 19th, no information has been acquired, calculated to throw light upon the subject of this investigation; they concur in saying that it was a particularly quiet night, and, though dark during the first part of it, never so much so as to prevent their seeing the whole length of the Building; and that consequently, no person could have approached without being both seen and heard; even McColl who was on Sentry in the front, at the same time Kelly was in the rear, insists that, although he passed the greatest part of the time between 2 and 4 O'Clock in his Box on account of the Rain, yet such was the calmness of the Morning that he lost no advantage by his situation, but could see and hear as distinctly as though he had been pacing up and down in the open air. The Committee are not disposed to view the interest taken by Henry Kelly, the Soldier, in Mr. Smith's movements on the Morning the robbery was discovered, as having anything in it of an extraordinary character; the anxiety, he betrayed, might have been indicative either of Guilt or Innocence; but it must not be overlooked that this Man had been on guard at Launceston, when the Commissariat Stores were robbed, and was in custody on suspicion of being concerned; and it is also a curious circumstance that, on the very first night he is put on Guard at the Colonial Treasury, the house should be entered, the Chest robbed, nearly two hundred pounds weight of Gold and Silver brought out of a back door, within Six Yards of the Sentry Box, the door deliberately closed, and the Thieves enabled to escape with their spoil, without being seen or heard or exciting the smallest degree of suspicion.

13th. The Committee, after duly considering all the circumstances that have come before them during this investigation,
are compelled to acknowledge that they leave the affair involved in the same obscurity in which they found it. They may, and do regret, that their labours should terminate without their being able to throw a single ray of light upon this very mysterious transaction; but they are gratified at having it in their power to state, that nothing transpired throughout the proceedings to leave an impression upon their minds, that any wilful negligence or want of caution in the execution of their duty, is chargeable upon the Colonial Treasurer or the Clerks employed under him.

A. Moodie, A.C.G.

Thos. A. Lascelles.

G. W. Boyes, D.A.C.G. of Accts.

Committee Room, Hobart Town, 30th June, 1827.

[Sub-enclosure No. 1.]

STATEMENT of the Contents of the large Iron Chest in Cash and Notes previously to the Robbery and the remains in the same Chest subsequently Shewing the Deficiency at the latter period.

<table>
<thead>
<tr>
<th>Description of the Coins</th>
<th>Previously to the Robbery</th>
<th>Subsequently to the Robbery</th>
<th>Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Silver</td>
<td>1,146 9 4</td>
<td>500 0 0</td>
<td>646 9 4</td>
</tr>
<tr>
<td>Gold, English and Foreign</td>
<td>29 7 10</td>
<td>29 7 10</td>
<td></td>
</tr>
<tr>
<td>Rupees</td>
<td>142 10 0</td>
<td>142 10 0</td>
<td></td>
</tr>
<tr>
<td>Spanish Dollars</td>
<td>41 16 4</td>
<td>39 8 8</td>
<td></td>
</tr>
<tr>
<td>Colonial Bank Notes</td>
<td>422 10 0</td>
<td>422 10 0</td>
<td></td>
</tr>
<tr>
<td>Loose Silver and Copper</td>
<td>2 7 9</td>
<td>2 7 9</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,785 13 5</td>
<td>834 3 3</td>
<td>1,250 18 0</td>
</tr>
</tbody>
</table>

A. Moodie, A.C.G. Thos. A. Lascelles.

G. W. Boyes, D.A.C.G. of Accts.

Colonial Treasury, Hobart Town, 30th June, 1827.

[Sub-enclosure No. 2.]

REMAINS in the large Iron Chest on the 20th June, 1827, as counted by the Committee.

<table>
<thead>
<tr>
<th>No. of Bag</th>
<th>Description of the Coins</th>
<th>Amount. £ s. d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>British Silver</td>
<td>200 0 0</td>
</tr>
<tr>
<td></td>
<td>Do.</td>
<td>150 0 0</td>
</tr>
<tr>
<td></td>
<td>Do.</td>
<td>100 0 0</td>
</tr>
<tr>
<td></td>
<td>Do.</td>
<td>50 0 0</td>
</tr>
<tr>
<td>12</td>
<td>Gold 10 Guineas</td>
<td>£10 10 0</td>
</tr>
<tr>
<td></td>
<td>Half Do.</td>
<td>0 10 6</td>
</tr>
<tr>
<td></td>
<td>Sovereigns</td>
<td>14 0 0</td>
</tr>
<tr>
<td></td>
<td>7 Ducats at 10s.</td>
<td>2 10 0</td>
</tr>
<tr>
<td></td>
<td>Doubloon</td>
<td>0 17 4</td>
</tr>
<tr>
<td></td>
<td>In paper parcel—9 Dollars at 4s. 4d.</td>
<td>2 7 8</td>
</tr>
<tr>
<td></td>
<td>Loose in the Tray—</td>
<td>2 7 9</td>
</tr>
<tr>
<td></td>
<td>5 Dollars</td>
<td>1 1 8</td>
</tr>
<tr>
<td></td>
<td>4 Rupees</td>
<td>0 8 4</td>
</tr>
<tr>
<td></td>
<td>British Silver</td>
<td>0 17 6</td>
</tr>
<tr>
<td></td>
<td>Copper</td>
<td>0 0 3</td>
</tr>
</tbody>
</table>

Amounting to Five Hundred and Thirty Four Pounds, Three Shillings and Three Pence Sterling.

A. Moodie, A.C.G. Thos. A. Lascelles.

G. W. Boyes, D.A.C.G. of Accts.

Colonial Treasurer’s Office, Hobart Town, 30th June, 1827.
Legal opinion required re military trial of T. McGuire.

MINUTE TO ATTORNEY-GENERAL HONE.

16th July, 1827.

You will be pleased to give me your opinion upon the following case with as little delay as possible.

A few days ago the Colonial Treasurer's Office was robbed of Money to a considerable amount, and a Private of the 40th Regt., who was then and there on Sentry is accused of being an accomplice by having in the first instance abandoned his Post by permitting the Robbers to enter the Building and afterwards conniving at the Robbery. He has since been apprehended by the Civil Power and is now lodged in Gaol for further examination. If he should be brought to Trial on this charge, it will only be for the Larceny; but, as he has committed a Capital Military Offence and committed it before the Larceny could have been effected, I am desirous of your opinion whether the Man cannot first be tried by a Military Tribunal, on proper application being made for the purpose to the Magistrate by whose Warrant he has been apprehended.

For your immediate reference I beg to transmit the last Military Act 7 Geo. 4, chap. 10; and to call your attention to the 1st, 16th, 17th, 18th Sections of this Act.

I must request your immediate reply to this communication, which I have forwarded to you direct to save time, as the Soldier will be fully committed to-morrow unless your opinion directs the contrary course.

GEO. ARTHUR.

ATTORNEY-GENERAL HONE TO LIEUT.-GOVERNOR ARTHUR.

Hobart Town, 17th July, 1827.

I have the honor to inform your Excellency that I have perused and considered the statement of yesterday's date relative to a private of the 40th Regiment, now in the hands of the Civil power, charged with being concerned in a Larceny, and am clearly of opinion that whatever military offence he may have committed, he cannot be discharged by the civil authorities for the purpose of being (first) tried by a military tribunal, until discharged by regular course from the case now under enquiry.

I have read the 1st, 16th, 17th and 18th Sections of the last Mutiny Act, to which my attention has been directed by your Excellency, and also of caution the whole of the Act and Articles of War, and am thereby confirmed in my opinion.

I consider the 126th Section of the Act particularly applicable, as also the 11th Section of the Articles of War; and that, inferentially, the 4th Article of the 24th Section of the Articles
of War is worthy of the most marked attention inasmuch as it gives in express terms to General Courts Martial the power of trying for crimes punishable by the known laws of the Land in any place beyond the Seas, where His Majesty's Forces may be employed, where there is no form of the King's Civil Judicature in force, thus manifestly in my humble opinion excluding a Military tribunal from interfering with any case cognizable by civil authorities in places where (as here) the known laws of the land are in operation, with competent tribunals to administer them.

I beg permission to add, in further confirmation of the opinion thus offered, my own personal knowledge on these points. I have for many years seen at Police Offices and Courts in England a Military Guard waiting the result of examinations and trials of Soldiers, to which guard the Soldiers, on being discharged by the Magistrates or acquitted by the Verdict of the Jury, have been immediately handed over for the purpose of being dealt with by the military power for military offences committed prior to those for which they had been under examination or on trial, the latter of which they could not possibly have been charged with but for the circumstance of their having placed themselves in a Situation to commit such offences by deserting from their Regiments.

Your Excellency did me the favor of adverting to some words of the 17th Section of the Act in reference to the plunder of the Colonial Treasury namely, "Property of any of His Majesty's Subjects," the Cash subtracted being the property of the King; although this cannot, as an abstract fact, be controverted, yet, as against a wrong doer and for the purposes of substantial justice, it might be safely laid as the property of the Officer who had the care of it, at least such is my opinion.

I have, &c,
JOSEPH HONE.

[Enclosure No. 4.]

MINUTE NO. 193 TO COLONIAL SECRETARY BURNETT.

20th August, 1827.

Referring to the Attorney General's letter of the 17th Ultimo respecting the trial of Private McGuire 40th Regt., you will now acquaint him that the Man was acquitted of the charge of the Robbery at the Treasurer's Office, under circumstances with which he is already acquainted, and that I am now desirous of his opinion, whether he can be tried by a Military Tribunal, the Civil Authorities having delivered him over to the Regt. You will call the Attorney General's attention to Act 5, Sec. 2, of the Articles of War, as the Military Offence this Soldier is supposed
Orders for opinion re military trial of T. McGuire.

1827.
23 Sept.

Orders for re opinion military trial of T. McGuire.

Opinion by...re military trial of T. McGuire.

Report of inquiry re robbery of treasury.

1827.
23 Sept.

Orders for opinion re military trial of T. McGuire.

to have committed is disobedience of Orders in permitting un-authorized persons to enter the Treasurer's Office, on the night of the 18th June, and which Offence he must have completed before he could be an accomplice in the Larceny. You will also direct the Attorney General's attention to Act 20, Sec. 14, of Articles of War, as he may be of opinion that Private McGuire has been guilty of a breach of these Articles also. And I would further request his opinion upon Art. 6, Sec. 26 of Articles of War, as the Soldier may possibly be tried under that Section.

For the information of the Attorney General, I transmit herewith Copy of the Orders to the Sentries at the Treasurer's Office, and which were issued prior to the Offence McGuire is accused of.

I have referred to the Articles which have particularly occurred to me, but of course the Attorney General will have the Mutiny Act before him.

GEO. ARTHUR.

[Enclosure No. 5.]

Opinion by Attorney-General Hone.

In Re Private McGuire, 40th Regt.

I have perused the Articles of War especially Art. 5, Sec. 2, Art. 20, Sec. 14, and Art. 2, Sec. 24, together with the order of the Major of Brigade, dated February 14th, 1827, and am of opinion that McGuire can be tried by a Military Tribunal for, of course, the alleged military Offence; and that for such purpose the charges may be founded on the different Articles, and the order before referred to; but I beg leave to state that it is my intention, if possible, to put this Man again on his trial in the Supreme Court, when the merits of the case as to the guilt or innocence of the accused, legally or morally (the Treasurer and all connected with him being in my judgement already proved wholly blameless), will be fully known, and the result of such Trial, as connected with the evidence, must then clearly decide the point as to Trial of the Soldier by a Military Tribunal, and, until the Civil authorities move, or it may be determined not again to try the case in the Supreme Court, a Court Martial will probably not be held.

27th August, 1827.

JOSEPH HONE.

[Enclosure No. 6.]

Report by Committee of Board for General Purposes.

Sir, Hobart Town, 21st September, 1827.

We, the undersigned Committee of the Board for General Purposes, appointed to enquire into and state fully the facts and circumstances of the late Robbery of Specie and other money at the Treasury, have now the honor to transmit to you thereon,
for the Lieutenant Governor's information, the following Report:—into which, for the purpose of enabling His Excellency the better to form his own opinion, we have thought it desirable to introduce all circumstances, which appeared to us in any manner, more or less remotely, to bear upon the case.

I. The fact of the loss in question having been (by whatever means) sustained, was, as his Excellency is already aware, ascertained on the 19th of June. The Colonial Treasurer was at the time absent in the country. He quitted Hobart Town on the 23rd of May.

II. On the 21st of May, it is proved that the Treasurer, with the Head Clerk, Mr. Smith, carefully counted the contents of the large iron Chest; and that of such contents a most particular account was taken by both at the time; specifying therein the quantities of each kind of specie, and the bags or parcels in which deposited, and the separate amount contained in each.

III. In the whole, it appears that there were 10 bags, containing British Silver, amounting to £1,146 9s. 4d.; Three bags, containing rupees, £142 10s.; Two bags of Dollars, £39 8s. 8d.; besides small parcels, containing gold coins; and Bank notes, amounting to about £400. A more detailed account, however, both of the contents at this time, and of the portions stolen, will be found in the appendix to this Report A and B.

IV. This Chest had one lock only; of which there were duplicate Keys. Of these, we find that the Treasurer had, when in Town, invariably kept one in his own possession, about his person in the daytime, or occasionally on the table before him when writing, at night, by his bedside. When absent in the country, he always secreted it, as in the present instance, in a Chest of Drawers in his bedroom. The other duplicate Key had constantly been kept by Mrs. Thomas in a wardrobe; and on leaving town on this occasion, Mr. Thomas gave to her also the Key of the Drawers, in which his own Key was deposited. To neither of these places, could any person have access without their knowledge.

V. On the 21st of May, and for some time previously, and from thence up to the 19th of June, the only persons employed at the Treasury were The Treasurer, Mr. Smith, Mr. Thomas Junr. (as 2d clerk), and Matthew Pennell (as Messenger). Their particular disposition in the rooms, we find, was this:—The Treasurer sat alone in one (his private office), in which was the large Chest, properly secured by screws to the floor. This room was divided by a passage from the outer office, in which Pennell usually remained, when at all stationary, but, he was also frequently in or about the other Offices (cleaning them or
204 HISTORICAL RECORDS OF AUSTRALIA.

1827.
23 Sept.

Entrances to treasury.

Daily routine of officials.

Sentries at treasury.

Practice in absence of treasurer.

Absence of J. Thomas.

Withdrawals from treasure chest during absence of J. Thomas.

otherwise) as occasion required. Mr. Smith, and Mr. Thomas, Junr., occupied an office leading out of the outer room. In this inner Office was kept, under their charge, a small Chest, in which they had usually from £200 to £400 for daily use.

VI. To each of these rooms, there was a key. There was a back outer door, opening towards the Harbour, at the end of the passage, secured by bolts and by a lock from the inside; and a Front outer door, at the opposite end of the passage, locked from without, in the Street.

VII. The practice was, we find, for Mr. Smith, who kept the key of this front door, to go to the Treasury the first every morning. Pennell was generally to be met with outside, or near at hand. Every afternoon, Mr. Smith left the Building the last. He locked up the Treasurer's private Office, and carried the Key into the inner Office; where he secreted it. The inner Office was next locked, and the key of it hung up by him in the outer Office. This last room was then also locked, and the key placed by him over the ledge of the door in the passage. Mr. Smith then superintended the securing of the Back door; which was done by Pennell; and lastly, he went out himself through the front door, locking it after him. In the Morning, therefore, Mr. Smith's first task invariably was to unlock and open this front door. Then he unlocked the outer Office. Next, his own (the inner) Office. Lastly, the Treasurer's private Office, which Pennell on most occasions proceeded to clean out, whilst Mr. Smith stood near him. Mr. Thomas Junr. generally arrived at the Treasury soon afterwards.

VIII. In the day time, there was always one Sentry, whose duty it was to walk round the building; but, at night, there were 2 Sentries posted, one at the front, the other in the rear.

IX. The same state of things continued, and the same course, as to the securing of the doors and keys, was followed during the whole of the Treasurer's absence from town, subsequently to the 23d of May, already referred to.

X. In consequence of a domestic affliction, Mr. Thomas did not visit his Office after the 23rd of May; but he did not leave his house to go into the Country, in fact, until the 27th of that Month. During this interval, Mr. Thomas Junr. received the Treasurer's Key thrice for the purpose of opening the large Chest. First, on the 23rd, to pay Mr. Lakeland £50. Mr. Thomas Junr. and Mr. Lakeland were the only persons present at the opening and locking of the Chest on this occasion. The bags containing the specie were all deposited at the bottom of the Chest, and they were entirely concealed from view by a wooden tray of about 3 or 4 inches in depth, which lay (as was the
invariable custom in this respect) extended over the whole of the upper part of the Chest, and fitted closely to each of the four sides. This tray was divided into small compartments; and served only as the place of deposit for notes, receipts, and small sums, in different descriptions of money. Without raising the tray, the bags underneath of course could not be observed; but, Mr. Lakeland being paid in notes, it appears that the tray was not raised on this occasion, and that the Chest was immediately afterwards locked. On the 24th or 25th, the Chest was again opened by Mr. Thomas, and a Treasury bill was taken out by him. Again, the Tray was not lifted. In this instance, Mr. Smith was present. The Chest was then locked up, and the key taken back by him to the Treasurer.

XI. On the 26th of May, the Key was again given to Mr. Thomas by the Treasurer for the purpose of enabling Mr. Smith to take out some of the rupees. The Chest was opened accordingly by Mr. Thomas; and Mr. Smith was present. Upon this occasion, the rupees being underneath, the tray was raised, and entirely removed. The bags were necessarily seen at that time by both these Gentlemen; nothing particular was remarked by either of them. The bags appeared to Mr. Smith to be precisely as they had been left, when counted. The Chest was carefully locked as usual, and the Key returned the same day to the Treasurer.

XII. During the Treasurer's absence in the Country, viz. on the 16th June, Mr. Thomas Junr. received from Mrs. Thomas, her duplicate Key of the Chest, in order to enable him to take out from thence a Bank Check. The Chest was opened accordingly on that day, and the Check procured. It was in the Tray. Mr. Smith was present on the occasion. The same day the Chest was again opened by Mr. Thomas, and some money, £63, of his father's put in. At neither of these times was the tray raised. It appeared to Mr. Thomas that every thing there was right. To Mr. Smith also, it appeared that the tray had not been disturbed. This was the only instance of either of the keys of the Chest being used during the Treasurer's absence.

XIII. The circumstances, which immediately preceded the discovery of the loss or robbery, were as follows:—On the morning of the 19th of June, Mr. Smith came to the Treasury as usual, and tried to open the front door. The door however would not unlock. He could not turn the Key. It does not seem to have occurred to Mr. Smith that the door might have been left unlocked, or the lock been picked. At all events, he did not try whether he could lock the door. Finding that he could not get in by the front, he went round to the back door; and, on turning
the Latch, he found that this door was unlocked, and unbolted. He opened it without difficulty, and went in. He had seen it carefully bolted and locked the night before by Pennell. He had also, he well recollected, locked the front door himself, immediately afterwards. Mr. Smith proceeded to try the doors of the outer and inner offices; the keys of both which he obtained from their usual places. These doors he found locked and secure, as usual. The front door, however, he found, on examination, fastened in the inside by the small Thumb Bolt; and it had been, and still remained unlocked. He next tried his own small chest; which he found as usual. He then took the key of the Treasurer's private room (which key also he found precisely where he had left it the day before), and opened the door. This door also was locked, as if nothing had been disturbed there. He tried the large chest, and found this also locked. He was immediately alarmed, however, effectually by observing on the floor, near the Chest, a receipt and a bank check; both of which papers had sometime before been in the Tray, and which he had in fact seen in the tray on the preceding Saturday. Mr. Smith swore, at the Trial, that he had been in this private Office the day before; that neither the receipt nor the Check was then (so far as he observed) on the floor; and that, before he quitted the room, he looked at the Chest as usual.

XIV. Upon seeing these papers, Mr. Smith locked up all the Offices again; secured the back door, and went out by the front door; which he locked after him. He then proceeded towards Newtown, until he met Mr. Thomas, Junr., to whom he told what he suspected had happened, what he had seen on the floor; that the back door he found open; and that the large chest must have been robbed. Mr. Smith requested him immediately to return, and procure the key. Mr. Thomas then hastened home; and Mr. Smith went into the Naval Office, and there remained, till he came back, bringing Mrs. Thomas's duplicate key. Mr. Thomas and Mr. Smith upon this entered the Treasury, and proceeded together to the private room. Mr. Thomas opened the Chest; Mr. Smith removed the tray, and, on taking it out, they both observed that a great number of the bags were missing. Upon counting, 11 were ascertained to be wanting, containing in the whole £646 9s. 4d. of British Silver, and rupees and Dollars to the value of £181 18s. 8d. There were also missing* from the Chest Bank Notes to the amount of £485 10s., including the private money of the Treasurer, there deposited by Young Mr. Thomas on the preceding Saturday, as already mentioned.

* Marginal note.—Total Stolen £1313 18s.; Deduct private money £63—Public money £1250 18s.
XV. Mrs. Thomas's key was in her possession. The Treasurer's key was also in its proper place of deposit. Mr. Smith's small chest had not been touched. The room did not appear to have been opened. All the keys were in their usual places. How, then, the robbery had been effected, remained a mystery. It seemed evident, however, that the thief or thieves had entered at the front door, and retreated by the back, and that the front door, the private room door, and the large chest had been severally opened by means of a picklock, or of skeleton keys. Constant access must therefore have been had by some or one of the parties to each of the locks and the existence of an accomplice, in or attached to the Office, was consequently suspected. The weight of the bags, and the time which their removal from the chest and afterwards to a place of concealment, must have occupied, rendered it probable that there were more than one concerned as principals; nor was it likely that such a robbery could have been effected without the connivance of the sentries on duty at the time, or, at all events, of one of them.

XVI. From sunset to sunrise, it appears that the sentries routine duty were relieved every two hours. At what period of the night the building has been entered was of course unknown. But in the first instance suspicion fell chiefly upon one, a soldier of reputed bad character, named Kelly. It will be seen in the sequel, however, that this man has not been by the evidence in any way implicated.

XVII. The police in a few days received information that some skeleton keys had been, some weeks before, seen in a place of concealment in the house of one James Berrisford; with whom, two men of very suspicious character, named John Thomas and James Davis lodged. These men, it was known, had lived in the same house for some time past; and persons were now employed, by whom they and the messenger Pennell were closely watched. Berrisford, on being sent for, stated that James Thomas had been absent from his house the whole of the night of the 18th of June, but that Davis, who had been out during the evening, returned soon after 8 o'clock, and slept at home. Shortly afterwards, James Thomas, James Davis, George Ralph, and one James Welsh (all prisoners of the Crown) were apprehended in the public house of a free man, named John James, where they had frequently been carousing together before.

XVIII. Upon the police magistrate communicating to all these parties his intention to detain them, Davis offered himself as an approver in the case; and the following is, in substance, the account which he gave of the transactions, so far as he knew them.
1827.  
23 Sept.  
Statement re robbery by J. Davis.

XIX. He stated, in effect, that the persons (more or less immediately) concerned in the robbery were himself, and James Thomas, and Charles James, a brother of John James, the Keeper of the public house above mentioned. That the part chiefly assigned to himself had been to enlist some one or more of the soldiers into the scheme. That he (Davis) had succeeded in engaging the assistance of 2 of them, named John Dore and Thomas McGuire. That James Thomas obtained impressions of the different keys (including the key of the Chest) from the messenger Pennell. That Charles James from those impressions (which were taken in soap) made Skeleton keys of the whole of them. That these skeleton keys were repeatedly tried (or fitted) to the locks by Pennell, from time to time, until they were found to answer. That all things being thus prepared, Davis ascertained from McGuire, on Monday the 18th of June, that he would be that night placed as Sentry over the Treasury at 6, and again at 12; and Davis then promised him an equal share of the plunder with the others concerned in the affair.

XX. Soon after 6 o'clock, Davis proceeded to state, He and James Thomas and Charles James went to the Treasury, and found McGuire stationed in the Front. That he (Davis) gave McGuire a bottle, obtained at Berrisford's, with some brandy in it, with which McGuire retired to the back of the building to his Comrade. That James Thomas and Charles James then unlocked and entered the front door; and closed it after them. That he himself walked about in the neighbourhood for some little time, and then went home for the night; part of the plan being that, if suspicion fell on Davis, he was to be enabled to prove an alibi.

XXI. Davis stated, that the next morning he learned from James Thomas, that they had effected the robbery, and carried off about £1,300. That they did not get clear away from the Treasury till near 2 o'Clock. That they carried the bags out behind, and that, finding the weight of the bags too great, they went to the house where a man named George Ralph slept, and procured his assistance in removing them. That James Thomas awoke Ralph by throwing stones up over the roof. That they [to use the Cant or slang phrase] "planted the Money in the bush" [i.e. somewhere out of the town]; but Davis could not learn the spot. On the 19th, James Thomas and Charles James and George Ralph spent some hours at a public house together. On the 20th, they were all in company for several hours at John James's. Thomas said, before them all, that he had "brought a score away, just to pay expenses"; and John James told his brother Charles James, that he would get the Silver changed into notes for them; for his trouble in doing which he should expect £60.
XXII. In some of his details, Davis has been very circumstantial; and in none, inconsistent. He described minutely a particular skeleton key, upon which he said he had seen Charles James employed. It was a double key, that is, it had a head at each end. He said, that he had often seen Pennell give Thomas impressions of a key in soap. That a man named James Welsh was also an accomplice; he and James Thomas having been the earliest planners of the robbery. That it was Welsh, who originally secured Pennell's assistance, without which it could not have been effected. That Welsh, in the first instance, employed one Becket to make the keys, but that, Becket not being able to succeed, Thomas resorted to Charles James. That Pennell had cautioned Thomas, as to an iron hoop with a bell being fastened on the inside of the Treasurer's private room, and that Thomas instructed him how to bend this hoop, so as to prevent the bell from ringing. Davis stated, also, that Thomas told him on the 19th of June of their having obtained £1,300, yet, that, after the appearance of the Govt. notice, both he and Charles James declared the amount to be only £1,000.

XXIII. The whole of this detail of circumstances bears upon evidence in the face of it every appearance of truth; and it is confirmed, in several particulars, by other testimony. 1. Berrisford states that J. Davis, Thomas did not sleep at home; that he carried out a bottle with him; and that about 2 months before the robbery, he (Berrisford) saw some skeleton keys in his house. 2. A man named W. Thomas states that J. Thomas told him, that he (J. Thomas) was one who robbed the Treasury, and that C. James made the keys from impressions furnished by Pennell. 3. McGuire actually was Sentry at the Treasury from 6 to 8, and again from 12 to 2, when the two prisoners quitted the building with their booty; and his Comrade P. Rice (altho' a most reluctant witness) admitted that McGuire did about 6 o'clock come round to and remain at the back of the building for nearly 10 minutes. Davis has said that McGuire told him after the robbery, that, soon after their being again posted at 12 o'clock, Bice and he walked up and down together in front, whilst Thomas and C. James went out behind. In this particular, Rice's evidence is opposed to him. McGuire having, before apprehension by the Police, denied all knowledge of Davis, the latter was directed to select him, if he could, amongst his Comrades. Davis pointed him out readily from the midst of the whole line. 4. The iron hoop was observed by Mr. Smith more than once to have been bent in the way already alluded to. The man Becket had been twice employed at the Treasury in putting on a lock, and hanging bells. 5. Above £1,300 were, in fact, stolen. But the Govt. Notice only specified
210

HISTORICAL RECORDS OF AUSTRALIA.

1827.
23 Sept.

Evidence in contradiction of statement by J. Davis.

a loss of £1,000 and upwards. 6. A man named Thodey states that he was in the room with Ralph during the night of the 18th June; that stones were thrown up on the roof, soon after 2 o'clock; and that Ralph did get up and go out, and did not return again. He states also, that Ralph used to work often with C. James.

XXIV. The only points of difficulty in this respect, are, First, the few opportunities which Pennell could have had of taking any impressions from the key of the Chest; and the very great and extraordinary dexterity, which must have been required to take them, and especially to make trial on the lock of the Chest of any skeleton key; Secondly, that Davis in his evidence speaks of the keys being as he believed destroyed, whereas, a man named Russel states, that Davis subsequently told him, in Gaol, of their existence, and the place where they would be found. The place was lately searched by the Police accordingly, and there some skeleton keys actually were discovered, one of which exactly answered the description originally given by Davis of the double headed key. Upon trial, this key is found to unlock the large chest without difficulty; and there can be no doubt that it is the identical key with which the Chest was opened on the night of the robbery. If therefore Russel's statement be in that respect true, that Davis gave him the Information, Davis's account is so far false and great suspicion would attach to the whole of his story.

XXV. We think, however, upon these points, 1st that the evidence shows Pennell to have, in fact had sufficient opportunities, and 2dly we do not believe Russel's statement, that the person who gave him information about the keys was Davis, 1st because there was no conceivable motive, whatever, to have induced Davis to give such information to any one, especially to a Stranger, as Russel describes himself to have been. Davis had already admitted his own guilt. He had by his disclosures entitled himself to His Excellency's most favourable consideration, and he had therefore, for himself, nothing to fear. 2ndly because Russel was, at the time he speaks, confined not in any room with Davis; but in the same room with Thomas. It is true, he might have had communications with Davis. But, if so, the communications must have passed through a wicket in the door. It was a matter of the last importance to Thomas to invalidate Davis's testimony; and he must have known that, by prompting Russel to obtain the keys, and give up Davis as the person who directed him to them, that object would be in a great degree attained.
XXVI. We therefore see no sufficient reason to distrust Davis's account, and we have no doubt in the main of its truth in all essential parts. We offer this opinion, however, without experience of the effects which might have been produced by the cross-examination of such a witness, when before a Court and Jury, and in ignorance of the precise defence intended to have been insisted on.

XXVII. We are also of opinion that the loss is in no way attributable to mismanagement or neglect on the part of the Treasurer, or his Clerks; that it could not have been, under the circumstances, prevented by them; and that, had the Sentries been faithful to their trust, the robbery could not have been effected at all.

XXVIII. We have the honor to report it to be the opinion of the Police Magistrate that nearly the whole of the money is still in its original place of concealment, and that by possibility it may yet be recovered. It is the intention of the Attorney General to put the men on their trial, if practicable, for the larceny of the private money and the notes, neither of which have as yet formed the subject of judicial investigation.

XXIX. We beg leave to refer to the notes taken of the evidence by His Honor The Chief Justice, transmitted to us by His Excellency, and to the annexed Copies of certain depositions of James Davis, James Berrisford, P. Rice, W. Thomas, and Samuel Thodey; to the contents of which, we have already in this report alluded.

We have, &c.,

JOSEPH HONE.
ALFRED STEPHEN.
T. A. LASCELLES.

[Sub-enclosure No. 1.]

THE INFORMATION OF JAMES DAVIS.—I am a Prisoner Employed at the Stables in the Lumber Yard.

On the Eighteenth of June last, Waterloo day, myself, James Thomas and Charles James had every thing ready to complete the Robbery at the Treasury; about 6 o'clock in the Evening, we left the House where Charles James lived in Melville Street. We got to the Treasury about 6. We saw the Sentries relieved about Ten Minutes past Six. I went up to Macguire the Sentry in front of the Building whom I knew. I gave him a Bottle with about a Pint of Brandy in it; he took the Bottle and went to the back of the Building to the other Sentry. I was told the Soldiers knocked the Neck of the Bottle off with a Bayonet; while Macguire was at the back, I saw Charles James open the front Door of the Office with a Key. I saw the Door Shut after him and Thomas. I went home and saw nothing of them till the next Morning about Seven O'Clock, when Thomas came to the Lumber Yard to do up his Horses; he said they had done it. I asked him how much they had got; he said about Thirteen hundred, but he did not stop to Count it; he judged of the Amount by the Labels on the Bags. I asked him what time they got out; he said after they had
1827.
23 Sept.

Affidavit by
J. Davis re
robbery of
treasury.

left the Office and got clear away the Clock struck two. We went to
Harry Webbs and had some Ginger Beer made hot. Ralph, Charles
James, James Thomas and John Dart were there, and Charles Field,
who lives at Webbs were all there; this was on the Tuesday. On
Wednesday, Charles James, Thomas, and myself were together nearly
the whole of the day at James's public House. James Welsh, the
Messenger at the prisoners' Barracks, was also there. I heard Thomas
say they had brought a score away just to pay Expences. After
Supper we were apprehended.

About five or six Months ago, Becket made a Key for the Treasury
Chest. Welsh got him to make it. Thomas used to give it to Pennell
to try it in the Lock; sometimes it was too large and other times
too small. I have passed the Treasurer's Office with Thomas. I have
gone on first. Thomas has stepped up to Pennell and I have seen
Pennell give little parcels of Soap to Thomas, and, when he has come
up, I have observed the impression of a Key on the Soap. At other
times I have seen a Skeleton Key given by Pennell to Thomas. Welsh
first spoke to Pennell about getting the impression of the Key; this
was at the time Beckett was employed to make the Key. Thomas
spoke to Charles James.

I have seen Thomas repeatedly receive Parcels and Articles which
when he has come to me I saw was either a piece of Soap or a Skeleton
Key. I have seen Chas. James at Work at his own House in Melville
Street, Working on a Blank Key making it on and filing it down. James
made one, which Pennell gave back as it would not do; it had
been previously waxed to shew James where the impediment was in
opening the Lock; the second time a double headed Key was made
one Blank at each end, one smaller than the other. By frequently
trying and altering them, the largest of the two fitted. It was taken
off and Brazed on to another Stem and given to Pennell; he said it
opened the Lock of the Chest.

About Eighteen Months ago, John Flemming, alias Boston, told me
that he had a concern to do and that he would try and put me in it
as there was only two allowed; this was to Rob the Treasury when at
the Corner of Davey Street. Osborne the Lamp Lighter, Johnny Ryan,
a big headed Man belonging to the Boat's Crew, and Flemming were
to do it. Flemming told me he went in one night to the Treasury and
found the Keys he had would not open the Chest. A Soldier named
Dore belonging to the Light Company of the Fortieth Regiment let
Flemming go in; he was to share equally in the Robbery; while
Flemming and others were getting more Keys ready, the Light Com­
pany went into the Bush after Bush Rangers (while they were in the
Bush, Flemming went away in the Earl of Liverpool Brig); after
Osborne and Ryan had given it up as a bad job, Fleming went to
Newark Dick (Brown) ; they spoke to Dore and I was allowed to be
in it. We could not succeed. Fleming in the mean time went away.
James Thomas and myself used to associate with this Dore. Dore on
one occasion or oftener has told me in the hearing of Thomas that he
would allow me to Rob the Chest.

The first time I became acquainted with Maeguire was about
Eighteen Months ago. I fell in with him at the Black Swan, when it
was kept by Thomas Dixon.

About four Months ago, I met McGuire in Macquarie Street; he
was with a party that had just come in from the Bush. I spoke to
McGuire as he passed. I told Thomas I had seen McGuire, and I
hoped that it would be done very quick as McGuire was in for Good,
meaning the Robbery at the Treasury. Thomas told me that himself and Welsh would get everything ready, provided I would arrange it with Maeguire. A night or two after this, I saw McGuire come out of the Barracks to meet me at the Corner of Macquarie Street. I told McGuire that I should be glad if Dore and him could get together, as I had already spoken to Dore and he agreed to assist me. I told McGuire that I should not have attempted to have spoken to him, had it not been for the Character Dore had given me of him. McGuire told me in the course of Conversation that I need not be afraid of him, because I dare say, said he, that Dore has told you about the Charge that I was taken for in Dublin. Maeguire said it was about Robbing a Government Store of Tobacco I think. I proposed that Evening to McGuire to do the Robbery at the Treasury the first convenient opportunity. I often saw McGuire after this. Maeguire was on duty in the front of the Office and another Soldier was in the rear, from Six to Eight; again the same Sentries were on from 12 till two on the night of the 18th June. Maeguire has told me since the Robbery that, when he went on at 12 O'Clock, he heard footsteps in the Office; that he went to the Door and rattled in the Key Hole with something; that he afterwards walked about in front of the Building with the Sentry, who had been posted in the rear; they walked together and conversed near the Palings, while Charles James and James Thomas went out behind; just after Charles James and James Thomas had got in to the Treasury, I was nearly caught. I was retiring and found myself about half way from each of the Sentries. I was nearly in the middle. One of the Soldiers challenged me. I called out “a friend.” I distinctly heard Maeguire say, “Oh I dare say it is one of the Boat's Crew.” I was again challenged by the same Soldier. Maeguire said it was only Petchey about his Wood.

At the time the Sentries were relieved at 6 O'Clock, Maeguire and his Comrade had some conversation with those who were going off duty. One of them said to McGuire and the other Soldier, “Ah! Ah! then look out for the back door”; from 6 till 8 I walked about the Neighbourhood of the Office. I heard McGuire coughing during those hours repeatedly.

Thomas told me that Pennell told him there was a bolt on the back of the Door and a Bell inside the door fastened to it by a thin Iron Hoop, which would ring when the Door was opened, the door of the Room where the Chest was; Thomas said he told Pennell to bend the Hoop, and it would not ring so easily. Pennell told Thomas that he had done so and that if he Thomas would when going into that Room lift the Door up, the Bell would not ring.

Thomas told me that the false Keys they had made were all broken to pieces. James Welsh was to have had a share of the Money; if Jem Welsh could try a Lock three times, he could make a Key that would open it.

I have heard John James say to Chas. James and myself—Ralph was present—that he should get the Money all into Notes, and that he should charge Ten Pounds in the hundred for doing so; he was to have had Sixty Pounds for the Six hundred Pounds in Silver. At first they told me there was Thirteen hundred Pounds, but, when they saw the Advertisement in the paper, they said there was only a Thousand and thirty five Pounds. Pennell was to have had his share last of all, as the others feared he would be purchasing Cloathes and shew that he was flush of money.
214 HISTORICAL RECORDS OF AUSTRALIA.

23 Sept.

Affidavit by J. Davis re robbery of treasury.

Questn. by John James.—Did you ever see any the money in my hands?

Ansr.—I never saw any Money in James's hands except such as he received for what was Eat and drank.

James Davis.

Sworn before me this 6th July, 1827.—Thos. A. Lascelles.

[Sub-enclosure No. 2.]

The Information of James Davis on Oath.—On Monday Morning the Eighteenth of June, I went to the Main Guard to ascertain if Maguire was on duty that day. I saw him come from the Main Guard; we joined in conversation at Mr. Kerr's Gateway; he said, "I shall be on that place to-day from 12 till 2." I went to the Main Guard again about half past five and told Maguire I should bring the Brandy to him about Six. When the arrangement was made to do the Robbery, I told Maguire he should have an equal share with those who were in it.

On the Morning after the Robbery, Jem Thomas and Welsh were with me in the Street in Collins Street coming from the Lumber Yard. Thomas then told me that, after he got clear away from the Colonial Treasurer's Office after Committing the Robbery, they found the weight of the Money was so heavy that they went up to Harris the Brass Founders and threw Stones up to awaken Ralph, who got up and went with them and helped them to carry the Money.

James Davis.

Sworn before me this 31st July, 1827.—Thos. A. Lascelles.

[Sub-enclosure No. 3.]

The Information of Thomas Berrisford on Oath.—I reside in Melville Street. James Thomas and James Davis lodged in my House. I have overheard them conversing in Bed, and from what I heard I judged they were not very correct persons.

On the afternoon of the Eighteenth of May, James Thomas came to my House and asked if I had a clean Bottle. I told him there were some on the Shelf; he took one off the Shelf and went away; he did not return home that Night; the next Morning Davis and Thomas came into my House at Breakfast time. I know that Thomas and Davis were particular Friends. Davis slept at Home the night of the Eighteenth; he came in about Eight O'Clock.

About two Months previous to this, I found a very large Skeleton Key under the Boards of the Privy, that is used by the people in our house. I felt there were other Keys in the same place. I did not disturb them. I gave Information of this to Constable Kirby.

Thomas Berrisford.

Sworn before me this 27th July, 1827.—Thos. A. Lascelles.

[Sub-enclosure No. 4.]

The Information of Patrick Rice on Oath.—On the Eighteenth of June last, I was posted on Sentry at the Treasurer's Office from Six till Eight O'Clock at night. Thomas Maguire was posted in front of the Building in Davey Street those hours. I was in the rear fronting the Sea. Between Six and eight O'Clock, I was at the end of the Building at the Gable of the Naval Office; the Band was playing at the Barracks. I was in the rear. Maguire came round the Gable End to the rear; he called me to him. I said what is the matter; he began to talk to me about the tune the Band was playing. I saw nothing in his hands at this time; he remained with me about ten Minutes.
ARTHUR TO BATHURST.

The reason that I told you before, that I was in the front was because Sarjeant Norman said that, when he was Examined, he had made a mistake in saying that McGuire was in the rear and I did not like to make a Liar of him.

Sworn before me this 20th July, 1827.—THOS. A. LASCELLES.

From twelve till two I was posted in the rear; I did not stop to speak to Maguire at all during those hours. I only saw him at the Gable end of the Building on his Post; it would take me about three Minutes to walk from one end of the Building to the other and back again at the rate I walked. I did not see anybody or hear any noise or Challenge any person during those hours; it was a still night.

Sworn before me this 21st July, 1827.—THOS. A. LASCELLES.

[Sub-enclosure No. 5.]

THE INFORMATION OF WILLIAM THOMAS.—I am a Constable and do duty at Government House; last Tuesday Week I was at Barnard Walford's Public House. James Thomas, who is Employed in the Stables at the Lumber Yard, was with me; we had a pint of Porter and a half pint Rum. When we came out of the House, James Thomas said to me they keep this Business very quiet. Thomas had previously told me that he was one of the Men, who Committed the Robbery at the Treasurer's Office, and that he Thomas had himself been in the Office from Eight till Twelve at night; and that the business could not be done unless they had a friend inside. I have seen Pennell with Thomas day after day at different places. We parted.

The next Evening I met Thomas at the Lamb Public House, kept by Bowden. Oliver, who lives with Mr. Sharland, was with us; we had something to drink; we parted.

On Monday Night last, James Thomas came past my House. I was standing at the Door; he said what are you going to do with yourself; he said he was going down to Walfords to the dance there. I said I'll go with you. I went to Walfords and saw the dance. We had half a pint of Rum together; he asked me to pay for it; the Room was quite full; no particular Conversation passed. We had some porter. We left the House; he went one way and I the other.

On Tuesday Evening, Thomas and I went to the Lamb public House; from thence we went to the Waterloo Inn, and met Davis and Oliver there. Thomas appeared to me as if he wished to put Confidence in me; he said that the Robbery at the Treasury would never be found out. I said it will be lucky for you if it is not, because it appears by the paper that they have got a clew to it. On the Tuesday, they had a dance at Brownlows; forty or fifty People were at the Dance; they always have dances on Tuesday at Brownlows. Major Lee was there dancing. Desmond the Messenger at Government House was there. I left the Dance a little before Eight O'Clock on Tuesday.

That night I went on duty at Government House.

Thomas told me that Pennell took the impression of the Key in Soap or some such substance; they then got another Instrument made, and, when it did not succeed, they went on making another until at last it succeeded in opening the Chest.
Thomas told me that Beckett had made a Key from an Impression given him by Pennall; that it did not answer the purpose and that a little Man who is Lame, and who lives at Jack James's (I believe he is James's Brother) made the Key which opened the Chest.

James Thomas is in the habit of going to Jack James's Public House; when there, he orders whatever he likes to eat and drink, and James gives him credit. I was there one Evening with Thomas; he said to James whatever I had he would pay for; he said to the Waiter put it down to me. Davis is Employed in the Stables at the Lumber Yard with Thomas.

WILLIAM THOMAS.

Taken before me this 5th July, 1827.—THOS. A. LASCELLES.

[Sub-enclosure No. 6.]

THE INFORMATION OF WILLIAM THOMAS on Oath.—All that I stated in my former Information is true except that part where I state, "Last Tuesday Week I was at Barnard Walford's Public House. James Thomas, who is Employed in the Stables at the Lumber Yard, was with me."

On that day, I was at home nearly all day; it was at my own house the conversation took place.

On the Friday following I met James Thomas; he asked me to go with him to John James's to have something to drink; as we were going along, Thomas told me that Chas. James made the Key. I never was at James's Public House but once in my Life. James was not at home at the time.

WM. THOMAS.

Sworn before me this 27th July, 1827.—THOS. A. LASCELLES.

[Sub-enclosure No. 7.]

THE INFORMATION OF SAMUEL THODEY on Oath.—I am Assigned Servant to William Harris, Brass Founder and live in Macquarie Street. I sleep in a Room over the Workshop; my fellow Servant George Ralph sleeps in the same Room. About a fortnight ago, one night about two o'Clock, it might be a quarter of an hour sooner or later, I was in Bed. Ralph was also in Bed. I heard some small stones fall on the Shingles as if thrown by some person. I called to Ralph and said, George do you hear that I said there is some one flinging Stones on the Shingles. Ralph said he supposed it was his Mate, and he would go down and see; he went down in his Shirt; he returned in about a minute and dressed himself. I asked him what it was; he said it was his Mate who was very ill, and was obliged to come home and leave the Kiln. Ralph said he wished his Mate had stopped till day light, as he would rather have given anything than got up; he then went away; this was a little before two; he told me before he went away that he should stay by the Kiln all that day.

I have heard Ralph say he has been very much at James's Public House; he works with James's Brother.

The mark of

SAML. THODY.

Sworn before me the 7th July, 1827.—

To the best of my recollection Ralph was absent all night the night after the stones were thrown; he said he was obliged to go and mind his Kiln in Consequence of his Mate having left it.

The mark of

SAML. THODY.

Sworn before me the 7th July, 1827.—THOS. A. LASCELLES.
Copy of Notes taken of the evidence given on the Trial of James Thomas and others in the Supreme Court of Van Diemen’s Land on Saturday the 11th Day of August, 1827.

The Information charged

James Thomas (With Stealing Two thousand Shillings, value £100; and Two thousand Sixpences, value £50; One thousand Half Crowns, value £125; and One hundred Spanish Dollars, value £21, the property of the King.

Charles James (With being present aiding and abetting Jas. Thomas and Chas. James in the Commission of the felony.

Thomas Mcguire (Matthew Pennell.—As accessory before the fact.

James Davis (George Ralph.—As accessory after the fact by receiving One thousand Shillings, One thousand Sixpences, Five hundred Half Crowns and Fifty Spanish Dollars, part of the monies stolen, knowing, etc.

John James.—As accessory after the fact by receiving the remainder of the monies stolen.

Jocelyn Thomas, Esqr. (Examined by the Solicitor General).

I am the Colonial Treasurer. I left Town I think on the 23rd of May last. It was the 22d or 23d. I left my Office that day and did not return to it. I left for Launceston on the Monday afterwards. On the 21st I had counted the Chest with my Chief Clerk. I had particularly counted it on the Saturday before. The 21st was on a Monday. The correct state of the Chest is taken every Monday. There had been a previous error in the counting, but, on the 21st, every bag was taken out of the Chest and counted and the error rectified. I counted the Chest first and Mr. Smith after me. I did not count it in Mr. Smith’s presence. He did in mine. Mr. Smith made out a rough state of the Chest. I had made out on a slip of paper my own account merely as a Memorandum. I could not state without reference to a paper what the contents of the Chest were. Mr. Smith keeps one Chest and I another. I furnish him with £300 or £400 at a time. He furnishes me with an Account of his Chest every week. The statement made by Mr. Smith and me corresponded. The account I have described as having been taken was of the contents of my Chest. That Chest was kept immediately behind where I sit. There is a Window immediately behind the Chest looking into the yard, which is next the Street, and there is another window opposite to it looking towards the water. There is but one door leading into that room; it opens into a passage. In that passage is a front door and a back door and a door into the Clerk’s room. The front and back door lead out of the building. The passage
divides my private room from the Clerks' outer room. Pennel was usually stationed in the passage and the outer room of the Clerk's Office. I cannot call to mind any instance of Pennel's being in my room when I have not been there. (Shewing paper) This is Mr. Smith's Memorandum to which I have referred. This is my writing on it. There were a great many bags. He counted them one by one and gave me the number and description. I put them down on a slip of paper or rather corrected the Account I had made before. He counted the number of Bags but not the contents of the bags. I knew the contents of the bags by having previously counted the contents and then labelled the bags with the contents. I assisted in counting them. I cannot speak with accuracy how long before the Contents of the bags had been counted. I should think about two months before. The bags were tied and leathern labels were put on them stating the amount and particular species of the contents, whether British Silver or Spanish Dollars, but they did not distinguish the number of Shillings and Half Crowns. We used to pay away the money in bags without counting it ourselves. There are two Keys to my Chest but only one Lock. Mrs. Thomas has always kept one Key in her Wardrobe, but whereabouts in the Wardrobe I never knew. When I go from home, my practice is to conceal the other Key in a Chest of drawers of my own, and I gave the Key of the drawers to Mrs. Thomas. That I did on this occasion. For a considerable time, when in Town, I used to keep my Key of the Chest, as I have it now, with a Steel Chain round my neck, but when the chain was broken, I kept the Key in my pocket. At night it was in the pocket of my dressing gown by my bedside. I was not in the habit of leaving that Key about. It was my invariable custom always to have that Key under my personal control, but it is possible that an impression of it could have been taken, for I am very absent when writing. The Key generally lay by me on the table when I wrote, or it was in my pocket; occasionally it staid in the Chest. I think a person, who had constant access to my room, could have taken an impression when my back was turned, or when I was intent on writing a letter on business. There was a Key to the door of my private room. That generally remained in the Door during the day. No particular care was taken of it except on our departure. Then Mr. Smith generally shut the door. The back door was bolted with three strong bolts. I cannot say if there was a Key to it. Yes, there was a Key. Mr. Smith kept the Key of the front door. I don't know what became of that Key in the daytime. I think Mr. Smith keeps it hung up in his own room where he writes. I think I have seen it there. Pennel was about the Office all day except when he went to dinner. He had access to all the rooms at his will. It was necessary. He had passes to carry. Sometimes he paid things in Town for me which brought him to my room. When I went out of Town on this occasion, I put my Key of my Chest into a Chest of drawers and gave Mrs. Thomas the key of the drawers. That Chest of drawers and the Wardrobe I have spoken of are at my house in New Town. I returned to my house on Sunday the 24th June, and to Town on Monday the 25th. I received both Keys of my Chest from Mrs. Thomas, the one she generally had custody of, and the one I had put into the Chest of drawers. One I gave back to her, the other I kept. The money in the bags I have mentioned was the property of the Crown; all was the property of the Crown.
Cross-examined by Mr. Ross, Counsel for Chas. James and John James.

The Key kept in the wardrobe was always there. I cannot say when I had last seen it. I only recollect once asking for it. I believe it has been in the possession of Mrs. Thomas three years. I did not mention to Mrs. Thomas where I had concealed my Key. I don’t believe any person knew where I had placed it. I was not in the habit of telling Mrs. Thomas where I placed it. The last time I went out of Town, I concealed the Key as usual. When I returned to Town I did not find it in the same place. Mrs. Thomas gave me both Keys. At first my impression was that I had given her both Keys, but I know it was not so. I understood that Mrs. Thomas had given the Key of the drawers to my son to get some Powder and Shot and that he found my Key of the Chest and gave it to his Mother. I believe there was a Key to the back door. Mr. Smith keeps the Key. It is his duty to raise the blind of the window of my room that the Sentry may see into it. There is no light at night in my room; there are opposite windows in it. I think it might be two or three months since I had counted the money in the bags. After having once counted the contents of the bags and labelled them, we never counted the contents afterwards. We generally counted the number of bags every Saturday. I always brought the Key of the Chest to town. On many days it was not used. Then it never left my pocket. I do not always put the Key on the table when I had opened the Chest.

Cross-examined by Mr. Rowlands, Counsel for Thomas.

The windows of my Office were common windows with common fastenings; I think a fastening like that I see before me; to both windows there were no Shutters. I have two Clerks, Mr. Smith and my Son. There are houses opposite the Treasurer’s Office. The back of it looks towards the water. There is a Yard with a paling to it, but it is not entirely closed. I think there is a considerable space where the Paling is down. Persons were not in the habit of going to my Chest of drawers. I placed my key in them behind some powder. There was a bell with a circular hoop of Iron hung to the back of the door of my private room. In the day time it used to be in the window. I have frequently hung up the bell myself but it was more especially Mr. Smith’s duty. I had not been in the habits of seeing the Keys of the doors. I don’t know as to locking the back door. I have some faint impression that the lock is of no use. Mr. Smith generally locks my private room door and keeps the Key. He gives me the Key on my coming to the Office. I never perceived Soap or Wax upon it.

Cross-examined by Pennel.

I don’t know if you have been 12 Months in my service. I don’t recollect when you came. Don’t recollect your being guilty of any dishonesty. When you came into my Office you generally stood before me. I would not let you go behind me. You generally stood on the opposite side of the table. I think you could then take the Key of the Chest. I recollect once finding it on the opposite side of the table. There might be an opportunity of taking it, if I turned round to the Chest.

Re-examined.—I have prevented Pennel from going behind me. I have chid him for going behind me. I prevented him.
1827.
23 Sept.
Notes by J. L. Pedder on evidence at trial of J. Thomas and others for robbery of treasury.

CHARLOTTE THOMAS, examined by the Solicitor General.

I live at New Town. I cannot state the date of the last occasion of Mr. Thomas's leaving town. It was about the end of May. Three or four days before he went, he deposited a Key with me. When he went out of town, he usually deposited a Key with me. I had one Key always in my care. The Key of the Treasure Chest. There was a Duplicate Key. When he went into the Country in May, I did not know where he put his Key. He gave me the Key of his drawers.

He returned towards the end of June. During his absence I had not possession of his Key of the Chest. I had of the Key I usually kept.

My Son once had the Key of Mr. Thomas's Chest of drawers during Mr. Thomas's absence. He did not bring me any other Key on that occasion. I gave my Key of the Treasure Chest to my Son once during Mr. Thomas's absence, and before the robbery, but only once. On the day I heard of the robbery I delivered the Key a second time to my Son to see if the Chest had not been tried. During Mr. Thomas's absence, I always kept it in my Wardrobe. That is where it was generally kept. I have kept it in a Trunk. The Wardrobe had a Key. I kept it. The Key of the Chest was concealed in the Wardrobe; it was put at the back of the Wardrobe in a small Shoe. When I have had occasion to look for it, I have always found it in the same place. I used occasionally to look to see that it was there, and, if I was looking for any thing else, I used to look if it was there. When I gave my Son the Key before the robbery, he returned it me the same evening. I put it in the same place. I cannot recollect the day I heard of the robbery. When I then gave it to him, I found it in the Shoe. I invariably kept the Key of the Wardrobe myself. I kept the Key of Mr. Thomas's drawers invariably in his absence and generally in my pocket. I only gave that Key to my Son, and only once. I think to no other person. He returned the Key to me the same day.

Cross-examined by Mr. Ross.—I am sure I only gave my Son the Key of the Chest once, except after I heard of the robbery. When Mr. Thomas returned to town, I did not give him the Key of the Treasure Chest, which I kept. I did not then know where the other Key was. Till Mr. Thomas returned, I did not know where he had placed his Key of the Chest. I have not had possession of the Key I kept in the Wardrobe so long as two or three years. I made a practice of frequently ascertaining that it was in the wardrobe.

Cross-examined by Mr. Rowlands.—I knew the Key I kept possession of belonged to the Treasury Chest, because I had often seen it with the other Key. I knew the other Key to be the Key of the Treasury Chest because Mr. Thomas always had it with him. When my Son had the Key of the Chest of Drawers, he did not bring back any other Key. He had it to get powder and Shot. When he had the Key of the Treasury Chest, he had it to get out a paper. The part of the Wardrobe, where I kept the Treasury Key, is not always locked. My daughter goes to it. None of my servants have means of going to the wardrobe. I believe no one saw me take the Key of the Treasury Chest out to give to my Son. I always had my pocket about me. I don't think my daughter went to the Chest of Drawers during Mr. Thomas's absence. I gave my Son the Key of the Chest of drawers before I heard of the robbery. I think before I ever gave him the Key of the Treasury Chest.