



## NEW SOUTH WALES – COLONIAL SECRETARY

### LETTERS RELATING TO MORETON BAY AND QUEENSLAND RECEIVED 1822 – 1860

#### LETTERS RECEIVED 1858 AND PAPERS FILED WITH THEM – REEL A2.40 CONTINUED FROM REEL A2.39

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	58/00479	1858 02 05	Police Magistrate Maryborough	J G Chapman C P S Police Office Maryborough	1858 01 21	Letter giving names of Sureties of Clerk Petty Sessions According to your directions requiring me to send in to you my reasons for not having complied with Under Secretary's letter of 24 <sup>th</sup> November last, in which he directed that Clerk of this Bench should obtain security at once for his fidelity to Government, also his letter dated 8 <sup>th</sup> January last in which he states that from my not having found required security, my pay is suspended. I have honour to state that when I first was appointed Clerk to this Bench I arranged in Sydney with "The People's Provident Society", a Society acknowledged by Government to be my security. In September last, I enclosed to their secretary, Mr O'Grady, amount necessary for effecting this security & I find that cheque sent was cashed in October, an account of which I considered necessary arrangements were concluded with Government. As such is not case, I beg to name to you 2 gentlemen who are willing to enter into required security, Mr James Buchanan & Mr Francis Naughton, both of Maryborough. & Notes in margin Mr V 5 <sup>th</sup> No 207	A2.40	001-004
				W W Billyard Civil Crown Solicitor	1858 03 08 1858 03 10 1858 03 11~	Bond executed herein, according to direction & deposited in iron safe in my Department. Blank Cover Returned C S O		
				Arthur E Halloran	1858 01 22	To be forwarded under Blank Cover to Honourable Colonial Secretary. Parties proposed by Mr Chapman are eligible. Civil Crown Solicitor is required to procure Execution of requisite Bond. Noted		
				W E	1858 02 12 1858 02 12~ 1858 03 11~	To be returned Bond having been executed as reported on first page, it is concluded that order suspending issue of any further salary to Mr Chapman may be withdrawn. Bench Maryborough Send to Treasury		
					1858 03 12~	58/1840		

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	58/01840	1858 05 20		Allan & Norton People's Provident Assurance Society 90 Clarence Street Sydney	1858 02 15  1858 05 27	<p>Printed document from Allan &amp; Norton stating that People's Provident Assurance Society will not be responsible for security of Mr J G Chapman, C P S, Maryborough.</p> <p>&amp; Notes at top Nothing further required. Mr Chapman has entered into usual Bond with Sureties.</p> <p>[Printed document] People's Provident Assurance Society, For Life Assurance and Fidelity Guarantee. Sydney Agency, Offices 90 Clarence Street</p> <p>I have pleasure to inform you, that with view of conducting increasing business of Society in this Colony, upon a more permanent &amp; satisfactory system than hitherto Board of Directors in London have appointed in addition to their other Australian branches, a Local Directory in Sydney, they have accordingly delegated to George Thornton, Esq, MLA &amp; John Young Esq, Manager of English Scottish &amp; Australian Chartered bank, duties of Branch Directors.</p> <p>Messrs Allan &amp; Norton, 90 Clarence Street Sydney, are Agents of Society to whom all your future communications are requested to be addressed. People's Provident Assurance Society for Life Assurance &amp; for Fidelity Guarantee. Capital – Half-a-million Sterling. Head Offices – London, 2 Waterloo Place, Pall Mall. With branches in chief towns of United Kingdom, India &amp; British Colonies. Australian Branch Offices, Melbourne, Collins Street West, Sydney, 90 Clarence Street, Hobart Town, Messrs Nutt &amp; Butler, Westbrook Street. President: Right Hon Thomas Milner Gibson M P Vice-President: Thomas Bazley Esq, President Chamber of Commerce, Manchester Trustees: James Heywood Esq, FRS, MP for North Lancashire. Richard Spooner Esq, MP for North Warwickshire. Joshua P Brown-Westhead Esq, Lea Castle, MP for York Chairman of Board: George Alexander Hamilton Esq, MP for Dublin University. Australian Directors: D S Campbell Esq, MP. W T Mollison Esq. George Thornton Esq, MLA. Fras. A Walsh Esq. John Young Esq. Secretary for Australia: Michael O'Grady, Melbourne. Guarantee Department, <i>for insuring fidelity of persons of approved character in situations of trust.</i> In Australia, its security is accepted by: Colonial Governments, Railway Commissioners, Australian Joint Stock Bank, Australasian Steam Navigation Company, Bank of New South Wales, Colonial Bank of Australasia, Commercial Banking Company of Sydney, English, Scottish &amp; Australian Chartered Bank, London Chartered Bank of Australia, Oriental Bank Corporation. <i>Rates of Premium for Guarantee fixed according to Duties of Situation.</i> By a system originated by this Society, payment made for Guarantee may be considerably reduced, or entirely appropriated to purpose of Life Assurance, to purchase of an Endowment payable at a given age or of an Annuity, at option of Assurer. <i>Private Sureties</i> may be relieved from their Liability by intervention of this Society. Life Assurance Department: For transacting every description of Life Assurance upon terms peculiarly favourable to Assurers. <i>A Table of Annual Rates for Assurance of £100 on Life.</i></p>	A2.40	005-006

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	57/04184	1857 10 19	Hon C S	Arthur E Halloran Police Office Maryborough	1857 10 13	Letter in response to letter from Hon C S 3 <sup>rd</sup> October inst, calling on them for an explanation why Mr Chapman, Clerk of Petty Sessions for Maryborough district has not sent in required security from People's Provident Assurance Society. With reference to your letter of 3 <sup>rd</sup> Instant, calling our attention to a letter written by you on 6 <sup>th</sup> August last stating it would be necessary for Mr Chapman, Clerk of Petty Sessions to our Bench to obtain a fresh Guarantee from People's Provident Assurance Society, I have honour to inform you that I have called on Mr Chapman to obtain required security & he states that he has already communicated with above named society & furnished agent with amount required by society for entering into necessary securities. & Notes in margin Guarantee has not yet been received. Mr Chapman should perhaps be informed that unless it is furnished at once, issue of his salary will be suspended. 56/593 Bench Maryborough On 15 <sup>th</sup> December 1857~ 58/479 Resubmitted	A2.40	009-010
				C C	1857 11 23~ 1857 11 24~ 1858 01 05~			
	56/05936	1856 07 08	Hon C S	Arthur E Halloran Police Office Maryborough	1856 06 24	Letter reporting arrival of Mr Chapman at Maryborough as Clerk of Petty Sessions. I do myself honour to report for your information that on 15 <sup>th</sup> inst. Mr Chapman arrived at this place & entered upon his duties as Clerk of Petty Sessions. & Notes in margin No 56/9 Auditor General Blank Cover 19 <sup>th</sup> July 1856~ To be returned Official Stamp Auditor Office, New South Wales No 698 21 <sup>st</sup> July 1856~ Noted & returned Blank Cover 31 <sup>st</sup> July 1856~ Returned C S O Nothing further required & Notes in margin It will be requisite for Mr Chapman to obtain a further guarantee from People's Provident Assurance Society or to name his sureties to enter into a Bond with him. 57/4184 Bench 6 <sup>th</sup> August 1856 On 1 <sup>st</sup> September 1856 Not answered Bench Maryborough Postal cover sheet Hon Colonial Secretary, Sydney Police Office Maryborough June 24 <sup>th</sup> 1856	A2.40	011
				W E  S A Rennie for Auditor General	1856 08 01~  1856 08 04~  1856 10 02~ 1856 10 03			012   013

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						Official Post Stamp Sydney, New South Wales 1856 [month and day not clear]		
	56/04904	1856 05 29	Hon C S	J G Chapman C P S Police Office Maryborough	1856 05 29	Further application for advance of 3 month's salary & At top Clerk of Sessions, Maryborough Secretary to People's Provident Assurance Society, having forwarded to you special receipt of duly authorised representations of Society, guaranteeing my fidelity to Colonial Government as Clerk of Petty Sessions at Maryborough, I have honour to request that I may be allowed an advance of 3 months salary to enable me to join my district. & Notes in margin Auditor General Blank Cover 29 <sup>th</sup> May 1856 To be returned Immediate Official stamp Audit Office New South Wales No 578 MY 30 Returned C S O Inform Bench Maryborough	A2.40	014-015
	56/04904		Hon C S	W E  F L S Merewether	1856 06 02~ 1856 06 04 1856 06 05~ 1856 05 28	Mr J G Chapman Current form ? ? ? now prepared & transmitted Blank Cover 3 <sup>rd</sup> May 1857? For Iron Chest Deposited  & At top 56/4637 People's Provident Assurance Society I beg leave to hand herewith Special Receipt of duly authorised representatives of Society here guaranteeing fidelity of Mr John George Chapman to Colonial Government as Clerk of Petty Sessions at Maryborough to extend of £100.		016
	56/04892	1856 05 29		Michael O'Grady, Secretary People's Provident Assurance Society	1856 05 23~ 1856 05 26~  1856 05 23 1856 05 26~  1856 05 26~	Secretary People's Provident Assurance Society, guarantee for honesty of Mr J G Chapman, Clerk of Petty Sessions, Maryborough. & Notes in margin 56/4637 Secretary to above Sent to Auditor General Returned and not with records 56/4904  56/4637 Auditor General is requested to furnish answers desired to questions contained in accompanying abstract. Noted Official Stamp Audit Office New South Wales No 561 MY 26 To be returned Returned with answers	A2.40	017  018
				W V				

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						Blank Cover 26 <sup>th</sup> May 1856 Returned C S O 26 <sup>th</sup> May 1856		
	56/04526	1856 05 13	Hon C S	J G Chapman Royal Hotel Sydney	1856 05 12	Request for advance of 3 months salary to enable him to proceed to his duties as C P S Maryborough Having procured certificate of Police Magistrate, Sydney, of my competency for appointment of Clerk of Petty Sessions at Maryborough, to which His Excellency, Governor General has been pleased to signify his intention to appoint me, I do myself honour to request that you will have goodness to move His Excellency to sanction an advancement to me of 3 months salary to enable me to join my district. & Notes in margin 56/4495 Precedent enclosed 55/4538 Auditor General Blank Cover 13 <sup>th</sup> May 1856	A2.40	019
				W V	1856 05 13	Noted To be returned Official Stamp Audit Office New South Wales No 537 MY 14 If such advances have been made in other cases upon execution of required bond & upon this condition, I've no objection to a compliance with present application. Blank Cover 18 <sup>th</sup> May 1856 Returned C S W 19 <sup>th</sup> May 1856~		
				F L S Merewether		Printed extract from <i>List of Banking, Railway &amp; Insurance Companies &amp; other Public Bodies, accepting Guarantee of People's Provident Industrial &amp; General Assurance Society.</i> List includes: Bankers, Railways, Fire & Life Offices, Public Companies & Institutions, Mercantile Firms.		020
						Printed document: <i>Australian Branch of People's Provident Industrial &amp; General Assurance Society.</i> Includes – Information relating to <i>Guarantee Dept &amp; Life Dept.</i> , Office Bearers, Branch Offices, details of Guarantee Dept, Union of Life Assurance with Guarantee, Life Dept.		021-024
						Printed document listing: <i>Tables of Rates for Life Assurance</i>		025 [2 page's numbered 25]
						Printed page: <i>Australian Branch of People's Provident Industrial &amp; General Assurance Society.</i>		026
	58/01856	1858 05 22	Hon C S	Jakob [Jacob] Kircher Warwick	1858 04 30	Jakob [also Jacob] Kircher, applying for certificate of naturalisation To His Excellency, Sir William Dennison, King's Commander of most honourable Order of Bath, Governor General in & over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia and Western Australia, & Captain General & Governor in Chief of Territory of New South Wales & its Dependencies & Vice Admiral of same etc.	A2.40	027

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						<p>1 Memorial of Jakob Kircher of Warwick, respectfully sheweth that your Memorialist is a native of Amertsweiler in Wirtemburgh.</p> <p>2 That your Memorialist is 30 years of age &amp; is a farmer, for a Certificate of Naturalisation.</p> <p>3 That your Memorialist arrived in Colony of New South Wales by ship "Marbs" ["Marbz"] in year 1855 &amp; has been resident therein since that date.</p> <p>4 That your Memorialist begs to refer Your Excellency to annexed Certificate of Charities &amp; of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony.</p> <p>5 That your Memorialist is desirous of establishing his home in this Colony &amp; to become naturalised as a British Subject &amp; that on these grounds your Memorialist is desirous of availing himself of privileges granted to aliens by Acts of Council, 11 Victoria, No 38 &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist therefore respectfully requests that Your Excellency may be pleased to grant to your Memorialist, a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will every pray.</p> <p>&amp;</p> <p>Notes in margin [partly obscured] Inform him what is necessary</p>		
	58/01873			Edward M Stephens for J W Paterson, Manager Australasian Steam Navigation Company. Sydney	1858 05 25~			
	58/01873	1858 05 25	Hon C S	J C Wickham Government Resident Brisbane	1858 06 01 1858 06 01 1858 05 17	<p>Memo from Australasian Steam Navigation Company Sydney. On receipt of an order from Government, or a notice to that effect, for conveyance of Mr Hampton's family &amp; Government stores from Maryborough to Moreton Island, necessary instructions will be given to Captain of "Waratah" to bring them up with him.</p> <p>&amp;</p> <p>Notes on memo Approved receipt .....</p>	A2.40	028
	58/01873		F B Hampton Secretaty Native Police Brisbane	Edward M Stephens for J W Paterson, Manager Australasian Steam Navigation Company. Sydney	1858 05 05	<p>Relative to conveyance of stores &amp; belongings to Native Mounted Police Corps &amp; family of Secretary from Maryborough to Brisbane.</p> <p>I have honour to forward for your information a letter received by Secretary of Native Mounted Police Corps &amp; as it has reference to part of contents of my previous communication, dated 21<sup>st</sup> April ultimo, which I had honour of addressing to yourself on this subject, I beg respectfully to suggest that should arrangement, therein stated, meet with your approval, on notification to that effect be forwarded direct to Australian Steam Navigation Company offices in Sydney with instructions for conveyance of said stores (&amp;family of Secretary) from Maryborough to Brisbane without delay, as want of books &amp; documents now in office at Maryborough causes great inconvenience in settlement of Native Police Accounts from 1857, as well as delay in furnishing officers in charge of divisions with proper printed forms for conduce of accounts for current year.</p> <p>I beg to acknowledge receipt of your form of 20<sup>th</sup> April, requesting to know charge for passage of your family (equal to 3 ½ adults) from Wide Bay to Moreton Island.</p> <p>In reply, I beg to inform you that as calling in of "Waratah" at that place on</p>		029-030
	58/01873							031-032

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						<p>her trip to Sydney would be necessarily attended with delay &amp; probably give difficulty, as well as causing expense in extra consumption of coal, company cannot undertake to land passengers you name &amp; stores now at Maryborough under a sum of £35 on receipt of which amount from you, necessary instructions will be given to Captain Knight accordingly.</p> <p>You will please, at same time understand that, if "Waratah" should meet with bad weather off Moreton Island compelling her to proceed on to Sydney at once, your family will be obliged to come up here of course, but a free passage (excluding victualling) will be provided for them back to Brisbane.</p> <p>Stores you mention not to be a larger quantity – otherwise charge will be increased.</p>		
	58/01886	1858 05 25	Clerk of Executive Council	Justice Saul Frederick Milford Supreme Court House Brisbane	1858 05 17	<p>Recommending continuation of sentence in case of Yung, a Chinese. &amp; At top This should have been addressed to Colonial Secretary &amp; now forwarded accordingly. Blank Cover May 25<sup>th</sup> 1858 In reply to your letter of 11<sup>th</sup> instant, relating to punishment of O Yung against whom sentence of death has been recorded in consideration of his former good character recognised that his sentence be commuted to 5 years hard labour on roads or other public works of Colony. I have recommended 5 years on roads on supposition that full time will be served otherwise I should recommend 7 years as term of punishment. &amp; Notes in margin For approval Approved</p>	A2.40	033-034
	58/01683	1858 05 10	Clerk of Executive Council	Justice Saul Frederick Milford Supreme Court House Brisbane  E C M	1858 05 04	<p>Respecting O Yung, a Chinaman sentenced to death for wounding with intent to murder. &amp; At top This should have been addressed to Colonial Secretary &amp; is accordingly now forwarded. I have honour to state for information of His Excellency Governor General &amp; Executive Council that O Yung, a Chinese was convicted before me on Monday 26<sup>th</sup> day of April of wounding with intent to commit murder &amp; that I caused a sentence of death to be recorded against him. Facts of case are shortly as follows. Prisoner &amp; a girl called Holsberger [Holberger] were fellow servants at a station belonging to Mr McDonald. Prisoner seems to have been attached to woman &amp; according to his account to have had some transactions with her by way of making presents. She had expressed to her mistress her annoyance at attention of prisoner &amp; was told to pay no attention to them. She, being about to leave station of Mr McDonald, prisoner bitter from feelings of disappointed attachment or anger in regard to gifts he had ineffectually made, if he had made any, but without any other apparent cause in a state of excitement attacked girl Holsberger [Holberger] with a sharp pointed table knife, stabbed her 3 times in arm &amp; shoulder, one wound being 4 or 5 inches long &amp; open more than an inch &amp; following her into another room inflicted another stab in her hip. Prisoner up to this time had always been quiet &amp; inoffensive &amp; had been in Mr McDonald's service for 2 or 3 years.</p>	A2.40	035-037



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				C C	1858 05 10~	If it should be deemed desirable, I will forward a copy of my notes taken at trial. & Notes in margin Judge should be requested to state what commutation he recommended. Judge Milford 11 <sup>th</sup> May 1858 On 1 <sup>st</sup> June 58/1886		038
	58/01954	1858 05 29	Hon C S	Inhabitants of Port Curtis	1858 05 12	Inhabitants of Port Curtis representing want of Magistrate in District. We undersigned residents in District of Port Curtis, beg to draw your attention to state of our district from want of Magistrates. There are but 2 resident Magistrates in district viz. Captain O'Connell who from his position of Crown Lands Commissioner is at times away from Bench & Lieut Murray of Native Police, who has been almost constantly from home for last 6 months on outposts of his district on duty. There is at present no Magistrate nearer this place than Mt Thompson of Burnett, a distance of 120 miles, while following cases have come under notice of undersigned which demand attention of one or more Magistrates. There are 4 public houses requiring licences for which applicants have given necessary notice, but there is no Bench to grant them to great pecuniary loss of applicants & encouragement of "sly grog" selling. Several cases under Master & Servants & Vagrant Act & a case of a dangerous ..... who can only be taken up, upon Chief Constable of District taking responsibility on himself as there is no Magistrate to receive an affidavit of his being of unsound mind. We may also remark that this has been state of this District since its first settlement as may be shown from following case which occurred 2 years back, Captain O'Connell being at that time as at present, in Sydney. One of gentlemen whose name is attached to this paper was called upon by then Chief Constable of District to advise him as to how he should act with regard to a prisoner then in lockup under a charge of drunkenness & whose case from there being no Magistrates could not be heard, prisoner having then been 3 weeks in lockup. There are exactly parallel cases of prisoners now in lockup. We had hoped that gentlemen forming bench here (when there is one) would have seen & drawn notice of Government to necessity of appointing more Magistrates, but as from publication of new Commissioner, we find our district has been overlooked. We beg Sir, that you will give matter your most serious consideration & take such steps as may be necessary to relieve us from so great an evil. Signed: Charles James Clark, Calliope Henry Hort Brown, Gladstone Francis Clarke Jnr, Raglan Creek William Miller, Gladstone J M Robertson, Gladstone H E Palmer, Gladstone William Ellis, Gladstone R Hethrington, Gladstone D Hardy, Gladstone William Young, Gladstone William Nun?, Gladstone E Johnson, Gladstone	A2.40	039-042



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						Henry Friend, Gladstone William Pershouse, Gladstone William Hackett, Gladstone William Powe, Gladstone John Powe, Gladstone S B Robertson, Gladstone Joseph Wilson. Gladstone William Kirkpatrick, Gladstone Frederick ?, Gladstone William Martin, Gladstone William Martin, Gladstone		
	58/01956	1858 05 29	Hon C S	H E Palmer Gladstone	1858 05 17	Requesting withdrawal of name from Petition representing want of Magistrates in district. A petition having been forwarded to you from this district, setting forth great want of magistrates & praying some increase may be made to present roll of Justices of Peace, I have honour to request you will be pleased to withdraw my signature from same, for following reasons viz. Petition was originated by a gentleman here who stated his object to be merely to draw attention of Government to great want of magistrates. That gentleman's brother takes petition to Court House for purpose of obtaining signature of only J P we have at present in district & there publicly asserts that his father & brother are <u>only</u> fit & proper persons in district to fill that important situation & that whole of signatures to petition were in their favour, at same time daring any person to make objection to their appointment. No having remotest idea of recommending either of these gentlemen to your notice & no such recommendation having been attached to or in any way embodied in petition at time of my affixing my signature thereto, I am most anxious that it should be withdrawn, as I consider it quite beyond my province to dictate to His Excellency's Government who should or should not be appointed Justices of Peace. As statements before referred to were made publicly in Court House, in presence of several highly respectable inhabitants of this place & as proceeding is out of all precedent, I think His Excellency's Government would only be performing a public duty by causing an inquiry to be instituted in matter.	A2.40	043-044
	58/01956		Hon Charles Cowper	M C O'Connell Sydney	1858 09 03~ 1858 06 16	Returned See 58/1954 & 55 also  I have to acknowledge receipt of your note of yesterday's date with accompanying papers which I now return together with a memo explanatory of my views in reference to difficulty inhabitants of Gladstone bring under your notice.		045
				M C O'Connell	1858 07 20	Names of gentlemen recommended for Commissioner of Peace in District of Port Curtis. Alfred Henry Brown of Brislington in County of Clinton, Esq. Edwin Cordeaux Bloomfield of Miriam Vale in County of Flinders, Esq. John Living of Rodds Bay in County of Flinders, Esq Charles Henry Clarke of West Stowe in County of Clinton, Esq.		046
	58/01956			M C O'Connell Police Magistrate &	1858 06 16	Memo There can be no doubt people of Port Curtis have strong grounds for		047-049

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	58/01956		Hon C S	Commissioner of Crown Lands Sydney  William Forster Legislative Assembly	1858 04 22	<p>expressing dissatisfaction at want of a sufficient number of magistrates to perform duties of their Bench in Courts of Petty Sessions, but difficulty is much more easily admitted than remedied, for there is a want of material to supply deficiency.</p> <p>At present there is resident in town of Gladstone only 1 gentleman whose name I could bring forward for appointment to Magistracy, but he is a Magistrate already &amp; for some cause or other declines to act &amp; I perceive by papers transmitted to me for perusal that inhabitants of Gladstone who petition Colonial Secretary themselves suggest names of 3 gentlemen who are country residents.</p> <p>It may be fairly assumed therefore that town itself affords no material for overcoming difficulty I am considering &amp; question is whether gentlemen who reside at a distance will take trouble of riding in merely to attend on Bench duties. My own opinion is they will not with any regularity, but I think it is desirable to make a few appointments of this sort in order to afford a better chance of collecting together a Bench for directing meetings &amp; other extraordinary occasions.</p> <p>For ordinary routine of Bench duty however, I would recommend as I did once before when Government Resident, that a salary should be given to a resident medical officer as a remuneration for attendance on prisoners in lockup, Native Police &amp; Aborigines &amp; that he should be expected also to attend as a Magistrate at Bench.</p> <p>In addition to this, I would recommend that power of adjudicating in cases ordinarily requiring presence of 2 Magistrates should, as provided for under Sir John Jervis' Acts, be extended to Police Magistrate at Gladstone &amp; I think with adoption of these measures, unavoidable local difficulty arising from newness of occupation &amp; necessary occasional absences of Police Magistrate &amp; officers of Native Police on other duties, with be got over &amp; a tolerable certainty secured of finding on each weekly Court day a competent Bench to carry out Magisterial duties of town &amp; district.</p> <p>Numerous applications having been made to me, by respectable residents in District of Wide bay &amp; Burnett, expressive of a wish that Mr Alfred Brown of Gin Gin, Wide Bay, settler, should be nominated to Commission of Peace, I have honour to state that several year's acquaintance with gentleman in question enables me to pronounce an opinion that he is fully qualified for office of Magistrate, in point of intelligence &amp; respectability.</p>		050
	58/01955	1858 05 29	Hon C S	John Murray J P	1858 05 12	<p>Proposing appointment of F Clarke, John Living, C J Clarke to Commission of Peace.</p> <p>To prevent unnecessary delay in selection of Magistrates, we undersigned beg to forward you names of 3 gentlemen (names of which are noted in margin) [names in margin – Francis Clarke, Government Surveyor, Port Curtis, John Living, Boyne River, Port Curtis, Charles James Clarke, Calliope, Port Curtis], whose education &amp; social position render them qualified persons to hold a Commission of Peace.</p> <p>Above mentioned gentlemen whose names are noted in margin, I consider fit &amp; proper persons to hold a Commission of Peace.</p> <p>&amp;</p> <p>Notes in Margin See 58/1954 also 1956</p>	A2.40	051
	58/01965	1858 05 31	Hon C S	G H Loveday Dration	1858 05 21	<p>Memorial from Martin Klein for Certificate of Naturalisation.</p> <p>At desire of Martin John Klien I do myself honour to forward herewith his</p>	A2.40	052

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	58/01965				1858 06 04 1858 06 09	application for a Certificate of Naturalisation & to request that you will have goodness to lay it before His Excellency Governor General at an early opportunity. & Notes in margin Prepare for application Certificate prepared Secretary, Treasury, ?, Superintendent, Constables, Bench, Drayton. J Klien		
					1858 05 08	Printed document Memorial, or Application for a Certificate of Naturalisation. To His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General & Governor-in-Chief of Territory of New South Wales & its Dependencies, 1 Memorial of John Martin Klien of Toowoomba, respectively sheweth, that your Memorialist is a native of Germany. 2 That your Memorialist is 50 years of age & an agricultural labourer. 3 That your Memorialist arrived in Colony of New South Wales by ship, 'John Casar' [As it is – 'John Caesar' ?] in year 1852. 4 That your Memorialist begs to refer your Excellency to annexed certificate of character & of correctness of statements herein contained from respect able persons to whom your Memorialist has been known since his arrival in Colony. 5 That your Memorialist has become a purchaser of land at Toowoomba in District of Drayton where he intends to reside. & that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39, & 17 Victoria, No 8. 6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as you your Excellency may seem meet. Signed John Klien, 8 <sup>th</sup> May 1858, Drayton We, undersigned do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist from his arrival in Colony & believe him to be a person of respectable character. Signatures of George Downes & Alfred James Hill.		053

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	58/01972			John McLerie Convict Department Sydney	1858 06 03	& At top 58/190 Remark of His Honour Mr Justice Milford, against name of John Montgomery in Return of Convictions – This prisoner was sentenced to 4 years on roads, but I found it necessary to alter his punishment as I could sentence only for 5 years & upwards, or 3 years, or under. I therefore recommend that his imprisonment should not extend beyond 4 years. & Notes in martin Superintendent General of Police Blank Cover to Under Secretary. Noted	A2.40	054-055
					1858 06 03	Blank Cover to Under Secretary. Noted		
					1858 06 17~	Alteration in sentence having been noted in Return of Conviction from 5 to 4 years – nothing further is required to be done. A reply should be prepared to Petition.		
				W E		Inspector General of Police is requested to say whether any remark of Judge appears against name of prisoner in Return of Convictions. Blank Cover. Noted To be returned Returned		056
	58/01972	1858 05 31	Hon C S	Saul Frederick Milford Supreme Court House Brisbane	1858 06 01~ 1858 06 02~ 1858 06 05~ 1858 05 26	Reporting on Petition for Mitigation of John Montgomery's Sentence. Your letter (relating to James [John] Montgomery sentenced to 5 years on roads for horse stealing) of 21 <sup>st</sup> April only reached me on 21 <sup>st</sup> May. I think it will appear by return of prisoners sentenced in October 1857 that I noticed fact of alteration of prisoner's sentence from 4 to 5 years. At all events, such was fact as I entertained doubt whether I was not obliged to sentence to not less than 3 years imprisonment or labour on roads instead or to not less than 5 years on roads in lieu of transportation. There was nothing that occurred in trial to induce me to recommend a mitigation of lesser punishment. It was not necessary to go into enquiry but impression left on my mind by evidence was that prisoner & others made a practice of stealing cattle & horses by putting fresh brands on them, there being several different brands on station to which prisoner acted as overseer. I know nothing about absence of a material witness for prisoner (a witness for Crown was called & did not appear) it may be as stated, but I have no recollection of two being shewn nor does it appear on my notes? If prisoner had made any such statement, I should have paid no attention to it unless he had shewn that alleged necessary witness had been served with a Subpoena & that he knew something about matter at issue. Prisoner was tried for breaking out of prison, but owing to absence of a material witness for Crown, prosecution was abandoned & he was acquitted.		057-059
	58/01202	1858 04 06	Hon C S	Inhabitants of Wide Bay	1858 03 20	Inhabitants of Wide Bay for Mitigation of John Montgomery's Sentence His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General in & over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia & Western Australia & Captain General & Governor-in-Chief of Territory of New South Wales & its Dependencies & Vice-Admiral of same etc etc	A2.40	060-061

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						<p>Petition of undersigned residents of Wide Bay most respectfully sheweth -That John Montgomery is at present undergoing a sentence of 5 years on Cockatoo Island for horse stealing.</p> <p>That your petitioners have known prisoner for a considerable period &amp; have had fullest confidence in his honesty &amp; integrity; &amp; your petitioners believe that a conviction would not have been obtained against prisoner had a material witness not unfortunately been absent at trial.</p> <p>Your petitioners would respectfully draw your Excellency's attention to fact that Judge at first passed a sentence of only 4 years on prisoner, but afterwards altered sentence to 5 years, that being shortest period his Honour stated law allowed him to inflict, thus shewing your petitioners humbly to conceive that Judge was constrained to pass a heavier sentence than he considered crime deserved.</p> <p>Prisoner at present time has a wife &amp; 2 children resident in Wide Bay who from absence of their natural protector are totally unprovided for &amp; from fact of their having always heretofore lived in a respectable sphere of life their case is one of great hardship.</p> <p>Your petitioners trust that your Excellency will be graciously pleased to take above into your merciful consideration &amp; that your Excellency will grant to said John Montgomery such mitigation of his sentence as your Excellency may seem fit &amp; your petitioners as in duty bound will ever pray.</p> <p>List of signatures:  John Richmond, Abraham Macker. Christopher Atkinson, Joseph Montgomery, John Blake, James Fanning, James Dowzer, James Kiley. John Purser, John G Walker, William Francis Naughton, James Roystok [also Royston], John Corbets, John Bruce, Edward Cosgrove, John Hulyer [also Hulzer], Patrick Feeney, George Irvine, J C Brown, Thomas Spiden, David Goundwater, Henry W Mastiff, John Linklater, Edward Preddey, Peter Thompson.  &amp;  Page of notes  For report of visiting Magistrate of Cockatoo Island.  Blank Cover 12<sup>th</sup> April 1858.  Noted  To be returned  John Montgomery of Adelaide was received here on 29<sup>th</sup> October 1857 under a sentence of 5 years to roads, passed upon him at Circuit Court of Brisbane on 8<sup>th</sup> October 1857 for horse stealing, since which period his conduct has been good.  Nothing recorded  Cockatoo Island  Charles Ormsby, Superintendent.  Forwarded  Return C S O  May perhaps be referred to Judge.  Judge Melford  58/1972</p>		062
	58/01987	1858 06 01	Hon C S	H H Browne Government Immigration Office Sydney	1858 05 31	<p>Relative to Certificate of Arrival of immigrant ship "<i>Blenheim</i>" at Moreton Bay  With reference to concluding paragraph of Mr Walcott's letter to you of 29<sup>th</sup> January last, in which allusion is made to an omission which appeared in Certificate of Arrival of Immigrant ship "<i>Blenheim</i>", to Moreton Bay &amp; which</p>		063-067

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	58/01987		Hon C S	A C Kemball Government Immigration Office Moreton Bay	1858 06 05~  1858 06 10  1858 05 19	<p>was referred to me for report under your Blank Cover of 11<sup>th</sup> Instant I do myself honour to inform you that not being myself aware of commission of any breach of charter party in respect to that vessel, I at once called upon Assistant Immigration Agent at Moreton Bay for an explanation of reasons which induced him in this case to omit that portion of usual certificate which implies a due fulfilment of charter party &amp; now beg to transmit a copy of that officer's reply to my communication, from which it appears that omission in question was not intentional but purely accidental.</p> <p>2 Loss entailed upon owners of vessel from delay they have experienced in obtaining Second Moiety is much to be regretted &amp; I have taken opportunity of pointing out to Dr Kemball serious consequences arising from his neglect &amp; of cautioning him to be more careful in future.</p> <p>3 It will therefore I presume be only necessary to inform Commissioner of cause of omission &amp; to authorise them to pay over amount of Second Moiety to parties entitled to receive it.</p> <p>&amp;</p> <p>Notes in margin M14,283 A copy of this should be sent for information of Commissioners, in reply to M14,283. Herewith returned. Secretary of Commissioners.</p> <p>Enclosure to Immigration Agents letter to Colonial Secretary of 31<sup>st</sup> May 1858 Copy &amp; At top 58/58</p> <p>I do myself honour of returning herewith, a letter which you transmitted to me by last steamer &amp; addressed to Honourable Colonial Secretary of Colony by Emigration Commissioners to which you have attached a memorandum directing my attention to terminating paragraph of same referring to an informality in Certificate of Arrival of Immigrants ship "Blenheim", wherein words, "stipulation of Charter Party appear to have been in all respects duly fulfilled" have been omitted, thus inducing Commissioners to withhold payment of Second Moiety of passage money. I believe I am justified in assuring myself that you have unhesitatingly inferred such omission to have been a clerical one on my part &amp; it is much to be regretted that Commissioners were not in possession of facts enabling them to arrive at like conclusion. In former cases where there has been any departure from stipulations of a Charter Party, exception has been specified in Certificate &amp; further specially reported.</p> <p>I beg to assure you that I much lament consequences ensuing from such a want of my usual precision &amp; that against recurrence of which I will be most cautious in future.</p> <p>In reference to owner's interests, I may however be permitted to add that I consider their agents here to be equally blameable as myself – a copy certificate, as customary was supplied to them, from which triplicates transmitted to England, were prepared, thus affording them opportunity of detecting unfortunate omission which I have been called upon to account for.</p> <p>I hope you will be good enough to favour me with a further communication</p>		068-072

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	58/01987	1858 05 11	Hon C S	S Walcott Government Emigration Board 8 Park Street Westminster	1858 01 29	<p>on this subject, conveying to me your observations thereon. I have to remark that Charter Party of "<i>Blenheim</i>" was most creditably fulfilled</p> <p>&amp; At top M14,283</p> <p>I am directed by Emigration Commissioners to acquaint you that they have altered form of Surgeon's Certificate required by Charter Party to be given to masters of their Emigrant ships, by striking out so much of it as testifies to good treatment of passengers during voyage. leaving document simply a record of births &amp; deaths &amp; departures from ship. This alteration has been adopted because in a recent case, when Commissioners wished to enforce a mulct on owners of a vessel for supply of inferior provisions, they were met with a legal difficulty in consequence of Surgeon having certified that people had been properly treated on voyage, although Immigration Board in Colony reported that some of provisions had been bad &amp; qualified their certificate accordingly. It was thought, however, by Commissioners' legal adviser that, if case went into a Court of Law, Jury, as then 2 documents were in conflict, would probably give more weight to certificate of Surgeon, who testified to facts coming within his peculiar and immediate knowledge, than to report of Immigration Board, which was necessarily founded on evidence taken after occurrence of transaction &amp; possibly from parties not free from prejudice.</p> <p>To avoid any conflict between 2 documents in future Commissioners have deemed it advisable, therefore, to restrict Surgeon's Certificate to a bare record of births, deaths &amp; departures from ship, leaving it to Board of enquiry to ascertain &amp; certify as to whether or not stipulations of Charter Party have, in all respects, been fulfilled.</p> <p>I am at same time to suggest that, in future, where Colonial Authorities shall be of opinion that convictions of Charter Party have, in any substantial particulars nit been fulfilled, it would be better, with a view to any legal question that may arise, that last words of printed certificates of arrival should be struck out &amp; that a separate report of points in which it is considered that Charter Party has not been fulfilled should be immediately forwarded direct to Commissioners, so as to arrive, if possible, in time to be considered with claim for payment by owners.</p> <p>I may take this opportunity of mentioning that, in case of ship "<i>Blenheim</i>", which arrived at Moreton Bay in October last, certificate of arrival is not in form prescribed by 20<sup>th</sup> article of Charter Party; for although it testifies that emigrants have been properly treated &amp; duly landed with their baggage, it omits to state that "stipulations of Charter Party appear to have been, in all respects duly fulfilled". In absence of these important words &amp; of any report from Colony on ship, Commissioners have felt it their duty to withhold payment of Second Moiety of passage money, as they have no means of satisfying themselves that omission was not</p> <p>&amp; Notes in margin For information for report of Agent for Immigration Blank Cover 11<sup>th</sup> May 1858 To be returned. 58/1987</p>		073-078
	58/02050	1858 06 07	Hon C S	J C Wickham	1858 06 07	Letter respecting subject of Mr William Smith's Application for Pay &	A2.40	079-81



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	58/02050			Government Resident's Office Brisbane  William Smith Ipswich	1858 12 28	<p>Allowances, as late 2<sup>nd</sup> Lieutenant in Native Police Force. Having been applied to by Mr W Smith late 2<sup>nd</sup> Lieutenant in Native Police, for pay &amp; allowance from 28<sup>th</sup> July to 19<sup>th</sup> September 1857 inclusive, during which period he appears to have continued his duties notwithstanding having received on 27<sup>th</sup> July my letter on acquainting him that his resignation had been accepted by Government, I do myself honour to request that you will inform me whether he is entitled to pay for that period, under circumstances shown in enclosed declaration. 2 I have reason to believe that Mr Smith did continue to perform his duty as stated by him &amp; have also been informed to same effect by Commissioners, but I have declined to pay him without your authority to do so, although I think that his cause is a just one.</p> <p>I William Smith of Ipswich in Colony of New South Wales Esq, do solemnly &amp; sincerely declare that I resigned my appointment as Sub-Lieutenant in Native Police serving in Maranoa District which resignation was accepted on 8<sup>th</sup> May last &amp; received by me on 27<sup>th</sup> July last, that at request of Lieut Nicoll, I continued in active duty under him &amp; in his absence on duty. I had charge of Government stores &amp; detachment stations at Wondai Gumbal &amp; carried on duties of station till Lieut Moorhead arrived. Next I took earliest opportunity to inform Lieut Nicoll of that officer's arrival on 19<sup>th</sup> August last that on Lieut Moorhead's arrival in camp &amp; being without necessary instructions it was in-cumbent on me to remain &amp; inform him on various matters which it was necessary he should know &amp; could not otherwise have learned. Next I continued to assist Lieut Moorhead on these matters &amp; take a share of duty till 19<sup>th</sup> September last when Commandant Morrisset arrived, so that I was on full &amp; active duty up to that date. And I make this solemn declaration conscientiously believing same to be true &amp; by virtue of provisions of an act of Governor &amp; Legislative Council made &amp; passed in 3<sup>rd</sup> year of reign of her present Majesty instituted "<i>an act for more effectual abolition of oaths &amp; affirmations taken &amp; made in various departments of Government of New South Wales &amp; to substitute declarations in lieu thereof &amp; for more entire suppression of voluntary &amp; extra judicial oaths &amp; affidavits</i>". Declared before me this 28<sup>th</sup> Day of December – A D 1857. Signed Charles Ormsby J P.</p>		[082 not shown] -083-085
	58/02856	1858 08 09	Hon C S	J C Wickham Government Resident's Office Brisbane	1858 08 02	<p>Letter on subject of pay due to Mr William Smith, late a 2<sup>nd</sup> Lieut in Native Police Force. Having been again applied to by Mr William Smith, late a 2<sup>nd</sup> Lieut in Native Police, on subject of pay for period for which he continued to perform his duty subsequent to acceptance of his resignation, I do myself honour in reference to my letter of 1<sup>st</sup> June No 58/216 to request that you will inform me whether Mr Smith's application has been favourably received by Government &amp; if I am authorised to pay him salary which he claims. &amp; Notes in margin No58/284 58/2050 Government Resident – 1 June, Mr W Smith 2<sup>nd</sup> Lieut for pay &amp; allowances. Submitted 7<sup>th</sup> June 1858~ Refer to Auditor General See 58/2050</p>	A2.40	086-087

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	58/02051			John McLerie Inspector General of Police		Memo & At top 58/2051 Although concurring with view, taken by Government Resident at Moreton Bay, that fraud committed by Camp Sergeant Hitches on Government in insertion (without authority) of words "saloon passage" in passage over, which (with other papers attached) is herewith returned, amounts to forgery, yet, having in view, expense & official embarrassment, attending prosecution of his offence, which would involve, necessity of both myself & Chief Clerk of this office, proceeding to Brisbane to give evidence against Hitches, I am of opinion case may be met by compelling Hitches to pay difference, between rate of a saloon & steerage passage from Sydney to Brisbane & by dismissing him with disgrace from Force. Blank Cover 9 <sup>th</sup> June 1858 Returned C S O 10 <sup>th</sup> June 1858		088-089
	58/02051	1858 06 07	Hon C S	J C Wickham Government Resident's Office Brisbane  C C	1858 06 01	Letter reporting a fraud practiced on Government by Camp Sergeant Hitches of Native Police & At top 2217 Police June 8 I have honour to bring under your notice a fraud on Government, committed by Camp Sergeant Hitches of Native Police, for purpose of obtaining a saloon passage to Moreton Bay, when such was not intended by Inspector General of Police. 2 By referring to enclosed documents it will be observed that after requisition was signed by Mr McLerie, an addition was made by Sergeant Hitches, which in eye of law, amounts to forgery. I therefore request that you will have goodness to inform me whether Hitches should be prosecuted, or, whether you consider that by dismissing him from Service & deducting from his pay difference between saloon & steerage passage money, he will be sufficiently punished for his conduct & thus avoid expense of witnesses, which will be incurred by prosecuting him criminally. & Notes in margin No 58/215 Inspector General of Police Blank Cover 7 <sup>th</sup> June 1858~ Noted 8 <sup>th</sup> June 1858~ To be returned		090-093
	58/02145	1858 06 12	Hon C S	J C Wickham Government Resident's Office Brisbane	1858 06 08	Letter reporting murder of a Chinaman at Mount Esk, in Police District of Brisbane. I do myself honour to report murder of a Chinaman, at Mount Esk, about 40 miles from Ipswich which has been brought under my notice by police management of that place. 2 Although Magistrate who held inquiry concluded that murder was committed by blacks, I cannot think that such is clearly shewn. There is no testimony beyond that of a Chinaman, who appears to have been at hut when assault was made & I have been since informed by 2 <sup>nd</sup> Lieut Williams, of Native Police, who reached spot a few hours after inquest was held & immediately went in pursuit of supposed murderers – that Troopers who accompanied him pronounced track seen in vicinity of hut to be those	A2.40	094-098

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						<p>of Chinamen (without shoes) &amp; not of blacks.</p> <p>3 I should be extremely sorry to cast suspicion on a person whom truth may be innocent but from character of many of Chinese, who have come to this district, I do not feel disposed to place implicit belief in statement made before My Hay, at inquest &amp; I have expressed this opinion to Colonel Gray, Police Magistrate for district in which murder was committed.</p> <p>4 Particulars of inquiry have been forwarded to Honourable, Attorney General.</p> <p>&amp;</p> <p>Notes in margin No 58/220 12<sup>th</sup> June 1858~</p>		
	58/02159	1858 06 12	Under Secretary	Edward F Palmer J P Police Office Maryborough	1858 06 09  1858 06 14~ 1858 06 25~	<p>Letter reporting formally on certain applications for Certificate of Naturalisation.</p> <p>We have honour to acknowledge receipt of your letter No 218, dated 1<sup>st</sup> June 1858 &amp; beg to inform you that Bench have no objections to individuals named therein obtaining Certificates of Naturalisation, they being persons of respectable characters.</p> <p>&amp;</p> <p>Notes in margin Prepare certificates Certificates prepared</p>	A2.40	099
	58/01813	1858 05 18	Hon C S	Joseph [Giuseppe?] Spigaglia	1858 05 15	<p>Memorial or Application for Certificate of Naturalisation To His Excellency Sir William Denison, Knight Commander of most Honourable Order of Bath, Governor General of all Her Majesty's Australian Possessions &amp; Captain General &amp; Governor in Chief of Territory of New South Wales &amp; its Dependencies etc etc etc</p> <p>1 Memorial of Joseph [Giuseppe ?] Spigaglia ? for a Certificate of Naturalisation, of Dieppe, Switzerland, respectfully sheweth that your Memorialist is a native of above &amp; resident of Wide Bay district for term of 3 years last past.</p> <p>2 That your Memorialist is a bricklayer &amp; 33 years of age.</p> <p>3 That your Memorialist arrived in Colony of New South Wales by ship , "August" in year 1854 &amp; has been resident therein since that date.</p> <p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character of correctness of statement herein contained from respectable persons to whom our Memorialist has been known since his arrival in Colony.</p> <p>5 That your Memorialist is desirous of becoming a British subject &amp; that on these grounds your Memorialist is desirous of availing himself of privilege granted to Aliens by Act of Council 11 Victoria No 39 &amp; 17 Victoria No 8.</p> <p>6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a certificate under provisions of said act, confirming upon your Memorialist privileges of a natural born British subject, with such restrictions as your Excellency may seem meet.</p> <p>And your petitioner will ever pray. Signature of Giuseppe Spigaglia ? May 15<sup>th</sup> 1858.</p> <p>We undersigned do hereby certify as to correctness of statements contained in subjoined memorial that we have known Memorialist for said given time &amp; believe him to be a person of respectable character.</p> <p>Signed: J D Walker &amp; John Eaton – Wide Bay</p>	A2.40	100-103

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				Edward C Merewether Private Secretary	1858 05 17  1858 06 07 1858 06 25	& Notes in margin By direction of Governor General, referred to Honourable Colonial Secretary Are parties recommending known? I know nothing of them. Refer to Bench. Bench Maryborough. Certificate prepared. 58/2159 Secretary, Treasury & General, Prothonotary Supreme Court, Bench, Maryborough. G Spigaglia ? [Postal cover sheet] Official postal stamp Sydney NSW MY17 1858 A OHMS, To His Excellency Sir William Denison, Governor General of New South Wales & its Dependencies etc etc, Sydney.		
	58/01812	1858 05 18	Hon C S	Andrew Delminico	1858 05 12	Memorial or Application for Certificate of Naturalisation To His Excellency Sir William Denison, Knight Commander of most Honourable Order of Bath, Governor General of all Her Majesty's Australian Possessions & Captain General & Governor in Chief of Territory of New South Wales & its Dependencies etc etc etc 1 Memorial of Andrew Delminico for a Certificate of Naturalisation, of Dieppe, Switzerland, respectfully sheweth that your Memorialist is a native of above & resident of Wide Bay district for term of 2 years & 5 months last past. 2 That your Memorialist is 22 years of age. 3 That your Memorialist arrived in Colony of New South Wales by ship "Geltruda" in year 1855 & has been resident therein since that date. 4 That your Memorialist begs to refer your Excellency to annexed Certificate of character, of correctness of statements contained from respectable persons to whom your Memorialist has been known since his arrival in Colony. 5 That your Memorialist is desirous of becoming a British Subject & that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Act of Council 11 Victoria No 39 & 17 Victoria No 8. 6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British subject with such restrictions as to your Excellency may seem meet. And your Petitioner will ever pray. Signature Andrew Delminico. May 12 <sup>th</sup> 1858. We undersigned do hereby certify as to correctness of statements contained in subjoined Memorial. That we have known Memorialist for above given time & believe him to be a person of respectable character. Signed J D Walker, John Eaton of Wide Bay. & Notes in margin By direction of Governor General, referred to Honourable Colonial Secretary Refer to Bench.	A2.40	104-106
				Edward C Merewether Private Secretary	1858 05 17	& Notes in margin By direction of Governor General, referred to Honourable Colonial Secretary Refer to Bench.		

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					1858 06 25 1858 06 28	Bench Maryborough. Certificate prepared. 58/2159 Secretary, Treasury & General, Prothonotary Supreme Court, Bench, Maryborough. A Delminico [Postal cover sheet] 2d Postage stamp. Official postal stamp Sydney NSW MY17 1858 A OHMS, To His Excellency Sir William Denison, Governor General of New South Wales & its Dependencies etc etc, Sydney.		
	58/01811	1858 05 18	Hon C S	Zanelli Angelo  Edward C Merewether Private Secretary	1858 05 12  1858 05 17  1858 06 25 1858 06 28	Memorial or Application for a Certificate of Naturalisation To His Excellency Sir William Denison, Knight Commander of most Honourable Order of Bath, Governor General of all Her Majesty's Australian Possessions & Captain General & Governor in Chief of Territory of New South Wales & its Dependencies etc etc etc 1 Memorial of Zanelli Angelo of Lombardy town of Brest respectfully sheweth that your Memorialist is a native of above & resident of Wide Bay district for term of 2 years & 5 months last past. 2 That your Memorialist is a brick maker, 30 years of age. 3 That your Memorialist arrived in Colony of New South Wales by ship "Singapore" in year 1854. 4 That your Memorialist begs to refer your Excellency to annexed Certificate of character & of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony. 5 That your Memorialist is desirous of becoming a British subject & that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria No 39 & 17 Victoria No 78. 6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British subject, with such restrictions as to your Excellency may seem meet. And your Petitioner will ever pray. Signature Zanelli Angelo May 12 <sup>th</sup> 1858. We undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist for above given time & believe him to be a person of respectable character. Signed JD Walker & John Eaton & Notes in margin By direction of Governor General, referred to Honourable Colonial Secretary 58/2159 Certificate prepared Secretary, Treasury & General Prothonotary Supreme Court, Bench, Maryborough. Z Angelo	A2.40	107-108
	58/02213	1858 06 17	Hon C S	David Forbes JP Sydney	? ?	Police Magistrate, Sydney. Plan for improving Police in New South Wales & for establishing Local Courts in Country Districts, with increased powers. It will be remembered that in year 1850 Police Act 20 Victoria No 2 was superseded by Act 14 Victoria No 38, under which an Inspector General & 4 Provincial Inspectors were appointed to supervise & control all police in Colony. After 2 years trial new system was pronounced to be a failure. Act	A2.40	109-119

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						<p>which brought it into operation was repealed; powers of Inspector General were limited almost exclusively to metropolitan district &amp; constabulary in country districts were placed under control of several Benches of Magistrates.</p> <p>Reasons assigned for this failure were, first, that districts for which provincial inspectors were appointed were too extensive, second, that unpaid Magistrates were jealous of their authority &amp; third, that population in interior of this Colony was too much scattered to admit of new system being carried into effective operation.</p> <p>First of these reasons I believe to be good; but then I cannot understand why number of provincial inspectors was limited to 4 if a greater number were necessary, or why services of other officers holding appointments in connection with police were not made available, as I shall presently endeavour to show they might have been. With regard to other reasons I may remark that 4<sup>th</sup> &amp; 5<sup>th</sup> sections of Act 20 Victoria No 2 gave to Police Magistrates powers over constabulary almost similar to those possessed by Provincial Inspectors. Under section of Act referred to, Police Magistrates had power to appoint &amp; dismiss Constables, to order &amp; command them in their executive duties, to frame rules &amp; regulations for their general government relative to their places of residence, rank, distribution, inspection, arms etc &amp; to do whatever they considered necessary to render force efficient. This Act continued in operation upwards of 12 years &amp; during that period few instances are recorded of unpaid Magistrates having been jealous of exercise of these powers by Police Magistrates. On contrary, we find that unpaid Magistrates frequently petitioned to have Police Magistrates appointed for places where they resided, especially in remote districts &amp; hence we may reasonably infer, first, that unpaid Magistrates need not of necessity be jealous of authority such as that possessed by Provincial Inspectors, provided it be properly &amp; judiciously exercised &amp; second, that services of paid officers of Government may be found exceedingly useful in localities where population is most scattered.</p> <p>Theory of appointing one officer to control &amp; command all Police in Colony would seem to be good &amp; I am still inclined to believe that if change from old system to new had been gradual instead of sudden, &amp; if whole of officers holding police appointments at time had been formed into one corps &amp; placed under control of a central authority, such as that of Inspector General of Police, a system might have been introduced which would have been a great improvement upon present &amp; which possibly might have secured to colony full benefit of what was originally intended. Holding these opinions, I propose to suggest a plan for accomplishing this object &amp; at same time for establishing at some future period Local Courts in remote districts, having powers of jurisdiction of a higher &amp; more extended nature than those at present possessed by Courts of Petty Session.</p> <p>There are in this Colony, holding offices in connexion with Police, 1 Inspector General, 2 Inspectors of Road Patrols, 1 Government Resident, 12 Police Magistrates (exclusive of Police Magistrates of Sydney &amp; Clerks of Petty Sessions who perform that duty), 13 Gold Commissioners, 8 Crown Lands Commissioners, in all 37 officers.</p> <p>I would suggest that all these should be appointed in their several localities, to perform all duties appertaining to Inspectors, Government Residents, Police Magistrates, Gold Commissioners, Crown Land</p>		

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						<p>Commissioners, Inspectors of Police &amp; Government Agents – that they should be all called by simple name Commissioners &amp; be formed into one corps under a Chief Commissioner or Inspector General of Police. These Commissioners should be divided into 3 classes, or grades of rank, with a fixed rate of salary for each grade or class, present holders of office remaining in several localities where they now are. Those stationed at seaport towns &amp; country towns where there are any large Government establishments should be appointed Commissioners of first class. Those stationed at less important places should be appointed Commissioners of second class &amp; those at least important places where there are now stationed Police Magistrates, to perform duties of C P S Commissioners of 3<sup>rd</sup> class &amp; Clerks of Petty Sessions I would propose to form into a 4<sup>th</sup> class to be called Sub Commissioners.</p> <p>With regard to future appointments, I would suggest that candidates be required to pass an examination somewhat similar to that required of candidates for employment in civil service in India. Such an examination might be managed in connexion with Sydney University &amp; should include, among other subjects, a knowledge of law sufficient to enable these officers when appointed to perform properly their duties as Magistrates, a knowledge of land surveying sufficient to enable them to run boundary lines &amp; a knowledge of book-keeping by double entry. Those candidates who might be considered eligible should receive a certificate to that effect from examiners &amp; should be appointed to 3<sup>rd</sup> &amp; 4<sup>th</sup> Commissionership as vacancies might occur. I think too that it would be desirable for these officers who might be appointed at once to 2<sup>nd</sup>, 3<sup>rd</sup> &amp; 4<sup>th</sup> class commissionerships, to pass examination required before they were eligible for promotion. All promotion should depend on merit &amp; should be from 3<sup>rd</sup> or 4<sup>th</sup> class to 2<sup>nd</sup> &amp; from 2<sup>nd</sup> to 1<sup>st</sup> &amp; where any holder of a 1<sup>st</sup> or 2<sup>nd</sup> class commissionership was found to be inefficient, he might be reduced to 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> class respectively.</p> <p>I would give these Commissioners powers over Constabulary in their several districts, similar to those formerly possessed by Police Magistrates, see Act of Council 20 Victoria, No 2, Sections 4 &amp; 5, as follows:  <i>“It shall be lawful for Governor to authorise such justice from time to time to nominate &amp; appoint a sufficient number of fit &amp; able men as a police force for any of towns for which he shall be appointed. Police Magistrates who shall be sworn in by said Justice to act as constables, etc ..... &amp; men as sworn shall obey all such lawful commands as they may from time to time receive from said Justice for conducting themselves in execution of their office..... That said Justice shall from time to time (subject to approbation of Governor) frame such orders &amp; regulations as he shall deem expedient relative to general government of men to be appointed constables under this Act, Places of their residence, classification, rank &amp; particular service of each, their distribution &amp; inspection, description of arms, accoutrements &amp; other necessaries to be furnished them &amp; all such other orders &amp; regulations relative to said police force as said Justice shall from time to time deem expedient” etc.....</i></p> <p>&amp; whenever in execution of these powers it might become necessary for these Commissioners to communicate with Government, they should do so through Head of their Department.</p> <p>As Magistrates Commissioners of 1<sup>st</sup>, 2<sup>nd</sup> &amp; 3<sup>rd</sup> classes might act with several Benches in same manner as Police Magistrates used to do under</p>		



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						<p>Act already quoted.</p> <p>Under such an arrangement as this there would be 37 officers to divide duties apportioned to 4 Provincial Inspectors by Act 14 Victoria, No 38 &amp; instead of country being divided into 4 districts, present division of districts would not be disturbed, so that 1<sup>st</sup> &amp; most important objection to working of system would be got rid of, but in addition to this, if plan which I propose were adopted, a class of officers would, in time be established over interior of this colony in whom Government could place fullest confidence &amp; who might eventually be appointed to preside as local courts, having power to try many cases which can only now be dealt with a Courts of Request &amp; Quarter Sessions or at District Courts about to be appointed. Such an arrangement would be most acceptable to inhabitants of interior of this colony who often submit to be defrauded rather than seek expensive redress.</p> <p>In paragraph 8, among other duties to be performed by Commissioners, I have named that of Government Agents &amp; I have done so advisedly because I think their services might be made available in facilitating survey &amp; sale of waste lands in interior of colony, in scrutinising all expenditure of public money &amp; in suggesting such measures of economy in management of Government Establishments general in their several districts as they might consider it desirable to recommend.</p> <p>Besides many other advantages which would probably result from plan which I have here proposed, I think it would prove itself to be a measure of economy, because in many places where there are now 2 or more officers stationed, whole of their duties might be performed by one, while it must be admitted that a less number of police constables acting in concert all over colony would be found more efficient than a greater number acting in detached parties in different &amp; separate localities.</p> <p>&amp;</p> <p>Notes in margin Submitted End of July Resubmitted End of August Resubmitted Put with other papers.</p>		
	58/02242	1858 06 21	Hon C S	J C Wickham Government Resident's Office Brisbane	1858 06 15	<p>Forwarding a letter from Mr Hampton, Secretary of Native Police Corps relative to certain expenses incurred by him on account of Police Service. I have honour to acknowledge receipt of your letter of 3<sup>rd</sup> instant, on subject of allowance to Mr Hampton, Secretary of Native Police, on account of expenses incurred by him on his journey from Maryborough to Brisbane &amp; for his maintenance at latter place while separated from his family, which I have communicated to Mr Hampton &amp; now beg to forward for consideration of Government, that gentleman's reply, also a memorandum of actual expenses incurred by him &amp; in doing so I beg to call your attention to small salary received by Mr Hampton &amp; how inadequate it is to meet expenses into which he has been led, on Police Service.</p> <p>&amp; Notes in margin No 58/231 £50 appears to me to be ample &amp; that sum may be paid. Government Resident.</p>	A2.40	120-122 (see also pages 126-127)
	58/01964	1858 04 31	Hon C S	J C Wickham	1858 05 26	Letter respecting Travelling Expenses of Native Police Officers	A2.40	123-125

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				Government Resident's Office Brisbane  C C	1858 06 02~  1858 06 03~	Application having been made to me by Mr Hampton, Secretary of Native Police for some allowance on account of expenses incurred by him on his journey from Maryborough to Brisbane & for his maintenance here while separated from his family. 2 I do myself honour in reference to my letter of 8 <sup>th</sup> February & 21 <sup>st</sup> April last on this subject to request that you will have goodness to inform me whether I am authorised to pay Mr Hampton, at rate of 20/- per diem for such expenses as sanctioned by you, on occasion of his attendance in Brisbane, in November last year. & Notes in margin A reasonable sum should of course be allowed but £1 per day for so long a period seems unreasonable. Private lodgings I should imagine could be obtained, in which case ?? of charges for living must be considerably less. Government Resident 58/2242		
	58/02242		J C Wickham Government Resident Brisbane	F B Hampton Secretary Native Mounted Police Corps Brisbane	1858 06 14	Letter from Secretary of Native Mounted Police Corps to Government Resident Moreton Bay, relative to expenses incurred by him since leaving Maryborough up to present period. I have honour to acknowledge receipt of information contained in communication dated 3 <sup>rd</sup> June, from office of Colonial Secretary, relative to payment of expenses incurred by myself since leaving Maryborough until settlement of my family in Brisbane. 2 In reply I beg to lay before you an account of actual expenses incurred by myself during that period & occasioned by removal of Native Police office from Maryborough, all of which expenses I considered included in estimated allowance of £1 per day, precedent for such allowance being amount made to me for travelling expenses when in England recruiting for Metropolitan Police Force & consideration of advisability of having a fixed sum for such purposes. At same time permit me to observe that length of period over which these expenses were incurred, was not occasioned by any neglect of application on my part, as well knowing that they would appear heavy unless prompt measures were taken to fully carry out order for removal of Head Quarters. My first communication on this subject was dated 21 <sup>st</sup> day April & there is no doubt that had it been then attended to £1 per day would have been insufficient to have covered actual outlay. Still, whatever sum Government may consider equitable to allow on this occasion will be perfectly satisfactory to myself.	A2.40	126-127 (see also pages 120-122)
	58/01491					Memorandum of actual expenses incurred by Secretary of Native Mounted Police Corps during journey from Maryborough & residence in Brisbane from March 12 <sup>th</sup> to June 12 <sup>th</sup> 1858 [Document set out in columns headed <i>Expenditure, Amount, Remarks</i> ] To purchase pack horse to carry books & papers £22/0/0 Expenses of self & 2 horses on road £7/0/0 Expenses at Brisbane £5/0/0 Bond lodging at private apartment up to June 12 <sup>th</sup> £30/0/0 Expenses of family & passage from Morton Island £5/0/0 Loss on sale of furniture at Maryborough £15/0/0 Keep of 2 horses at Brisbane £5/0/0 Estimated cost of board & lodging for family & self at furnished apartment until arrival of furniture £5/0/0	A2.40	128-132

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	58/01491	1858 04 26	Hon C S	J C Wickham Government Resident's Office Brisbane	1858 04 21	<p>Extra expenses £6/0/0 Sub-Total £100/0/0 Deduct present value of horse &amp; chance of recovery £10/0/0 Total £90/0/0 Horse fell lame on journey &amp; was obliged to be left at Cressbrook. Lieut Williams about a fortnight since endeavoured to bring him to Brisbane but found him so lame that he could not travel with detachment &amp; was consequently obliged to be left in bush &amp; is, in all probability, lost. Captain Knight could not land stores &amp; furniture at Moreton Island. They had to be taken to Sydney &amp; from thence will be forwarded to Brisbane.</p> <p>Forwarding letter from Mr F B Hampton, Secretary of Native Police Force on subject of expenses caused to him by removal of Head Quarters to Brisbane.</p> <p>In forwarding to you enclosed copy of a letter which has been addressed to me by Mr Hampton, Secretary of Native Police on subject of removal of Head Quarters of that Force from Maryborough to Brisbane, I do myself honour to state that I consider suggestion of that gentleman "that expense of change of quarters should not fall on him" to be most reasonable, as removal of Head Quarters is a circumstance over which he has no control. I would therefore suggest that expense of removing Mr Hampton's family &amp; furniture to Moreton Bay, should be defrayed from savings from sum voted for maintenance of force for 1857.</p> <p>With respect to last paragraph of Mr Hampton's letter, I think that he is entitled to same allowance of 20/- per diem, which was authorised on former occasion of his services being required in Brisbane, having not only been subjected to considerable travelling expenses, but is still incurring heavy charges while living at a boarding house &amp; separated from his family.</p> <p>&amp; Notes in margin No 58/140 58/1964</p>		
	58/01491		J C Wickham Government Resident Brisbane	F B Hampton Secretary Native Mounted Police Corps Brisbane	1858 04 21	<p>Copy Removal of Head Quarters of Native Mounted Police Corps from Maryborough to Brisbane, which measure, you did ne honour to inform me had been determined upon by Government, renders it necessary for me to lay before you, for your kind consideration, a statement of pecuniary loss, carrying into effect of each order inflicts upon myself.</p> <p>In first place, permit me to direct your attention to fact of my salary being only estimated at same ratio as that of a Second Lieutenant, a sum barely sufficient for maintenance of my family &amp; certainly far too small to bear heavy incidental expenses.</p> <p>2<sup>nd</sup>ly That at time of my appointment, Head Quarters of Corps was fixed at Maryborough &amp; in accordance with instructions I received, I proceeded thither with my family, conveyance of whom from Sydney (in July last) entailed upon me expenditure of £60. Consequently, as necessity of said removal has not been caused by any circumstance under my control, I would respectfully suggest that expense of this change quarters ought not to fall upon myself as I candidly confess such an outlay following so soon upon former, would seriously embarrass me &amp; perhaps in some measure</p>		133-136

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						<p>present me from maintaining that respectability of position which nature of my appointment warrants me in assuming.</p> <p>At same time Sir, I beg leave to take this opportunity of calling your attention to consideration of how far order of removal of Head Quarters combined with my actual presence in Brisbane, renders doubtful my further claim to remuneration for additional expenses I am now incurring. I therefore respectfully solicit decision of Government upon this family &amp; beg to request that additional allowance, as made to me on former occasion may be adopted on present &amp; continued until change of Head Quarters is permanently effected &amp; myself &amp; in a similar position to that which I occupied at Maryborough.</p>		
	58/02243			H H Browne Immigration Office	1858 06 28	<p>Memo with reference to female passengers of the ship "Diana"</p> <p>With reference to immorality alleged to have been committed on German immigrant ship "Diana" on her voyage to Moreton Bay, I found that in present state of law, Government are powerless. It shows however, how urgently necessary it is that some steps should be taken to control by some legal commitment immigrants of foreign passenger ships.</p> <p>Complaint in reference to rationing of immigrants who arrived in "Marbe" (greater portion of whom were introduced under Bounty regulations) if true, would necessarily have forfeited bounty ascertaining to regulations &amp; will only have been brought under notice of Assistant Agent Brisbane to have been prevented.</p> <p>Difficulty of communicating with these people leaves Government open to many proceeds, but if it were otherwise, would be detected &amp; thus advantages frequently taken.</p>	A2.40	137-139
	58/02243	1858 96 21	Hon C S	J C Wickham Government Resident's Office Brisbane	1858 06 15	<p>Letter relative to certain statements published in Darling Downs Gazette, in reference to female passengers by ship "Diana".</p> <p>My attention having been called to certain statements published in Darling Downs Gazette, of 10<sup>th</sup> instant, relative to female passengers by ship "Diana" which lately arrived at this port, with German immigrants, I do myself honour to report circumstance to you, with a view to its being brought under notice of Committee of Legislative Assembly, appointed to enquire into present system of German immigration.</p> <p>2 You will learn suggestion that a strict inquiry should be instituted by me, but I believe that I have no authority to take such a step on grounds that "Diana" is a foreign vessel &amp; passengers have been brought here under a private agency.</p> <p>3 I have very little doubt that statement made is substantially correct, although I am not aware that any complaints have been made by injured parties with a view to gain redress &amp; if such had been case, I am not aware they could be entertained, as Passenger Act does not appear to extend to foreign vessels.</p> <p>&amp;</p> <p>Notes in margin Inquire of Immigration. Can suggest any connection at once by Government. Agent called. Blank Cover 26<sup>th</sup> June 1858~ To be returned</p>		140-144
	58/02243			C C	1858 06 25~	<p>Notes in margin Inquire of Immigration. Can suggest any connection at once by Government. Agent called. Blank Cover 26<sup>th</sup> June 1858~ To be returned</p>		145
				W E		Printed extracts from Dalby Gazette 31 <sup>st</sup> July 1858:		

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						<p><i>History and affairs of German Immigration-mongers in Sydney, are now, we trust, undergoing a searching investigation before Committee of Legislative Council appointed on motion of Mr Docker. Their transactions have acquired unmistakable notoriety &amp; we trust that full justice will be done both to parties implicated &amp; to unfortunate foreigners who have been miserable victims of their cupidity. Inquiry however, must extend beyond Sydney; for even, at this moment, a vessel is now at anchor in Bay, from which have been landed on our shore another batch of German Immigrants, including a number of unmarried females, whose persons have been prostituted on board during voyage, under circumstances that call for immediate inquiry into conduct of officers in charge of ship. At this distance from port it is out of our power to furnish readers of this journal with full particulars of complaints which, ere this reaches them, have probably been brought under notice of Government Resident; but we will just mention one or two instances, to prove that our remarks are well founded &amp; that we are only doing our duty by attracting public attention to subject. First case we have to allude to is that of a German immigrant, who informs us that a respectable tradesman, a countryman of his own, residing at Brisbane, paid passage money for his two sisters, both of whom were debauched on board &amp; reached this colony in a condition, which forbids their contracting an alliance with any respectable honest man. We can conceive utter disgust of their unfortunate brother, on meeting with his relatives &amp; shame of deluded victims of seduction – themselves, when they met after a long separation for first time; &amp; we can picture to ourselves just indignation which their meretricious conduct called forth, from their natural protector. Other case is that of a young woman, a mere child in appearance, but who is 20 years of age &amp; who has been seduced, it is said by one of officers of ship, whose illicit intercourse with her was carried on during voyage in most public manner. These are only two cases which have come to our knowledge, narrated by an eye witness of disgraceful doings on board. As to general conduct of some of unmarried people it may be characterised as grossly immoral &amp; such as imperatively calls for strictest examination on part of Brisbane authorities. Name of vessel alluded to is "Diana" – chaste Diana – what a singularly inappropriate appellation for a floating brothel!</i></p> <p>Printed extract from Darling Downs Gazette 10<sup>th</sup> June 1858:  <i>Letters to Editor</i>  <i>"Fanny Circhner" &amp; German Immigration</i>  <i>Srs – It is gratifying to find that there is one member of Legislature who has moral courage to initiate an enquiry into those extortions &amp; abominations lately brought to light regarding manner in which German immigration has been hitherto conducted to Australian colonies. I am one of many more who thinks that Mr Docker deserves well of public &amp; more particularly natives of Germany located here for motion made by him in Legislative Council on 26<sup>th</sup> ultimo &amp; which every well-wisher to colony will approve of. Statements made by Mr Docker are strictly true, &amp; particulars of that unfortunate occurrence at boarding house in Sydney is only one in a hundred of other instances which deserve exposure.</i>  <i>It would be well just now, even after a lapse of three years, if enquiry were to be made into treatment of passengers by ship "Marbe", which vessel landed her living cargo at Brisbane; for bare statement of iniquities practised on board would be calculated to excite strongest feelings of</i></p>		

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						<p>indignation &amp; even to make one's blood run cold.  <i>What, let me ask, Sir, have German consuls been about last 4 or 5 years? Surely these functionaries cannot be compared to 'Concessionierte Agenten' of their native country who sell themselves at a price to this one monster 'Seelenverks'!</i></p> <p><i>Having introduced, to notice of Mr Docker, doings on board 'Marbe', I would now direct his attention &amp; request him to pay a visit to establishment of Messrs Smith, Brown &amp; Robinson, whose office is not far from Bank of New South Wales, for some further information! A short conference with our worthy representative, Arthur Hodson Est, who hates humbug as he does Bathurst burr, will no doubt induce him to tender every assistance in this very necessary investigation.</i></p> <p><i>Firm I have alluded to are perfectly weak now &amp; have been eminently successful in their peculiar line of business; indeed they could say it has amassed a princely fortune by traffic. It may be so, for they commenced more extensive operations immediately after 7<sup>th</sup> April 1847, when act authorising introduction of skilled labourers under a bounty was passed. Circulars of this firm (S B &amp;) were to be seen in all parts of colony &amp; were accompanied by forms A &amp; B, latter being most essential document.</i></p> <p><i>Following are copies of documents referred to:-</i></p> <p style="padding-left: 40px;"><i>(A) Gayndah, 1<sup>st</sup> February 1851</i>  <i>To Messrs Smith, Brown &amp; Robinson.</i>  <i>Sir – I have honour to request that permission may be granted to me to import one family of Continental Vinedressers in terms of regulations of 7<sup>th</sup> April 1857. – I have honour to be, Sir, your obedient servant, John Gradely Gamuless. To Honourable, Colonial Secretary, Sydney.</i></p> <p style="padding-left: 40px;"><i>(B) Gayndah, 1<sup>st</sup> February 1851</i>  <i>Sir – I hereby authorise “ “ “ to receive all bounties payable by Government on German labourers, which I have authorised him to procure for me in Germany. I have honour to be, Sir, your obedient servant, John Gradely Gamuless. To Honourable Colonial Secretary, Sydney.</i></p> <p><i>In due course immigrants were landed on our shore &amp; in many instances in which I can remember (particularly when there was a scarcity of labour) they were net on board by agent of this firm, who was furnished with fresh agreements &amp; informed that person to whom they were indented had died or had left colony &amp; that they must hire with another master at £22 per annum, less £13 for extra passage money in consequence of this misfortune! Agreements were signed &amp; these Dummet schwabs were paraded, before authorities at Brisbane who furnish a certificate to imports of their arrival on which firm aforesaid received stipulated bounty, besides £13 which comes out of pocket of unfortunate dupe when his two years service expires.</i></p> <p><i>It is my wish that every one of those emigrants should have this £13 remitted to them; for it has been done in one case; why, therefore, should it not be done in all?</i></p> <p><i>It is high time something was done to put a stop to these extortions, for how can it be expected that men from any country will endure such tyranny; &amp; can it surprise any reflecting man that they should bolt from their service in this colony when hired under such disgraceful circumstances. – I am, Sir, your obedient servant, Edward Lord. Drayton, June 9<sup>th</sup> 1858.</i></p> <p><i>P S Make enquiry at Colonial Treasury for forms B &amp; it will at once be</i></p>		

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	58/02243		Government Resident Moreton Bay	Hon C S Sydney	1858 06 ?	<p><i>ascertained when vinedressers have been passed &amp; for whom, party subscribing his name will know whether such bounty immigrants have been landed to his order.</i></p> <p>&amp; At top Not necessary I am directed to acknowledge receipt of your letter of 15<sup>th</sup> instant, No 58/232, reporting that your attention has been drawn to certain statements published in Darling Downs gazette of 10<sup>th</sup> instant relative to female passengers by ship "Diana" which lately arrived at Brisbane with German immigrants. 2 Enquiry having been made whether Immigration Agent could suggest any course to be taken at once by Government with regard to immorality in question, I am directed to transmit to you a copy of that officer's report from which it appears that in present state of law, Government is powerless.</p>		146-147
	58/02243			H H Browne Immigration Office	1858 06 23	<p>Copy With reference to immorality alleged to have been committed on board German Immigration ship "Diana" on her voyage to Moreton Bay, I fear that in present state of law, Government are powerless. It shews however how urgently necessary it is that some steps should be taken to control by some legal enactment arrangements of foreign passenger ships. Complaint in reference to rationing of immigrants who arrived in "Marbe" (greater portion of whom were introduced under bounty regulations) if true, would necessarily have forfeited bounty, as contrary to regulations, &amp; need only have been brought under notice of Assistant Agent at Brisbane to have been prevented. Difficulty of communicating with these people leaves Government open to many frauds which if it were otherwise would be detected &amp; thus advantages are frequently taken.</p>		148-149



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	58/02249	1858 06 21	Hon C S	Carl Fleishman	1858 06 14	<p>Memorial or Application for a Certificate of Naturalisation To His Excellency Sir William Denison, Knight Commander of most Honourable Order of Bath, Governor General of all Her Majesty's Australian Possessions &amp; Captain General &amp; Governor in Chief of Territory of New South Wales &amp; its Dependencies etc etc etc</p> <p>1 Memorial of Carl Fleishman of Brisbane, Moreton bay in Colony of New South Wales, respectfully sheweth, that your Memorialist is a native of Wurtemberg [Württemberg].</p> <p>2 That your Memorialist is 32 years of age &amp; is a gardener.</p> <p>3 That your Memorialist arrived in Colony of New South Wales by ship "Johannes Caesar" in year 1856 &amp; has been resident therein since that date.</p> <p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character &amp; of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony.</p> <p>5 That your Memorialist has lately purchased land at Brisbane aforesaid &amp; is desirous of becoming naturalised in order that he may have some duly annexed to him &amp; that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39 &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will ever pray. Signed Carl Fleishman Date 14<sup>th</sup> June 1858</p> <p>We undersigned do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist since his arrival in Colony, &amp; believe him to be a person of respectable character. Signed Arthur A May, Clerk of Petty Sessions, Brisbane Daniel F Roberts &amp; Notes in margin Prepare Certificate for approval. Certificate prepared. Secretary, Treasury &amp; General Prothonotary, Supreme Court, Government Resident Brisbane, C Fleishman.</p>	A2.40	150
	58/02250	1858 06 27	Hon C S	Frederick Wecker	1858 06 14	<p>Memorial or Application for a Certificate of Naturalisation To His Excellency Sir William Denison, Knight Commander of most Honourable Order of Bath, Governor General of all Her Majesty's Australian Possessions &amp; Captain General &amp; Governor in Chief of Territory of New South Wales &amp; its Dependencies etc etc etc</p> <p>1 Memorial of Frederick Wecker of Brisbane, Moreton Bay in Colony of New South Wales, respectfully sheweth that your Memorialist is a native of Behringen.</p> <p>2 That your Memorialist is 30 years of age &amp; is a blacksmith.</p> <p>3 That your Memorialist arrived in Colony of New South Wales, by ship "Johannes Caesar" in year 1856 &amp; has been resident therein since that date.</p>	A2.40	151

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						<p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character &amp; of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony.</p> <p>5 That your Memorialist has lately purchased land at Brisbane aforesaid &amp; is desirous of becoming naturalised in order that he may have some duly annexed to him * that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39 &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist there respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will ever pray. Signed Frederick Wecker Date 14<sup>th</sup> June 1858.</p> <p>We, undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist &amp; believe him to be a person of respectable character. Signed Arthur A May, Clerk of Petty Sessions, Brisbane. Daniel F Roberts. &amp; Notes in margin Prepare Certificate.</p> <p>1858 06 23~ 1858 06 25~ 1858 06 28</p> <p>Certificate prepared. Secretary, Treasury &amp; General Prothonotary, Supreme Court, Government Resident Brisbane, F Wecker.</p>		
	58/02296	1858 06 25	Under C S	W E Plunkett Secretary Crown Law Offices Sydney	1858 06 03	<p>Recommendation of Attorney General that certain fines imposed on William Miller &amp; J M Robertson under Currency Act be remitted.</p> <p>Having in accordance with request contained in your letter of 19<sup>th</sup> instant, drawn Attorney General's attention to letter of 10<sup>th</sup> September last, together with former papers from Bench of Magistrates, Gladstone, Port Curtis, respecting remission recommended by them of certain fines imposed under currency act, forwarded to Civil Crown Solicitor under Blank Cover on 7<sup>th</sup> October last, &amp; subsequently submitted for consideration by Attorney General, I am now desired to state that 6<sup>th</sup> section of 7<sup>th</sup> Gov IV No 3 directs that fines imposed under that Act gave committing Justices a <u>discretionary</u> power in making appropriation &amp; where that is case it is necessary that conviction should stat how discretion has been exercised or where that statement is dispensed with by reason of some general form of conviction being given it must, if conviction should be questioned, be shewn that there was in fact such an exercise of discretion. But 5<sup>th</sup> Gov: IV No3 is now repealed &amp; power given to Justices by it no longer exists. Attorney General is therefore of opinion that there cannot now be a summary conviction under Gov IV No3 &amp; on that ground he recommends that penalties be remitted. Attorney General would however also be prepared to recommend remission on grounds submitted by Justices.</p> <p>&amp; Notes in margin Re Wm Miller &amp; J M Robertson Governor General</p> <p>1858 06 25~</p>	A2.40	152-155
				C C				

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				W D	1858 06 26~ 1858 07 08	Fines to be remitted as advised. Secretary to Treasury Wm Miller Bench Gladstone.		
	58/02207	? ?	? ?Allan Esq	Henry Lane Audit Office Sydney	1858 07 03	In reply to your note of Tuesday, I beg to state that fines – Miller £10, Robertson £5, were credited at Treasury on 12 <sup>th</sup> May 1857. They were paid in to Court Petty Sessions, Gladstone.	A2.40	156
	58/02207	1858 06 17	Under C S	W W Billyard Civil Crown Solicitor Sydney	1858 06 16	Reporting that letter from Bench at Port Curtis recommending remission of certain fines imposed under Currency Act has been referred for Report of Attorney General. In reply to your letter of 14 <sup>th</sup> instant referring me to a letter from Bench of Magistrates at Port Curtis, recommending remission of certain fines imposed under Currency Act which was forwarded to me on 7 <sup>th</sup> October last & requesting an early reply; I have honour to inform you that I, shortly after its receipt, submitted Magistrates letter to Honourable, Attorney General & that he has not yet returned it to me. I now send to Honourable Attorney General your letter, receipt of which I have acknowledged & so soon as he shall have advised in matter, I will again communicate with you. & Notes in margin No 58/121 Write to Attorney General & request his opinion. Secretary to Law Offices On 15 <sup>th</sup> July 1858~ 58/2296		157
				C C	1858 06 17~ 1858 06 19			
	58/01198	1858 04 06	Hon CC Solicitor & Hon C S	William Miller Gladstone	1858 02 18	Letter respecting fines imposed by Bench, Gladstone which were recommended to be remitted. In reference to 2 letters addressed to you by Bench of Magistrates recommending that certain fines imposed by them upon defendants in cases of William Miller versus John Dredge & James Macleod Robertson versus John Dredge, which came before them at this place on 26 <sup>th</sup> May 1857 should be refunded, I do myself honour to request that you would have goodness to inform me whether Government has yet replied to latter communication & what may be nature of that reply, defendants being up to present time without any further information on subject than that their worships had addressed a second letter to you. Amount of fines was £15. & Notes in margin 58/4023 Bench, Port Curtis 10 <sup>th</sup> September 1857 Respecting recommendation by them for remission of certain fines imposed under Currency Act C C Solicitor Blank Cover 7 <sup>th</sup> October 1857~ Send a memo to Crown Solicitor to remind. Resubmitted Not answered. Not answered. Write again. C C Solicitor	A2.40	158
					1858 04 12~ 1858 05 05~ 1858 05 05~ 1858 06 16~ 1858 06 17~ 1858 06 14~			

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	57/04023	1857 10 05	Hon C S	M C O'Connell J P Police Office Gladstone	1857 09 10	<p>On 1<sup>st</sup> July 58/2207</p> <p>Letter respecting recommendation by them for remission of certain fines imposed under Currency Act.</p> <p>I have again honour to address you on subject of certain fines imposed by this Bench on William Miller &amp; James MacLeod Robertson, as mentioned in my letter of 30<sup>th</sup> May last &amp; replied to in yours of 24<sup>th</sup> July (No 57/2936).</p> <p>2 In this latter communication, is enclosed opinion obtained from honourable, Attorney General with reference to this case, in which opinion Attorney General states that he cannot advise that these penalties should be remitted, because there are no special circumstances of hardship or poverty to take case out of general rule.</p> <p>3 As I fear I have not, in my previous communication, enlarged upon one feature in this case which I think ought to tell in Messrs Miller &amp; Robertson's favour, I beg once again to bring subject under consideration.</p> <p>4 I will repeat, however, in first instance, that, Law in reference to currency, which, in these cases had been broken, had been broken unwittingly &amp; from pressure of circumstances (want of smaller descriptions of coin in a newly located settlement), almost unavoidably; &amp; that it was not until I had caused notice to be given of existence of a law prohibiting practice of issuing orders under value of 20/-, that most persons in Gladstone became aware of penalty they were incurring.</p> <p>5 It was in consequence of knowledge thus acquired, that virtual prosecutor in these cases (although Chief Constable was actual prosecutor) moved by a desire to injure defendants with whom he had a quarrel, gave information as to commission of an offence in which he was himself so far a <i>particeps criminis</i>, as to be with great majority of inhabitants of township, an habitual negotiator of such orders.</p> <p>6 Under these circumstances &amp; considering universality of participation in offence which was not one against public morality, <u>Bench recommended defendants to forgo a technical defence</u>, which they might have set up with some probability of success (for although orders were notoriously theirs, there would have been considerable difficulty in proving legally lettering &amp; signatures) &amp; <u>throw themselves frankly on clemency of Executive Government</u>.</p> <p>7 This course defendants pursued &amp; I think it is a <u>hardship, considering they submitted themselves to guidance of Magistrates</u> who sat in judgement upon them &amp; withheld their technical defence in consequence that, contrary to recommendation of those Magistrates, fine imposed should be insisted upon.</p> <p>8 Bench may have erred in their view of case, but it appeared to them, (as penalty was not in their discretion, but fixed at a minimum of £5, a large sum for an involuntary offence &amp; a minor one if recoverable on every order issued), that, this was an instance in which prerogative of mercy might fairly be extended to defendants:- they were not conscious evil-doers &amp; before community to which they belonged, appeared rather as victims of personal &amp; private malevolence, than justly punished transgressors of law.</p> <p>9 I will observe also, that, as Act under which appropriation of penalties under 7<sup>th</sup> George 4<sup>th</sup> No 3 is directed, has been repealed, there is a <u>question</u> whether they can any longer be legally exacted &amp; as fourth clause of last named Act renders all such orders invalid &amp; of no effect, it would appear, (notice being once given of their illegality), that, there would be sufficient force in Act to prevent their use, without any pecuniary penalty.</p>	A2.40	159-172

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				C C	1857 10 06~	& Notes in margin Send to Law Office to report 57/50 Civil Crown Solicitor Blank Cover 7 <sup>th</sup> October 1857 To be returned 58/2296		
	57/02936	1857 07 20	Hon C S	W W Billyard Civil Crown Solicitor Sydney	1857 07 18	Letter respecting remission of penalties under Currency Act as recommended by Police Magistrate at Port Curtis. Referring to your minute on enclosed letter, addressed to you by Police Magistrate at Port Curtis, recommending remission of certain fines imposed under Currency Act 7 Geo iv No 3, I have honour to inform you that having laid before honourable Attorney General letter from Police Magistrates as also its enclosures, I now forward to you his observations thereon which are as follows:- "I cannot advise that these penalties should be remitted. Offences may have been heedlessly committed but law is clear & there are no special circumstances of hardship or poverty to take this case out of general rule". I have honour to return to you herewith, all papers that you forwarded to me.	A2.40	173-174
				H W P	1857 07 22~ 1857 07 24	& Notes in margin No 57/49 Inform Captain O'Connell Bench Gladstone 57/4023		
	57/02672	1857 07 01	Hon C S	M C O'Connell Police Office Gladstone	1857 05 30	Letter recommending remission of certain fines imposed under Currency Act 7 George iv No 3. I have honour to bring under your notice 3 cases of breach of Currency Act 7 Geo. 4 <sup>th</sup> , No 3, adjudicated upon by Bench of Magistrates at this place on 26 <sup>th</sup> instant & to recommend, that, they may receive favourable consideration of Government, with a view to remission of fines imposed. 2 In 2 first cases, William Miller & in 3 <sup>rd</sup> , James Macleod Robertson, were charged under Currency Act & at instance of Chief Constable, with having made certain promissory notes, each respecting for a sum less than 20 shillings sterling & defendants on recommendation of Bench admitting charge, minimum penalty compulsory by Act was inflicted, namely a fine of £5 in each case. 3 It appears that notes were obtained & delivered to Chief Constable by one John Dredge, for purpose of being used against defendants for gratification of some malicious feeling which seems to have existed between him & them, use & interchange of these notes having been for last 2 years, common among inhabitants of township. 4 Notes appear to have been made & issued by defendants in entire ignorance of illegality of proceeding, which appears to be one not unusual in country districts. 5 From difficulty in obtaining silver coin in this as in most other remote districts, where principal currency is in cheques & orders, I would submit, that, there is an evident excuse for issue of these notes, (amounting as they do certainly, to a breach of law, but involving no moral guilt), as they have been found very useful in facilitating transaction of business.	A2.40	175-182



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				M C O'Connel J P John Murray J P Police Office Gladstone	1857 05 26	<p>Be it remembered that on this 20<sup>th</sup> day of May in Year of Our Lord 1857, in town of Gladstone in Colony of New South Wales, Michael Bindon, of Gladstone, Chief Constable, appears personally before me undersigned, one of Her Majesty's Justices duly assigned to keep Peace of Our Lady Queen in Territory of New South Wales &amp; informs me that on 13<sup>th</sup> January in Year of Our Lord, 1857, William Miller of Gladstone, in said Colony, did, at Gladstone aforesaid, make a promissory note, or undertaking for payment of a sum of money less than 20 shillings sterling, to wit, for sum of 2 shillings &amp; 8 pence, to one David Rawtell or bearer, &amp; that said William Miller did issue same, contrary to Act of Governor &amp; Legislative Council of said Colony, in such case made &amp; provided; whereupon said Michael Bindon, Chief Constable, prays that I said Justice will proceed in premises according to law. (Signed) Michael Bindon, Chief Constable. Exhibited at town of Gladstone in said Colony on day first above written before me. Signed M C O'Connell J P Summons, (Signed) M O'C J P</p> <p>New South Wales, Gladstone, To Wit Before M C O'Connell Esq J P &amp; John Murray Esq J P William Miller, of Gladstone, appears upon summons to answer to complaint of Michael Bindon, Chief Constable, of having, on 13<sup>th</sup> January last, made a promissory note for payment of a sum of money less than 20 shillings; to wit, for 2 shillings &amp; 8 pence. Complaint having been read, defendant pleads-Not Guilty.</p> <p>This deponent, John Dredge, of Gladstone, on his oath, says as follows: I know promissory note produced. I received it for cash from Mr Martin. I had some 4,5, or 6 similar to this. I presented one above 20 shillings to defendant. He said he had no change. To best of my belief, this is signature of Mr Miller, I cannot swear to it. (Signed) John Dredge. Above deposition of John Dredge was sworn before us, 26<sup>th</sup> day of May 1857. (Signed) M C O'Connell J P (Signed) John Murray J P</p> <p>This deponent, William Martin, on his oath, says as follows:- I have had note produced, in my possession several times. It has been given me by different parties. I did not receive it direct from Mr Miller. To best of my belief, signature is in Mr Miller's handwriting. Out of number of signatures produced, I cannot tell which is that of defendant, or whether any one of them is so. I paid note produced to Dredge. I cannot tell from whom I received it. (Signed) William Miller Above deposition of William Martin was sworn before us 26<sup>th</sup> day of May 1857. (Signed) M C O'Connell J P (Signed) John Murray J P &amp; Notes in margin</p>		186-194



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	56/02672					<p>A paper with "William Miller" written 4 times thereon, is produced to Court.</p> <p>This deponent, William Ellis, of Gladstone, on his oath, says as follows:- I know note produced. It has been in my possession. I cannot trace it to defendant. I am acquainted with handwriting of defendant, &amp; I consider that to be his signature. I cannot swear signature to be that of defendant. To best of my belief, none of signatures now laid before me are signatures of defendant. I think I should know copy from original of defendant's writing. (Signed) William Ellis Above deposition of William Ellis was sworn before us 26<sup>th</sup> May 1857. (Signed) M C O'Connell J P (Signed) John Murray J P &amp; Notes in margin These are what are previously referred to on evidence of William Martin.</p> <p>Defendant, William Miller, in his defence, says, I submit that case against me is not proved. Out of signatures produced by me to court, one of signatures is mine &amp; one only (3<sup>rd</sup>). I admit, however, that, to best of my belief, this is my signature. I think I should have had no objection to pay it, as it is for so small a sum, but there are a number of bad characters &amp; it is possible that it is not my signature. (Signed) William Miller Copies of my signature produced to Court are by 3 different persons. (Signed) William Miller Fined £5 &amp; costs 3/6 &amp; a recommendation to be made to Government for remission of fine. (Signed) M C O'Connell J P (Signed) John Murray J P</p> <p>Copy Printed document: Information – (General Purposes) New South Wales Gladstone, to wit Be it remembered that on this 20<sup>th</sup> day of May in Year of Our Lord, 1847, in town of Gladstone, in Colony of New South Wales, Michael Bindon of Gladstone, Chief Constable, appears personally before me, undersigned, one of Her Majesty's Justices, duly assigned to keep Peace of Our Lady Queen in Territory of New South Wales &amp; informs me that on 6<sup>th</sup> March in Year of Our Lord, 1857, James MacLeod Robertson, of Gladstone, in said Colony, did, at Gladstone aforesaid, make a promissory note, or undertaking for payment of a sum of money less than 20 shillings sterling to wit, for sum of 5 shillings, to one Archibald Wilson, or bearer, &amp; that said James MacLeod Robertson did, issue same contrary to Act of Governor &amp; Legislative Council of said Colony, in such case made &amp; provided; whereupon said Michael Bindon, Chief Constable, prays that I said Justice will proceed in premises according to law. Signed Michael Bindon, Chief Constable Exhibited at town of Gladstone in said Colony on day first above written before me. Signed M C O'Connell J P Summons, (Signed) M O'C J P</p>		195

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	56/02672			M C O'Connel J P John Murray J P Police Office Gladstone	1857 05 26	New South Wales, Gladstone, To Wit Before M C O'Connell Esq J P & John Murray Esq J P James MacLeod Robertson, of Gladstone, appears upon summons, to answer to complaint of Michael Bindon, Chief Constable, of having, on 6 <sup>th</sup> March last, made a promissory note for payment of a sum of money less than 20 shillings sterling, to wit, for 5 shillings. The complaint having been read, defendant pleads – Not guilty. This deponent, John Dredge on his oath, says as follows:- I know promissory note produced. It was in my possession. I received it from William Martin for cash. I never produced this note for payment. I cannot swear that note produced has signature of defendant. I believe it to be his signature. (Signed) John Dredge. Above deposition of John Dredge was sworn before us 26 <sup>th</sup> day of May 1857. (Signed) M C O'Connell J P (Signed) John Murray J P  This deponent, William Ellis, on his oath, says as follows:- It has been in my possession. I have taken it for cash. I took it from Mrs Martin, my wife's sister. I did not present it to defendant for payment. I do not think I have seen any other note made by defendant. I have no hesitation in saying this is signature of defendant. I cannot swear to it. (Signed) William Ellis Above deposition of William Ellis was sworn before us 26 <sup>th</sup> day of May 1857. (Signed) M C O'Connell J P (Signed) John Murray J P  This Deponent, William Miller, on his oath, says as follows:- I am interested with defendant in this case. Defendant & I have looked over books & find no entry therein, with reference thereto. If note produced was presented at my store, I would not pay it on that account until submitted to Mr Robertson. (Signed) William Miller Above deposition of William Miller was sworn before us 26 <sup>th</sup> day of May 1857 (Signed) M C O'Connell J P (Signed) John Murray J P  This deponent, William Martin, on his oath says, I know order produced. I gave it to John Dredge. I cannot say from whom I received it. I know defendant's handwriting. I believe this to be his signature. I have no doubt of it. I do not believe it to be a forgery. I have not presented it to defendant for payment. (Signed) William Martin Above deposition of William Martin was sworn before us 26 <sup>th</sup> day of May 1857. (Signed) M C O'Connell J P (Signed) John Murray J P Fined £5 & Costs 3/6 & a recommendation to be made to Government for remission of fine.		196-197          198            199            200-201

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						(Signed) M C O'Connell J P (Signed) John Murray J {		
	58/02319	1858 06 28	Hon C S	J C Wickham Government Resident's Office Brisbane  C C  W E H H Browne	1858 06 22  1858 06 28~  1858 06 29~  1858 07 01~	Letter reporting arrival of Immigrant ship "Ascendant" I do myself honour to report arrival at Moreton Bay on 19 <sup>th</sup> instant, of immigrant ship "Ascendant" with 235 immigrants who are reported by proper officer to be in a health state.  Agent for immigration Blank cover 28 <sup>th</sup> June 1858~ Noted Read & Returned Blank cover 30 <sup>th</sup> June 1858 Noted Returned C S O	A2.40	202-203
	58/02324	1858 06 28	Hon C S	Mr Justice S F Milford Supreme Court House Brisbane  C C  W D	1858 06 22  1858 06 28~  1858 06 29~ 1858 06 30	Letter reporting on application of Chief Constable Skelton (also Skilton) for remission of fine inflicted for non attendance as a witness. In answer to your letter of 14 <sup>th</sup> instant, relating to absence of James Skelton (by mistake in your letter called Dalley) a witness who had entered into his recognizance to appear at sittings of Supreme Court here in case of Queen V Stephen Hand [Hands]. I have honour to inform you that when Skelton was called on to shew cause why estreat of his recognizance should not be enforced, I allowed matter to stand over for 2 months to enable him to apply to Government on subject. I have recently found it necessary to enforce recognizances entered into by witness as absence of those material to matter in question having frequently occurred much to injury of due administration of Criminal Justice. Perhaps in present case debt to Government may be remitted after I have disposed of matter at time fixed for its coming on by directing amount to be levied. It seems that witness Skelton was less in fault than Magistrate who ordered him not to attend. & Notes in margin Letter states Chief Constable, Dalby. Governor General Recommendation of Judge to be adopted. Judge Roberts	A2.40	204-205 (see also pages 207-212)
	58/02149	1858 06 12	Hon C S	D F Roberts Solicitors Brisbane  C C	1858 06 08  1858 06 12~ 1858 06 14~	Letter forwarding a petition from James Skelton (also Skilton) Chief Constable of Dalby praying a remission of a find for non attendance at Brisbane Court. I do myself honour to enclose Petition from James Skelton relative to a fine for non attendance at Brisbane Court & trust you will be pleased to give it same your immediate attention. & Notes in margin In reference to Judge. Judge ? ? Mr Roberts 58/2325 On 1 <sup>st</sup> July 1858~	A2.40	206

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	58/02324		Charles Cowper	Brooks Foster J P		<p>Honourable Charles Cowper Esquire, Colonial Secretary of New South Wales etc etc.</p> <p>Humble Petition of James Skelton, Chief Constable at Dalby humbly sheweth</p> <p>That in month of December last your Petitioner was bound over by Condamine Bench to give evidence as a witness in a case of larceny to be tried at Brisbane Court in January last.</p> <p>That in consequence of all ordinary Constables of Dalby being likewise bound over to attend at Brisbane &amp; in consequence of a prisoner being confined in Dalby lock up, your Petitioner was ordered by Brooks Foster Esquire a Justice of Peace to remain in Dalby as a protection to town &amp; to present prisoner under confinement from escaping – having first tried to get a constable to act during your Petitioner's temporary absence.</p> <p>That your Petitioner in consequence of not attending at Brisbane Court in January last has been fined by His Honour, resident Judge at Moreton Bay in sum of £40.</p> <p>Your Petitioner humbly begs to refer you to enclosed copy affidavits, originals of which are filed in Supreme Court at Moreton Bay &amp; humbly prays you will be pleased to take circumstances of his case into your favourable consideration &amp; cause penalty of £40 to be remitted.</p> <p>Your Petitioner will every pray.</p> <p>(Signed) James Skelton (also Skilton)</p> <p>On 9<sup>th</sup> day of February in year of 1858 James Skelton (also Skilton), Chief Constable of Dalby being duly sworn maketh oath &amp; saith as follows. On 5<sup>th</sup> day of January last a prisoner under sentence was confined in lock up at Dalby, named Henry Muller. Said, Henry Muller had made a statement that a key had been placed in a certain place in order that he might unlock handcuffs when under escort &amp; that man named Eastaughffe, formerly Chief Constable of Dalby had placed key in question where it was discovered. I believed that statement of Muller &amp; considered it my duty to bring charge against Eastaughffe first time Bench met. In meantime Eastaughffe got a severe fall from his horse &amp; when case was called upon he could not appear. Case was then adjourned for 14 days. All other Constables were bound over as witnesses to appear at Brisbane Gaol delivery &amp; was ordered to remain at Dalby for protection of district by Brooks Foster Esquire J P after having endeavoured to get a Constable to act during my temporary absence.</p> <p>(Signature) James Skelton</p> <p>Sworn by Deponent on day first above mentioned at Dalby before me Frank Bowerman, a Commissioner for affidavits.</p> <p>On 9<sup>th</sup> day of February in year 1858, Brook Foster Esquire, Justice of Peace being duly sworn, states as follows. I am a Magistrate of Territory. On 5<sup>th</sup> January last I was informed by Chief Constable of Dalby, James Skelton (also Skilton) that a man named Henry Muller, a prisoner of Crown, then under sentence &amp; confined in lock up at Dalby could give material evidence in a case then pending before Court. I considered it my duty to have charge investigated &amp; for that purpose I considered it advisable to detain Muller in custody. Only two remaining ordinary Constables belonging to Police force having left to attend Brisbane Gaol delivery, I considered it absolutely necessary to detain Mr Chief Constable Skelton as</p>		207 & 211
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						<p>in event of his going to Brisbane would have left district wholly unprotected &amp; Muller would in all probability have effected his escape from custody. For reasons I have thus briefly referred to I considered I was justified in ordering Mr Skelton to remain at his post. I regret that I should have committed an error in judgement in ordering Mr Skelton (also Skilton) to remain.</p> <p>Signature Brooks Foster J P Sworn by deponent on day first above mentioned at Dalby before me. Frank Bowerman, a Commissioner for Affidavits.</p> <p>[Cover Sheet] Copy Affidavits – referred to in accompanying Petition.</p> <p>[Cover Sheet] Petition of James Skelton</p>		210 [p211 follows p207] 212
	58/02325	1858 06 28	Hon C S	Justice S F Milford Supreme Court House Brisbane	1858 06 22	<p>Letter reporting on Application of inhabitants, Drayton, for return of amount of estreated recognizance to Dr Armstrong.</p> <p>I have honour to acknowledge receipt of your letter of 14<sup>th</sup> Instant, relating to Estreat of Recognizance of Dr Armstrong. No doubt case as shewn by him placed him in a very difficult position &amp; in a moral point of view perhaps, he may have acted correctly, but he thereby became oblivious to penalty imposed by law on his non obedience to requirement of his Recognizance. I fear if debt due to Government is altogether remitted or if paid, is returned in toto, that we shall have many medical witnesses avoiding no doubt unenvious duty of giving evidence in crucial cases by which their practice must be interfered with &amp; they put in expense. Perhaps debt of £40 may be remitted upon payment of £5 or if paid, may be returned except £5. This it appears to me, will be sufficient to show Medical Practitioners of this district that they must attend in obedience to requirements of Recognizance entered into by them (vz) that laying aside all other business, they are to attend to give evidence.</p> <p>&amp; Notes in margin Governor General I think proposition of Judge may be adopted &amp; fine covered to £5. Judge Milford, Sheriff, Maryborough petitioners</p>	A2.40	213-214
	58/00599	1858 02 15	Hon C S	William Armstrong Drayton	? ?	<p>Petition of William Armstrong To His Excellency, Sir William Thomas Denison, night commander of Most Honourable Order of Bath, Governor General in Chief in &amp; of Colonies of New South Wales, Tasmania Victoria, South Australia &amp; Captain General &amp; Governor in Chief of Secretary of New South Wales &amp; its dependencies etc etc</p> <p>Humble Petition of William Armstrong of Drayton in district of Moreton Bay, Doctor of Medicine humbly sheweth that your Petitioner is a duly qualified medical practitioner practicing at Drayton aforesaid.</p> <p>That he was on or about 14<sup>th</sup> day of August last past examined as a witness for prosecution in a charge preferred in Police Office Drayton, against one Richard England, charged with cutting &amp; wounding one John McLean on 8<sup>th</sup> day of August last past. That said Richard England was on that occasion committed for trial &amp; your Petitioner was bound over by recognizance to attend at Gaol Delivery held in Brisbane.</p>	A2.40	215-216

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						<p>That at time of said Gaol Delivery your Petitioner was only medical man practicing in Drayton aforesaid &amp; as such, had under his charge patients whom he considered would have been unsafe &amp; cruel to leave.</p> <p>That in one case a patient residing in Drayton aforesaid named Gaileo ? Macow ? actually died at time your Petitioner was to have started for Brisbane Assizes, his wife &amp; her mother Mrs Annand were very unwell, latter especially so, so much so that your Petitioner would consider himself very culpable &amp; guilty of a gross dereliction of duty if he had neglected her. Your Petitioner further sheweth that had there been any other medical man practicing in Drayton aforesaid he would have handed over his patients to him &amp; attended at Brisbane in obedience to recognizances.</p> <p>Your Petitioner further humbly sheweth that notwithstanding foregoing statements were verified upon affidavit His Honour, Mr Justice Milford estreated the recognizance of your Petitioner &amp; sentenced him to pay amount £40.</p> <p>Your Petitioner therefore humbly trusts Your Excellency will be graciously pleased to take circumstances of his case into your consideration &amp; be graciously pleased to order that fine of £40 be remitted.</p> <p>And your Petitioner as in duty bound will ever pray etc etc.</p> <p>&amp;</p> <p>Notes in margin W Armstrong. Find for non attendance as a witness at Brisbane. Governor General 58/2325 Refer to law officers &amp; enquire whether evidence of Petitioner was expected. Secretary to Crown Law Offices Noted Crown Law Office</p>		
				C C				
				W D	1858 02 15~			
				W E	1858 02 15~			
					1858 02 16~ 1858 02 16~			
	58/00599	1858 02 09	Hon C S	Daniel F Roberts	? ?	<p>Page stating Humble Petition of William Armstrong of Drayton in district of Moreton Bay, Doctor of Medicine.</p> <p>I do myself honour to enclose a memorial to His Excellency Governor General from Dr Armstrong of Drayton, praying that His Excellency will be pleased to remit a penalty of £40 imposed on him for non attendance as a Juror which I do myself honour to request you will be pleased to lay before His Excellency, Governor General with as little delay as possible.</p> <p>&amp;</p> <p>Notes in margin Dr Armstrong appears to have been bound over as a witness for Prosecution against one Richard England, charged with cutting &amp; wounding &amp; did not appear in pursuance of his recognizance which was estreated in usual course. See petition Mr Justice Milford states in letter to this office 28<sup>th</sup> ultimo, that he recommended under certain circumstances by letter addressed to Colonial Secretary, 23<sup>rd</sup> last June, that money in question, except £5 should be returned which he believes was done after costs were deducted – therefore, nothing further appears to be necessary. Blank Cover 8<sup>th</sup> January 1859 Returned C S O</p>		217
				? ? Principal Under Secretary				218
					1859 01 15~			

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					1859 01 15~ 1859 01 17~	Notes Papers referred to See 58/2325 herewith 58/2325		219
	58/02070	1858 06 08	Hon C S	Inhabitants of Drayton	? ?	<p>Inhabitants of Drayton, praying return of amount of Estreated Recognizance to Dr Armstrong.</p> <p>To His Excellency, Sir William Thomas Denison, Knight Commander of most Honourable Order of Bath, Governor General in &amp; over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia &amp; Western Australia, Captain General &amp; Governor in Chief of Territory of New South Wales &amp; its dependencies &amp; Vice Admiral of same. We undersigned inhabitants of Drayton, Toowoomba &amp; district of Darling Downs, beg to bring under your Excellency's notice following particulars. Dr Armstrong, who was at time only medical man within a circuit of 50 miles, was summoned to Brisbane to give professional evidence in a trial case of cutting &amp; wounding. Case was so trivial that Prosecutor never appeared. Dr Armstrong was then in hourly attendance on a man in a dying state &amp; had 2 or 3 other dangerously ill patients under his case, who would have been totally deprived of medical aid by his absence, which facts Dr Armstrong has sworn to by Affidavit.</p> <p>2 We ourselves are also aware that such was fact &amp; consider it would have been cruel on his part to have left his patients. Even Judge Milford himself remarked that though he had not power to return his recognisance, still considered that he had acted as a man of feeling.</p> <p>3 We are, however, sorry to find that Dr Armstrong has had to pay sum of £47 for so doing &amp; beg Your Excellency will cause it to be remitted. And as in duty bound we will ever pray.</p> <p>List of signatures:  Stephen Mehan/Storekeeper/Drayton  Edward Lord/Storekeeper/Drayton  John Rendall/Teacher/Drayton  Thomas G Glissan/Storekeeper/Drayton  John Glissan/Storekeeper/Drayton  A Sidney Lyon/Editor/Darling Downs Gazette  William Handcock/Storekeeper/Drayton  John Gale/Storekeeper/Drayton  Thomas Davis/Freeholder/Drayton  J J Macaulay/Householder/Drayton  Frederick Cummins J P/ Drayton  William W Dove/Clerk/Drayton  James Houston/Freeholder/Drayton  William Kirkpatrick/Freeholder/Toowoomba  John Sheppard/Freeholder/Drayton  Charles E Home/Freeholder/Drayton  John Shipman/Freeholder/Toowoomba  John Clegg/Freeholder/Toowoomba  Joseph Booth/Freeholder &amp; Mail contractor/Toowoomba  David Barry/Freeholder/Toowoomba  William Finnie/Freeholder/Drayton  Nicholas Scanlan/Householder/Drayton  Thomas P Cain/Compositor/Drayton</p>	A2.40	220-222



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						William Henry Byers/Printer/Drayton Charles Taylor/Freeholder/Toowoomba Michael Fogarty/Freeholder/Drayton William Shuttlewood/Freeholder/Toowoomba Thomas Williams/Householder/Drayton C Pottinger/Freeholder/Drayton A Bruce/Freeholder/Drayton Joshua Tattan/Householder/Drayton John Tattan Joshua Tannan Jnr Daniel Page/Squatter/Dulacca Peter McDonald/Freeholder/Drayton & Notes in margin Refer to Mr Justice Milford for a report of circumstances & for an opinion whether in this case amount of recognizance may be remitted. Judge Milford Petitioners		
				W D	1858 06 07~ 1858 06 09~			
	58/02239	1858 06 28	Hon C S	D F Roberts	1858 06 22	Application from J A Fealey [Healey or Sealey] for Certificate of Naturalisation I do myself honour to forward application of John Adam Fealy for Certificate of Naturalisation & beg you will be pleased to cause same to be forwarded to Brisbane as early as possible. & Notes in margin Prepare certificate Certificate prepared	A2.40	223
	58/02239			John Adam Fealey [Healey or Sealey]	1858 06 28~ 1858 07 07~	Memorial, or application for a Certificate of Naturalisation To His Excellency Sir Charles Augustus Fitzroy, Knight Companion of Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Australian Possessions & Captain General & Governor-in-Chief of Territory of New South Wales & its Dependencies, etc etc etc 1 Memorial of John Adam Fealey [Healey or Sealey] of Brisbane Moreton Bay in Colony of New South Wales respectfully sheweth that your Memorialist is a native of Breslau in Prussia. 2 That your Memorialist is 29 years of age & is a cabinet maker. 3 That your Memorialist arrived in Colony of New South Wales by ship " <i>Johannes Caesar</i> " in year 1856. 4 That your Memorialist begs to refer your Excellency to annexed Certificate of character & of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony. 5 That your Memorialist has lately purchased land in Colony of New South Wales & is desirous of having same legally annexed to him & that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39 & 17 Victoria No 8. 6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.		224

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					1858 07 07 1858 07 06	And your Petitioner will ever pray. Dated 22 <sup>nd</sup> June 1858. Signed John Adam Fealey [Healey or Sealey]. We undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist since his arrival in Colony. William Saul ? J P John Brookes J P & Notes in margin Certificate prepared Secretary, Treasury & General Prothonotary, Supreme Court, Government Resident Brisbane, John Fealey [Healey or Sealey]		
	58/02412	1858 07 05	Hon C S	Joseph North ? Wivenhoe  C C	1858 06 22  1858 07 03~ 1858 07 05~ 1858 07 06~	Returning Officer Moreton, Wide Bay, etc etc, tendering resignation. Observing by a paper of Select Committee of Legislative Assembly that my conduct has been strongly ? ? upon, I beg most respectfully to tender to His Excellency, Governor General, resignation of my appointment as Returning Officer & that His Excellency will be so good as to accept same. & Notes in margin M 14.331 for removal of Mr North submitted Executive Council has previously determined upon his removal. Mr North	A2.40	225
	58/02483	1858 07 12	Hon C S	J C Wickham Government Resident's Office Brisbane	1858 07 08	Letter forwarding return of expense of Native Police Force, for quarter ending 31 <sup>st</sup> March, 1858. I do myself honour to forward to you a return of expense of Native Police Force for quarter ending 31 <sup>st</sup> March 1858, also estimated expenses of quarter ending 30 <sup>th</sup> June, shewing a probable saving on a moiety of vote for expenses of force for 1858, of about £1,000. 2 I also enclose a return shewing strength and distribution of force on 17 <sup>th</sup> of last month.	A2.40	226-227
	58/02486  58/02486	1858 07 12	Hon C S	John McLerie Inspector General of Police  John Murray J P Police Office Gladstone	1858 07 21~ 1858 07 21~  1858 06 02	Memo & At Top Put by Lunatic (Peter Gallish) referred to in accompanying correspondence was sent to Tarban Creek Asylum on 24 <sup>th</sup> ultimo. Blank cover papers sent herewith July 20 <sup>th</sup> 1858 & Notes in margin See 58/2271 herewith entered on Register as Peter Gallcott instead of P Gallish. Returned C S O  Letter from Bench of Magistrates at Port Curtis respecting Committal of Peter Gallish, a lunatic, for safe custody. I do myself honour to forward to you copies of depositions taken before me with reference to case of one, Peter Gallish, who has been proved, upon testimony of 2 legally qualified Medical Practitioners, to be of unsound mind. 2 As circumstances, which have compelled me to act without presence of a second Magistrate, are precisely similar to those brought under your notice in a letter addressed to you by Captain M C O'Connell on behalf of this	A2.40	228  229-232

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				<p>W E</p> <p>W E</p> <p>Police Office Gladstone</p>	1858 06 01	<p>Bench on 10<sup>th</sup> October last, I beg to transmit to you a copy of that communication &amp; to add, that, for reasons expressed therein, I have thought it a better course to bring this matter under your notice than to forward lunatic to Brisbane, to which place there is not direct communication.</p> <p>&amp;</p> <p>Notes in margin 2770 July 13<sup>th</sup> 1858~</p> <p>Inspector General of Police, in order that necessary documents may be obtained for removal of man referred to, to a Lunatic Asylum.</p> <p>Blank cover 12<sup>th</sup> July 1858~</p> <p>Noted To be returned. See 57/4389 other papers herewith.</p> <p>&amp; At top New South Wales Gladstone To Wit Present , John Murray Esq J P Peter Gallish, is brought before Bench on suspicion of being dangerously insane.</p> <p>This Deponent, Richard Ware on oath says as follows:- I am District Constable of Port Curtis Police. I apprehended the prisoner before Court upon information of Mr James Landsborough on 1<sup>st</sup> May last, or thereabout. He was at that time wandering in bush &amp; I was for 2 days searching for him. He attempted to escape after his apprehension. He was suffering much from exposure to sun. He had stripped himself for purpose of allowing sun to get him. (Signed) Richard Ware</p> <p>And this Deponent, Archibald Clinton Robertson, on oath says as follows:- I am a legally qualified Medical Practitioner. I have been in attendance upon prisoner since he was first confined in lock-up. I consider, that, from peculiar treatment, prisoner requires, it would endanger his life to detain him longer in lock-up, on account of want of a place of recreation for him. I consider prisoner to be most decidedly of unsound mind. I do not consider him to be dangerous to others, but he is insane upon religious matters &amp; were he at large he would probably wander into bush &amp; be lost. (Signed) A C Robertson</p> <p>And this Deponent, Henry Hort Brown, on oath says as follows:- I am a legally qualified Medical Practitioner. I have examined prisoner before Court, in company with, Dr Robertson. I consider him to be of unsound mind &amp; that he ought not to be at large without supervision of some kind. I find that disease is constitutional, that prisoner's father was similarly affected. (Signed) Henry Hort Brown</p> <p>Above depositions of Richard Ware, Archibald Clinton Robertson &amp; Henry Hort Brown, were taken &amp; sworn before me on first day of June A D 1858. (Signed) John Murray J P Committed for safe custody to Darlinghurst Gaol. (Signed) John Murray J P</p>		233-235

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			Hon C S	M C O'Connell J P Police Office Gladstone	1857 10 10	<p>Copy Bench of Magistrates at Port Curtis, respecting committal of a lunatic for safe custody. &amp; At top 95 57/4941 4386</p> <p>I have honour to forward to you copies of depositions taken before me with reference to case of a Chinaman, in custody on account of having made an attempt to commit suicide &amp; who has been proved, upon testimony of 2 legally qualified Medical Practitioners, to be of unsound mind.</p> <p>2 I address you on this subject, as, from peculiar circumstances of this place, I have been compelled to act without presence of a second magistrate, there not being another Justice of the Peace at present moment, to my knowledge, within a 100 miles of Gladstone.</p> <p>3 I have deemed it better therefore to send this lunatic to be dealt with in Sydney, than to retain him here in custody at lock-up, where there is no convenience for treatment of insane persons.</p> <p>4 I have also to mention that, under Moreton Bay District Court Act, proper course would be to forward this man to Brisbane, but, as there is no direct communication from hence to that place &amp; as he must consequently pass through Sydney, with every probability of having to be returned to Lunatic Asylum, I beg to bring matter under your notice, in order that, should you deem fit so to do, his case may be decided on, without what would appear to be unnecessary expense of trans-shipment to &amp; fro.</p> <p>5 I may add also that, I am induced to forward this man by present opportunity, as there is a Constable going down in charge of a prisoner committed for trial &amp; were the lunatic detained it would be necessary, eventually, to send another Constable to take charge of him, at an additional expense of some £20 to public revenue.</p>		236-239
	58/02271	1858 06 23	Hon C S	John O'Neill Brenan Sheriff H M Gaol Darlinghurst	1858 06 21	<p>Requesting an order for admission of Peter Gallcott [Gallish] into Lunatic Asylum at Tarban Creek.</p> <p>I do myself honour to transmit a copy of a warrant under which lunatic named in margin [name in margin Peter Gallcott (Gallish)] is now confined in this gaol &amp; request that I may be furnished with authority of His Excellency, Governor General, for removal of Gallcott [Gallish] to Asylum at Tarban Creek.</p> <p>&amp; Notes in margin 58/74 7<sup>th</sup> Vic No 14 Sheriff Blank Cover 24<sup>th</sup> June 1858 58/2486</p>	A2.40	240
	58/02271		Chief Constable Port Curtis Police	John Murray J P	1858 06 01~	<p>Warrant of Commitment of a Lunatic for safe custody. To Chief Constable of Port Curtis Police &amp; his assistants, to all other constables &amp; to keeper of Gaol at Darlinghurst in City of Sydney in Colony of New South Wales.</p> <p>Whereas Peter Gallcott [Gallish] has been discovered &amp; apprehended in Colony of New South Wales, that is to say, at Larcom Vale, in District of Port Curtis, under circumstances denoting a derangement of mind &amp; a</p>		241-242

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						<p>purpose of committing suicide &amp; said Peter Gallcott [Gallish] being brought before me, John Murray Esquire, one of Her Majesty's Justices of Peace of New South Wales did call to my assistance 2 legally qualified Medical Practitioners, to wit, Archibald Clinton Robertson &amp; Henry Hort Brown of Gladstone &amp; whereas upon view &amp; examination of said Peter Gallcott [Gallish] &amp; upon proof on oath by said 2 Medical Practitioners that in their opinion said, Peter Gallcott [Gallish] is a dangerous lunatic &amp; upon other proof duly made before me, I said Justice, am satisfied that said Peter Gallcott [Gallish] is a dangerous lunatic; these are therefore to command you, that you said Constable forthwith convey &amp; deliver into custody of said keeper of Common Gaol at Darlinghurst, in city of Sydney, in said Colony, body of said Peter Gallcott [Gallish] &amp; I command you said keeper of said Common Gaol at Darlinghurst, that you receive into your custody body of said Peter Gallcott [Gallish], herewith sent as a dangerous lunatic &amp; him keep in strict custody until he shall be discharged by one of Judges of Supreme Court of New South Wales, or until he shall be removed to some Public Colonial Lunatic Asylum by order of His Excellency, Governor of New South Wales, for time being as is by law provided &amp; for so doint shall be your sufficient warrant.</p> <p>Witnessed by hand &amp; seal at Gladstone, in said Colony this 1<sup>st</sup> day of June A D 1858.</p> <p>(Signed) John Murray J P A true copy: H C Beverley, Special Gaoler</p>		
	58/02502	1858 07 12	Hon C S		1858 06 28	<p>Memorial, or Application for a Certificate of Naturalisation To His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General of all Her Majesty's Australian Possessions &amp; Captain General &amp; Governor-in-Chief of Territory of New South Wales &amp; its Dependencies, etc etc etc</p> <p>1 Memorial of Jacob Kircher of Warwick respectfully sheweth that your Memorialist is a native of Wirtemburgh.</p> <p>2 That your Memorialist is 30 years of age &amp; is a farmer by occupation.</p> <p>3 That your Memorialist arrived in Colony of New South Wales by ship "Marbs" ["Marbz"] in year 1855.</p> <p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character &amp; of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony.</p> <p>5 That your Memorialist is desirous of becoming a freeholder &amp; that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39 &amp; 17 Victoria, No 8.</p> <p>6 that your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>Signed Jacob Kircher 29<sup>th</sup> June 1858</p> <p>We, undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist, Jacob Kircher &amp; believe him to be a person of respectable character.</p> <p>Signed: Thomas McEvoy A Weinholt J P</p>	A2.40	243-244



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					1858 05 31~ 1858 06 07~	furnished in support of expense. 3 A sum of £10 being amount sanctioned by 6 <sup>th</sup> clause of Impounding Act 19 Victoria, No 36, for a pound in each district, was paid from Treasury on 24 <sup>th</sup> 1849 [sic] for a pound at Warwick under authority contained in your letter to Bench of 28 <sup>th</sup> February 1849. & Notes in margin Magistrates were told, in authorising new site, that £10 only could be paid towards erection of one pound in any district – no authority was given for incurring this expense. Auditor General 58/02563		
	58/01878	1858 05 08	Principal Under Secretary	M Fitzpatrick Dept of Land & Public Works Sydney	1857 05 06  1857 06 01~ 1857 06 14~ 1857 05 19~ 1857 05 26~	Letter reporting application of Bench, Warwick for a site for Pound. In returning to you enclosed letter from Bench of Magistrates at Warwick, which accompanied your communication of 21 <sup>st</sup> ultimo, relative to necessity that exists for a change in site of Public Pound at that place, I am directed to inform you that it appears by a report received from Surveyor General, that local surveyor has, at request of Bench of Magistrates marked out a portion of 2 roods, on north side of Condamine River as a site for a pound; & that there does not appear to be any objection to appropriation of that land for required purpose. & Notes in margin 57/1359 For approval H H P Notice in Gazette Bench 58/1855	A2.40	251-252
	58/01379	1857 04 07	Hon C S	A W Manning J P Police Office Warwick        H H P	1857 03 14    1857 04 07~ 1857 04 11~ 1857 04 14~  1857 04 15~  1857 04 21~	Letter requesting removal of pound at Warwick to some other more convenient situation. It having been represented to us that present situation of public pound at Warwick is most inconvenient by reason of its being placed in middle of town, surrounded by fences, we do ourselves honour to report that Mr Assistant Surveyor Wood has at our request marked off another allotment on north bank of river Condamine for purposes of a public pound. We would request that sanction of Government to removal as above dictated. As materials of old pound are decayed & not worth removing, we would further request that such a sum as Act may authorise may be placed at disposal of this Bench towards defraying erection of new pound. & Notes in margin For reference in first instance to Secretary for Lands. What is rule in this case with respect to payment? That sum of £10 only can be paid towards erection of one pound in any district. Reference may perhaps be made to Secretary for Lands & Works respecting site. Magistrates being informed & also of regulation respecting allowance for erecting pound. Under Secretary & Bench.	A2.40	253-254
	58/02574	us	Hon C S	John Kerr Wilson J P	1858 07 03	Letter requesting that Condamine be declared a place for Small Debts	A2.40	255



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				Condamine Police Office  W V	1858 07 17~ 1858 07 19~	Court. A general desire having been expressed by inhabitants of this district that Condamine be declared a place where a Small Debts Court may be held, we do ourselves honour to request that you will be pleased to lay matter before his Excellency, Governor General for his approval. Is there a Petty Sessions? Yes It will therefore be a Small Debts Court Put by.		
	58/02612	1858 07 21	Under Colonial Secretary	W W Billyard Civil Crown Solicitor's Office Sydney	1858 07 20	Forwarding opinion of Solicitor General in respect to claim of Drayton Benevolent Institution to receive certain fines. Referring to your Minute on accompanying letter (dated 2 <sup>nd</sup> July 1858) addressed to Hon Colonial Secretary by certain Justices at Drayton, in which they take exception to opinion I gave on 15 <sup>th</sup> May last, relative to claim made by Drayton Benevolent Institution to receive certain fines etc, I have honour to inform you that after perusing letter referred to & again considering opinion I have already given on subject now under consideration, I did not feel that I could alter that opinion & I have therefore, laid papers before Hon Solicitor General & have obtained from him an opinion in matter, a copy of which I now enclose. I beg also to return to you, herewith, whole of papers that you forwarded. & Notes in margin No 58/199	A2.40	256
	58/02612			C C  Alfred P Lutwyche Solicitor General	1858 07 23~  1858 07 19	Inform in accordance with Solicitor General's opinion. Mr Richardson Benches Daly & Drayton.  In matter of claim of Drayton Benevolent Institution to receive certain fines. (Copy) <u>Opinion</u> I have perused papers in this case & have also attentively considered Acts of Council referred to in margin of letter from Drayton Bench, dated 10 <sup>th</sup> April 1858, as well as Act 17 Vic No 6 S,5, by which last of those enactments is repealed. Act 6 Vic No 13 has also been repealed by Act 13 Vic No 29 Sec 1 & Act 2 Vic No 23 is amended by Act 11 Vic No 29. It is from last named Statute; construed in connection with Act 17 Vic No 6 S. 5 that present state of law is to be collected. 2 Without going full length of Civil Crown Solicitor's opinion as stated in his letter of 15 <sup>th</sup> May 1858, I nevertheless agree with him to extent of thinking that all fines imposed for <u>drunkenness</u> should only be paid to authorised officers of such Benevolent Institutions as are capable of affording indoor relief in their own premises. Words "Asylum, Hospital, Infirmary, Dispensary" which are used in 5 <sup>th</sup> section of Act 17 Vic No 6, clearly include idea of a building of some kind erected or appropriated for benevolent purposes exclusively & although these particular words are followed by general ones "or other charitable institution of society" these latter words are controlled, according to a well known rule of construction by those which precede them & can only be referred to a society of same class, namely, a society which has a building of its own erected & used for charitable purposes. I am of opinion, therefore, that all fines imposed for drunkenness by Benches at Drayton & Dalby ought to go towards support		257-258

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						of hospital at Brisbane. 3 There is, however, another class of fines, appropriation of which does not appear to be limited by same rigid rule of construction. That class is specified by Act 11 Vic No 29 S.1, which does not speak of an asylum or hospital, but of "any Benevolent or Charitable Institution" & as many charitable institutions do exist & are carried on without having any particular place of resort, I think that with regard to this latter class of fines, Justices have a discretion & may order them to be paid to authorised officer of any charitable institution within district, although it possesses no building of its own.		
	58/02497	1858 07 12	Hon C S	A W Manning J P John Watts J P James Taylor J P Police Office Drayton	1858 07 02	Further in reference to claims of Drayton Benevolent Institution. We have honour to acknowledge receipt of your letter of 14 <sup>th</sup> ultimo intimating that Civil Crown Solicitor had again expressed his opinion that Drayton Benevolent Institution did not come within meaning of Acts referred to by us in our previous letter & that it was therefore not entitled to receive fines, formerly devoted to Brisbane Hospital. In reply we beg again to express our conviction that institution in question is in every respect, such an one as is, by Law Acts, contemplated & we beg to refer you to your own letter authorising payment to Drayton Hospital of all fines then previously sent to Treasurer of Brisbane Hospital – as also to our letter of 10 <sup>th</sup> April last wherein we clearly showed that Drayton Hospital, a Benevolent Institution, was clearly an <u>established</u> charitable institution for relief of sick, poor & needy. We are at a loss to conceive on what grounds Civil Crown Solicitor has based his opinion prejudicial to interest of the Society & we would bed favour of a more explicit communication. Satisfied as we are that Drayton Benevolent Society is entitled to support by law established, we feel that we should not faithfully our duty [as is] did we permit it to suffer wrong without an effort to establish its claim.	A2.40	259-261
	58/01786				1858 05 27~  1858 05 29~	Memo At top 58/1786 It was represented by Mr Richardson MP that police fines from Benches at Drayton & Dalby had been discontinued to be handed over to Brisbane Hospital. A reply to a reference to Dalby Bench has been received from which it appears that fines have been paid to Drayton Benevolent Asylum, but that instructions have now been given for their being handed over to Brisbane Hospital as formerly. Opinion of Crown Solicitor, that police fines could only be paid to such charitable institutions as afforded indoor relief was communicated to Drayton Bench & Magistrates' reply that their Benevolent Society has long afforded <u>indoor</u> relief & that patients have been provided with suitable accommodation, maintenance & attendance at charge of Society that they consider Society is by law clearly entitled to such monies & that their withdrawal would be highly prejudicial to institution. Civil Crown Solicitor however again expresses his opinion that this asylum is not within meaning of Acts referred to by Bench: viz an established Benevolent Asylum, a Charitable Institution or Society for relief of poor persons as through age, sickness, accident or other infirmity are unable to support themselves. & Notes in margins of memo Bench at Drayton may perhaps be informed of opinion of Civil Crown Solicitor.	A2.40	262-265
				C C				

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	58/01786	1858 05 17	Treasurer Brisbane Hospital	W W Billyard Civil Crown Solicitor's Office Sydney	1858 06 14~  1858 05 15	<p>Mr Richardson to be informed of what has been done. Bench Drayton John Richardson 58/2497 2 Vic No 23, 6 Vic No 13, 11 Vic No 29, 13 Vic No 29. Mr Billyard states intention of Legislature to have been that such fines should only be paid to authorised officers of such institutions as having their own premises erected &amp; in working order and capable of affording indoor relief to poor other respective districts who through infirmity etc etc.</p> <p>Furnishing opinion of subject of payment of fines levied by Drayton Bench to Treasurer, Brisbane Hospital. &amp; At top No 58/32 Referring to your Minute on enclosed letter addressed to Honourable, Colonial Secretary by Bench of Magistrates at Drayton on subject of payment to Treasurer of Drayton Benevolent Asylum of certain fines levied by Bench at that place; I have honour to inform you that I have carefully perused letter above alluded to as also papers accompanying it &amp; that after considering statements contained therein, I am of opinion that above named Asylum is not, within meaning of Acts of Council enumerated in margin of letter from Bench above referred to, an Established Benevolent Asylum or Charitable Institution or Society for relief of poor persons as through age, sickness, accident or other infirmity are unable to support themselves. It appears to me that intention of legislature in passing Acts referred to was that fines directed by those Acts to be paid to Charitable Institutions should only be paid to authorised officers of such institutions as, having their own premises erected &amp; in working order, are capable of affording indoor relief to poor of their respective districts who through some infirmity are unable to support themselves &amp; I do not gather from papers forwarded to me (&amp; all of which I now return to you, enclosed) that Drayton Benevolent Asylum is in that position.</p>		266-267
	58/1589	1858 003	Treasurer Brisbane Hospital	James Payton J P John Watts J P E B Uhr J P	1858 04 10	<p>Letter on subject of payment of fines levied by Drayton Bench Acknowledging receipt of your letter dated as per margin [dated in margin 30<sup>th</sup> March 1858], desiring that we should call upon Clerk of Petty Sessions at this place to account for not having paid to Treasurer of Brisbane Hospital fines levied by this Bench for some period past, we do ourselves honour to inform you, in reply, that clerk has in this matter acted upon instructions given by Mr Manning, till recently, Police Magistrate. 2 Mr Manning has furnished us with copy of your letter to himself – which we beg to transmit, by which it will be seen that fines formerly handed over to Brisbane Hospital as being nearest charitable institution, were placed at discretionary disposal of Drayton Bench, an application having been made by Drayton Benevolent Society for these fines, as suggested by your letter. Mr Manning, with ready concurrence of entire Bench, gave instructions that Society should in future receive amounts. 3 Drayton Benevolent Society has long afforded <u>indoor</u> as well as outdoor relief, although, by reason of delay in issue of Deed for grant made for its uses, it has not been able to expend funds long in hand for erection of its own building. Patients have been provided with suitable accommodation, maintenance &amp; attendance at Society's charge &amp; that Society has long</p>	A2.40	268-269

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				W Elyard		<p>been, &amp; still is, in active &amp; beneficial operation. Under these circumstances, Bench consider that Drayton Benevolent Society is, by Acts names in margin [2 Vic 23, 6 Vic 13, 11 Vic 29, 13 Vic 29 Sec 86, 17 Vic No 6], clearly entitled to such monies as, prior to its own existence, were paid to Brisbane Hospital &amp; Bench would record their opinion that withdrawal of such support cannot be forwarded upon any Legislative enactment &amp; would moreover be highly prejudicial to an institution that is as fully organised &amp; as capable of carrying out charitable objects of its numerous promoters &amp; supporters, as any similar institution in Colony.</p> <p>&amp; Notes in margin No 58/1 57/1566 Commissioner Manning 20<sup>th</sup> April 1857~ Withdrawal of land for Drayton Benevolent Society L &amp; P Works No 58/120 Civil Crown Solicitor is requested to have goodwill to say whether under circumstances stated herein, Drayton Benevolent Society is entitled to fees claimed. Blank Cover May 15<sup>th</sup> 1858~ To be returned 58/1786</p>		
	58/1420	1858 04 21	Hon C S	Richard Cobham ? ? JP Christopher Lethbridge J P	1858 04 09	<p>Letter with reference to fines &amp; fees applicable to benevolent purposes. We do ourselves honour to acknowledge receipt of your letter of 29<sup>th</sup> March last No 58/119, requesting us to call upon Clerk of this Bench for an explanation why fines &amp; fees applicable to charitable purposes have just been handed over to Brisbane Hospital.</p> <p>In reply, we have to state, that we have called upon Mr Bowerman for an explanation, who informs us that in June last, a letter was received by Bench of Magistrates at Dalby from Reverend Mr Dove, Secretary of Benevolent Society at Drayton, requesting us to direct Clerk of Petty Sessions to pay into his hands all fines hitherto paid to Brisbane Hospital. Bench, having no objection, accordingly directed Clerk of Petty Sessions to hand over fines &amp; fees referred to, to Mr Dove, receipts for which have been duly forwarded to Under Secretary of Treasury at end of each quarter. In accordance with opinion of Civil Crown Solicitor, I have given instructions to Mr Bowerman to hand over in future all sums applicable to benevolent purposes to Secretary of Brisbane Hospital.</p> <p>&amp; Notes in margin No 58/29 Bench at Drayton has not yet replied to reference made on 30<sup>th</sup> March. Remind Bench 58/1589 Copy Annexed</p> <p>&amp; At top (Copy) 57/1566</p>	A2.40	270-271 & 273 (page 272 separate letter)
			A W Manning Esq Commissioner of	W Elyard Colonial Secretary's Office	1857 04 27			272

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			Crown Lands Dalby	Sydney		In reply to your letter of 11 <sup>th</sup> instant, I am directed to inform you that Drayton Benevolent Society should apply direct to Drayton Bench for transfer to that Society of fines hitherto paid to Brisbane Hospital. 2 I am further directed to state that you should communicate with Secretary for Land & Public Works respecting withdrawal from sale of land to which you allude.		
			Bench of Magistrates Dalby	William W Dove Drayton Parsonage	1857 06 06	Copy A Benevolent Society having been established in this town, I have honour to request that you will direct Clerk of Petty Sessions to pay into my hands as Treasurer of above society, all fines hitherto paid to Brisbane Hospital		274
				C C	1858 03 19~ 1858 03 29~	Fines collected at Police offices at Drayton & Dalby ought to be paid over to hospital at Brisbane. See opinion of Civil Crown Solicitor 58/3 in a similar case: No authority has been given for fines for being retained in districts for charitable purposes. Refer to Bench for report Mr Richardson Bench Drayton & Dalby 58/1420 On 15 <sup>th</sup> April 1858~ On 1 <sup>st</sup> May 1858~		275-276
			J Richardson J P	W S Duncan Brisbane	1858 03 08	I have been requested by Committee of Brisbane Hospital to ask you to assist them in removing a serious grievance to which they have been for some time subject. Fines levied by Magistrates of Drayton & Dalby have been for some time past paid to an institution which has a name, indeed, (Drayton Benevolent Society) but, has no "local habitation", not so much as a hut to shelter patients & paupers of place, who, one by one, find their way to Brisbane Hospital & cannot be refused admission. Within last few days two persons from Drayton have been thus received & we have reason to believe, in case of one of them, a gentleman connected with Drayton Institution actually paid his expenses ? ? thereby throwing burden of his maintenance on us, while they retain fines legally applicable to his support. I suppose some authority must have been obtained from Government for this appropriation, but it could only have been on usual condition of their maintaining aged & infirm of place & as Drayton people do not fulfil, & have no present means of fulfilling that condition, this Committee think Clerks of Petty Sessions at Drayton & Dalby should be required to pay fines to this hospital at least until a similar institution is erected & in actual operation at Drayton. Would you have goodness to see Mr Cowper on this subject & do your best to obtain justice for Committee. With respects to Mrs Richardson.		277-279
				J Richardson		Reply to Mr Duncan's letter to self, relative to fines.		280
	58/02635	1858 07 22	Hon C S	H H Browne Government Immigration Office Sydney	1858 07 21	Letter relative to report relative to Immigrant ship "Ascendant" I do myself honour to forward to you herewith for information of Honourable, Colonial Secretary, a report which I have received from local	A2.40	281-284

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						Immigration Board [date in margin 8 <sup>th</sup> July 1858] at Moreton Bay, with reference to certain complaints made by Surgeon Superintendent of immigration ship "Ascendant", in respect to state of provisions put on board that vessel as well as an explanatory letter [date in margin 14 <sup>th</sup> July 1858] from Assistant Immigration Agent on subject. 2 As I am always unwilling to set aside report of a local board, more particularly as they have opportunity of measuring weight of evidence adduced with greater correctness than can possibly be done by perusal of that which is taken down, I beg to recommend that report be adopted. 3 I cannot but however, express my conviction that absence of strict legal proof has prevented Board from arriving at a different decision, as it is clear from Dr Kemball's letter that he does consider that there were some grounds for complaint & in transmitting a copy of proceedings to Emigration Commissioner, it may be as well that owners of "Ascendant" should be informed that they ought, for future, to be more particular as to description of provisions which they put on board their vessels. & Notes in margin Communicate to Emigration Commissioners. Memo for copies Secretary to Commissioners Enclosures returned Blank Cover 27 <sup>th</sup> July 1858~ On 15 <sup>th</sup> August 1858~ Copies received.		
			W Vallack Esq	C C	1858 07 22~ 1858 07 23~ 1858 08 06			
				? ?	1858 08 05~			
			Hon C S	J C Wickham A C Kemball W H Geary Government Office Moreton Bay	1858 07 27	We sent you <u>originals</u> of documents referred to in accompanying memo. Will you be good enough to find them, so as copies may be made. Returned with thanks.		285 286
					1858 07 08	<u>Enclosure 1</u> We do ourselves honour, by members of local Immigration Board, of reporting to you, for information of Government, that immigrants per ship "Ascendant", underwent customary inspection, prior to their disembarkation, on 24 <sup>th</sup> ultimo, being four days subsequent to arrival of that vessel in Bay. On this occasion, immigrants, without a dissentient, expressed themselves satisfied with treatment they had received on voyage & there appeared every reason to infer that various stipulations of charter party in relation to them had been duly fulfilled. Certain statements however, in Surgeon's report, with corresponding remarks in his journal, representing that flour & biscuits supplied to immigrants was of very bad quality & further that dietary at cabin table had been extremely inferior & inefficient. Having been brought under notice of Board, they deemed it their duty to convene a special meeting for purpose of an investigation & at which Master & Surgeon Superintendant were present. Evidence addressed on this enquiry & which is herewith forwarded to you appears to Board to be inconclusive in material particulars, that they have but considered it advisable to recommend that infliction of any fine on owners I have to ? ? & therefore have sanctioned delivery of customary certificates to Master, entitling owners to payment of second moiety of passage owing. At same time, they feel bound to press on your notice, that inability of Surgeon to substantiate his charges, does not, in their opinion,		287-290

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					1858 06 29	<p>satisfactorily ? ? it then, as powerless, nor exonerates owners of "Ascendant", forms an amount of censure which it is wish of Board should be conveyed to them &amp; in a manner most likely to prevent recurrence of such complaints, in reference to any future charter party, they may enter into for conveyance of immigrants under Commissioner's regulations. Signed - J C Wickham Government Resident A C Kemball Assistant Agent Immigration W H Geary Harbour Master [notes in margin too faint to read]</p> <p>Statements from workers &amp; immigrants on "Ascendant" &amp; At top Government Immigration Office, Moreton Bay, present following members of local Immigration board: J C Wickham, A C Kemball, W H Geary. <u>William Hopper</u> states as follows – I was a baker on board emigrant ship "Ascendant". I have heard complaints among emigrants respecting quality of flour. They complained of bread which I baked for them. Bread made by me for emigrants was made from flour issued to me by Third Mate. Some portion of flour issued was very good &amp; some very bad. During first month of voyage we had good flour. Towards latter part of voyage we had ad flour occasionally. I do not recollect when we first had bad flour. About 4<sup>th</sup> part of flour issued to me to make bread was bad. Flour had a bad smell, but I cannot tell whether it was damaged on board ship or came on board in that state. I believe emigrants eat bread I baked for them. I baked for emigrants 3 times a week, about 10 or a dozen servings of bread was bad. All rest was good. I was never at sea before. I never baked bread from such bad flour when ashore, but all good flour was very good. William Hopper signed by "X" &amp; by the doctor. <u>Jane Crooker</u> states as follows – I was an emigrant by ship "Ascendant". There was [sic] complaints on board respecting flour. Sometimes it was very good &amp; sometimes very indifferent. Occasionally there was bad flour served out. I think we first had bad flour about middle of voyage. During hot weather it was occasionally sour &amp; bread we had from baker was also sour. I think it was half voyage before we received bad flour. During last half of voyage we had more good flour than bad. I have had always better bread ashore, than that we had on board. Bread we received from baker &amp; flour for puddings was used at our mess. I have never felt any bad effects from eating bread. Jane Crooker signed by "X" &amp; Captain Wickham. <u>George Seabrook</u> states as follows – I am an emigrant by ship "Ascendant". I was hospital assistant on board. There were several complaints made on board of bad quality of flour. Occasionally it was bad, to best of my recollection we had bad flour served out after crossing line. Flour was good to that time - during latter half of voyage better half by a good deal of flour served out was good to best of my recollection. We had about 15 servings of bad flour. Flour I describe as indifferent I mean was sour &amp; mouldy &amp; lumps when broken smelled very bad. Bad flour served to my mess was thrown overboard. My wife remonstrated at one time with Third Mate about bad flour. Third Mate</p>		291-299



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						<p>refused to give better. This occurred about 3 or 4 days before we landed. During first part of voyage biscuit was mouldy &amp; occasionally bad. Latter part of voyage we had very good biscuit. Bread &amp; flour was given us alternately. I several times heard emigrants say that bread &amp; flour was not fit for pigs to eat. I heard doctor before we left ship, ask Third Mate to change flour. He replied there was no other on board. I never saw preserved meat that was bad served out. It was thrown overboard. I heard during serving of salt beef, Captain say that if there was any of it bad, not to use it.</p> <p>Signed George Seabrook.</p> <p><u>Benjamin Palmer</u> states as follows – I am an emigrant by ship “<i>Ascendant</i>”. I was assistant server out of provisions during whole voyage. I have emigrants complain of bad quality of flour &amp; biscuit. I observed when serving out flour &amp; biscuit that quality was bad. I am not aware there was any bad flour before we crossed line. After crossing line as well as I can recollect, we had about 14 or 15 servings of bad flour. I mean by “bad flour” mouldy flour. This mouldy flour was issued to baker for bread &amp; to messes for pudding. I eat bread myself &amp; know many other to do same. Flour also issued to messes was used. I am aware that complaints were made &amp; on some occasions, flour was changed for better. Once or twice it was refused to be exchanged. During first part of voyage biscuit was mouldy. When mouldy biscuits were served out, if emigrants brought them back, they were exchanged for better &amp; mouldy biscuit given to pigs. Latter part of voyage we had very good biscuit. There was a quantity of preserved beef on board which was bad. It was not issued, but thrown overboard.</p> <p>Bad biscuit was served out for a longer period than biscuit from casks. It was an understood thing among emigrants that there should be no complaints made.</p> <p>There were 2 qualities of flour on board. I recollect hearing doctor ask to Third Mate to change flour. Mate said there was no other on board. I am aware there were 3 or 4 casks of good flour on board. This occurred a day or two before we landed.</p> <p>I several times heard people say that flour was not fit for pigs. After biscuit was placed on deck &amp; aired, there were still a few complaints, but when mouldy biscuit was taken back, good was given for it.</p> <p>Signed Benjamin Palmer.</p> <p><u>Anne Hiscox</u> states as follows – I am an emigrant by ship “<i>Ascendant</i>”. About middle of voyage bread served out on one day was so very bad, I took it to doctor. I could not eat it. Doctor told me to throw it overboard which I did &amp; I received on next morning flour in lieu of bread. There was [sic] several occasions that bread was bad. During first part of voyage bread was very good. We all praised it. On several occasions we had flour changed for good, through interference of surgeon. It was only on one occasion mentioned that we throw [sic] bread away.</p> <p>Anne Hiscox signed “X”</p> <p><u>James Croker</u> states as follows – I am emigrant by ship “<i>Ascendant</i>”. I was constable on board. I heard complaints made on board respecting quality of flour &amp; some little about biscuit. Some of flour had a bad taste. Flour was very good till about middle of voyage – it was after crossing line that flour was bad. We had</p>		

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			Hon C S	A C Kamball Government Immigration Office Moreton Bay	1858 07 14	<p>about a dozen servings of bad flour. On some occasions we had it changed for better. I don't think my mess was ever refused good flour for bad. We always made up flour &amp; used it. I do not recollect it to be thrown away at any time. At latter part of voyage biscuit was very good. After complaint was made about biscuit being mouldy it was taken on poop &amp; aired which much improved it. When I took bad biscuit to doctor on one occasion, he directed Mate to change it for better, which he did. A quantity of preserved meat on board was bad &amp; was thrown overboard. I think smell from bad meat prevented people from eating that which was good. I don't think there was any of bad meat served out. There was a good deal of grumbling on board during time bad flour was issued.</p> <p>My reason for not complaining when Board inspected ship was, that I was very well satisfied &amp; only wished to get ashore. Signed James Croker.</p> <p><u>Enclosure No 2</u> In local Board's deposition which I had honour of forwarding to you last week, no distinct reference is made to complaint alleged by Mr Cummings in regard to his dietary at cabin table, an omission which I am desirous to supply.</p> <p>I expressed my opinion to board that we might accept Surgeon's statement &amp; also entries in his journals, official or private, for corroboration of same, but not in nature of <u>evidence</u> &amp; as D Cummings could not produce any witness to support his case, &amp; Captain <u>did not</u> avail himself if there to <u>might have</u> called, charge was formally withdrawn.</p> <p>I may inform you that a preliminary enquiry to one reported was entered into before me, for purpose of ascertaining whether there being evidence &amp; of what nature, to support charges so as to call for Board's especial interference – totally disregarding - &amp; I need not add, presumption of Captain &amp; his Agent who impinged light of myself or board to institute any such enquiries after immigrants had expressed themselves satisfied &amp; in pursuing this course convenience of Master, that he might not be summoned from Bay unnecessarily, was consulted.</p> <p>Mr Cumming's failure to substantiate his statements appeared to me mainly attributable to his peculiar incapacity for such an object &amp; extraordinary caprice of immigrants manifested on this occasion &amp; with whom I am persuaded an improper influence was exercised after they landed. I cannot avoid expressing my conviction that there has been cause for concern in many particulars relating to "<u>Ascendant</u>" as an immigrant vessel, but which could not be brought before notice of Board – that charter party has not been <u>creditably</u> fulfilled &amp; that Surgeon, whose total want of pretension tenders it extremely improbable that he would complain of his own want of accommodation needlessly – has been treated – by Captain more especially in a manner which I can characterise or otherwise than as disreputably mean.</p> <p>Such observations would, I am aware, be open to objections as too general could they, after Board's decision &amp; payment of gratuities, affect interests of parties included in this censure.</p> <p>Certificates ? ? owners to sound moiety of passage money were given to agents of "<u>Ascendant</u>" according to promise, 8<sup>th</sup> instant previous to receipt of your instructions in this need, but you will have goodness to observe that</p>	A2.40	300-306

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						<p>form of certificate differs in no essential from one you prescribe, in future cases exceptions, if required, will be made in manner you decide.</p> <p>I perfectly concur in Surgeon's report with regard to defective arrangements &amp; accommodation, afforded in "Ascendant", which however cannot be well avoided in so small a vessel, but one exception must be made which such excuse is not, I conceive, available, I allude to contact of female hospital with cabin, with a door of communication.</p> <p>Should your testaments on points which I have reviewed coincide with those I have presumed to express, &amp; if this merits, you will have a better opportunity of judging upon your interview with Surgeon, who now proceeds to Sydney. I hope you will think it efficient to confirm same by a like demonstration of them, when communicating local Board's report to Commissioner.</p>		
	58/02668	1858 07 24	Hon C S	John Hall Drayton	1858 07 16	<p>Memorial, or Application for a Certificate of Naturalisation To His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General in and over all Her Majesty's Colonies of Jew South Wales Tasmania, Victoria South Australia &amp; Western Australia &amp; Captain-General &amp; Governor-in-Chief of Territory of New South Wales &amp; its Dependencies &amp; Vice-Admiral of same etc etc etc</p> <p>1 Memorial of John Hall of Toowoomba, respectfully sheweth, that your Memorialist is a native of Germany.</p> <p>2 That your Memorialist is 47 years of age &amp; is a sawyer.</p> <p>3 That your Memorialist arrived in Colony of New South Wales, by "Caesar Good Frau" in year 1853.</p> <p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character</p> <p>5 That your Memorialist has purchased land at Toowoomba with intention of settling thereon &amp; that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39, &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will ever pray.</p> <p>Signed Johan Hall Dated 16th July 1858 Drayton</p> <p>We undersigned do hereby certify as to correctness of statements contained in subjoined Memorial that we have known Memorialist since his arrival in Colony &amp; believe him to be a person of respectable character.</p> <p>Signed: Edward Lord &amp; William Handcock &amp;</p> <p>Notes in margin Prepare Certificate for approval Certificate prepared. Secretary, Treasury &amp; General Prothonotary, Supreme Court, Bench Drayton, J Hall.</p>	A2.40	307
	58/02669	1858 07 24	Hon C S	Leonard Bubeck Toowoomba	1858 07 14	<p>Memorial, or Application for a Certificate of Naturalisation To His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General in and over all Her</p>	A2.40	308

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						<p>Majesty's Colonies of Jew South Wales Tasmania, Victoria South Australia &amp; Western Australia &amp; Captain-General &amp; Governor-in-Chief of Territory of New South Wales &amp; its Dependencies &amp; Vice-Admiral of same etc etc etc</p> <p>1 Memorial of Leonard Bubeck of Toowoomba respectfully sheweth that your Memorialist is a native of Germany.</p> <p>2 That your Memorialist is 46 years of age &amp; is a sawyer.</p> <p>3 That your Memorialist arrived in Colony of New South Wales by ship "<i>Peter Good Frau</i>" in year 1852 &amp; has been resident therein since that date.</p> <p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character &amp; of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony.</p> <p>5 That your Memorialist has purchased land at Toowoomba on which he is desirous of settling for remainder of his life &amp; that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria No 39, &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will ever pray.</p> <p>Signed Leonard Bubeck Dated 14<sup>th</sup> July 1858 Drayton</p> <p>We, undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist since his arrival in Colony &amp; believe him to be a person of respectable character.</p> <p>Signed: Edward Lord &amp; Benjamin Glennie &amp; Notes in margin Prepare certificate for approval Certificate prepared Secretary, Treasury &amp; General Prothonotary, Supreme Court, Bench Drayton, L Bubeck.</p>		
	58/02670	1858 07 24	Hon C S	Henry Lindenberg Toowoomba	1858 07 17	<p>Memorial, or Application for a Certificate of Naturalisation</p> <p>To His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General in and over all Her Majesty's Colonies of Jew South Wales Tasmania, Victoria South Australia &amp; Western Australia &amp; Captain-General &amp; Governor-in-Chief of Territory of New South Wales &amp; its Dependencies &amp; Vice-Admiral of same etc etc etc</p> <p>1 Memorial of Henry Lindenberg of Toowoomba respectfully sheweth that your Memorialist is a native of Germany.</p> <p>2 That your Memorialist is 37 years of age &amp; is a shoemaker.</p> <p>3 That your Memorialist arrived in Colony of New South Wales, by ship "<i>John Caesar</i>" in year 1856 &amp; has been resident therein since that date.</p> <p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character &amp; of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony for a period of 1 year.</p> <p>5 That your Memorialist has purchased land at Toowoomba on which he is</p>	A2.40	309

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						<p>desirous of settling thereon &amp; that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39 &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will ever pray.</p> <p>Signed: Henry Lindenberg Dated 17<sup>th</sup> July 1858 Drayton</p> <p>We, undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist for period of 1 year &amp; believe him to be a person of respectable character.</p> <p>Signed: William Handcock &amp; Edward Lord &amp;</p> <p>Notes in margin Prepare certificate for approval Certificate prepared. Secretary, Treasury &amp; General Prothonotary, Supreme Court, Bench Drayton, H Lindenberg</p>		
	58/02671	1858 07 24	Hon C S	J C Wickham Government Resident's Office Brisbane	1858 07 21	<p>Letter reporting on the arrival at Brisbane of 15 Native Police from southern part of New England.</p> <p>I do myself honour to inform you that 15 recruits, from southern part of New England reached this place yesterday, on their way to Wide Bay for purpose of being added to Leichhardt &amp; Port Curtis division of Native Police.</p> <p>2 They are strong, young men &amp; appear most anxious for employment in force. This augmentation raises number of Troopers to 92 &amp; I hope that before long full number will be completed by recruits from Namoi, or some other southern district.</p> <p>&amp;</p> <p>Notes in margin A copy for Assembly on Tuesday. Copy enclosed. Copy sent to Assembly</p>	A2.40	310-312
	58/02675	1858 07 24	Hon C S	J M Airey Police Office Gayndah  C C	1858 07 13  1858 07 24~ 1858 07 27~ 1858 07 27	<p>Letter from CPS Gayndah enquiring whether Magistrate is entitled to any fee for holding enquiries in cases of sudden death.</p> <p>I am directed by Bench to enquire whether a Magistrate is entitled to any fee for holding a Magisterial Enquiry in cases of sudden death &amp; if so, what sum is allowed &amp; to which department application must be made.</p> <p>&amp;</p> <p>Notes in margin Magistrates may perhaps be informed that this is a matter in department of law officers &amp; that letters to Governor should not be signed by Clerk of Bench, but by some of Magistrates. Bench</p>	A2.40	313
	58/02676	1858 07 24	Hon C S	J M Airey Police Office Gayndah	1858 07 12	<p>Letter from CPS Gayndah applying for forms of Naturalisation</p> <p>I have hour to request I may be supplied with forms of application for letters of naturalisation to enable persons here who are aliens, to obtain Deeds of Grant for land purchases at last land sale in Gayndah.</p>	A2.40	314

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					1858 07 24~ 1858 07 27	& Notes in margin Send some forms under blank cover to Magistrates. Forms transmitted blank cover.		
	58/02731	1858 07 29	Hon C S	H H Browne Government Immigration Office Sydney	1858 07 28	Letter from Agent for Immigration to Principal Under Secretary relative to a deposit of £6 made by Charles Taylor under Remittance Regulations in December 1856. I do myself honour to inform you that in pursuance of instructions contained in your letter of 15 <sup>th</sup> May 1857, No 69, I paid into Colonial Treasury on 1 <sup>st</sup> June 1857, sum of twenty two pounds (£22), to make up deficiency in amount of a deposit of twenty eight pounds (£28), made by one William Kirkpatrick under remittance regulations, of which six pounds (£6) only was supposed to have been remitted by Mr Ravenscroft late Clerk of Petty Sessions at Drayton & that both sums were credited in that office on account of Kirkpatrick's deposit. It was however discovered (as I am informed) during prosecution of Mr Ravenscroft that six pounds (£6) so carried to account as part of Kirkpatrick's remittance, really belonged to a man named Charles Taylor residing in same district who deposited that sum on 12 <sup>th</sup> December 1856. 2 As parties towards whose passages this deposit was made are illegitimate children & consequently ineligible under regulations, money should be returned to depositor & I therefore beg to request that Honourable, Colonial Treasurer, may be moved to refund amount in question to him. & Notes in margin 57/1757 57/1875	A2.40	315-318
				C C	1857 05 07 1858 05 09~  1858 08 05~ 1858 08 13	Immigration Agent Relative to amount due by Mr Ravenscroft on account of Immigration Treasury. All papers Treasurer Secretary to Treasury, Immigration Agent.		
	58/02768	1858 08 02	Hon C S	Peter Joseph Bug	1858 07 23	Memorial, or Application for a Certificate of Naturalisation To His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General in & over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia & Western Australia & Captain-General & Governor-in-Chief of Territory of New South Wales & its Dependencies & Vice-Admiral of same etc etc 1 Memorial of Peter Joseph Bug of Toowoomba, respectfully sheweth, that your Memorialist is a native of Napsan. 2 That your Memorialist is 45 years of age & is a blacksmith. 3 That your Memorialist arrived in Colony of New South Wales by ship "Aurora" in year 1855. 4 That your Memorialist begs to refer your Excellency to annexed Certificate of character & of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony for period of one year. 5 That your Memorialist has purchased land & built a house thereon & that on these grounds your Memorialist is desirous of availing himself of	A2.40	319

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						<p>privileges granted to Aliens by Acts of Council, 112 Victoria, No 39 &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will ever pray.</p> <p>Signature: Peter Joseph Bug</p> <p>Dated: 23<sup>rd</sup> July 1858</p> <p>Drayton</p> <p>We, undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist for period of 1 year &amp; believe him to be a person of respectable character.</p> <p>Signed: William Handcock &amp; Edward Lord.</p> <p>&amp;</p> <p>Notes in Margin</p> <p>Prepare certificate for approval.</p> <p>Certificate prepared.</p> <p>Secretary, Treasury &amp; General Prothonotary, Supreme Court, Bench Drayton, P J Bug</p>		
	58/02769	1858 08 02	Hon C S	Nicolas Adam	1858 07 24	<p>Memorial, or Application for a Certificate of Naturalisation</p> <p>To His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General in &amp; over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia &amp; Western Australia &amp; Captain-General &amp; Governor-in-Chief of Territory of New South Wales &amp; its Dependencies &amp; Vice-Admiral of same etc etc etc</p> <p>1 Memorial of Nicholas Adam of Toowoomba respectfully sheweth, that your Memorialist is a native of Napsan.</p> <p>2 That your Memorialist is 36 years of age &amp; is a bush carpenter.</p> <p>3 That your Memorialist arrived in Colony of New South Wales, by ship "<i>Daniel Ross</i>" in year 1855.</p> <p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character &amp; of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony for period of 1 year.</p> <p>5 That your Memorialist has purchased land at Toowoomba &amp; that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39 &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will ever pray.</p> <p>Signed: Nicholas Adam</p> <p>Dated: 24<sup>th</sup> July 1858</p> <p>We, undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial that we have known Memorialist for period of 1 year &amp; believe him to be a person of respectable character.</p> <p>Signed: M Boulter &amp; James Taylor J P</p>	A2.40	320





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						<p>1 Memorial of Gottlieb Schmid of Toowoomba, respectfully sheweth that your Memorialist is a native of Germany.</p> <p>2 That your Memorialist is 34 years of age &amp; is a shoemaker.</p> <p>3 That your Memorialist arrived in Colony of New South Wales, by ship "Boomerang" in year 1855.</p> <p>4 That your Memorialist begs to refer your Excellency to annexed Certificate of character &amp; of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony.</p> <p>5 That your Memorialist is about to purchase land with intention of settling thereon for remainder of his life &amp; that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria 39, &amp; 17 Victoria, No 8.</p> <p>6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet.</p> <p>And your Petitioner will ever pray.</p> <p>Signed: Gottlieb Schmid Dated: 24<sup>th</sup> July 1858 Drayton</p> <p>We, undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist from his arrival in Colony &amp; believe him to be a person of respectable character.</p> <p>Signed: James Taylor J P &amp; Edward Lord.</p> <p>&amp;</p> <p>Notes in margin Prepare Certificate for approval Certificate prepared Secretary, Treasury &amp; General Prothonotary, Supreme Court, Bench Drayton, G Schmid</p>		
	58/02858	1858 08 09	Hon C S	J C Wickham Government Resident's Office Brisbane	1858 08 03	<p>Letter with reference to employment of Hard Labour Prisoners, confined in Her Majesty's Gaol at Brisbane.</p> <p>&amp; At top No 58/288</p> <p>Sum of £250 voted for employment of hard labour prisoners in Brisbane Gaol, being wholly inadequate to provide sufficient materials to keep them constantly employed &amp; thus enable their sentences to be properly carried out, I do myself honour to request that Sheriff of Moreton Bay be instructed to carry out provisions of Act of Legislative Assembly Vic 22, No 2 &amp; that a sufficient sum be placed at his disposal to provide a guard to prevent escape of prisoners while employed beyond precincts of gaol.</p> <p>2 Proportion of abovenamed vote of £250 for 3 first quarters of year has already been expended, leaving small sum of £62/10/- only available for next 5 months.</p> <p>3 Should it not be considered desirable to extend provisions of Act to Brisbane Gaol, I beg to suggest that if an additional sum of £100 could be provided for purchase of materials, there would be ample employment for all hard labour prisoners now in gaol (20 in number).</p> <p>4 I may here remark that before a Resident Judge &amp; Court were established in Brisbane, sum of £400 was annual vote for employment of</p>	A2.40	323-327

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						hard labour prisoners & was not found to be too much, but since then £150 of that sum has been placed at disposal of Police Magistrate of Ipswich, for employment of prisoners in his district.		
	58/02865	1858 08 09	Hon C S	Justice Saul Frederick Milford Supreme Court House Brisbane	1858 08 03	Letter reporting on Petition from Kyran Walsh for a pardon. In answer to your letter of 23 <sup>rd</sup> day July, referring case of Reg v Kyran Walsh for my report, I find that my notebook containing my notes of that case is in Sydney, but I have facts of case tolerably fresh in my memory. Case was this, prisoner being possessed of some cattle, purchased other cattle from Messrs Forbes & Smith & gave a mortgage & promissory notes for purchase money. Whole of these notes were not paid when due. Prisoner was sued & execution taken out under which Sheriff sold <u>whole</u> of prisoner's cattle to Forbes, as he, prisoner well knew. Now, if prisoner committed a felony, it probably was considered by Jury to have been done at this time, prisoner endeavouring to defeat sale by branding some of cattle sold with another brand, calling those so branded his & remainder his daughter's. Defence was that cattle, one of which he was charged with stealing & selling to one, McGrath, belonged to his daughter, a child about 6 years old, to whom a few had been given, which had increased very considerably & was not included in sale to Forbes. There is no doubt but that from shortly after sale, prisoner asserted his right to these cattle as his daughter's Guardian, but no evidence was given of any gift to daughter or that cattle were hers beyond assertion of prisoner. This was point in case which pressed against prisoner & I do not see that it is removed by depositions now sent into Government except that Thomas Marsh says that when he dealt with prisoner 3 or 4 years ago, ie before Sheriff's sale, he treated some of cattle as his daughters. If Jury or part of Jury returned a verdict which was not according to their intention, that would no doubt be a ground for consideration of Government on this petition & even supposing that prisoner acted as I have above presumed & which must have been presumed by Jury if their verdict was according to their intention I cannot but think that though guilty of felony according to law, prisoner thought by that plan to counteract harsh treatment he considered he had experienced rather than in common meaning of term to steal cattle, probably he thought that in justice & equity they ought still to be his. Perhaps under these circumstances Government may think this a case for exercise of prerogative of mercy. & Notes in margin Prisoner may be released on 1 <sup>st</sup> of January next. Governor General C C Judge Milford R H May ? ? Cockatoo Island Inspector General Blank Cover	A2.40	328-330
	58/02630	1858 07 22	Hon C S	R H May Solicitor R W Thompson J P 7 Elizabeth Street Sydney	1858 07 20	Submitting a Petition from Kyran Walsh, for a pardon. I do myself honour to enclose herewith a Petition from Kyran Walsh, at present a confine on Cockatoo Island, together with certain papers connected therewith, enumerated in margin. [In margin – Depositions in	A2.40	331-333 [p 332 has notes only, in

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						Walsh v McKeon. Seven solemn declarations.] Prayer of Petition is recommended by W Panton, J P of Ipswich & by several respectable residents in that neighbourhood. Petition itself has been examined & approved of (according to regulations) by visiting Magistrate & Superintendent of Cockatoo & a Certificate of good conduce is subjoined. I beg most respectfully to call your attention to Memorial from Jurymen, by whom case was tried & report thereon (now before Executive Council) of His Honour, Mr Justice Milford, presiding Judge, as well as to documents above referred to, particularly that part of them relating to Sheriff's supposed sale of Walsh's cattle. Should any further proofs of assertions contained in Petition be required, I am in a position to procure them. I beg most respectfully & earnestly to urge expedition in this matter, as Walsh, who is a very old man, has already suffered 9 months imprisonment & every hour's further confinement, (should he have been unjustly prosecuted & sentenced under a misapprehension,) is a great hardship & injustice to him:- even were this not so, I respectfully suggest, that taking all circumstances into consideration, this is a case wherein prerogative of mercy might be most happily exercised. & Notes appearing on p 332 This & enclosure should perhaps be referred to Judge, with reference to his report on a former Petition. Mr May, Judge Milford 58/2865		middle of letter]
	57/04662	1857 11 20	Hon C S	John O'Neill Brenan Sheriff's Office Sydney	1857 11 20	Returning documents in matter of Kyran Walsh, convicted of cattle stealing. In returning accompanying communications from Mr Justice Milford, enclosing a petition from some of Jurors who tried person named in margin, [name in margin Kyran Walsh], transmitted to me in your letter of 18 <sup>th</sup> instant, I have honour to inform you that Walsh is a present on Cockatoo Island, having been forwarded there on 27 <sup>th</sup> ultimo under sentence of 3 years on roads or other public works. & Notes in margin No 57/85 W V Visiting Magistrate of Cockatoo Island is requested to cause Walsh to be apprised in terms of minute on 57/4496 enclosed. Blank cover 24 <sup>th</sup> May 1857 Noted To be returned. Received Forwarded to Mr Ormsby. To be returned Prisoner, Kyran Walsh has been informed. Nothing further required unless prisoner makes good his statement. 58/2630	A2.40	334-335
	57/04496	1857 11 09	Hon C S	Justice Saul Frederick Milford Moreton Bay	? ?	Report on Petition for remission of sentence in the Matter of Kyran Walsh convicted of cattle stealing & sentenced to 3 years imprisonment with hard labour. Mr Justice Milford encloses a Petition from some of Jurors who at last	A2.40	336-339

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						<p>criminal sittings at Moreton Bay, tried a person named Kyran Walsh for stealing a cow &amp; praying for commutation of punishment for consideration of His Excellency, Governor General &amp; Executive Council.</p> <p>Circumstances of case were these:-</p> <p>Prisoner, being possessed of some cattle, an execution was issued against him on a judgement in an action for a debt incurred in buying a portion of them &amp; all his cattle sold under it. He subsequently from time to time, claimed cattle with same brand as those which were sold under execution as guardian of his infant child, alleging them to have belonged to her. This claim on behalf of child does not appear upon evidence given at criminal trial but came to knowledge of Mr J Milford on trying a civil action between prisoner &amp; another person, each claiming 2 cows, matter in dispute in that action. Claim was not in action substantiated or supported by any evidence, but that of prisoner &amp; he failed.</p> <p>Prisoner was indicted for stealing a cow &amp; evidence of prisoner having made prior claims to cattle being given, Mr J Milford expressly called attention of jury to necessity of their being satisfied that prisoner did not take cow with a belief that he was lawfully entitled to animal before they could find him guilty. He abstained from passing sentence till last day of sittings supposing that prisoner might procure affidavits shewing that prisoner's child was entitled to cattle, but nothing of kind was shewn. It appears to Mr J Milford that if prisoner cannot shew that his child is entitled or has really some claim on cattle prisoner is properly convicted &amp; should not be favoured, for his scheme of fraud must have been initiated immediately after sale &amp; carried on ever since, but if he can shew that his child has some tangible claim, then he probably took cow in question in furtherance of child's claim &amp; not being guilty of larceny he should be pardoned.</p> <p>&amp;</p> <p>Notes in margin</p> <p>Let prisoner be informed of opinion of Judge &amp; if he can bring forward necessary proof, decision of Judge will be acted on.</p> <p>Governor General</p> <p>Sheriff</p> <p>57/4662</p> <p>To His Honour Samuel Frederick Milford Esquire, Resident Judge of Supreme Court at Moreton Bay.</p> <p>Humble Petition of Jurymen who were sworn on Trial of Kyran Walsh on Tuesday 2<sup>nd</sup> day of October one thousand eight hundred and fifty seven who was indicted for having on 2<sup>nd</sup> day of May 1857 stolen a cow, property of Darby McGrath.</p> <p>Sheweth</p> <p>That your Petitioners have heard with regret &amp; surprise extend of sentence your Honour has been induced to press on said prisoner.</p> <p>That your Petitioners in returning a verdict of guilty with a recommendation to mercy "on account of his being harshly dealt with at Sheriff's sale" laboured under impression that your Honour would be graciously pleased to inflict a nominal punishment upon said prisoner, as although your Petitioners were satisfied of his taking said cow &amp; of his having appropriated same to his own use, yet they considered his guilt of offending against law was by no means wilful, but arose from a mistaken</p>		
				W D	1857 11 11~			
					1857 11 15~			340-342

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						<p>notion on his part of imaginary right, owing to intricacy of his position through litigation with person from whom said Darby McGrath became possessed of said prisoner's property. Your Petitioners therefore humbly pray That your Honour will be pleased to represent peculiarity of this case to Executive with object of commuting sentence of 3 years imprisonment with hard labour which your Honour has passed on said prisoner. And your Petitioners will ever pray etc etc Signed Hugh Campbell, William Berry, John Johnston for John Burgess, Michael Christie, Robert Castling. To His Honour, Samuel Frederick Milford Esquire, Resident Judge of Supreme Court at Moreton Bay. Petition.</p>		343
						<p>At top 58/2630 Ipswich in County of Stanley in Colony of New South Wales to wit – I, Thomas March of Ipswich in County of Stanley in Colony of New South Wales, carter, do solemnly &amp; sincerely declare that I know &amp; was well acquainted with Kyran Walsh at present a prisoner at Cockatoo Island under a conviction for cattle stealing on prosecution of one Frederick-Augustus-Forbes Darby McGrath. That I have bought a good many cattle from said Kyran Walsh. That he several times told me that cattle branded C<sup>2</sup>W were his daughter's cattle. His own (as he told me) having some distinguishing marks on neck. That I often saw him brand cattle C<sup>2</sup>W &amp; he told me when branding some of them that they were his daughter's. I bought a cow off him so branded. He said it belongs to Catherine. <u>That this was some 3 or 4 years ago</u> &amp; I make this solemn declaration conscientiously believing same to be true &amp; by virtue of provisions of an Act of Governor &amp; Legislative Council of Colony of New South Wales made &amp; passed in ninth year of reign of Her present Majesty initiated An Act for more effectual abolition of oaths &amp; affirmations taken &amp; made in various departments of Government of New South Wales &amp; to substitute declarations in lieu thereof &amp; for suppression of voluntary &amp; extra judicial oaths &amp; affidavits. Signed Thomas March Declared &amp; subscribed at Ipswich aforesaid this fourteenth day of June 1858 before me J W Panton J P</p>		344
	57/04496			Charles Ormsby Superintendent Cockatoo Island	1858 07 19	<p>At top 58/2630 To His Excellency, Sir William Thomas Denison, Governor General of all Her Majesty's Australasian Possessions &amp; Captain General &amp; Governor in Chief in &amp; over Her Majesty's Colony of New South Wales &amp; its Dependencies &amp; Vice Admiral of same etc etc The Humble Petition of Kyran Walsh respectfully sheweth: That your Petitioner was on 6<sup>th</sup> day of October 1857 convicted on a charge of cattle stealing (as your Petitioner humbly submits unjustly) &amp; is now serving a sentence of 3 years imprisonment. That your Petitioner had a bona fide claim to property in respect of which your Petitioner was convicted.</p>		345-347

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						<p>That circumstances of your Petitioner's case are these:-  That your Petitioner had some cattle which your Petitioner mortgaged to one Frederik Augustus Forbes to secure a certain sum of money.  That your Petitioner discharged this mortgage as said Frederick Augustus Forbes admitted, as will appear by copy depositions accompanying this Petition.</p> <p>That by some process which your Petitioner does not understand, judgement appears to have been got against your Petitioner &amp; a Writ of Fieri Facias issued at suit of said Frederick Augustus Forbes (here again your Petitioner begs to refer to said depositions).</p> <p>That under such Fieri Facias, Sheriff seized a horse, property of your Petitioner as he stated in name of whole of your Petitioner's cattle which however were not there not did Sheriff's Bailiff see them.</p> <p>That Sheriff held a sale &amp; sold whole of your Petitioner's cattle to said Frederick Augustus Forbes tho' no actual seizure had been made.</p> <p>That by this sale, said Frederick Augustus Forbes pretended to have become possessed of cow in respect of which your Petitioner was prosecuted &amp; sold it with other of your Petitioner's cattle to one Darby McGrath, who prosecuted your Petitioner.</p> <p>That your Petitioner viewed such sale by Sheriff as not divesting him of property inasmuch as your Petitioner knew he had paid for these cattle &amp; was given to understand by Forbes that sale was a mere matter of form.</p> <p>That cattle were never actually seized or delivered by Sheriff.</p> <p>That your Petitioner's bona fides in claim he made &amp; still asserts to said cattle whether that claim is right or wrong your Petitioner thinks is sufficiently manifested by fact that your Petitioner brought a suit under Country Towns Police Act in Court of Petty Sessions at Ipswich to recover some of these same cattle. Depositions in which case &amp; to which your Petitioner before referred accompanying this Petition.</p> <p>That cow in respect of which your Petitioner was prosecuted was one of these same cattle pretended to be sold by Sheriff to Forbes &amp; by Forbes to McGrath.</p> <p>That irrespective of these circumstances, cow in question could not pass under description of those Sheriff sold viz all your Petitioner's cattle inasmuch as it was a present to your Petitioner's infant daughter by one, Charles Coxen who brand CXN she bears (this if necessary your Petitioner can prove).</p> <p>That owing to negligence on part of your Petitioner's legal advisor these circumstances did not appear on his Trial, your Petitioner perhaps also being too confident of an acquittal.</p> <p>That notwithstanding this, Jury who convicted your Petitioner (as they have expressed to His Honour, Judge, who heard case, by Memorial) did not intend to find your Petitioner guilty of cattle stealing but merely intended to find fact that he had taken cow believing he had a right so to do whereas His Honour took verdict for "guilty" with a recommendation to mercy.</p> <p>In conclusion your Petitioner begs to refer to documents accompanying this Petition in proof of facts stated &amp; to recommendation herein endorsed.</p> <p>That under all these circumstances your Petitioner begs most humbly that a pardon may be granted to him &amp; in doing so (although he protests his entire innocence &amp; still hopes to recover back his property) he begs that he may have benefit of any reasonable doubt in case.</p> Signed Kyran Walsh		



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						<p>&amp; Note below Kyran Walsh of "Clyde" (2) was received here on 29<sup>th</sup> October 1857 under a sentence of 3 years to the roads, passed upon him at Circuit Court at Brisbane on 8<sup>th</sup> October 1857 for cattle stealing since which period his conduct has been very good. Nothing recorded.</p> <p>We undersigned beg to certify that we know &amp; are well acquainted with Kyran Walsh &amp; believe him to be a hardworking, honest member of society &amp; we further beg to express our belief of the correctness of facts within detailed they being matter of notoriety &amp; therefore humbly recommend prayer of this petition. Signed: Christopher Garry, Gregory O'Rourke, Michael Gill, Charles Jones, Jacob Jones, Thomas Elliott, John Balsillie, John Smith, G C Ross, Patrick O'Sullivan, W McGinty, Catholic Pastor of Ipswich, E Eggleston, Charles Watkins?, James Josey, ? Ogilvie, James Hammal ?. Petitioner has been known to me for many years &amp; I always considered him an honest &amp; industrious man. I beg to recommend his Petition to favourable consideration of Governor General.</p>		348
	57/04496			J W Panton J P	1858 06 14	<p>At top 58/2630 Ipswich in County of Stanley in Colony of New South Wales to wit – I Michael O'Brien of "Rising Sun" Reservoir near Ipswich in County of Stanley in Colony of New South Wales, do solemnly &amp; sincerely declare: That I knew &amp; was well acquainted with Kyran Walsh at present a prisoner at Cockatoo Island under a conviction for cattle stealing on prosecution of one <del>Frederick Augustus Forbes</del> Darby McGrath. That I had occasion to go past Walsh's place every day. That I went to his stock yard 4 days after his buying a certain quantity of cattle from Mr Forbes. That I went up &amp; had a look at them. There were 2 men helping to brand, Martin Southern &amp; John Fitzgerald. I stopped till 2 head were branded C<sup>2</sup>W &amp; I asked him why was he not branding them same as cattle he had bought off one, Daveny, which were branded No 9 or neck. He said, "those branded C<sup>2</sup>W No 9 on neck were his own. Those C<sup>2</sup>W on ribs his children's". No 9 brand being his own brand and he told me that was distinctive mark. That morning of sale of Walsh's cattle under an execution at suit of Forbes &amp; previous to sale Walsh called on me &amp; I said "I advise you to settle with Forbes. Whatever money you want I will advance. Will £100 or £200 do or if it's a little more, I will advance it to you". That he told me all money on Forbes mortgage was paid up except a sum of £50 for which he had given his note of hand &amp; that he did not know how Forbes could sell him off. That he further stated he had sold cattle to 3 or 4 people who had paid money to Forbes &amp; that instead of being in debt, Forbes should owe him £70 or more, &amp; I make this solemn declaration conscientiously believing same to be true &amp; by virtue of provisions of an act of Governor &amp; Legislative Council of Colony of New South Wales made &amp; passed in 9<sup>th</sup> year of reign of her present Majesty intituled "An act for more effectual</p>	A2.40	349-350

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					1858 06 14	<p>abolition of oaths &amp; affirmations taken now under in various departments of Government of New South Wales &amp; to substitute declarations in lieu thereof &amp; for suppression of voluntary &amp; extra judicial oaths &amp; affidavits". Signed Michael O'Brien Declared &amp; subscribed at Ipswich aforesaid this fourteenth day of June 1858 before me J W Panton J P</p> <p>&amp; At top 58/2630 Ipswich in County of Stanley in Colony of New South Wales to wit – I Hugh Mackay of five mile water hole near Ipswich in County of Stanley in Colony of New South Wales, farmer, do solemnly &amp; sincerely declare: That I knew &amp; was well acquainted with Kyran Walsh at present a prisoner at Cockatoo Island under a conviction for cattle stealing on prosecution of one <del>Frederick Augustus Forbes</del> Darby McGrath. On 3 or 4 occasions I assisted him to brand calves. On every such occasion I understood there were two distinctive brands. One was CW No9 on the neck which he said was property he had mortgaged to repay a debt. Another was C<sup>2</sup>W on neck which he said was his daughter Catherine's brand – their child 3 or 4 years old. I have bought cattle off Kyran Walsh of other brands &amp; I make this solemn declaration conscientiously believing same to be true &amp; by virtue of provisions of an act of Governor &amp; Legislative Council of Colony of New South Wales made &amp; passed in ninth year of her reign of present Majesty intituled "An Act for more effectual abolition of oaths &amp; affirmations taken &amp; made in various departments of Government of New South Wales &amp; to substitute declarations in lieu thereof &amp; for suppression of voluntary &amp; extra judicial oaths &amp; affidavits". Signed Hugh Mackay Declared &amp; subscribed at Ipswich aforesaid this fourteenth day of June 1858 before me J W Panton J P</p>		351
					1858 06 14	<p>&amp; At top 58/2630 Ipswich in County of Stanley in Colony of New South Wales to wit – I Richard Watson of Little Ipswich in County of Stanley New South Wales, yeoman, do solemnly &amp; sincerely declare: That I knew &amp; was well acquainted with Kyran Walsh at present a prisoner at Cockatoo Island under a conviction for cattle stealing at prosecution of one <del>Frederick Augustus Forbes</del> Darby McGrath. That on 27<sup>th</sup> February 1855, I bought a cow from said Kyran Walsh, branded C<sup>2</sup>W &amp; that at time of such sale, Walsh stated it belonged to his daughter, a child of 3 or 4 years old. That at time of sale, Walsh remarked to me that this was one of cattle branded for his daughter. That on several other occasions he told me he had branded a good many cattle for his daughter C<sup>2</sup>W, &amp; I make this solemn declaration conscientiously believing same to be true &amp; by virtue of provisions of an act of Governor &amp; Legislative Council of New South Wales made &amp; passed in ninth year of her present Majesty intituled "An Act for more effectual abolition of oaths &amp; affirmations taken &amp; made in various departments of Government of New South Wales &amp; to substitute declarations in lieu thereof &amp; for suppression of voluntary &amp; extra judicial oaths &amp; affidavits".</p>		352

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					1858 06 14	<p>Signed Richard Watson Declared &amp; subscribed at Ipswich aforesaid this fourteenth day of June 1858 before me J W Panton J P</p> <p>&amp; At top 58/2630 Ipswich in County of Stanley in Colony of New South Wales to wit – I, John Armstrong of Ipswich in County of Stanley in Colony of New South Wales, farmer, do solemnly &amp; sincerely declare: That I knew Kyran Walsh at present a prisoner at Cockatoo Island under a conviction for cattle stealing at prosecution of one <del>Frederick Augustus-Forbes</del> Darby McGrath [initialled J P]. That in year 1856, I bought 3 head of cattle from him which were, he said, his child's cattle branded C<sup>2</sup>W. That I knew cow for stealing which Walsh was convicted. He told me it was a present to his child &amp; he did not like to sell it. That it was branded C<sup>2</sup>W, with CXN on rump. That he afterwards told me he had sold it to Dowden &amp; that he could not help doing so, That I have seen him branding &amp; call for brand C<sup>2</sup>W &amp; distinguish it as brand of his daughter's cattle &amp; I make this solemn declaration conscientiously believing same to be true &amp; by virtue of provisions of an Act of Governor &amp; Legislative Council of Colony of New South Wales made &amp; Passed in ninth year of reign of her present Majesty intituled "An Act for more effectual abolition of oaths &amp; affirmations taken &amp; made in various departments of Government of New South Wales &amp; to substitute declarations in lieu thereof &amp; for suppression of voluntary &amp; extra judicial oaths &amp; affidavits". Signed John Armstrong Declared &amp; subscribed at Ipswich aforesaid this fourteenth day of June 1858 before me J W Panton J P</p>		353
					1858 06 14	<p>&amp; At top 58/2630 Ipswich in County of Stanley in Colony of New South Wales to wit – I, Pierce Gould Copely of Loop Holes, Seven Mile Creek near Ipswich, do solemnly &amp; sincerely declare: That I knew &amp; was well acquainted with Kyran Walsh, at present a prisoner at Cockatoo Island on a charge of cattle stealing at prosecution of one Darby McGrath. That I know said Kyran Walsh sold to one Anderson, 2 cows branded C<sup>2</sup>W or C<sup>4</sup>W. I cannot distinctly remember which, which [sic] Walsh stated were property of his children. That cows were delivered to Anderson in my presence. That Darby McGrath had claim to those cattle &amp; attempted to get possession of them from Anderson. That these cows were some of same lot for one of which Walsh was prosecuted &amp; I make this solemn declaration conscientiously believing same to be true &amp; by virtue of provisions of an Act of Governor &amp; Legislative Council of Colony of New South Wales made &amp; Passed in ninth year of reign of her present Majesty intituled "An Act for more effectual abolition of oaths &amp; affirmations taken &amp; made in various departments of</p>		354-355

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						Government of New South Wales & to substitute declarations in lieu thereof & for suppression of voluntary & extra judicial oaths & affidavits". Signed Pierce G Copley Declared & subscribed at Ipswich aforesaid this fourteenth day of June 1858 before me J W Panton J P		
					1857 02 03	& At top 58/2630  3 <sup>rd</sup> February 1857 Present – Colonel Gray, Police Magistrate John Panton J P James Laidley J P Kyran Walsh, Kelly McKeon – Illegal detention of property Kyran Walsh being duly sworn states: I recollect in February 1855 buying 115 head of cattle from Mr Forbes at £2 per head. I paid £110 down & gave a mortgage for rest, upon other cattle that I had. I bought £140 worth of cattle from Mr Daveney. Value of cattle I gave Mr Forbes mortgage over was £180. These cattle were branded, besides other brands, C <sup>2</sup> W and 6 on neck. These cattle are those on mortgage, mortgage was not read to me. At this stage of proceedings, Mr McAlister, defendant's attorney objects to any evidence being taken as to brands stated in mortgage or to mortgage itself without production of it. Cattle I bought from Mr Forbes I branded C <sup>2</sup> W over on ribs. Reason I gave a mortgage to Mr Forbes was to keep my children's cattle free. I mortgaged my own to secure theirs. When time of mortgage was due, I could not pay it. I do not recollect if any demand was made on me for payment due on mortgage. I paid an amount off mortgage through Pearce £30, Whitehouse £29, Dwyer £20, Swithe £18. I paid myself also £20, £15, £16 & £2, making in all £176. I also gave a promissory note for £57 odd, a month before Sheriff's Officer came up to sell. <u>There was no action brought to recover note.</u> My cattle were sold in August last. I met Mr Forbes in the street & he said come on Walsh, Sheriff is here, I can't collect these damned bulls of yours. Sheriff will sell cattle & that he would buy them & that he would give me 6 months to settle any accounts. I did not owe Mr Forbes anything when Sheriff sold cattle. <u>I concluded that they were mortgaged cattle branded C<sup>2</sup>W &amp; 6 on neck.</u> At time of sale no number of cattle were mentioned, but he saw all my cattle. They sold all my cattle & 1 horse for £101. I can't say what number of cattle of mine they sold. I saw an agreement between Forbes & McGrath, selling 400 head of cattle hearing my brand. They were driven off my place, I don't know who by. I saw my daughter's cattle, C <sup>2</sup> W over a few days before Assizes. After Assizes, I was informed by my neighbours that cattle had been driven off my place. Beginning of last week, I saw some of my daughter's cattle at McKeon's place. I recognised them by brands. When I saw cattle they were at in McKeon's, defendant's stockyard. I went up to house & enquired of defendant about cattle. He said he knew nothing about them, but he believed his son & McGrath had had some deal about them. I can swear to brand, on bullock noted in information, was in stockyard with other cattle & said bullock is my daughter's property. Stockyard belongs to McKeon & attached [sic] to premises occupied by defendant.		356
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						<p>By Mr McAlister:            Bullock stated in information is one of a number, property of my child, a 134 herd in all. I bought them for her, value of which is £230. When I bought these cattle, I bought them from Swithe &amp; Forbes. According to his neighbours I was told that they were Minors cattle. Some were branded M &amp; several other brands. At time I bought cattle I told Mr Forbes I bought them for my children. I bid for these cattle. Agreement I made with Mr Forbes was that if I became purchaser of cattle, I was to pay half cash &amp; a promissory note for other half. After I bought them he changed his mind &amp; said he would sooner have a mortgage. I gave him a mortgage. I was present on 28<sup>th</sup> August when cattle were sold. I believe Mr Daly sold them. They were sold at Nahars Public House. I gave Mr Daly no brands. I swear he did not ask me. Cattle I bought from Mr Forbes &amp; Swithe I branded C<sup>2</sup>W. I made them a present to my child.</p>		360
						<p>By Bench:            When at defendants his son did not say he bought them from McGrath. When I gave £57 pro no. All other payments had been made. Since Sheriff's sale, I have made no application to Mr Forbes for a release. I have Mr Forbes an order for £12 on Dwyer for interest. This is not included in £20. I have not received £57 note, <u>it was current at Sheriff's sale at Nahars. There was only one man besides Daly &amp; Forbes at sale, this man had £100, Forbes £101. They were knocked down. I made no application to Sheriff for balance due on these cattle. My daughter had no cattle with C<sup>2</sup>W before I sold ones they had which were branded CW to same owners. When I gave Mr Forbes a mortgage over my cattle, C<sup>2</sup>W cattle were not included in mortgage. I did not brand them so until a week after I signed mortgage. There were no numbers mentioned in mortgage, it merely said all cattle – mortgage was not read over to me.</u>            Signed Kyran Walsh            Sworn before us this 3<sup>rd</sup> February 1857, Charles George Gray Police Magistrate, John Panton J P, James Laidley J P.</p>		361
						<p>Michael Moloney being duly sworn states –            I am clerk to Dwyer. I know Plaintiff. Dwyer bought cattle to amount of £20 from Walsh. I paid money to Forbes' clerk by O'Dwyer's order on Walsh's account.            Signed Michael Maloney            Sworn before me this 3<sup>rd</sup> February 1857, Charles George Gray Police Magistrate, James Laidley J P</p>		
	57/04496					<p>Richard Philip Whitehouse, being duly sworn states –            I bought some cattle on 7<sup>th</sup> July last from Walsh. Purchase money £27/11/-. I handed over to Mr Forbes on Walshe's account. Cattle were bought by me privately. I am an Auctioneer, they were principally branded CW.            Signed R P Whitehouse            Sworn before us this 3<sup>rd</sup> February 1857, Charles George Gray Police Magistrate, James Laidley J P.</p>	A2.40	362
						<p>Frederick Augustus Forbes being duly sworn states –            I know Plaintiff. I had transactions with him in 1855, it was in January 7<sup>th</sup>. I</p>		

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						<p>sold him 115 head of cattle. They had been Minor's cattle. Walsh was aware they were Minor's cattle. Some were branded with <b>M</b> <b>M</b> with a variety of other brands. He did not pay for cattle, he gave me a mortgage, he gave me £120 bill bearing interest at 12 months. Mortgage he gave me was registered. 115 head of cattle which he bought were mentioned in mortgage. I gave him no authority to sell any of those cattle. Subsequent to this <u>Sheriff seized on these cattle &amp; all cattle he had. They were sold by Sheriff. I bought them.</u> Walsh after this, entered into my service. I engaged him as Stockman to look after these cattle, as such he afterwards held them, he has lately been discharged.</p> <p>By the Bench. No other cattle were included in mortgage. Residue of mortgage was paid in cheques. <u>Mortgage has been satisfied since. I was present when mortgage was made.</u> Mortgage was read over to Walsh by Mr McAlister, <u>all Walsh's cattle were sold at Sheriff's sale,</u> Amount of sale was under amount of Sheriff's writ. Sheriff's writ has not yet been satisfied.</p> <p>By McCooke Walsh paid several cheques, I can't say amount. Balance of purchase money was £120 bill, mortgage was given as collateral, security for payment of bill. I swear only 115 head were mentioned in mortgage. Various sums have been paid to me on Walsh's account. I have received monies from Walsh on account of mortgage, I can't say how much. I received money from Dwyer, Whitehouse &amp; Swithe. I can't state aggregate amount. <u>Cattle were sold by Sheriff.</u> On that sale <u>there were sold his interest in 440 head of cattle.</u> Walsh gave me <u>no promissory note except £120</u> on account of these cattle. Walsh owed me other monies unconnected with £120. Walsh consented to costs being paid out of Sheriff's sale. I can't say amount of Sheriff's sale, <u>it was conducted though by solicitor.</u> Some of purchase money of £101 was for cattle &amp; some for costs, 19 head of Minor's cattle were sold for £38. Sale was advertised 3 or 4 times, there were 3 or 4 persons present at sale, besides Walsh &amp; me. There were more ????? I bought all interest Walsh had in cattle.</p> <p>By Mr McAlister Sheriff sold – I bought</p> <p>By Bench There was a clause in mortgage to sell. Signed F A Forbes Sworn before us this 3<sup>rd</sup> February 1857, Charles George Gray Police Magistrate, James Laidley J P.</p> <p>Mr McAlister's objections – Jurisdiction not entitled to enquire into accounts or to set aside a speciality deed or a Sheriff's writ. Value of cattle is upwards of £200 &amp; court cannot exercise jurisdiction to that amount. Case dismissed, no jurisdiction. Signed Charles George Gary Police Magistrate, James Laidley J P, John Panton J P.</p>		363
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						I certify that above are true copies of original depositions as extracted by me from records in Police Office, Ipswich. Ex F. C. Daveney CPS		
	58/02870	1858 08 09	Hon C S	Mr J Innes Secretary Brisbane School of Arts Moreton Bay  C C	1858 08 03  1858 08 10~ 1858 08 10~	Letter enclosing list of subscriptions & soliciting aid. I have honour, at request of Committee of Brisbane School of Arts to enclose a list of subscriptions from current year, amount £124/15/- which sum has been paid to Treasurer of Institution & verified by him as correct & which will entitle us to receive grant of £100, passed by Legislature during present Session of 1858. & Notes in margin Amount voted £100 may perhaps be issued should Colonial Treasurer see no objection. Secretary to Treasury Secretary to School of Arts.	A2.40	366
	58/02889	1858 08 11	Hon C S	Philip Mickhausen	1858 08 12  1858 07 31	Printed receipt New South Wales No 4053 Treasury 12 <sup>th</sup> August 1858 Received from Philip Mickhausen sum of one pound, one shilling Sterling for a Certificate of Naturalisation in his favour. £1/1/- Signed John Simson ? pro Treasurer Entered L L Bernard ?  Memorial, or Application for a Certificate of Naturalisation To His Excellency, Sir William Thomas Denison, Knight Commander of Most Honourable Order of Bath, Governor General in & over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia & Western Australia & Captain-General & Governor-in-Chief of Territory of New South Wales & its Dependencies & Vice-Admiral of same etc etc etc 1 Memorial of Philip Mickhausen of Cooks River, respectfully sheweth, that your Memorialist is a native of Effolderbach Grand Duchy of Hessen. 2 That your Memorialist is 32 years of age & is a gardener by trade. That your Memorialist arrived in Colony of New South Wales by ship " <i>Peter Godefroy</i> " in year 1852 & has been resident therein since that date. 4 That your Memorialist begs to refer your Excellency to annexed Certificate of character & of correctness of statements herein contained from respectable persons to whom your Memorialist has been known since his arrival in Colony. 5 That your Memorialist has purchased some landed property at Cooks River & that on these grounds your Memorialist is desirous of availing himself of privileges granted to Aliens by Acts of Council, 11 Victoria, No 39, & 17 Victoria, No 8. 6 That your Memorialist therefore respectfully requests that your Excellency may be pleased to grant to your Memorialist a Certificate under provisions of said Act, conferring upon your Memorialist privileges of a natural born British Subject, with such restrictions as to your Excellency may seem meet. And your Petitioner will ever pray. Signed Philipp Mickhausen Dated July 31 <sup>st</sup> 1858	A2.40	367  368



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						We, undersigned, do hereby certify as to correctness of statements contained in subjoined Memorial, that we have known Memorialist since his arrival in this Colony. Signed – one signature not legible Frederick ? ? & Notes in margin 1858 08 11~ 1858 08 11 1858 08 12 Prepare Certificate for approval. Certificate prepared Secretary, Treasurer & General & ? ?		
	58/02880	1858 08 10	Hon C S	William Henry Walsh Degilbo Wide Bay	1858 08 03	Letter further respecting complaint against Mr A C Halloran Referring to my letter to you of 14 <sup>th</sup> June & again to mine of 16 <sup>th</sup> May respecting a copy of a letter furnished you by Mr A C Halloran, Police Magistrate which he sent you as coming from P J Pigott Esq. I have now honour to further state that I have shown said copy to Mr Pigott who emphatically pronounces it a forgery. I since then have received from a neighbour following remarks "Pigott ? most positively ? having written letter attributed by him, by Mr Halloran. He says 'apart from impossibility of my writing such a letter against an old friend, my total ignorance of Walsh's difference with Halloran would make it impossible & I will swear upon a 3 bushel bag of bibles that no one can produce a letter such as Walsh showed me, with my signature". Trusting ? in that we shall have justice meted out to all parties. & Notes in margin On Thursday See report of committee of ?	A2.40	369-372
	58/02362	1858 06 30	Hon C S	William Henry Walsh	1858 06 15	Letter in return of documents. With my letter of November 7 <sup>th</sup> last & 26 <sup>th</sup> February last I furnished you with originals & 3 documents bearing upon charges I made against Mr A E Halloran, Police Magistrate of Wide Bay. In court, I particularly asked you to be kind as to return me all those documents & I ow do myself honour of repeating that request. Three of them "Gampart's [Gampert's] agreement" I can ill do without for man is unfortunately for me, still in my service. Nor will he leave it, nor will he work. & 1858 07 16~ Notes in margin Papers may perhaps be returned & Mr Walsh informed that they have been necessarily detained to prepare copies of them for presentation to Assembly in compliance with an address C C Mr Walsh 58/2886	A2.40	373
						List of papers returned to Mr Walsh 20 <sup>th</sup> July 1858 Enclosures to 57/5140 Date 17 <sup>th</sup> December 1857 – Letter from H A Casfield to Mr Walsh Enclosures to 57/4992 Date 22 <sup>nd</sup> November 1857 – Copy of letter from Mr Walsh to Mr Halloran Date 17 <sup>th</sup> November 1857 – Letter from Mr Halloran to Mr Walsh Enclosures to 57/4762		374

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						<p>Date 20<sup>th</sup> November 1857 – Copy of letter from Mr Walsh to Clerk of Petty Sessions Maryborough  Date 29<sup>th</sup> December 1857 – Memorandum of agreement between Mr Walsh &amp; Mr Martin  Date 16<sup>th</sup> November 1857 – Copy of letter from Mr Halloran to Mr Walsh  Date 10<sup>th</sup> November 1857 – Terms of agreement between Jacob Gampart [Gampert] &amp; T H Collins  Date 3<sup>rd</sup> November 1857 – Information of Mr Richardson against Jacob Gampart [Gampert]</p> <p>Deposition in case Mr Walsh 10<sup>th</sup> November 1857  Michael Doran 10<sup>th</sup> November 1857  Decision of Mr Halloran  Decision of Mr Uhr  Remand of Jacob Gampart [Gampert]  On ? ? JP 25<sup>th</sup> November 1857~</p>		375
	58/02245	1858 06 21	Hon C S	N E Plunkett Secretary to Law Department Sydney	1858 06 19	<p>Transmitting copy of correspondence called for by Legislative Assembly in respect to a complaint referred by Mr Crown Law Officer 58/65 E B Uhr against Police Magistrate Halloran.  I have honour to forward herewith to you a copy of correspondence &amp; enclosures therein referred to, which has taken place between this office &amp; Messrs Uhr &amp; Halloran J P's on subject of complaint preferred by former gentleman against latter whilst on Bench at Maryborough with a view to enabling you to complete Return called for in Legislative Assembly on motion of Mr Forster.</p> <p>&amp;  Notes in martin  Mr V  See 58/2362</p>	A2.40	376-377
			Hon C S	R O'Connor Legislative Assembly Offices Sydney	1857 06 21~  1858 06 08	<p>Printed page  Legislative Assembly Order for Papers  &amp; At top  L A 58/52 10<sup>th</sup> June 1858  No 19  I do myself hour to request attention to an Order made this day by Legislative Assembly (Votes No 41 Entry 6) for undermentioned papers:-  Mr Forster  1 Copies of all correspondence between Executive Government &amp; any person or persons, having reference to any complaints made by E B Uhr J P, of Maryborough Wide Bay, against Arthur E Halloran Esquire, Commissioner of Crown Lands for District of Wide Bay and Burnett, for alleged irregular conduct upon Bench &amp; in particular for insulting language addressed to complainant aforesaid at Court of Petty Sessions Maryborough, upon Monday 28<sup>th</sup> December 1857.  2 Copies of all correspondence between Executive Government &amp; ay person or persons holding or having formerly held office of Magistrate in district of Wide Bay &amp; Burnett, purporting to resign, or stating intention of any such person or persons to resign his or their commission or commissions, or to sit no longer upon Bench at Maryborough, in consequence of alleged improprieties in Mr Halloran's conduct in above mentioned, or any other matter relating to his public duties.</p>		378-379

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					1858 06 10~ 1858 07 15~	& Notes in margin Memo submitted yesterday Return ? & referred to ? Committee on Magistrate.		
	58/02361	1858 06 30	Hon C S	William Henry Walsh Degilbo Wide Bay	1858 06 14	Letter furnishing further correspondence in reference to charges preferred by him against Mr Commissioner Halloran. Referring to my letter to you of May 16 <sup>th</sup> , written in Brisbane in which I state that copies of letter furnished to you by Mr A E Halloran, Police Magistrate, upon investigation would carry no weight. I now do myself honour to transmit for your perusal, copies of correspondence I felt it my duty to have with Mr P J Piggott J P, respecting his letter as it appeared in that paper & which bears out my ? ? aspersion in a remarkable degree by distinctly slurring that Mr Pigott is not responsible for ? in production which Mr Halloran favoured you with in alleged copy of Mr Pigott's letter to him. I believe Mr Pigott might have ? that he has ? ? Mr Halloran on Bench more that once or twice. Some of writers of other letters could not affect events much. Some do not reside? In our district but I ? ? ? granting now improbable fact that all were copies verbatim et literatim. What have they to do with direct charges brought by Mr E B Uhr & myself against a Police Magistrate - charges of so serious a nature that they cannot be ? with truth.	A2.40	380-381
					1859 12 12~	Memo Pigott's letter to Walsh in Uhr's case. See copy herewith 8 <sup>th</sup> December 1859~ Original of Mr Pigott's letter of 26 <sup>th</sup> May is not with other papers. A copy only is furnished by Mr Walsh. See 58/2361 herewith.		382
					1859 12 12~ 1859 12 13~ 1859 12 14~	Make a copy Copy herewith Copy sent to Mr Walsh		383
			Mr P Pigott	William Henry Walsh Degilbo Wide Bay	1858 04 30	& At top No 1 in Copy – 58/2361 Amongst correspondence which has passed between Police Magistrate of Wide bay & our Government lately, relative to a charge brought by myself against former, I observe is a letter from you to him in which you have mentioned my name & in such a way as leads me to suppose that you intended to create impression, for benefit of Mr Halloran, that my charges against him were to your knowledge, unfounded & improper. May I therefore ask, if such was your intention, & if it were, the grounds upon which you were induced to give such an opinion. As my character, I consider is entirely at stake now, I must also ask from you, an early, as well as an explicit reply to this.		384
			William Henry Walsh Degilbo Wide Bay	Mr P Pigott Auburn	1858 05 26	& At top No 2 Copy Yours of 30 <sup>th</sup> April, I have just received & cannot but express my surprise at its contents. Some time back, I received a note from Mr Halloran asking me if I found it disagreeable at any time, I sat with him upon Bench, if not so, to answer his note to that effect, which I dis do, stating that I found him courteous & gentlemanly, which has been case anytime I have had occasion to act with		385

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				Attorney Saul's ? Office Sydney	1858 05 19~  1858 06 09~  1858 06 09~	<p>him. So far <u>from making use of your name, or even once alluding to it</u>, I did not know that you had brought any complaint against Mr Halloran. I can assure you my feeling towards you is a very different one from what you accuse me with. <u>No person can produce a document emanating from me</u>, more than what I have said. Believe me.</p> <p>Memo Accompanying communication from Mr Walsh bearing Colonial Secretary's Reg No 58/853 has reference to papers returned from this office in letter of 31<sup>st</sup> ultimo No 58/30</p> <p>LA 58/52 Votes No 41 8<sup>th</sup> June 1858~ Mr Forster [Printed document] 6. Arthur E Halloran, Esquire:- Mr Forster moved, pursuant to notice, That there be laid upon Table of this House, - (1) Copies of all correspondence between Executive Government &amp; any person or persons, having reference to any complaints made by E B Uhr, Esq, J P, of Maryborough, Wide Bay, against Arthur E Halloran, Esq, Commissioner of Crown Lands for District of Wide Bay &amp; Burnett, for alleged irregular conduce upon Bench, &amp; in particular for insulting language addressed to complainant aforesaid, at Court of Petty Sessions, Maryborough, upon Monday, December 28 1857. (2) Copies of all correspondence between Executive Government &amp; any person or persons holding, or having formerly held, office of Magistrate in District of Wide Bay &amp; Burnett, purporting to resign, or stating intention of any such person or persons to resign, his or their commission or commissions, or to sit no longer upon Bench at Maryborough, in consequence of alleged improprieties, in Mr Halloran's conduct in abovementioned, or any other matter relating to his pulic duties. Question put &amp; passed. &amp; Notes below Order not yet received. To be prepared</p>		386  387
	58/01914	1858 05 27	Hon C S	William Henry Walsh Brisbane	1858 05 18	<p>Letter for inquiry into charges preferred against Police Magistrate, Maryborough. I do myself honour now to acknowledge your letter of 14<sup>th</sup> ultimo which informs me that my complaint against Police Magistrate for Maryborough, for his peculiar conduct upon that Bench, Government cannot take notice of, as Honourable, Attorney General considers it a matter for Supreme Court only &amp; in reply you must pardon me for awakening your attention to fact that I complained not so much of interpretations put by Mr Halloran upon law, as against his <u>undisguised timidity</u> in open court &amp; <u>his breach of promise</u> afterwards. I have been furnished by E B Uhr Esq, J P with a copy of proceedings furnished by you to him in case of his complaint against Mr Halloran &amp; it is impossible for me not to think that you have accepted Mr Halloran's</p>	A2.40	388-391

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					1858 07 16~	<p>explanation of his conduct to that gentleman &amp; in same document of his conduct generally, as a reputation of my charges &amp; as reason for my bringing them.</p> <p>Copies of letters furnished by Mr Halloran from various Magistrates have evidently influenced you also, for I think in your letter to Mr Uhr you say so. I therefore put it onto my own character &amp; to Mr Uhr likewise to say that that portion of Police Magistrates' letter to you, which allows to myself is quite untrue &amp; that those letters which he appears to have received from various Magistrates, <u>upon investigation</u> would have no weight, as they are either from gentlemen who have never had Magisterial intercourse with Mr Halloran, or <u>who have repeatedly condemned his conduct upon Bench</u> or who have actually <u>refused</u> to sit with him. Letters which he received at same time from local Magistrates from gentlemen who do take part in Bench duties he has not favoured you with a copy of – a fact significant enough. His ascribed reason for my opposition to him upon various occasions "persecutions" he calls them, is unjust &amp; untrue.</p> <p>Several times I have had to oppose Police Magistrate in his duties I am sorry to say, but from far different motions than he says, for reasons, in truth, which had they been made ? to first of day, would I believe have cost him his situation &amp; as Mr Halloran has asked you Sir, to institute an ? into complaints ? against him &amp; his general character, as Mr Uhr will doubtless insist upon same, I have now honour to ask same also &amp; that there may be no hesitation on any account. I herewith complain to that Mr Halloran's official letter to you in explanations of his conduct to Mr Uhr contains statements which are notoriously incorrect, degrading that gentleman &amp; as notoriously untrue regarding myself.</p> <p>Years ago Mr Halloran told me that an official should <u>always</u> meet charges against him with a direct denial of them &amp; ? ? case in illustration of advantage to official of so doing, Mr Halloran evidently goes further nowadays by adding to that, aspersions upon characters of his accusers. I sincerely trust however, character of one Bench will be restored &amp; vindicated by interference of Government, at present it is a painful position.</p> <p>Memo 58/1794 Submitted separately.</p>		392
	58/01790	1858 05 17	Hon C S	Edward B Uhr Maryborough	1858 05 10	<p>Letter of further complaint against Mr Commissioner Halloran</p> <p>I have had honour of receiving a letter from Honourable Attorney General in which he states that in consequence of Mr Halloran's reply to my charge against him &amp; letters from Justices accompanying that reply, that he does not consider it his duty to interfere in dispute between Mr Halloran &amp; myself.</p> <p>I still adhere to my complaint against Mr Halloran &amp; reply he has made thereto is most irrelevant &amp; insinuations he has made most unjust &amp; untrue. I do most respectfully court inquiry, as I conceive I have been most grossly insulted in open court by Mr Commissioner Halloran.</p> <p>&amp; Notes in margin See 58/1794 See 58/1914</p>	A2.40	393
	58/01260	1858 04 08	Hon C S	W E Plunkett Attorney General's Office	1858 04 06	<p>Letter respecting Mr Uhr's complaint against Mr A E Halloran.</p> <p>In reply to your letter of 30<sup>th</sup> ultimo No 67, calling attention to a</p>	A2.40	394-395

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				Sydney		<p>communication received here under Blank Cover on 13<sup>th</sup> of January last, from Mr E B Uhr, J P, preferring complaint against Mr Halloran, Police Magistrate, Maryborough, I have honour to state that a copy of Mr Uhr's letter of 5<sup>th</sup> January was forwarded by direction of Attorney General to Mr Halloran on 31<sup>st</sup> ultimo with a request that he would have goodness to make such observations thereon as he may think necessary.</p> <p>&amp;</p> <p>Notes in margin 58/31 58/136 E B Uhr 5<sup>th</sup> January 1858~ Complaining of conduct of Mr A E Halloran, Police Magistrate Attorney General Office Blank Cover 13<sup>th</sup> January 1858~ Mr Uhr to be informed Mr Uhr 58/1790 Memo Paper respecting Halloran &amp; Uhr of Wide bay 58/136 E B Uhr 5<sup>th</sup> January 1858~ Sent to Attorney General 13<sup>th</sup>, 14<sup>th</sup> January 1858 Remind. On 15<sup>th</sup> April 1858~ 58/1260</p>		396
				C C	1858 04 12~ 1858 04 14~  1858 03 29~ 1858 03 30~			397
	58/00136	1858 01 11	Hon C S	Edward B Uhr East Maryborough	1858 01 05	<p>Letter complaining of conduct of Mr A E Halloran Police Magistrate. [Sides of pages torn and some words missing as a consequence] I have honour to complain to you of conduct of Mr A E Halloran, Police Magistrate, of Maryborough.</p> <p>On Monday 28<sup>th</sup> December last, I attended a Police Court in this town to enquire into a charge of assault against Constable Harewood, brought by wife of scullery keeper at West Maryborough. Mr Halloran &amp; myself presided &amp; when hearing of case had approached nearly to a conclusion, I asked Jury Witness a question, which Mr Halloran said had nil to do with assault. I differed with him in his opinion when he said "that he had heard case had already been decided out of court". I then asked him whether he meant allusions to apply to myself. He Replied that "he was not bound to ? repeated question &amp; he again made same answer. At conclusion of case &amp; after Mr Halloran had pronounced his opinion that Harewood was guilty of charge of assault &amp; that he thought under all circumstances of case that he should only be fined 20/- (twenty shillings) I again asked him whether his accusation of prejudging case applied to me &amp; if so, from whom he had received such information. He again replied "he was not bound to answer my question" but upon my requently repeating my request to know he stated that "he had heard from one of his servants that had told Constable Doran that Constable Harewood should be dismissed". I than remarked to him that he had received his information from a very muted source &amp; that I could not ? ? with hm in case &amp; that I would never sit with him in my Magisterial capacity again. I then left Bench.</p> <p>I now beg leave to observe that I have been a magistrate for many years, having been appointed in year 1845 &amp; during my sojourn in Maryborough a great deal of magisterial duty of this place has been performed by me &amp; so I trust you will order a local investigation to be made in case for purpose of ascertaining how far Mr Halloran was justified in making so serious an</p>	A2.40	398-400

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						<p>allegation against me in open court, before a number of people. There are several Magistrates in district, who I am sure would investigate matter &amp; until remarks made by Mr Halloran are heard &amp; determined by them, I shall be obliged to refrain from acting in any Bench duties when that gentleman is on Bench. I do most respectfully solicit that you will be pleased to cause an immediate enquiry into this case.</p> <p>I take liberty to enclose a letter I have first received from Mr Walsh, (a Magistrate on this Bench), contents of which I believe to be substantially correct &amp; to which document I have honour to draw your attention.</p> <p>&amp;</p> <p>Notes</p> <p>1858 01 12~ Is there any letter from Mr Walsh?</p> <p>1858 01 13~ See memo herewith.</p> <p>Attorney General</p> <p>Blank Cover 13<sup>th</sup> January 1858~</p> <p>1858 01 14~ Informed</p> <p>1858 01 14~ Noted</p> <p>1858 01 15~ Crown Law Office</p> <p>58/30</p> <p>1858 06 03~ Return – Blank Cover</p> <p>Noted</p> <p>58/1260</p> <p>1858 06 03~ Returned C S O</p>		401
	58/01172	1858 04 01	Hon C S	W E Plunkett Attorney General's Office Sydney	1858 03 31	<p>Letter respecting charges of Mr W H Walsh against Mr Halloran, Police Magistrate, Maryborough.</p> <p>Having submitted enclosed papers containing different charges against Mr Halloran, Police Magistrate of Maryborough, received here under B C 30<sup>th</sup> December last for consideration by Attorney General, I am now directed to state that if a Justice of Peace errs in construction of a statute proper course for party disputing such construction is to apply to Supreme Court. Executive Government is not tribunal to appeal to in such a case &amp; any interference by them in such a matter would be highly irregular &amp; improper. Law officers Attorney General considers might of course on a correct statement of facts being submitted to them be in a position to offer an opinion by which Magistrates might in like cases be guided for future, but it would not be right for Executive to interfere by way of removal from Commission or by reproof or reprimand with any justice whose decision they might think to be erroneous.</p> <p>Supreme Court is appropriate tribunal for correcting errors of all inferior jurisdictions &amp; if on appeal to that court being made it should appear that a Justice of Peace has been guilty of conduct denoting either corruption or gross incapacity it would then Attorney General thinks be duty of Government to enquire into matter. In particular case or cases in question Attorney General could not on materials before him say whether Mr Halloran's views of law are right or wrong but an application to Supreme Court would speedily settle question.</p> <p>&amp;</p> <p>Notes in margin</p> <p>58/144</p> <p>1858 02 26~ 58/853 Mr W Walsh</p> <p>1858 03 10~ Sent to Secretary Law Offices</p> <p>Not returned with other papers.</p>	A2.40	402-406



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					1858 04 14	Mr Walsh 58/1914		
	58/00853	1858 03 08	Hon C S Sydney	William Henry Walsh Degilbo Wide Bay	1858 02 2~	<p>Letter further complaining against Mr A Halloran. [Sides of pages torn – difficult to read] Before 23<sup>rd</sup> last November I did myself honour of calling your attention to complaint I made against our Police Magistrate. On 7<sup>th</sup> December I again addressed you upon subject for purpose of enclosing note just received from Mr Halloran. Upon 21<sup>st</sup> of that month, I made another specific charge against same officer forwarding, for purpose of substantiating it, letter received from Mr Corfield J P in which were stated grounds &amp; my cause for complaint. [Margin Note: 58/1172] With my first communication I sent such <u>original</u> documents as thought necessary to enable you to arrive at opinion upon matter, as I likewise did with my second &amp; third.</p> <p>Now my duty to inform you that I have not yet received a single acknowledgement from Government of either of these letters &amp; were I not acquainted with circumstances of Mr Halloran now being most ?? in gathering my ?? opinions of his general conduct I should have had not slightest reason for supposing any of them ever reached your hands Since I last addressed you indefatigable Magistrate “Mr Uhr” has had to prefer a more serious charge than any of mine perhaps against Mr Halloran &amp; since then Mr Corfield JP has accused him of flatly a Branch matters that he had so lately &amp; which is - not as Mr Halloran says Believe it is for interests of District that Government should institute Inquiry into many charges now made or ready to be made against Police Magistrate - &amp; I request you will be good enough to return me my copy of “Gampert’s” agreement - &amp; those other documents which I have at various times sent for your perusal &amp; Notes in margin 57/5140 W H Walsh 2.1 ? Attorney General 3/Dec 18? Inform Mr Walsh letters were referred to Law Officers – had also a ...early [difficult to read]. Ref: 58/1172</p>	A2.40	407-409
					1857 12 29	<p>Note re below At top: 57-4762-4992 &amp; 5140 Mr Walsh represents that in Oct last Mr Halloran P.M. Maryborough attested in ruling that he was liable for wages to a German under agreement dated Dec 1855 whilst in subsequent case he gave his opinion that “the present Masters &amp; Servants Act is not retrospective &amp; that as original Agreement under which Defendant was heard is dated Nov 1856 &amp; Act did not come into force until March 1857” Bench could not adjudicate. Mr Walsh further complains that in giving this opinion Mr Halloran chose to ignore fact that date of Defendants services to him was April 1857 after the present Act was in operation &amp; that in consequence of Mr Halloran’s decision numbers of Germans have left &amp; are leaving their employment. Mr Halloran has offered to return to Mr Walsh (since arriving at latter opinion) half the award given against him by Bench in first case which Mr Walsh has declined In his letter of 21<sup>st</sup> Instant Mr Walsh makes further complaint against Mr Halloran. States that on 8<sup>th</sup> Instant one of his Superintendents when in Maryborough found the man ‘Gampert’ there (the defendant in 2<sup>nd</sup> case) &amp;</p>		410 – 413

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	57/05740	1857 12 28		William Henry Walsh Degilbo	1857 12 30~ 1857 12 31~  1858 12 04  1857 12 21~     1857 12 28~	deemed it his duty to prosecute him for some recent breach of agreement & complains that Mr Halloran interfered to prevent Court trying the case. Letter from one of sitting Magistrates is forwarded wherein it is stated that Mr Halloran was on Bench when case called on when he drew back saying 'I am not going to sit' – notwithstanding which he interfered by desiring Clerk not to substantiate date of transfer of services for that of original agreement. 29 December & Notes in margin For report of Attorney General Noted Requested to be returned Crown Law Office [Refs: 58/1 – 58/1172]  Letter re further complaint against Pol. Magistrate Maryborough Re my complaint against our Police Magistrate I call your attention to another act of his directed against me. On Tuesday 8 <sup>th</sup> last one of my Superintendents, when passing through Maryborough, & on his way to Sydney, found the man "Gampert" there & deemed it his duty to prosecute him for some recent breach of agreement. I was not aware at the time he had done so nor wished it – but in consequence of hearing it learned since then "that Mr Halloran had most improperly interfered in an endeavour to prevent the Court trying him for a breach of his agreement with me". I applied to one of sitting Magistrates for correct information upon subject & herewith I send Mr Corfield's letter in reply – no less than 6 of my servants have absconded lately, a greater number than I have lost in as many years before. Trusting the Government will put an end to these most imprudent & scandal producing proceedings & Notes in margin W H Walsh Further relative to proceedings of Mr Halloran JP in case under Master Servants Act, Submitted 14 Dec WV [Refs: 51/4992. 58/1172]		414 - 415
	57/04992	1857 12 14	Hon Col Sec	W H Walsh Degilbo	1857 12 07	At top: Further to proceedings of Mr Halloran in case under Master Servant's Act Letter re letter of 3 <sup>rd</sup> Ultimo, forwarding communication I have since received from Police Magistrate & copy of my reply which I find is my duty – I shall ?? now, upon his resting satisfied that you will see necessity for stopping this state of things. I must mention however that my fears re effect of Mr Halloran's bearing towards Germans are already being justified – as I have lost some – & my neighbours are losing theirs since it was manifested. Indeed mine are openly traveling about this Run – inciting others to behave as they ?? & Notes in margin W H Walsh charge against Mr Halloran. Submitted 30 <sup>th</sup> Nov [Ref: 57/5740; 57/4762]		416 – 417
	57/04762	1857 11 30	Hon Col Sec	W H Walsh Degilbo Wide Bay	1857 11 22	Letter transmitting accompanying documents re a Police Court Case of mine at Maryborough - & perusal of which I think will bear out my complaint		418 – 421

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						<p>that I have been by no means either candidly or fairly dealt with by Police Magistrate - &amp; with whom, I have to acquaint you, myself &amp; other Magistrates in this neighbourhood have found it too often &amp; unpleasantly impossible to agree with upon Bench Matters.</p> <p>My complaint is as follows – at a Court held October Mr Halloran appointed to rule that I was liable to a German named Martin for wages – although it was clearly known the old man was quite incapable of performing the work he had undertaken &amp; had been kept by me from a feeling of pity for his helplessness – he &amp; Bench held there was agreement between us, dated 29<sup>th</sup> December 1855”</p> <p>Upon following Court day I had to prosecute a German for general inefficiency (&amp; although still liable to me for large sum of money advanced him) with absenting himself also -</p> <p>His agreement is dated April last</p> <p>Only defence put before Court was that my Superintendent had authorized his continued absence but as I was positive of absurdity of this – I strongly objected to my Superintendent being dragged into case ?? such a plea</p> <p>The Bench admitted there was nothing to lead them to doubt accuracy of my evidence but said it appeared reasonable that Prisoner should have opportunity of proving his statement when I again pointed out my charge was for general misconduct - &amp; absenting himself - while he only averred he had permission to continue latter</p> <p>Mr Halloran then made proposition which I reminded him of in letter to Bench marked No 1 &amp; I was further assured that I should have no occasion to attend about Case again – as it was closed all but to giving decision – consequently returned home to my shearing operations but cannot express astonishment I experienced upon receiving the document from Clerk of Petty Sessions marked No 2.</p> <p>I forward also “Gampert” agreement marked No 3 – distinctly states he engaged with me April last – &amp; shows I think that Mr Halloran made unwarrantable mistake in carrying it beyond date of his “retro” – or as case may be non “retrospective Act”</p> <p>Larger proportion of our labor in these districts consists of Germans towards bringing out whom we have advanced thousands of pounds &amp; I ask you can anything be more dist??to us – to them – to the Colonies interests than that they should be taught – I say taught for I believe this man Gampert never dreamt of questioning validity of his agreement – they can ?? have magistrate enforce or evade their agreements with us.</p> <p>Gampert had no less than two ?? assisting him in Court &amp; it was to them Mr Halloran alluded that were persons who might be watching proceedings.</p> <p>At Top: L.A. 58/52</p> <p>Schedule</p> <ol style="list-style-type: none"> <li>1. Mr W H Walsh to Colonial Secretary complaining of decision of Mr Halloran in case uned Master &amp; Servants Act at Maryborough Police Office – 22 Nov. 1857</li> <li>2. Ditto – 7 Dec.</li> <li>3. Ditto – 21</li> <li>4. Mr E B Uhr to Colonial Secretary complaining of conduct of Mr Halloran on Bench at Maryborough 5 Jan. 1858</li> <li>5. Under Secretary to Mr Uhr in reply – 14 Jan.</li> </ol>		422 424

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						<p>6. Mr Walsh to Colonial Secretary re charges brought against Mr Halloran – 26 Feb</p> <p>7. Under Secretary to Mr Walsh in reply – 10 March 1858</p> <p>8. Under Secretary to Secretary to Crown Law Officers, requesting reply to reference on subject made to Law Officer – 10 March</p> <p>9. Secretary to Law Offices to Under Secretary in reply – 31 March</p> <p>10. Under Secretary to Mr Walsh – 14 April</p> <p>11. Under Secretary to Secretary to Crown Law Officers – 30 March</p> <p>12. Secretary to Law Officers to Under Secretary re complaint of Mr Uhr against Mr Halloran – 15 April</p> <p>13. Under Secretary to Mr Uhr – 14 April</p> <p>14. Mr Uhr to Colonial Secretary in continuation – 10 May</p> <p>15. Mr P D Anderson to Colonial Secretary re Mr Uhr's complaint against Mr Halloran – 10 May 1858</p> <p>16. Mr Walsh to Colonial Secretary re Under Secretary's letter of 14<sup>th</sup> April 1858 – 18 March 1858</p> <p>17. Mr Walsh to Colonial Secretary forwarding further correspondence on subject – 14 Jan 1858</p> <p>Other papers 56/8477 ?? laid before Legislative Council in Jn 1856</p>		
	58/02882	1858 08 10			<p>1858 08 04</p> <p>Printed Memorial or Application for Certificate of Naturalization Memorial of: Fritz Kehlet of Gayndah, Native of Denmark, Age 40, Watch Maker, Arrived NSW by Eberhard in 1854 Necessary to enable to obtain Deed of Grant of land purchased Signed Fritz Kehlet. Dated 4 August 1858 We, undersigned, have known Memorialist: The Last twelve months Signed: J G Chapman CPS &amp; E T Aldridge</p> <p>Notes in margin Prepare Certificate for approval 14<sup>th</sup> 1858 08 14~ 1858 08 14 1858 08 17 Certificates Secretary Treasury, Auditor General, Prothonotary Supreme Court, Bench Gayndah, F Kehlet</p>		425	
	58/02926			J ?? AG	<p>1858 08 16~</p> <p>Note Referred for report of Auditor General. Blank Cover Aug 14<sup>th</sup> 58 To be Returned Noted Urgent Date Stamp: AUDIT OFFICE NEW SOUTH WALES AU 16</p> <p>Records of Audit Office do not show any ?? Funds at disposal of School Boards may perhaps be applicable towards object taught Returned CSO A Walker</p>		426	
	58/02926	1858 08 13			<p>1858 08 13</p> <p>Memorial to His Excellency Sir William Thomas Denison Memorial of undersigned Householdors in Town of Gayndah Police District Gayndah [Margin Note: For money to be placed on Estimates for building School House] That your Memorialists subscribed sum of 350 towards erecting School House which will also for present be used as Church of England That your Memorialists have never received from Government, on penny,</p>		427 428 - 430	

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						<p>for Educational purposes That in Town of Gayndah alone are upwards of sixty children, greater number of whom are not attending School – terms of private schools being too high That Town of Gayndah is rapidly increasing in numbers &amp; importance in proof of which it may be mentioned at last land sale in Gayndah Suburban lots averaged upwards of 22 per acre That your Memorialists pray amount similar to one subscribed by them 350 Three Hundred &amp; Fifty Pounds be put on Estimates &amp; Grants for purpose of Building School House in Gayndah Your Memorialists in duty bound etc etc Alex Walker; Michael Power, Francis G Connolly; John Connolly; T Stanley Sudlow; Daniel Emmerson; William B Green; Fritz Kehlet; James Philpot; John Gill; Robert Fitzpatrick; W R Kemble ; Earnest Beames; James Marshall; Charles Smith; James Neville; Adam Heaton??; Louis Wedemeyer; J A Adeville; William Moss; William H Fry; Joseph Hadley; John Hogan; Charles Lamond; Charles Emmerson; G Pullen; Andrew Brown; John Keyah; Daniel Lange; ?? Worth; Charles Chaney; James Greaves; James Speering;</p> <p>Notes in Margin Is there any precedent for such grant – any regulation under which it can be made Immediate</p>		
	58/02681		W B O'Connell Esq Hon Treasurer to Burnett District Church Fund Brisbane	Colonial Secretary's Office Sydney  Signed W Elyard	1858 08 14	<p>At top: (Copy) 65 Colonial Secretary's Office, Sydney, 14<sup>th</sup> August 1858 Letter Re letter 19<sup>th</sup> July last applying on behalf of Residents for aid towards erection of School House &amp; Temporary Church in Township of Gayndah, directed to inform you no provision for purpose in question. Also point out that if aid is required towards erection of Church, application should be made in terms of Churches Act 7 William IV, No 3</p>		431 – 432
	58/02681	1858 07 24	Hon C S Sydney	W B O'Connell Hon Treasurer Burnett District C Fund Brisbane Moreton Bay	1858 07 19	<p>Letter re sum of £200 having been raised by private subscription in Burnett District to erect School House &amp; Temporary Church in township of Gayndah, request, on part of residents of district, assistance towards completion of objective in shape of grant of money equal to half of amount subscribed &amp; Notes in margin WV No provision for this – If parties require aid re erection of Church application should be made in terms of Church Act 7 Wm IV, No 3 W B O'Connell [Ref 58/2926]</p>		433
	58/02938				1858 08 14	<p>MEMORIAL / APPLICATION FOR CERTIFICATE OF NATURALIZATION Memorial of: Georg Gottler, of Toowoomba, native of Nassau, 30 years of age, a Gardener, arrived by ship, Daniel Ross, in 1855. Has purchased land &amp; built house thereon. Signed Georg Gottler, 2<sup>nd</sup> August 1858, Drayton Certified correct by John Douglas JP &amp; James L Wood &amp;</p>		434

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			The Principal Under Secretary Sydney	G H Landey Drayton	1858 08 04	Notes in margin Prepare Certificate for approval Certificate Secretary Treasury & General Prothonotary Supreme Court, Bench Drayton, G Gottler  Letter submitting for George Gottler application for Certificate of Naturalization with request to cause same be laid before His Excellency Governor General		435
	58/03050	1858 08 23	The Hon The Principal Secretary	W A Duncan Treasurer Brisbane Hospital	1858 08 18  1858 08 23~ 1858 08 24~  1858 08 30 1858 09 02	Letter transmitting certified list of sums subscribed in District for repair & enlargement of Hospital Buildings & to meet condition of vote of £800 passed by Parliament for same objects & as Committee now proceeding with work, beg direct warrant prepared for payment of that sum to my credit at Joint State Bank Brisbane & Notes in margin WV For repairs & additions to Hospital at Brisbane £800 has been voted on Estimates for 1858 which sum may perhaps be issued should Colonial Treasurer see no objections Signature CC Secretary to Treasury. Mr Duncan		436
	58/30810	1858 08 26~			1858 08 09   1858 08 27~ 1858 08 28 1858 08 30	MEMORIAL / APPLICATION FOR CERTIFICATE OF NATURALIZATION Memorial of Andrew Brown, of Gayndah, native of Sweden, aged 32, carpenter, arrived by ship Cathay in 1854 Has been known since arrival in Gayndah in July 1855, has purchased Crown Land in District. Signed Andrew Brown August 9 <sup>th</sup> 1858 Certified correct by Alex Walker & Francis G Connolly & G Pullen & Notes in margin Prepare Certificate for approval Certificate prepared Secretary Treasury & General, Prothonotary Supreme Court, Bench Gayndah, Mr Brown.		437
	58/03087	1858 08 26			1858 08 09   1858 08 27~ 1858 08 28~ 1858 08 30~	MEMORIAL / APPLICATION FOR CERTIFICATE OF NATURALIZATION Memorial of John Augustus Adeville, of Gayndah, native of Niedermoerten ??, Hessen Darmstadt, aged 23, Saddler, arrived by ship Daniel Ross, in 1855. Has been known since arrival in Gayndah in September 1857, has purchased Crown Land in District. Signed John Augustus Adeville [Adewill] August 9 <sup>th</sup> 1858 Certified correct by Alex Walker, James Philpott, John Connolly Notes in margin Prepare Certificate for approval Certificate prepared Secretary Treasury & General, Prothonotary Supreme Court, Bench Gayndah, Mr Adeville		438
	58/03090	1858 08 26			1858 08 -	MEMORIAL / APPLICATION FOR CERTIFICATE OF NATURALIZATION Memorial of Louis Wedemeyer, of Gayndah, native of Hanover, Germany, aged 33, Bootmaker, arrived by ship Peru, in 1854. Has been known since arrival in Gayndah in July 1857 & has purchased Crown Land in District		439

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					1858 08 27~ 1858 08 28~ 1858 08 30	Signed Louis Wedemeyer, August 1858 Certified correct by T Stanley Sudlow, Auctioneer, Gayndah, Alex Walker, Storekeeper, Gayndah, John Connolly, Householder, Gayndah & Notes in margin Prepare Certificate for approval. Certificate prepared Sec Treasury & General, Prothonotary Supreme Court, Bench Gayndah, Mr Wedemeyer		
	58/03043	1858 08 23		John Wickham Government Resident Government Residents Office Brisbane  For Bench Ipswich Ipswich	1858 08 18   1858 08 28~ 1858 08 25 1858 08 25  1858 08 16	Letter No 58/306 Letter re letter of 2 <sup>nd</sup> instant No 58/2783 enclosing for report application from Mr George Warren for Theatrical License for town of Ipswich. As application referred lately to that Town, requested opinion of Bench of Magistrates on subject, & now enclose their decision in which I fully concur, & therefore beg to suggest licence be granted to Mr Warren to be delivered to him by Col Gray as soon as he has complied with proviso re opening of three doorways in exterior walls for free & rapid egress in event of fire & Notes in margin Approved License posted ?? Police Magistrate Ipswich, Mr Warren Returned herewith  At top: A true copy. Signed C G Gray Copy of decision of Bench relative to Mr Warren's Theatre Licence Petition forwarded by inhabitants of Ipswich recommending Mr George Warren of Ipswich as fit person to hold Theatre Licence, having been referred by Government Resident to this Bench, we are of opinion that under circumstances set forth in Petition so numerous signed by respectable people in Town the Licence may be safely granted with Proviso that house being wooden building & necessarily dangerous for theatrical performance, three doorways be constructed in outer walls so that in case of fire there may be safe & ready egress for audience Signed Charles Gray PM for the Bench. 16 August 1858		440 – 442          443
	58/02783	1858 08 02	Hon CS	George Warren Ipswich, Moreton Bay	1858 07 29   1858 08 02~ 1858 08 02	Letter making application for Theatre Licence for town of Ipswich in district of Moreton Bay in Colony of New South Wales. Suitable building is erected in township used there being no place of public recreation or amusement here, trust that application will meet with favourable consideration. Request enclosed. & Notes in margin Refer for Report of Government Resident. Inform. Return £1 stating no fee payable on such licence Mr Warren. Government Resident. [Ref: 58/3043  Petition We, undersigned inhabitants of Ipswich having known Mr George Warren for some years past can bear testimony to his respectability of character & think him fine & proper person to be entrusted with License for Theatre & are of opinion that it will be for benefit of town & district that such License be ranted & that delay in granting him such license would be material injury		444          445 – 446



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						<p>of public nature  We, Thomas Heyes Tones Wholesale Ironmonger Ipswich &amp; John Parkes likewise of same place do hereby agree to act as bondsmen &amp; become sureties for Mr George Warren &amp; to answer when called upon for proper fulfilment of his duties as manager of Ipswich Theatre  Signed Thomas H Tones?? &amp; J Parkes  Signatories  John Willes; John Murphy; Henry Kilner; Ambrose Eldridge; Henry Brookes; Frank B Bays; Edmund J Bays; Arthur C Bays; Godfrey O'Rourke; Abraham Hartley; John McDonald[? smudged]; James Collins; George Patullo; Patrick O'Sullivan; James Hannay??; James Bailie; G C Ross; Christopher Gorry.  W G Wakeling; Edward Jones; George Thorn; B Brookes; Stephen Mehan; John Murphy; Charles Hanson ??; F North; George Holt; J?? Hooper; James Fletcher; Sydney S Norris; Charles Jones; W Defoe ??; Daniel Collins; John Pettigrew; Louis Wittgenstein; Charles F Chubb; John Hackshall; Richard Wright;</p>		446
	58/03140	1858 08 30	Hon C S	John Wickham Government Resident Government Resident's Office Brisbane	1858 08 24	<p>No 58/312  Letter re letter of 18<sup>th</sup> instant enclosing letter from Sheriff at Moreton Bay on subject of employing hard labor prisoners confined in Brisbane Gaol, beyond works thereof, upon which you request my report. Under ordinary circumstances of employment of prisoners on streets, where portion of them are engaged in quarrying or excavating stone or gravel to be carried away by others in handcarts to third party whose duty it is to spread materials where required – I do not consider guard named by Sheriff to be excessive viz one to six Prisoners. But re particulars upon which he is desirous to employ them, a smaller number viz; one sergeant &amp; two constables would be sufficient – as prisoners will not be so much divided Although it is desirable that sentences of hard labor prisoners should be strictly carried out – I am of opinion that their labor beyond walls of Gaol is of most expensive description – I consider work of clearing out drain referred to by Sheriff absolutely necessary for preservation of health of inhabitants in that locality &amp; recommend sufficient funds be placed at his disposal to enable him to work prisoners as suggested</p>		447 - 451
	58/02947	1858 08 16	Hon CS	William Anthony Brown Sheriff Sheriff's Office Moreton Bay	1858 08 10	<p>At top: Sheriff 58-46 List of prisoners sentenced to hard labor &amp; suggesting their employment  Letter re Circular letter No 32 re "An Act to make better provision for carrying out sentences to hard labor" &amp; request to report whenever it appear that this law may be advantage acted upon re prisoners in Brisbane Gaol  At present seventy four prisoners in Brisbane Gaol sentenced to hard labor, but doing nothing &amp; I would suggest these men should at once be employed without walls of Gaol  Health Officer some months ago brought under my notice filthy state of large drain from centre of Town to River Brisbane, which is now stopped up, &amp; at times very offensive; this might be at once cleaned out, &amp; repaired before hot weather sets in; &amp; afterwards prisoners could be employed on streets in Brisbane which require great deal of labor  Guar required for this purpose would be one Sergeant &amp; three Constables; with allowance for Arms, Tools, Hand-carts, etc.</p>		452 – 453
	58/02947		The Sheriff	William Bergen		Return of Prisoners under sentence to hard labor now confined in Her		454

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			Brisbane	Gaoler		<p>Majesty's Gaol Brisbane Return showing number of Prisoners confined in Her Majesty's Gaol Brisbane under Sentence of hard labor together with period of Sentence</p> <p>No/ Names/ Date of Sentence/ Period of Sentence 1857 1/ Sears?? More/ Oct 5/ one year in Brisbane Gaol with hard labor/ 2/ John Royle/ Oct 5/ Eighteen months Brisbane Gaol with hard labor 1858 3/ William Smith al. William Greave/ Jan 01/ One year Brisbane Gaol with hard labor 1857 4/ John Rourke/ Nov 28/ Twelve months with hard labor on Roads or Public Works 5/ John Hughes al. Hennessey/ Dec.1/ Twelve Cal. Months with hard labor on Roads or Public Works 1858 6/ Stephen Hand/ Jan 13/ one year Brisbane Gaol with hard labor 7/ John Williams al. Jas. Wilson/ April 29/ Six Cal. Months Brisbane Gaol with hard labor 8/ John Burns/ April 27/ Twelve Cal. Months Brisbane Gaol with hard labor 9/ William MacDougald al. MacDonald/ April 28/ Ditto 10/ Charles Bratt/ April 26/ Ditto 11/ William Coleman/ March 18/ Six Cal. Months with hard labor 12/ James Stewart/ March 20/ Nine Cal. Months with hard labor on Roads or Public Works 13/ Thomas Ryan/ April 28/ One year with hard labor Brisbane Gaol 14/ William Short/ April 26/ Six Cal. Months with hard labor in Brisbane Gaol 15/ Stephen Hill/ April 26/ Ditto 16/ Michael Byrns/ July 12/ Ditto 17/ Benjamin Jackson al. Redwood/ July 13/ Two years with hard labor Brisbane Gaol 18/ "Jack" Aboriginal/ May 24/ Three Cal Mon with hard labor on Roads or Public Works 19/ William Smith al. Blacker?? t?? / June 8/ Six months with hard labor 20/ William Bradley/ June 30/ Two Cal. Months with hard labor 21/ "Nancy" Aboriginal/ June 30/ Three Cal. Months with hard labor 22/ "Johnny" al "Billy" Aboriginal/ Augt. 5/ Six Cal Months with hard labor on Roads or Public Works 23/ Hugh Mossey al. George Hussey/ Augt. 7/ Four Cal Months with hard labor on Roads or Public Works 24/ Thomas Fallon/ Augt. 9/ Fourteen days with hard labor</p> <p>Hard Labor Act 22<sup>nd</sup> Vict. No 2 On 28<sup>th</sup> July Circular Letter addressed to Sheriffs Sydney &amp; Moreton Bay &amp; Visiting Magistrates of different Gaols, drawing attention to Act of present Session No 2 "to make better provision for carrying out Sentences of Hard Labor" &amp; requesting they report how far provision of law might advantageously be acted on, re Prisoners in Gaols under their charge Following are communications received in reply to circular (1st - 58/2773 - from Visiting Magistrate at Goulburn stating there are</p>		455
								456
								457 - 465

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						seventeen Prisoners in that Gaol, under sentence of hard labor, who might be employed with advantage in making & repairing Streets of that Town. Visiting Magistrate represents however that provisions of Act cannot be properly carried out in consequence of deficiency in number of Turnkeys & that two more absolutely necessary (2 <sup>nd</sup> / -58/2831)		
	58/03243			Carl Stumm Drayton	Undated  1858 09 06~ 1858 09 06~	PRINTED FORM Memorial or Application for Certificate of Naturalization Memorial of Carl Stumm, of Toowoomba, native of Offenbach in Germany, age 31, labourer, arrived per ship "Aurora" in 1855, has been in Colony for three years & has purchased land at Toowoomba. Signed Carl Stumm, Drayton We the undersigned certify correctness of statements & that we have known Memorialist for period of 3 years. Signed James Taylor & Edward Lord & Notes in margin Prepare Certificate for approval Certificate prepared Secretary Treasury, Auditor General, Prothonotary Supreme Court, Bench Drayton, C Stumm		466
	58/03148	1858 08 30		Johann Friedrich Schmidt Ipswich	1858 08 23  1858 08 30~ 1858 09 06 1858 09 07	PRINTED FORM Memorial or Application for Certificate of Naturalization Memorial of Johann Friedrich Schmidt of Ipswich, Colony of NS Wales, native of Ereveld [??] in Prussia (Germania), aged thirty four, Tinplate-worker, arrived by ship Jane A. Falkenburg in 1856, willing to purchase freehold property & to settle in this Colony Signed Johann Friedrich Schmidt, Ipswich 23rd August 1858 Certified correct by J C Foote & Charles S Warry & Notes in margin Prepare Certificate for approval Certificate prepared Secretary Treasury, Auditor General, Prothonotary Supreme Court, Bench Drayton, J F Schmidt		467
	58/03149	1858 08 30		Adam Leib Ipswich	1858 08 23  1858 08 30~ 1858 09 06 1858 09 07	PRINTED FORM Memorial or Application for Certificate of Naturalization Memorial of Adam Leib of Ipswich, native of Offenbach, Grand Dukedom of Prussia (Germania), aged thirty two, Carpenter & Joiner, arrived by ship Aurora in 1855, willing to purchase freehold property & to settle in this Colony Signed Adam Leib, Ipswich 23rd August 1858 Certified correct by John Panton JP & Rev. John Moseley & Notes in margin Prepare Certificate for approval Certificate prepared Secretary Treasury, Auditor General, Prothonotary Supreme Court, Police Magistrate Ipswich, A.Lieb		468
	58/03150	1858 08 30		August Gehrman Ipswich	1858 08 23	PRINTED FORM Memorial or Application for Certificate of Naturalization Memorial of August Gehrman, Ipswich, native of Stargardt in Prussia		469

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					1858 08 30? 1858 09 06 1858 09 07	(Germania), aged thirty-one, carpenter & joiner, arrived by ship Caesar Godeffroy in 1856, willing to purchase freehold property & to settle in this Colony. Signed August Gerhmann, Ipswich, 23 <sup>rd</sup> August, 1858 Certified correct by George Faircloth, Manager Bank of Australia, Ipswich, & J C Foote & Notes in margin Prepare Certificate for approval Certificate prepared Secretary Treasury, Auditor General, Prothonotary Supreme Court, Police Magistrate Ipswich, Mr Gehrman		
	58/03151	1858 08 30		Justus Schorbach Ipswich	1858 08 23	PRINTED FORM Memorial or Application for Certificate of Naturalization Memorial of Justus Schorbach, Ipswich, native of Gilsa, Electorate of Kessia, aged 48, Taylor by trade, arrived by ship Gottorp (from Bremen) in 1857 (16 <sup>th</sup> September), willing to purchase freehold property & settle in this Colony Signed Justus Schorbach, Ipswich 23 <sup>rd</sup> August, 1858 Certified correct by J C Foote & Charles S Warry & Notes in margin Prepare Certificate for approval Certificated prepared Secretary Treasury, auditor General, Prothonotary Supreme Court, Police Magistrate Ipswich, J Schorbach		470
	58/03394	1858 09 18	Hon CS	Government Resident's Office, Brisbane John Wickham, Government Resident  "C C" "W D" "C C"  Edward C Merewether Clerk of the Council  "W D" "C C"	1858 09 14        1858 09 18 1858 09 20~ 1858 09 18~ 1858 09 20~  1858 10 07  1858 10 11 1858 10 08 1858 10 09~ 1858 10 12	At top: "E 58/544- 21 <sup>st</sup> Sept 1858" I do myself the honour to forward the enclosed copy of communication from Commandant of Native Police, recommending 2 <sup>nd</sup> Lieut Robert Walker, to vacancy of a Lieutenancy caused by dismissal of Lieut Nicoll and in doing so, I have much pleasure in being able to state from information I have received, that Mr Walker is a most efficient Officer and has effected a marked change in the discipline of the 3 <sup>rd</sup> Division during the short time he has been in command – under these circumstances, I beg to recommend Mr Walker be promoted to rank of Lieutenant, and that his appointment be dated 9 <sup>th</sup> of June, the day after the date of your letter informing me that Mr Nicoll had been dismissed from the Public Service [No 58/336] & Notes in margin Governor General & Executive Council – B C Noted  & Notes re above Executive Council advise that 2 <sup>nd</sup> Lieut Robert Walker be appointed a Lieutenant vice Nicoll, the promotion to take effect from the 9 <sup>th</sup> June last [No 58/567] Returned Colonial Secretary's Office Approved	A2.40	471 – 474

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	58/03394		Government Resident, Moreton Bay	Office of Commandant Native Mounted Police Corps, [N M P] Brisbane E V Morisset, Commandant Native Police	1858 08 25	Notice  "Copy": I have the honour to report for your information that the dismissal of Mr Nicoll from N M P Corps as intimated by letter dated 8 <sup>th</sup> June 1858 addressed to yourself from the Honble the Colonial Secretary, leaves a vacancy in the list of the Lieutenants of the Corps I beg therefore most respectfully to recommend to the consideration of the Government for promotion to this appointment 2 <sup>nd</sup> Lieutenant Robert Walker who has been acting as Lieutenant in charge of the 3 <sup>rd</sup> Division from the time of Mr Nicolls suspension, during which period 2 <sup>nd</sup> Lieut Walker has, by his zeal in the thorough reorganization of the Division, proved himself fully qualified for this promotion, and beg to and beg to request that such may be dated from the time of Mr Nicoll's dismissal		475 – 476
	58/03404 [part hidden]	1858 09 18	Principal Under Secretary, Colonial Office, Sydney	Police Office, Warwick John Douglas J P (for the Bench)	1858 09 02	At top: "Reporting on Immigration Agent's complaint against C P S for delay in transmission of Immigration Deposit on account of Andrew Patterson" Forwarding the report which Mr H Evans has drawn up relative to delay in transmission of the balance of a Remission Immigration Deposit on account of Andrew Patterson. It appears Mr Evans received the communication addressed to him by the Immigration Agent on 3 <sup>rd</sup> December 1857, but failed to comply with instructions till he received a second letter from that gentleman dated 9 <sup>th</sup> April 1858. I have expressed to Mr Evans my displeasure and disapproval of the carelessness he has displayed in not punctually replying to the communications of the Immigration Agent. I have also represented to him how harassing must be any delay which may prevent intending Immigrants from carrying their wishes into effect. I take this opportunity of stating that in my opinion Mr Evans is wanting in zeal and assiduity as a Public Servant and that he merits a rebuke which will serve to remind him that he holds his office for the benefit of the Government which he serves and not for his own convenience & Notes in margin Papers with 58/3372 with Mr Vallack See 58/3412 also Mr H Evans Andrew Patterson W V This does not appear to alter the case - or to clear Mr Evans from the charge of inattention. See Minute already made on 58/3372 Bench Warwick	A2.40	477 – 479
	58/03404		Bench of Magistrates Warwick	Police Office, Warwick H Evans C P S	1858 09 18~  1858 09 18~ 1858 09 20~  1858 09 24  1858 08 25	Referring to Principal Under Secretary's letter dated 22 July 1858 addressed to Bench of Magistrates of Warwick calling in those gentlemen by direction of Hon Colonial Secretary for Enquiry & report on the subject matter of a letter from the Immigration agent complaining of the Clerk of Petty Sessions at Warwick respecting the detention of money deposited with him, by Andrew Patterson under the Immigration Regulations I have the honour to state that on receipt of the Immigration Agents letter dated 9 <sup>th</sup> April, I communicated with Andrew Patterson on the subject and requested a further payment of two pounds [Margin: £2.0.0] as directed & on this amount being paid to me I forwarded it to the Immigration Agent and I intended & believed I had also remitted an additional sum of two		480 – 481

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	58/03404		J Douglas JP	Police Office, Warwick H Evans C P S	1858 08 21	<p>pounds to replace the cheque drawn by Dix which had been returned. I endorsed the letter before alluded to as "Answered and the money remitted" I continued in the belief that I had done so, until I was called on for the explanation now given</p> <p>I beg to state that I have this day remitted the required sum to the Immigration Agent &amp; Notes in margin 58/2605 – 58/310 Andrew Patterson</p> <p>In answer to your enquiry whether I had received all the communications alluded to in the Copy of the Immigration Agents letter forwarded to the Under Secretary, I beg first here to explain that I received the first letter on this subject from the Immigration Agent in the month of December I had not an opportunity of passing the returned cheque until some time after The second letter was dated the 9<sup>th</sup> April &amp; the third on the 20<sup>th</sup> of same month. I received these two letters within a week of each other the 6<sup>th</sup> May having them collected the balance of Patterson's money viz £2 above the sum originally received from him for passages of a family, together with other remittances from different parties, I forwarded the whole sums to the Emigration Agent and then endorsed his last letter of 20<sup>th</sup> April as having been answered &amp; money committed &amp; remained under the impression that I had made all the required remittances, until I was confirmed by the Bench of the complaint lodged against me</p>		482 – 483
	58/03404		Bench of Magistrates Warwick	Colonial Secretary's Office, Sydney W Elyard	1858 07 22	<p>At top: "Urgent" Directed by Colonial Secretary to refer to you for enquiry and report the accompanying letter from the Immigration Agent, preferring a complaint against the Clerk of Your Bench respecting money deposited with him by on Andrew Patterson, under the Immigration Remittance Regulations [No 58/310] &amp; Note in margin 58/2605 – 24<sup>th</sup> July 1858 / to be returned</p>		484 – 485
	[No number]			"J W" Mr H Evans	1858 07 16	<p>At top: "Enclosure referred to– 58/2605 – 58/3404 "Requested to be returned to Colonial Secretary's Office" <b>Memo:</b> On the 3<sup>rd</sup> December 1857 a Remittance Deposit of £26-0-0 was received from the Clerk of Petty Sessions at Warwick, on account of Andrew Patterson of Darling Downs to provide passages to this Colony for the persons named in the <b>Margin:</b> * William Patterson, Wife, and 3 children – Thomas Sommerville and Wife*- this Remittance was insufficient by £2 in consequence of Mr Patterson having more than having more than two children under 7 of years of age, the C.P.S. was written to on the same day and requested to forward the additional sum required, and a cheque for £2 drawn by Mr R E Dix on the Bank of N.S.W Brisbane. forming part of the original deposit of £26 above mentioned/ was at the same time returned to him with a request that the amount might be forwarded as soon as possible as the cheque was not payable in Sydney. No reply having been received to this communication, a letter enclosing a copy of the preceding one was sent to the C.P.S. on 9<sup>th</sup> April last, and his attention was</p>		486 – 487

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	58/03404		The Principal Under Secretary	Government Immigration Office, Sydney H H Browne	1858 07 20	<p>again called to the matter on the 20<sup>th</sup> of the same month. On 15<sup>th</sup> May, the £2 required to complete the payment on account of Mr Patterson's family was received at this Office, but no notice was taken of Dix's cheque returned in December, and a letter was immediately written to the C.P.S. pointing out the omission, to which no reply has been received up to the present time, and Andrew Patterson's deposit still remains in suspense – see papers herewith</p> <p>I do myself the honour to forward to you herewith for the information of the Honourable the Colonial Secretary, a Memorandum bringing under notice the delay of Mr H Evans the Clerk of Petty Sessions at Warwick in transmitting to this Department the money deposited by a person named Andrew Patterson under the Immigration Remittance Regulations 2. As Mr Evans does not seem to consider it worthwhile to attend to my communications and it is probable that the delay occasioned will be detrimental to the interests of the Depositor I have considered it necessary to move the Colonial Secretary on the subject</p>		488 – 489 [see also 500-501]
	58/03412	1858 09 18	Honourable the Colonial Secretary, Sydney	Bodumba, Drayton St George R Gore	1858 09 06	<p>“Reporting negligence in respect to transmission of certain Immigration Deposit &amp; C P S Warwick”</p> <p>On 10<sup>th</sup> November 1857 at request of my overseer Andrew Paterson [as it is – also Patterson] I paid, to Mr Evans Clerk of Petty Sessions and Immigration Agent at Warwick, my cheque on the Joint Stock Bank Sydney for £26 being the sum demanded by him in his latter capacity towards the passengers of certain persons in Ireland whom Paterson wished to bring to this country</p> <p>This cheque I find from my Pass book was cashed at the Bank the 4<sup>th</sup> of December. Some time in May last Evans informed a friend of mine resident at Warwick (Mr Thomas Jephson) that the remittance made to Immigration Agent at Sydney was deficient by the sum of £2 which Mr Jephson being acquainted with circumstances immediately paid on my account</p> <p>I naturally supposed that the affair was now concluded but to my surprise about the 5<sup>th</sup> of last month Mr Evans enquired of me whether Paterson had received certain papers which he had forwarded to him addressed to Canal Creek a place where there is no post office, where Paterson never resided and from whence indeed there was no sort of probability of his ever receiving them</p> <p>On further inquiry, I found that Paterson had never received the papers &amp; they were not to be heard of at the Public House at Canal Creek so that I must conclude them lost if ever they were forwarded at all. In the meantime Paterson has heard from his friends (whom he had advised of the payment made) stating that their passages had been refused them &amp; for want of the missing papers. I would therefore in the first place request you to inquire into cause of the delay from 4<sup>th</sup> December when my cheque was cashed until May last when a further demand was made</p> <p>Secondly I beg to inquire whether Government Officers charged with certain duties and not bound to exercise at least moderate diligence in the execution of these duties? Should this question be answered in the affirmative I must submit to your consideration whether Mr Evans has not been guilty of <u>gross negligence</u> in not making himself acquainted with the address of a person with whom he was bound to correspond. If he did not know Paterson's address he surely can not plead ignorance of mine</p>	A2.40	490 – 493



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				<p>"W V" "W E"</p> <p>H H Browne Government Immigration Office</p> <p>"C C"</p>	<p>1858 09 18~ 1858 09 20</p> <p>1858 09 20~</p> <p>1858 09 20</p> <p>1858 09 22</p> <p>1858 09 23 1858 09 23~</p> <p>1858 09 29</p>	<p>I would also wish to know what redress can Paterson obtain for a delay of above ten months in a matter might with ordinary care have been considered in six weeks &amp; Notes in margin See also 58/3404 This had perhaps better be first referred for the remarks of the Agent of Immigration with respect to the documents stated to have been addressed to the wrong place – B C Noted Urgent I.O. / N. S. 58/287 &amp; Notes at end &amp; upside down of p 493 No documents were forwarded from this Office to Clerk of Petty Sessions at Warwick for delivery to Andrew Patterson in respect to his deposit of £26 until 8<sup>th</sup> Instant, the amount of a cheque (connected therewith) returned to Mr Evans, having been only received here on 4<sup>th</sup> Instant. The whole case has however been fully reported in my letters to the Principal Under Secretary of 28<sup>th</sup> July last and 15<sup>th</sup> Instant - B C Returned Colonial Secretary's Office Mr Gore may be informed that the proper documents were forwarded to the Clerk of Petty Sessions of Warwick on 8<sup>th</sup> Instant Mr Gore See 58/3404</p>		
	58/03372	1858 09 16	Principal Under Secretary	Government Immigration Office, Sydney H H Browne	1858 09 15	<p>At top: Agent for Immigration to Principal Under Secretary relative to conduct of Clerk of Petty Sessions at Warwick in respect to Andrew Patterson's deposit under Remittance Regulations Also at top: <b>"TIED BUNDLE" – 494– 499</b> With reference to my letter to you of 20<sup>th</sup> July last drawing attention to the conduct of Mr Evans Clerk of Petty Sessions at Warwick in respect to a deposit made by one Mr Andrew Patterson under Immigration Remittance Regulations, I now do myself the honour to submit for the information of Hon the Colonial Secretary, the copy of a letter <u>Margin</u>: 24<sup>th</sup> August 1858 which I had received from Mr Evans, enclosing the sum of Two Pounds <u>Margin</u>: £2.0.0. in lieu of a cheque returned to him from this office and forming the balance of the amount deposited by Patterson and also the copy of a communication <u>Margin</u>: 27<sup>th</sup> August 1858 from Mr Patterson himself on the subject 2. On a perusal of correspondence in this case it appears to me that the depositor has been put to serious inconvenience through neglect of my duty to bring the matter thus particularly under the notice of the Government as such irregularities seriously affecting the working of the Remittance Regulations and produce distrust in Government amongst the working classes of the community &amp; Notes in margin 58/2605 Report called for in 58/2605 has not been received [very faint &amp; written on] Such carelessness is very reprehensible and cause very serious inconvenience. Any repetition of such neglect will subject Mr Evans to dismissal</p>	A2.40	494 – 496
				"C C"	1858 09 16~ 1858 09 16~			

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			Immigration Agent Sydney	Police Office, Warwick H Evans (signed) C.P.S.	1858 09 20 1858 08 24	Bench Warwick, Immigration Agent - 58/3404  <u>Enclosure No 1</u> "Copy" I have the honour to forward the sum of two pounds stg. (Margin: £2.0.0) balance of deposit money (in lieu of cheque returned) paid by Andrew Paterson [as it is also Patterson] under the Remittance Regulations I beg to assure you that the delay in forwarding this amount was unintentional and not from any disrespect, on my part to your communication, and it has arisen from my having endorsed your last communication on this subject – "Answered and money remitted" – and I remained under the impression that I had done so until called on by Honble the Col Secretary through Magistrates of this Bench to explain the cause of delay		497
				Bodumba Andrew Patterson	1858 08 27	<u>Enclosure No 2</u> "Copy" I humbly crave the liberty of writing these few lines to you, to let you know I on the 10 <sup>th</sup> last November paid £26.0.0 to the Clerk of the Court House, Warwick (Henry Evans Esq) in view of bringing my brother William Patterson and family & my brother-in-law Thomas Summerville [as it is – also Summerville?] and family to this Colony, and on 5 <sup>th</sup> May said H Evans Esq requested £2.0.0 more which was paid him by my master for me, St George R Gore Esq and also when asked lately about it – if my friend was coming out he stated of having sent me some papers that I should send home, now I never received a paper from him only a receipt of the two pounds If Evans is an Agent authorized to receive money I ask why is he not acquainted with the rules that I should have paid my money all at once and not caused such delay and loss of time. I had a letter from my brother in last February stating he had received money that I had sent him to prepare him for the voyage, so he is waiting ever since and very likely that he is out of employ. I hope that you will be so kind and write to me and let me know if they are coming or if I am to send them papers, and how I am to obtain them. Your compliance will much oblige		498 – 499
	58/02605	1858 07 21	Principal Under Secretary	Government Immigration Office, Sydney H H Browne	1858 07 20	I do myself the honour to forward to you herewith for the information of the Honble Colonial Secretary, a Memorandum bringing under Notice the delay of Mr H Evans the Clerk of Petty Sessions at Warwick in transmitting to this Department the money deposited by a person named Andrew Patterson under the Immigration Remittance Regulations 2. As Mr Evans does seem to consider it worth while to attend to my communications and as it is possible that the delay occasioned will be detrimental to the interests of the Depositor. I have considered it necessary to move the Colonial Secretary on the subject & Notes in margin Refer immediately to the Bench for a report Bench On 15 <sup>th</sup> August – Resubmitted Not answered Remind 4 <sup>th</sup> On 1 <sup>st</sup> October [58/3372]	A2.40	500 - 501 [See also 488-489]
	58/03413	1858 09 18	Principal Under	Police Office, Warwick	1858 09 07	At top: Respecting an Application from Inhabitants for extension of "Towns	A2.40	502



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				<p>"W M"?</p> <p>"W D"?</p> <p>W Elyard for Colonial Secretary</p> <p>"W W B"?</p>	<p>1856 03 05~ 1856 03 05~</p> <p>1856 03 06~ 1856 03 07 1856 03 08~</p>	<p>will submit the same for the consideration of His Excellency the Governor General – we beg to state that it is signed by the <u>whole of the resident householders of Warwick</u> and that the prayer of the Memorialists meets with our decided approval</p> <p>&amp;</p> <p>Notes in margin</p> <p>"M F"?</p> <p>The number of resident householders is 67. It would appear to be hardly necessary to explain the Act to such a small township but the immensity of the Householders should go for something</p> <p>Written across above: Township of Warwick / Towns Police Act</p> <p>What says the Inspector General of Police</p> <p>Referred for report of the Inspector General of Police – B C</p> <p>Noted - 56/2492 – to be returned</p> <p>To His Excellency Sir William Denison Knight Governor General in and for all Her Majesty's Colonies of New South Wales, Van Diemen's Land, Victoria, South Australia and Western Australia, and Captain General and Governor in Chief of the Territory of New South Wales and its dependencies and Vice Admiral of the same</p> <p><u>The Memorial</u> of the under named Magistrates, Land Holders, Store Keepers and Inhabitants of the Town and suburbs of Warwick in the district of Darling Downs in the said Territory</p> <p>Respectfully sheweth</p> <p>That it is desirable and would lend much to the convenience of the Inhabitants and good regulation of the Township of Warwick that the Towns Police Act 2<sup>nd</sup> Victoria No 2 entitled "an Act for regulating the Police in the Town of Parramatta, Windsor, Bathurst, Maitland and other Towns respectively and for removing and preventing nuisances and obstructions and for the better alignment of streets therein" should be proclaimed to extend to that Township</p> <p>And your Memorialists most respectfully urge upon your Excellency's consideration the propriety of proclaiming that the Police Act 2 Victoria No 2 shall extend to and be in force in the Town of Warwick</p> <p><b>Names in following pages difficult to read</b></p> <p><b>508:</b></p> <p><b>Left column:</b> E N ... ? Alexander ...? John Collins – P Daly</p> <p><b>Right column:</b> George Collins – Michael Connor – Thomas McEvoy – Thomas Bol.... ?</p> <p><b>509:</b></p> <p><b>Left column:</b> Thomas Cahill – William Clunes – Alexander Wagner – Markus Berkman – Robert E Dix – George White – John Brown – Alfred Cooper – John Niblock - George Lucas – J Walker – H Evans – Edward Collins – Otto Sachse M.D. – John Newton – Owen Lambert – Hugh O'Neil – Charles Walker – Michael Sheridan – William Andrews – William Hawker – John Baillie – Thomas Cairns – Richard Burnett – John Haig – Frederick Hudson</p> <p><b>Right column:</b> Rev T Kingsford – Thomas Craig – William Craig – William Lyons – J Wallin – Henry Black – William Cook – John Desquair? – William Farrell – Patrick Fleming – Jonathan Labatt – C McDonald – E O Douglas – C B Daveney – James Allen – John Affleck – William Wilson – Edward Seymour – A Andrews – Archibald Malcolm –</p>		[508]- [510]

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						John Price – Peter Affleck – Johann Spengler? – William Spreadborough – Jonathan Harris <b>510:</b> Thomas Hanmer – G Davidson – John Buckley – Cecil Hodgson – W Davidson – Alfred Delves Broughton J P – John Douglas J P		
	58/03443	1858 09 21	Under Secretary Hon Secretary's Office	Sydney Charles A Sinclair  "C C" "W Elyard"  William W Billyard Civil Crown Solicitor	1858 09 21  1858 09 21 1858 09 22~  1858 10 12 1858 10 13~ 1858 10 15	At top: "Clerk, Petty Sessions, Nenango [as it is – Nanango] I have the honour to acknowledge the receipt of your letter of 17 <sup>th</sup> September and beg leave to name as my sureties Hon James Comrie MLC and Sydney G Watson Esq of Walwa, Toocutta~ [as it is – Tarcutta?] and to request the favour of an advance of three months pay to enable me to proceed to Nenango & Notes in margin For approval The Civil Crown Solicitor is requested to procure the execution of the issue a Bond – Blank Cover Noted To be returned  <u>No 60</u> Blank Cover Bench executed herein according to instructions and deposited in the Iron Safe in my Department The order may now be given for the advance Bench Nanango, Secretary to Treasury	A2.40	511          512
	58/03692	1858 10 11	Hon Colonial Secretary	Charles A Sinclair, C P S Nanango   "C C"  W Elyard	[no date]   1858 10 11~ 1858 09 21 1858 10 12  1858 10 12	At top: (care of Mr Bellingham) <u>English, Scottish and Australian Chartered Bank</u> <u>Naming Mr F W Perry assured of his Sureties</u> I have the honor to state that as my Bond has not yet been forwarded to one of my sureties who resides at a cattle station on banks of the Murray River and as several weeks would elapse before his signature could be received here. I beg leave to substitute for his name that of Frederick William Perry Esq of Sydney who is ready to sign the Bond immediately, trusting that this change may meet your approval & Notes in margin For approval 58/3443 Clerk P S & naming Sureties sent to Civil Solicitor Civil Crown Solicitor – blank cover W Elyard N Bell Urgent 58/3443	A2.40	513
	58/03491	1858 09 24	Hon CS	Vaccine Institution John Yates Rutter   "C C"	1858 09 23   1858 09 25~ 1858 09 27	At top: "Superintendent" Several medical men of this City are contemplating the formation of a Medical Society, and the question having been put to me as to whether they could have the use of the large room of the building occupied by me to hold their meetings once or twice a week in the evening, I have the honour to request your permission to allow them to do so. It would not in the least interfere with my duties & Notes in margin Approved Dr Rutter	A2.40	514
	58/03578	1858 10 02	Hon CS	Government Resident's Office,	1858 09 24	At top: "Government Resident, Moreton Bay" "Appointment of Sub	A2.40	515 – 517

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		/03		Brisbane J C Wickham, Government Resident		Collector of Customs" As it is probable that the recent discovery of a Gold Field in the FitzRoy River, will render necessary the establishment of a Branch of the Customs in that locality, and having been informed by Mr R B Sheridan, that he has applied for the appointment of Sub Collector, I do myself the honor at his application to favourable consideration 2. As Mr Sheridan has served nearly thirteen years in the Customs Department in this Colony, there can be little doubt of his qualification for the office he solicits, and as the greater portion of that period has been served in this district, in a satisfactory manner, I have no hesitation in bringing him, under the notice of the Government, as a deserving officer & Notes in margin Inform that previous to this letter reaching me Mr Camphin? had nominated another who was appointed Government Resident		
	58/03582	1858 10 02	Hon CS	Police Office, Taroom Edward M Royds JP W H Yaldwyn JP H B Fitz	1858 09 10	At top: "Re appointment of a Clerk of Petty Sessions" We the undersigned Magistrates assembled in Petty Sessions for district of Taroom not being aware whether a Clerk of Petty Sessions has been appointed for this district, and desirous of being informed whether such an appointment has been made, as increasing business of this district has rendered such an appointment highly desirable & Note in margin Mr Sealy has been appointed  Notes re above Have the Magistrates been informed of the appointment of Mr Sealy? Yes on the 17 <sup>th</sup> ultimo – refer them to that letter Bench  Cover letter O H M S - To the Honorable - The Colonial Secretary - Sydney Police Office -Taroom Stamp – TWO [PENNY] – HEAD QUEEN VICTORIA Post Marks: [some blurred] BRISBANE / N S W – SP24 – 1858 / SYDNEY / OC2 / 1858-A Blurred: ..... N S W / 22SP / 1858	A2.40	518
				"C C"	1858 10 02~  1858 10 02~ 1858 10 06~ 1858 10 06			519  520
	58/03585	1858 10 02		William Bergan	1858 10 02	At top: "William Bergan" To His Ex Sir William Thomas Denison Knight. Captain, General, Governor-in-Chief and in and over Her Majesty's Territory of New South Wales: The Petition of William Bergan the Gaoler of Her Majesty's Gaol, Brisbane, Moreton Bay in Colony of New South Wales respectfully sheweth that Mary McDonald of Ipswich has been examined and found to be of unsound mind as will appear by the annexed Certificate, and that your Petitioner who has the actual protection and care of the said Mary McDonald, and so therefore her Guardian under the 13 Vic No.3.s2 is desirous of procuring her admission into the Lunatic Asylum in order that she may have such medical care and attendance as may be most likely to ensure her eventual recovery Your Petitioner therefore prays that Your Excellency will be pleased to direct that the said Mary McDonald may be received into such Lunatic	A2.40	521

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	58/03585				1858 10 02~ 1858 10 07	Asylum as your Excellency may think fit to appoint – "William Bergan" I William Bergan the Gaoler of His Majesty's Gaol, Brisbane, Moreton Bay in the Colony of New South Wales do hereby certify that to the best of my knowledge and belief Mary McDonald who is described in the foregoing Petition has not the means of paying for her maintenance in the Lunatic Asylum, and that she has not any Relative or Friend who can be reasonably expected to maintain her "William Bergan" & Notes in margin For admission of Mary McDonald to Lunatic Asylum Warrant herewith Sheriff, Moreton Bay – BC		522 – 523
	58/03585			Francis Lucas M D J P	1858 09 07	To Edward Quinn Chief Constable of Ipswich and his Assistants and to the Keeper of the Gaol at Brisbane in the Colony of New South Wales Whereas Mary McDonald of Ipswich hath been discovered and apprehended in the Colony of New South Wales that is to say at Ipswich; under circumstances denoting a derangement of mind and the said Mary McDonald being brought before us Charles George Gray and James Laidley two of Her Majesty's Justice of the Peace of New South Wales, we did call to our assistance two legally qualified Medical Practitioners to Wit Francis Norman Lucas and Henry Challinor of Ipswich – and whereas upon view and examination of the said Mary McDonald and upon proof on oath by the said two Medical Practitioners that in their opinion the said Mary McDonald is a dangerous lunatic and upon other proof duly made before us, we the said Justices are satisfied that said Mary McDonald is a dangerous lunatic These are therefore to command you, that you the said constables forthwith convey and deliver into the custody of the said Keeper of the Common Gaol at Brisbane in the said Colony the body of Mary McDonald herewith sent as a dangerous lunatic, and her keep in strict custody until she shall be discharged by the order of two Justices of the Peace, one whereof shall be one of us the said Charles George Gray and James Laidley or by one of the Judges of the Supreme Court of New South Wales or until she shall be removed to some public Colonial Lunatic Asylum by order of His Excellency the Governor of New South Wales for the time being as is by Law provides, and for so doing this shall be your sufficient Warrant Witness our hands and seals at Ipswich in the said Colony this 7 <sup>th</sup> day of September A D : 1858 (signed) Charles George Gray J P - James Laidley J P		524
						New South Wales - Ipswich to Wit Francis Lucas being duly sworn states I am legally qualified medical practitioner I have this day examined Mary Macdonald [as it is] and do consider her a dangerous lunatic, and urging to be put under restraint Sworn before us this 7 <sup>th</sup> September 1858 – Charles George Gray P M – James Laidley J P – R j Smith J P		



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	58/03585			Henry Challinor, Surgeon	1858 09 07	Henry Challinor Surgeon being July sworn states I am a duly qualified Medical Practitioner for New South Wales practicing in Ipswich I have been professionally attending Mary Macdonald [as it is] for insanity since Friday last – I consider her to be a dangerous lunatic and unfit to be at large Sworn before us this 7 <sup>th</sup> September 1858 – Charles George Gray P M – James Laidley J P – R J Smith J P		525
				K Cannan	1858 09 18	I, the undersigned, being a legally qualified Medical Practitioner and Visiting Surgeon of Her Majesty's Gaol Brisbane, Moreton Bay in the Colony of New South Wales, do hereby certify that I have examined Mary McDonald of Ipswich and that I find her to be unsound mind, and a proper object for reception into the Lunatic Asylum and I further certify that in my opinion the said Mary McDonald would be benefitted by treatment in such Asylum K Cannan Signed at Brisbane this eighteenth day of September A D 1858 & Margin		526
	58/03610	1858 10 05	Hon Colonial Secretary	Drayton Darling Downs	1858 09 20	At top: Stamp: TREASURY No 4743 / OC 2 – "W L" [p 527] The Memorial of the Freeholders, Leaseholders, Shopkeepers and other inhabitants of the town of Dayton in the Police District of Darling Downs Respectfully sheweth – That the inhabitants consider it necessary to state for your information that certain influential and wealthy parties interested in the success of Toowoomba, at present a suburb of this town, and desirous of having it proclaimed a separate town independent of Drayton, with all the privileges and advantages incident thereto, are using all their influence with the constituted authorities to obtain the removal of the~ Police Office, Post Office and other public departments, so that locality, on the ground that Toowoomba is better situated for carrying on the business of the producers in this import district, which your memorialists beg leave most emphatically to deny They therefore beg to represent to you that there is not the slightest~ necessity now, nor will there probably be for some years to come, for the removal of the public offices to Toowoomba as the town of Drayton is quite a centrally placed for business purposes as the former, and will~ always command a very extensive trade with the stations and n~ the ..... the greater portion of which is carried on with this town The population now numbers 500 souls, with several public buildings~ and a national school, and your Memorialists submit that to remove their institutions for the purpose of benefiting the inhabits of Toowoomba~ (a town distant from Drayton only 3 miles) would be an act of great injustice to those who have laid out their all on the purchase of land at Drayton, the already proclaimed Government township That Dayton being 3 miles nearer to the squatting stations in the interior, it would most inconvenient for the occupiers thereof to transmit their letters (many of them by their own servants) and to transmit their public business at Toowoomba while there is no proved necessity for any alteration~ in the	A2.40	[527] – [529]

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						<p>present arrangements for carrying on public business of this import district  <b>Your Memorialists</b> may perhaps be permitted to state that, although you may consider, that there are no substantial grounds for their alarm in this matter, they hope that you will take the subject unto your consideration should an attempt be made to effect any of the alterations previously referred to, and do them justice before any new arrangements are carried out by the Executive  They therefore beg that no alteration in the present public &amp;  Notes in Margin &amp; across the letter  Inhabits Drayton  Protest against removal of Post Office to Toowoomba  58/1522 A Hodgson  Petition from Inhabitants Drayton &amp; Toowoomba for approval ... submitted  I knew nothing of any such intention nor do I hear of it but ... such a proposal be made the Petition shall be duly considered  Petitioners</p> <p><b>[p 528]</b> departments, ... by removal of them or otherwise, may be made by the Government, for the sole benefit of the proposed new township of Toowoomba until the inhabitants of Dayton be permitted to state their objections more fully, and if necessary to forward another Memorial on the subject proving them claim to remain as heretofore the country town for the transaction of all the public business and your Memorialists as in duty bound will ever pray  Percy Otham J P – H B Fitz J P- John Watts J P – Frederick N Isaac J P  <b>[Left Column]</b>  R Shaw J P – H B Fitz – J P – John Watts – J P – Frederick N Isaacs – J P  W Horthin? – freeholder; Henry Neale – free holder; James Hourton – house holder; John Glissan – Freeholder; John Gale – Storekeeper; Stephen Mehan – Freeholder; William Handcock – Freeholder; John Boland – Freeholder; William Beek? – Freeholder; Edward Lord – Storekeeper; Richard Scanlan – Freeholder; James Keag – Freeholder; M.... ? Richardson – Freeholder; Edmond Boland – Freeholder; Patrick Shea – Freeholder; James Green – Freeholder; Joseph Ripp – Freeholder; Johannes Newman – Householder; Gustas Shiorlk? – Storekeeper; William Peak – householder; Charles S Smith – Storekeeper; David Barry – Freeholder; John Aspinall – Freeholder  <b>[Right Column]</b>  Thomas Davis – Freeholder; John Rendall – Freeholder; Brooks Forster - Householder; Patrick Liddy – Freeholder; John Ryan – house holder; John Sheppard – house holder; Perdwig Tiatjon? – house holder; Benjamin Taylor – house holder; M Hinnis – Householder; P Geles - ....? ; William H Byers – householder; E H Aliock – householder; George Hooper – householder; William Smith – Freeholder; Henry Symes [very faint] – house holder; John Parker? – free holder; Thomas Parker – free holder; Edmond Bugolute ? ; Michael Henley – free holder; James Keely – free holder; Michael Barker – free holder; Alexander Bruce – free holder; C Pottinger – free holder; Alexander Coutts – House holder; Augustus Garland – freeholder; Michael Bading? – householder; Thomas Williams - householder</p>		

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						<p>[p 529]  <b>[Left Column]</b>  Peter McDonald – Free holder; Henry Woods – Free holder; William Farquharson – Free holder; Joshua Tattam? – House holder; J B York? – Free holder; William Gurney - Free holder; William Farquharson – Free holder [again]; William Robb – Freeholder; Alex Cameron – House holder; James Cox – House holder; Moses Bergin – house holder; Benjamin Glennis – House holder; James Farquharson – Free holder; Thomas Gacey Glepay? – House holder; William Minehan – Free holder; Lt. Bampton? - Free holder; Joseph Webb – Free holder; George Smith – Free holder; Martin Heiggins? – Free holder; Carl Stumm – Freeholder; William Wortherins? – Freeholder; John Winfield – Freeholder; J O'Cook – also John O'cook</p> <p><b>[Right Column]</b>  Charles Farquharson – House holder; Edward Melkin – Free holder; M Ridgway –?? householder; T Ridgway - ditto; .... ? Klein – house holder; William Ridgeway – house holder; Robert C.... – house holder; Stephen Walsh – house holder; Thomas Bailey – free holder; John Petallie? – House holder; A Blair – House holder; R C G Coote – Solicitor &amp; householder; Christo Lofnoll? – Free Holder; Richard Palmer – House holder; Alexander Cameron – Free holder; Charles Elborne – Free holder; Moses Merrett – Freeholder; John Merrett / FreeHolder; C Cameron – Householder; James Lord – Householder; W Reinhart – Householder</p>		
	58/03652	1858 10 08	Hon CS	General Post Office, Sydney W H Christie Postmaster General	1858 10 06	<p>In reply to your letter of 2<sup>nd</sup> instant I have the honour to state that Tenders are now called for to convey the Mails between Burnett Inn and Taroom and Gayndah, and Taroom to be opened on 3<sup>rd</sup> November next. I am inclined to think the latter Postal Route the most direct and the most expedient one to be adopted [No 58/119]</p> <p>&amp;  Notes in margin  58/1145  Bring forward when Tenders are submitted – Tenders to be opened to Day 3 Nov</p>	A2.40	531 [no p 530]
				“C C”	1858 10 12~	This appears to be what is asked for		
	58/03284			Postmaster General	1858 10 02	Note There was an Application for a Mail from Gayndah to Taroom	A2.40	532
	58/03284	1858 09 08	Hon CS	Sydney William B Tooth	1858 09 06	<p>Enclosing [W B Tooth] copy of letter &amp; Plan sent by Residents of Upper Burnett &amp; Dawson Districts to Postmaster General for establishment of a weekly Mail from Gayndah to Taroom</p> <p>Have been requested by the residents in the Upper Burnett and Dawson districts to enclose for your information copy of a letter and Plan which have been forwarded to the Post Master General in Sydney requesting that a sum of money may be placed on the Estimates for the ensuing year sufficient for the establishment of a weekly Mail from Gayndah to Taroom passing the stations marked in the enclosed chart</p> <p>&amp;  Notes in margin  Is this to be an additional line or in lieu of the new/now...?  Postmaster General to report – Blank Cover  No 58/1089?</p>		533
				“C C”	1858 09 10 1858 09 11 1858 09 11~	Noted		

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					1858 09 11	Informed		
				W H Christie P M (noted)	1858 09 14	Notes The suggestion as to this Postal Line comes too late to be acted on in the reference to new present Advertisement calling for Tenders for the Conveyance of mails to Taroom but I purpose bringing the matter under the special notice of the Colonial Secretary when Tenders for the Postal Lines of "Goodes Inn & Taroom" and "Condamine and Taroom" are considered Blank Cover 58/3652		534
				"C C"	1858 09 15 1858 09 17	Returned CS Mr Tooth		
	58/03284		Postmaster General, Sydney	Burnett District Residents	1858 06 14	We the Undersigned Residents in the Upper Burnett and Dawson Districts have the honour to call to you Notice the present want of Postal Communication between Gayndah and ourselves We wish go represent that for the last seven or eight years, our wants in this respect have been supplied by private enterprise, at our own expense, and this has now become an almost unbearable tax We are of opinion therefore that from the number of Stations that would be benefitted by a weekly Government Mail from Gayndah to Taroom passing along the <u>Main</u> Dawson Road we are justified in the hope that such a mail will be afforded us We have therefore the honour to request that His Excellency the Governor General will cause to be placed on the Estimates for the ensuing years, a sufficient sum for the Establishment of a weekly mail from Gayndah to Taroom, passing along the Stations marked in the enclosed Chart [Undersigned Residents]: Thomas L Murray Prior JP, John McArthur JP, P J Pigott JP ,Thomas Skelton, William A Green, Archibald Cameron, Alfred C Thomas JP, J P Lamb? , A Thayne p. John Ross, E & S H Ross, Francis J Ivory, B R & J E Ridler  [CHART] At the side part covered: The Mail for Ipswich leaves Gayndah on Friday & for Maryborough on Sunday [difficult to read] Proposed Line from Gayndah to Taroom, marked thus --- . --- . --- . -- Present line from Goodes Inn to Taroom ..... Scale of 16 miles to an inch [SURNAMES] [noted here from top to bottom] Read / Berry / Ridler / J & E Ross / E Lamb / J Ross / Ivory / P Lamb / Pigott / Prior / Thomas / Cameron / Perkins / Public House / Green Strathdee / Plummer / Alexander / King / Juandar / McDonald / Lawson / Sandeman [TOWNS / AREA] Gayndah, Maryborough, Bungaban / Taroom / Cockatoo / To Goodes Inn 60 miles [RIVERS] Burnett River, Cheltenham Ck, Auburn R/ Fishy Ck, Kadarga Ck / Boyne R Compass directions noted: N / W / E / S		535 – 537
								538
	58/03659	1858 10 08	Principal Under Secretary	Office of Inspector General of Police, Sydney John McLerie	1858 10 08	I do myself the honour to enclose a communication I have this morning received from Mr Gold Commissioner O'Connell of Rockhampton requesting that a sound draught horse, complete set of harness and a	A2.40	539 – 540

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	58/03659		J McLerie Inspector General of Police, Sydney	Inspector General of Police  "C C"  Police Office Rockhampton M C O'Connell JP	1858 10 08~ 1858 10 08  1859 09 28	Water Cart may be sent to that place for the purpose of supplying the Camp with water, and also suggesting the articles in question should be forwarded in charge of a Constable to be employed on arrival as Camp Keeper. This report I have this honor to request may be at once submitted for the decision of the Government & Notes in margin Urgent Approved Inspector General  At top: "Immediate" Do myself the honor to request that a second draught horse, complete set of harness, and a Water Cart may be supplied for the service of this Department the same being urgently required in consequence of the great expense and difficulty of supplying the Camp with water. I would also suggest that the articles in question should be forwarded in charge of a Constable to be employed on arrival as Camp Keeper Note in margin: 3947 / Police, Oct 8		541 – 542
	58/03664	1858 10 09	Hon Colonial Secretary, Sydney	Police Office Rockhampton M C O'Connell JP  "C C"	1858 09 29   1858 10 09~ 1858 10 09  1858 10 11	At top: "For extension of Spirits Act to Rockhampton" I do myself to honor to request that Rockhampton may at once be proclaimed as a place where wine & spirits may be sold in quantities not less than two galls under the Act in that case made & provided & Notes re above Already done – see 58/3623 herewith Refer him to the Notice of 5 <sup>th</sup> Inst, by which he will observe that this has been already done Bench	A2.40	543
	58/03623	1858 10 06	Hon C Cowper M P	M C O'Connell	1858 10 05	At top corner [part covered]: "in the Gazette~ today - Notice 5 Oct 58" Also at top - notes added: "Colonial Treasurer" - "Requesting extension of Licensing Act to Rockhampton" - "Register" – "58/3664" We have had several applications to issue Wholesale Spirit Merchants necessary for Rockhampton to which I have up to day declined to entertain – but now it would be advisable to issue the usual Notice making it a place where spirits can be sold in quantities above 2 galls It must be issued fine? & Department will ... therefore in so good as to have it done [difficult to read]	A2.40	544 – 545
	58/02857	1858 08 09	Hon the Colonial Secretary	Government Resident Office Brisbane John Wickham, Government Resident	1858 08 02	In reply to your letter of 20 <sup>th</sup> ultimo enclosing a copy of application from Thomas Ross late a 2 <sup>nd</sup> Lieutenant in Native Police for salary from the time of his suspension up to the date of his removal from the Force, in which he states that when suspended he was made aware that he could not leave his District [No 58/283] 2. I do myself the honor to enclose a copy of Commandant's letter to Mr Ross informing him that in consequence of certain charges which had been preferred against him, he felt it to be his duty to suspend him, pending the approval of His Excellency the Governor General beyond which I am not aware of any intimation to him, that he could not leave his district after being relieved by the officer appointed to supersede him 3. With regard to non-payment of Mr Ross' salary for the period while he was under suspension to the time of his removal from the Force. I have acted in accordance with following extract of a communication from the	A2.40	545 again – 549

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						<p>Auditor General, which was forwarded to me with your letter of the 20<sup>th</sup> April, 1858 No 57/2199  [In margin: 57/2199 and other papers relating to Mr Harris' case with ... – General - 9/8]</p> <p>“In a former case of suspension resulting in dismissal, that of Mr Duguid, “Court of Requests, no pay was allowed subsequent to the date of “suspension. This rule is observed in similar cases occurring in the “Police Force”</p> <p>&amp;  Notes in margin  Very faint – ... Papers 9 – crossed out / Not ordered to be printed  10 No claim apparently for any period subsequent to his having relieved by the officer sent to the charge of his Party on his suspension  Thomas Ross</p>		
				“C C”	1858 08 17~  1858 08 19~			
				Euroomba [Eurombah?] E V Morrisset [as it is] Commandant Native Police	1857 09 07	<p>“Copy”  I do myself the honor to inform you that charges against you of neglect of duty, want of energy, and inefficiency as a Native Police Officer have been officially brought under my notice by gentlemen whose experience qualifies them to judge, and on strict investigation of those charges I have found them corroborates by everyone from whom I have sought information. It is apparent to me that had the Detachment under your command been properly directed and the Aborigines followed up and punished as they merited for former outrages. I specially refer to a statement of a case that has been brought before me, of the Police having had to retire before a body of Blacks were followed by them after an attempted outrage on Mrs Fraser &amp; her family, in consequence of the ammunition of the party consisting as it is said (originally) of one cartridge! – this portion of the country which has so long been under your charge would have been spared the recent lawless &amp; brutal outrages  The abovementioned charges having been clearly proved to me, together with your perfect inability to keep the Troopers over whom you have been placed, under proper control and discipline compels me to suspend you from the Native Police Force pending the approval of His Excellency the Governor General. You will be relieved by 2<sup>nd</sup> Lieut Powell, whom you will furnish with a return of the men, horses, clothing, arms and ammunition at present in your charge</p>		550 – 551
	58/02255				1858 07 16	<p>At top: “On 15 August”  The general practice is that the issue of the salary ceases from the date of suspension, provided the suspension be conferred by dismissal from office – but, as Lieut Ross makes the assertion that he was made aware that he could not leave the District perhaps his application should be referred for the report of the Government Resident of Moreton Bay  &amp;  Notes at end</p>	A2.40	552 – 553
				“C C”	1858 07 17~ 1858 07 20	Mr Ross, Government Resident [58/2857]		
	58/02255	1858 06 21	Hon Colonial Secretary	Thomas Ross 79 Forbes St, Woolloomallas [Woolloomooloo?] Sydney	1858 06 21	<p>At top: “Thomas Ross late Lieut of Native Police for 6 months of his salary, whilst under suspension”  Understanding that it usual for Government Officers to have pay during their suspension I have the honor to bring my case under your notice.</p>		554 – 555

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						I went under from 21 <sup>st</sup> September 1857 until March 1858 and was at the same time made aware that I could not leave the District I was in (Leichhardt) 58/2857 Owing to my being totally ignorant as to how the Government would act in the matter, I was obliged to remain idle for six months which occasioned me considerable pecuniary loss. The spectacularity of my case in the prolonged term of my suspension and the credence collected by Lieut Murray being so much in my favor will I trust afford sufficient grounds for my earnest request viz that I may receive my pay as 2 <sup>nd</sup> Lieut in the Native Police from the 21 <sup>st</sup> September 1857 until March 1858 & Note in margin W V		
	58/01963	1858 05 31	Hon Colonial Secretary	Government Resident's Office, Brisbane John Wickham, Government Resident	1858 05 20	With reference to my letter of 12 <sup>th</sup> Inst No 58/189 on the subject of charges preferred against Lieut Nicol [also Nicoll] of Native Police, I now do myself the honour to forward to you two additional letters which have just reached me, they are confirmatory of those which I have already laid before you, and leave very little doubt, if any, of the inefficiency of that Officer [58/205] & Notes in margin 58/1782 Government Resident Brisbane Respecting charges against Lieut Nicoll [as it is] Ex Coxen? Read [58/2255]	A2.40	556 – 557
	58/01963			"C C  John Hollins? Overseer – Bogandillo [as it is]	1858 05 12~  1858 05 18~ 1858 05 31~  1858 03 22	I have the honor to acknowledge the receipt of your letters of January 22 <sup>nd</sup> requesting me to forward the facts concerning the conduct of Lt Nicols [as it is] in charge of the Native Police Force stationed at Wandae Gumbale [Wondai Gumbal] I therefore beg leave to lay before you the following statement - I remember Mr A Scott applying to Lt Nicol for his assistance after the Inhuman Massacre of the Fraser family on his Station. Mr Scott came to my Bogandillo [Bogandilla] on Saturday and waited Sunday Lt Nicol appointing to meet him there on that Day – and Monday Mr Scott left without him or the Troopers. On Thursday evening Lt Nicol arrived at Bogandillo accompanied by a Black Boy – and I said he had sent his Troopers on and enquired if they had been here. I told him I had not seen them – on Friday he sent the Boy back to the Barracks for a Trooper to escort him to the Dawson. On Saturday the Boy and Trooper returned and on Sunday Lt Nicol the Boy and Trooper left Bogandillo for Roydds [Royds] I think sir after such an inhuman massacre Lt Nicol should have shown more energy. State to cause so much unnecessary delay, first forwarding his men without an officer – and then to spend 2 days while he sent for a Trooper to show him across the Bush to Joanda [Juandah] a track he has been often before I have been 18 months at Bogandillo and never saw Lt Nicol only on the occasion I speak of I have laid before you Sir nothing but facts which I am ready to attest on oath should it be required		558 – 559
	58/01963		Commandant of the Native M Police,	Wallaun [also Wallam, Wallum] John Ferrett	1858 03 21	At top: "3/49" I do myself the honor to further state in reply to yours of January the 20 <sup>th</sup>		560 – 561



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			Taroom, Upper Dawson			<p>last – My first cause of complaint against Lieut Nicoll was “After I had assisted him to apprehend two notorious Blacks here for killing cattle and from their own statement were present at the murder of Mr Kettel [Kettal?] He on escorting them from this place to the Wombo lock up [also Wambo] remained behind himself at Terriboo [see also Tierreyboo] sent his troopers on with the prisoners and at the first search on the road? the prisoners (named Sandy &amp; Jackey) made their escape and afterwards returned here (Lieut Nicoll statement to me was: It was too tiresome for him to travel at the time in company with the prisoners) and when he afterwards returned here in search of the prisoners he showed himself both unwilling and incapable of apprehending them. In leaving here without them and going to Jouandah [Juandah?] with a frivolous excuse to need his superior, when no superior was there. And he knew well could not possibly be there for he had left him at Wombo. I endeavoured to persuade him not to leave without the prisoners as I could be sure to find them in another day if he remained. But he positively refused</p> <p>The Force under him has been mismanaged since that time. By being employed more on roads from station to station, than in patrolling the Bush.</p> <p><b>2ndly</b> On being applied to by persons in charge for me, to disperse Blacks who were spearing cattle. He has made frivolous excuse and remained at Tereboo [as it is] in place of rendering assistance</p> <p><b>3rd</b> Within the last year he has spent a very great portion of his time not on police duty</p> <p><b>4thly</b> He is such an inferior Bushman as to prove himself incapable of finding the way from Bogendilla Station to Wandai Gumbal although the two places are on the same water and only about 25 miles distant. And he has been supposed to be residing at Wandai Gumbal or patrolling in the neighbourhood for the last four or five years</p> <p>And lastly his frivolous excuses to Mr A Scott of Hornett bank [as it is] when applied to the murders there, His Gross Mismanagement in sending his troop away without an Officer on that occasion. His loitering for days at Bogindilla [as it is] after his troopers were at the Dawson and his going to Mr Blyths when the murders were committed at Euromba [as it is] I think fully bear me out in saying He is incapable and unwilling to do his duty and thereby mismanaging the Force</p> <p>I have the honor to be Sir Your Most Obedient Servant</p>		
		1858 05 25	The Honorable The Colonial Secretary	Legislative Assembly Offices Sydney Richard O'Connor Clerk of Legislative Assembly~	1858 05 21	<p>“PRINTED” “ L.A. 58/42 / 25<sup>th</sup> May 1858”</p> <p><i>Note: Written section not readable as paper covers end of each line ~</i></p> <p><i>Legislative Assembly</i></p> <p><u>ORDER FOR PAPERS</u></p> <p>I do myself the honour to request attention to an <u>Order</u> made this day by the Legislative Assembly (Votes No 32 Entry 12) for the undermentioned Papers:-</p> <p>Mr Hodgson</p> <p>Copies of all correspondence which has taken place between the Government and the <u>present</u>~ Commandant of the Native Police as to the suspension or dismissal~? of Mr Ross Second Lieutenant~ of the Native Police, together with ~ a Copy of the Evidence related~ thereto as taken by Lieutenant~ Murray</p> <p>Sir, Your obedient Servant~</p>		562

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				"C C"	1858 05 25~	<p>R Connor- Clerk of Legislative Assembly~ &amp; Notes in margin To be prepared Address presented 15 July 1858 - 58/1963</p> <p><u>Schedule</u> 1 Government Resident Moreton Bay to the Colonial Secretary forwarding Copy of a Letter from the Commandant of the Native Police &amp; recommend the dismissal of Lieut Ross – 29 Sept 1857 2 Lieut Ross to the Colonial Secretary in explanation of charges brought against him – 28 Sept 1857 3 Government Resident to Colonial Secretary proposing that an enquiry should be made into the conduct of Lt Ross – 12 Oct 4. Under Secretary to Government Resident in reply – 23 Oct 5. Government Resident to Colonial Secretary on the subject of the proposed investigation – 4 Nov 1857 6. Under Secretary to Government Resident in reply – 17 Nov 7. " " " " " – 23 Nov 8. Government Resident to Colonial Secretary forwarding Documents relating to the charges - 24 Feby 1858 9. Government Resident to Colonial Secretary in continuation – 13 April 10. Under Secretary to Government Resident conveying the decision of the grant on the case – 9 April 11. Lieut Ross to Colonial Secretary on copies of the Documents – 5 Apr 12. Under Secretary to Lt Ross in reply – 30 April 13. Lt Ross to Colonial Secretary in continuation – 30 April 14. Under Secretary to Lt Ross in reply – 10 May</p>		563 – 564
	58/01588	1858 05 03	Hon Colonial Secretary, Sydney	Thomas Ross, 79 Forbes Street, Walloolooloo~ [Woolloomooloo] Sydney	1858 04 30	<p>Do myself the honour to request that you will be good enough to inform me whether I am to be granted copies of the letters addressed to Lieut Murray by the squatters on the Upper Dawson relative to my conduct as a Native Police Officer while doing duty on that District also should be copy of Mr Murray's report to the Commandant pf the Native Police on the same subject &amp; Notes in margin 58/1365 Govt Res'dt, Brisbane Relative to charges preferred against late 2<sup>nd</sup> Lieut Rodd – submitted Has the answer been sent to him Yes - by letters dated 30<sup>th</sup> ult To be referred to the letter already written Mr Ross [L A 58/42]</p>	A2.40	565
	58/01264	1858 04 08	Honorable Colonial Secretary	Thomas Ross Masonic Hotel, York Street Sydney	1858 04 06~ 1858 04 08	<p>At top: "Lieut Ross" I do myself the honour to request that I may be furnished with a copy of Lieut Murray's report to the Commandant of the Native Police, regarding my conduct as a Native Police Officer, while doing duties in the Upper Dawson, also the copies of the different letters addressed to Lieut Murray by the settlers on the Dawson in answer to injuries made by him relative to charges brought against him by Gordon Sandeman and others &amp;</p>	A2.40	566

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						Notes in margin M14243 1858 03 13~ 1858 03 26~ 1858 04 26~ Ex Council Advising dismissal of Lieut Ross for neglect of duty The matter has been determined upon by the Government, and I can see no good result .... to arise by reopening the case 1858 04 30 Mr Ross [58/1588]		
				Edward C Merewether Clerk of the Council, Executive Council Office, Sydney	1858 03 19	At top: "M14243 – 26 March 58" Proceedings of the Executive Council on the 1 <sup>st</sup> March 1858 with respect to certain charges preferred against Lieutenant Ross by the Commandant of Native Police Force: Minute No 58/11 confirmed 15 March 1858 – His Excellency the Governor General lays before the Council a correspondence which has passed with reference to certain charges of neglect of duty and general want of energy and efficiency as a Native Police Officer preferred by the Commandant of the Corps against 2 <sup>nd</sup> Lieutenant Ross This correspondence includes an explanatory statement from Mr Ross, and a report from the Government Resident at Moreton Bay who being himself unable to investigate the charges in question instructed Lieutenant Murray of the same Corps to perform the duty and now encloses the replies received by that Officer to certain queries put by him to different Residents in the Upper Dawson District upon the subject of the Commandants charges against Mr Ross Captain Wickham reports that the replies to Mr Murray's queries are in general favourable to Mr Ross although qualified but adds that Mr Ross does not appear to have performed his duty satisfactorily and that he has displayed a want of energy and neglect of duty in connection with murders at Hornet Bank and Euroombah Stations 2 In this conclusion the Council upon a perusal of the correspondence, regret that they are forced to concur, and accordingly advise that Mr Ross who is now under suspension be dismissed from the Public Service [No 58/160] & Notes in margin Approved		567 – 570
				"W D" "C C"	1858 03 20 1858 03 25 1858 04 09	Government Resident [58/1264]  Proceedings of the Executive Council on the 1 <sup>st</sup> March 1858 with respect to certain charges preferred against Lieutenant Ross by the Commandant of Native Police Force – Minute No 58/11 Confirmed 15 <sup>th</sup> March 1858 His Excellency the Governor General lays before the Council a correspondence which has passed with reference to certain charges of neglect of duty and general want of energy and efficiency as a Native Police Officer preferred by the Commandant of the Corps against 2 <sup>nd</sup> Lieut Ross. This correspondence includes an explanatory statement from Mr Ross, and a report from the Government Resident at Moreton Bay who being himself unable to investigate the charges in question instructed Lieut Murray of the same Corps to perform the duty, and now encloses the replies received by that Officer to certain queries put by him to different Residents in the Upper Dawson District upon the subject of the Commandants charges against Mr		571 - 573 [Repeat of above p 567-570]

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						Ross although qualified but adds that Mr Ross does not appear to have performed his duty satisfactorily and that he has displayed a want of energy and neglect of duty in connection with the murdered murders? at Hornet Bank and Euroombah Stations 2 In this conclusion the Council upon a perusal of the correspondence, regret that they are forced to concur, and accordingly advise that... [Ends here – see p 567-570 of which this is a repeat, without Top number & Margin notes]		
	58/01365	1858 04 17	Honorable Colonial Secretary	Government Resident's Office, Brisbane J C Wickham Government Resident	1858 04 13	With reference to my letter of the 24 <sup>th</sup> February on the subject of the charges preferred against Mr Thomas Ross, late a Second Lieutenant in the Native Police Force, I now do myself the honor to forward to you letters from Messrs Scott and Miles, referred to in the 4 <sup>th</sup> paragraph of my letter [No 58/121] & Notes in margin 58/1264	A2.40	574 – 575
	58/01365		John Murray Esq Lieut Native Police, Port Curtis	Kinnoull, Upper Dawson William Miles	1858 04 05 1858 04 08~ 1858 12 09	Lieut Ross For Copy of Lieut Murrays Report respecting his conduct Admitted – See M14243  In answer to your letter of the 23 <sup>rd</sup> December 1857 containing several questions relative to the conduct of Mr 2nd Lieut Ross of the Native Police while stationed in the Upper Dawson district. I have the honour to state 1 <sup>st</sup> That I have no charges of neglect of duty, want of energy or efficiency, as a Native Police Officer, on the contrary I have always found him ready and willing to do his duty 2 <sup>nd</sup> With regard to the specific charge of Mr Ross having retired before a Body of Blacks while in pursuit of them at Hornet Bank in consequence of there being only one cartridge in his party; I have not personal of knowledge of the matter but from what I know of Mr Ross and the circumstance of Mr Andrew Scott an eye witness on the occasion having distinctly denied it to me I do not hesitate to say that I believe it is untrue 3 <sup>rd</sup> I believe Mr Ross to be quite capable of managing and controlling a detachment of Native Police, were he placed in circumstances where discipline could be reasonable be expected, but during all the time of Mr Ross command not only was he without clothing and the necessary equipment for his men, but disaffection arose from contact with the mutinous troopers from Port Curtis and elsewhere, and my opinion to that he acted well and with more success in the management of his men than I could see any reason to expect 4 <sup>th</sup> I may here state that I was myself an Eye witness to the mutinous conduct of the troopers stationed at Rannes in December 1856 they having earnestly requested me to allow them to accompany my dray to the Upper Dawson, this I declined to do but they came up themselves and it was shortly after their appearances in this part of the district that Mr Ross was forced to take the same steps as his brother officers had done namely to disband his men I have the honor to be your most .... William Miles		576 – 578

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	58/01365		Lieut Murray Native Police	Hornet Bank, Upper Dawson Andrew Scott	1858 01 11	[Cover] John Murray Esq - Lieut Native Police - Port Curtis - Via Jundah  In answer to your letter of 1 <sup>st</sup> January 1858 containing general questions relative to the conduct & Mr 2 <sup>nd</sup> Lieut Ross of the Native Police while stationed in the Upper Dawson district – I have the honor to state 1 <sup>st</sup> That I have no charges against Mr Ross for neglect of duty, want of energy. I have always found him most willing to do his duty 2 <sup>nd</sup> With regards to Mr Ross having to retire before a Body of Blacks for want ammunition I distinctly deny being one of the Party myself 3 <sup>rd</sup> I consider Mr Ross capable~ of taking charge of a detachment of Native Police I have the honour to be Sir your most .....		579  580 – 581
	58/01365		Government Resident, Moreton Bay	Native Mounted Police Barracks Port Curtis John Murray	1858 03 04	[Cover] O H M S – Lieut Murray, Commdt Native Police, Wide Bay  I do myself to enclose herewith two letters from Messrs W Miles and Andrew Scott Upper Dawson relative to Mr 2 <sup>nd</sup> Lieutenant Ross in accordance with the instructions of the Commandant 2 <sup>nd</sup> Mr Yaldwyn's answer is now the only one that has not been forwarded as I am not yet in receipt thereof & Note in margin: William Miles – Andrew Scott		582  583
	58/00754	1858 03 01	Hon Colonial Secretary	Government Residents Office, Moreton Bay J C Wickham, Government Resident	1858 02 24	At top: "Forwarding Documents relating to the charges brought against Lieutenant Ross of the Mounted Native Police" "E.C. 58/160 – 1 <sup>st</sup> March 1858" Referring to your letters of the 17 <sup>th</sup> & 23 <sup>rd</sup> last November on the subject of the outrage at Hornet Bank and of the charges preferred by the Commandant against Lieutenant Ross of neglect and want of energy I do myself the honour to lay before you the enclosed Documents in reference to the charges brought against Lieutenant Ross, in order that you may be informed to his suspension from the Service without further delay – Although they have not yet been referred to the Commandant to whom I will send copies by the first mail – The replies the Lieutenant Murray's letters are in general favourable to Lieutenant Ross although qualified – and no doubt the want of supplies & all kinds to which the Native Police were subjected last year owing to the flooded state of the country for many months caused a relaxation of discipline amongst the Native Troopers never the less Mr Ross does not appear to have performed his satisfactorily 3 <sup>rd</sup> Mr Boulton charges his with great neglect and want of energy, and from his statement it appears more than probable that had Mr Ross attended to his requests and to those of Mr John Fraser and Mr Andrew Scott the murder at Hornet Bank would not have been committed the same want of energy and neglect is reported by the Commandant in his letter of the 12 <sup>th</sup> of last September with regards to the previous murders at Euroomba and which led to his suspension from the Service 4 <sup>th</sup> As soon as the replies of Messrs Yaldwyn, Scott & Miles are received they shall be forwarded to you 5 <sup>th</sup> In conclusion I would remark that although Lieutenant Murray states that Mr Scott holds opinions favorable to Lieutenant Ross it is shown by Mr Boulton that he had great cause of complaint against him &	A2.40	584 – 586

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	58/00754		The Commandant Native Mounted Police, Wide Bay	“W E”  Native Mounted Police Barracks, Port Curtis Lieut Murray	1858 03 01 1858 03 01~  1858 01 21	Notes in margin Entd – 58/42 Clerk of Ex Council – B C Noted M14243  “Copy” I do myself the honor to enclose herewith copys [as it is] of correspondence relative to the conduct of 2 <sup>nd</sup> Lieut Ross on the Upper Dawson the course I adapted of addressing letters to each Squatter I conceived to be the best and I trust will meet with your approval 2 <sup>nd</sup> : Three gentlemen whose names I note in the margin were absent from the District at the time of my leaving, I have addressed letters to them also and will forward the answers as soon as I am in receipt of same. I may mention that I know Messrs Scott and Miles hold opinions favourable to Mr Ross [Margin note: Mr Yaldwyn, Mr Scott, Mr Miles] 3 <sup>rd</sup> I forward by present opportunity the original Correspondence on this matter to the Government Resident, Moreton Bay in accordance with your instructions, together with a copy of this		587
			Messrs Scott & Thompson Palm Tree Creek Upper Dawson	Lieut John Murray Leichhardt Division Native Police	1857 12 21	I have the honor to request that you will be kind enough to furnish me with your answers to the following questions relative at a time to the conduct of Mr Ross as 2 <sup>nd</sup> Lieut of Native Police during the time he has done duty in this District up to 7 <sup>th</sup> Sept last. 1 <sup>st</sup> I have you any charges to make against Mr Ross of neglect of duty want of energy and inefficiency as a Native Police Officer? 2 In that do you know of the circumstances of Mr Ross, having had to return with his party before a body of Blacks in consequence of the ammunition of the party consisting of one cartridge 3 Did you consider Mr Ross capable keeping the troopers of his Detachment under proper control and discipline I have the honor to be your most obedient Servant –		588 – 589
			John Murray Lieut Native Police Leichhardt District	Palm Tree Creek John Scott William Thomson? [also Thompson]	1857 12 22	We have the honor to receive your letter of December 21 <sup>st</sup> and in answer to the questions therein contended relative to Mr Ross' conduct as 2 <sup>nd</sup> Lieut of Native Police during the time he has done duty in this district up to the 7 <sup>th</sup> September last, we have to reply 1 <sup>st</sup> That we have no charge to bring against Mr Ross of neglect of duty, want of energy or efficiency as a Native Police Officer, on the contrary we have found him both ready and anxious to respond to every call 2 <sup>nd</sup> We know nothing personally of Mr Ross having had to retire with his party before a body of Blacks in consequence of the ammunition of the party consisting of one cartridge. But from information which we have received from a gentleman who personally supplied Mr Ross with a number of cartridges on the evening previous to the alleged retreat. We have reason to doubt the truth of the charge 3 <sup>rd</sup> We consider Mr Ross perfectly capable of keeping a detachment of troopers under proper control and discipline, provided he has the means of supplying the men with clothing, accoutrements and other necessaries. And as he never has possessed the means of doing so while in this district, his succeeding in keeping the men together. And as he never has possessed the means of doing so while in this district, his succeeding in keeping the men together for the length of time he did, entitled him in our		590 – 591

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			Mr James Dolan Palm Creek	Palm Tree Creek, Upper Dawson John Murray Lieut Leichhardt District Native Police	1857 12 21	opinion to great consideration and credit  I have the honor to request that you will be kind enough to furnish me, With your answer to the following questions, relative to the conduct of Mr Ross as 2 <sup>nd</sup> Lieut of the Native Police during the time he has done duty in this District up to the 7 <sup>th</sup> September last 1 I have you any charges to make against Mr Ross of neglect of duty, want of energy and inefficiency as a native Police Officer? 2 What do you know of the circumstances of Mr Ross having to retire with his party before a body of Blacks in consequence of the ammunition of the party consisting of one cartridge? 3 Did you consider Mr Ross capable of keeping the troopers of his detachment under proper control and disciplined?		592 - 593
			Lieut Murray Native Police Leichhardt District [very hard to read]	Ruined Castle Creek, Leichhardt James Dolan	1857 12 27	At top: "Hornet Bank Decr 25 <sup>h</sup> 1857" <i>[very hard to read – 2<sup>nd</sup> page bleeding into page 1]</i> I have the honor to acknowledge the receipt of your letter of 2 <sup>nd</sup> date to requesting me to answer three questions therein relative to the conduct of Mr Ross as 2 <sup>nd</sup> Lieut of Native Police during this time he has done duty in this District up to the 7 <sup>th</sup> of September last 1 <sup>st</sup> I have the honor to state for your information that I have no charges to make against Mr Ross of neglect of duty as a Native Police Officer 2 <sup>nd</sup> I have no proof that Mr Ross retired before a body of Blacks in consequence of the ammunition of the party consisting of one cartridge  <i>[sentence below here "to camp it was his (Mr Ross's) opinion" from another letter: – one line at top next page also from a previous letter]</i>  3 <sup>rd</sup> I consider Mr Ross capable of keeping the troopers of his detachment under proper control and discipline otherwise how could he have kept his men together so long as he did, badly mounted, badly clothed and men who were never drilled nor underwent to a discipline at the Head Quarters of the Native Police "from my long service in the old Mounted Police and six years in the Native Police I may be justified in saying Mr Ross had done well as a young and inexperienced officer"		594 - 595
			Lieut Murray Leichhardt District	Hornet Bank William Fraser	1857 12 25	I have the honor to state in answer to your letter dated 23 <sup>rd</sup> inst 1 <sup>st</sup> That I have no charges to make against Mr Ross of neglect of duty, want of energy and general inefficiency as a Native Police Officer during the time have known him in the district 2 <sup>nd</sup> I can confidently state, as I was one of the party, on the occasion alluded to that Mr Ross did not retire before a party of Blacks scaring to his having but one cartridge and I can still further assert that Mr Ross left the aborigines undisturbed on the evening of June 15 that for the following reasons but That, he lost three of his men in the scrub, that myself and Mr A Scott were unarmed and that as we could hear the Blacks preparing to camp it was his (Mr Ross's) opinion that they could be more thoroughly the following after the three troopers had joined him 3 <sup>rd</sup> I considered Ross, capable of keeping the troopers of his detachment under proper control and discipline and I would hear remark that Mr Ross has great difficulty on controlling his men, owing to the very miserable		596 – 597



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			John Murray Esq Lieut Native Police Leichhardt District	Euroombah Upper Dawson River Thomas R Boulton Superintendent	1857 12 28	<p>manner in which his detachment was supplied with clothing, ammunition, saddlery and serviceable horses</p> <p>I have the honor to acknowledge the receipt of your letter dated 23<sup>rd</sup> Inst making enquiries relative to the conduct of Mr Ross as an officer of Native Police during the time he had charge of a party of that force in this District up to 7 Sept last, and in reply have to state in answer to your first question, That on or about the 5<sup>th</sup> July last the tracks of the blacks were seen close to one of my sheep stations and Mr Ross was immediately informed thereof by Mr Andrew Scott, and urged by them to go out in that direction and endeavour to discover the blacks</p> <p>I also mentioned the matter to him, but although great danger was apprehended by us all Mr Ross paid no attention to the matter but on the contrary removed with his party to Messrs Scott &amp; Thomsons at Palm Tree Creek. On the 13<sup>th</sup> July, in consequence I am convinced of Mr Ross's neglect of duty as above mentioned, <u>four of my men were killed at Stations situated in the same direction in which the said tracks were leading</u></p> <p>2<sup>nd</sup> In the reply to the second question relative to the retirement before a mob of blacks of Mr Ross and his party in consequences as it was said of their ammunition having consisted of only one cartridge; I have reason to know that on the occasion referred to when tracking the blacks, four of the troopers left the party and returned to Hornet Bank, from which place they started in the morning, and when Mr Ross and the rest of his party at length discovered the blacks he considered it imprudent to attempt to disperse then and returned at once to Hornet Bank, where he found his four troopers on his service. I wish to add that after this no further steps were taken by Mr Ross to follow up the blacks in question</p> <p>3<sup>rd</sup> To your third enquiry I reply that I considered Mr Ross a very unfit person, in every way, to have the charge of a detachment of Native Police, as hie men were constantly in the habit of hunting and camping with the blacks and robbing my shepherds huts; and the men were also in the habit of chasing Emus etc. <u>with the troopers horses</u> instead of allowing them to rest at every opportunity</p>		598 – 600
			[not noted]	Upper Dawson Sergt Thomas Ross 2 <sup>nd</sup> Lieut Native Police	1858 01 03	<p>Referring to Mr Thomas R Boulton's letter, dated Decr 28<sup>th</sup> 1857 addressed to you containing charges against and opinions unfavourable to me, as an officer of Native Police I have the honor to reply</p> <p>1<sup>st</sup> I was not at Hornet Bank at the time the track men came nor that I were there, until four days after. The circumstance was consequently mentioned to me by the late Miss J L Fraser. I never was urged or requested by either Mr J Fraser or Mr A Scott to go out in the direction the blacks were ....</p> <p>To show much mortally danger, was apprehended by Mr Boulton I could mention that when Mr Fraser told him of the tracks, he replied that he was in no .... afraid as - to use his own expression - "the Darkies knew him"</p> <p>The ... at Hornet Bank, on the very day the tracks were seen and was informed of it. I will moreover state that Mr Boulton never at any time ... to the murders mentioned the matter to me</p> <p>2<sup>nd</sup> With regard to Mr Boulton's reply to your second question I would beg to refer to you to Mr W Frazers [as it is] letter to you, dated 25<sup>th</sup> December 1857, and to my report on the subject to Commndt Morriset [as it is] dated Sept 22<sup>nd</sup> 1857. Before leaving Hornet Bank patrolled the run without seeing any traces whatever of Blacks. I was specially requested by</p>		601 – 603

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			Murray Cap? [part covered]	Rosevale Dawson River [part covered] Joseph King	1857 12 30	<p>Mr J Scott to go to Palm Tree Creek as one of his shepherds was missing and fears were entertained that he had been killed by Blacks</p> <p>3<sup>rd</sup> In respecting the charges Mr Boulton ... against me in his third answer I must accuse him of direct falsehoods in proof of which I mention that there is not a single individual in this District who would corroborate them</p> <p>4<sup>th</sup> I think I would be justified in protecting against any Evidence being received from Mr Boulton as far as the Euroombee [as it is] Station is concerned, for this reason: That he has on different occasions given me to understand, that he was sufficient protection for the Station – Euroombee – himself and that my services there not required. On one of those occasions Messrs J Cardew-Carden? H C Gregory and a Mr Thigliwell? Thylwell? were present</p> <p>I am in receipt of your letter undated, relative to the conduct of Mr Ross during the time he was in charge of the Police Force in this District In answer to which I have to inform you</p> <p>1<sup>st</sup> that I have no complaint to make against Mr Ross on any score not having known anything of his movements either officially or otherwise</p> <p>2<sup>nd</sup> I can give you no information relatively to your second question</p> <p>3<sup>rd</sup> I know nothing of Mr Rosses capabilities as an officer in the Native Police</p>		604 – 605
			John Murray Esq Lt Native Police	Juandah, Upper Dawson Edward M Royds	1857 12 31	<p>I have the honor to acknowledge your letter of the 23<sup>rd</sup> Decr requesting my answer to questions about the conduct of Mr Ross during the time he was on duty in the District. In answer to the first and third questions I have not had sufficient opportunities to form an opinion on either question, as Mr Ross chiefly confined himself to the outside stations</p> <p>2<sup>nd</sup> I think I did not hear of what you mention in your second question until I saw it in the Moreton Bay paper</p>		606
			John Murray Esq Lieut Native Police	Cockatoo Creek G Pearce-Serocold J P	1857 01 01	<p>I am receipt of your letter of 23<sup>rd</sup> letter and in answer to your questions, beg to say that I have no complaint to make against Mr Ross, nor am I aware that he had to retire before a party of blacks through want of ammunition</p> <p>I must state however that I did not consider Mr Ross a sufficiently experienced officer to have the sole charge of the Upper Dawson District more especially with the very trifling force under his command</p> <p>The consequence was that the blacks, knowing the weakness of the Police Force. Police Force were tempted to commit many murders, and being emboldened by the small punishment they received, ultimately attached and murdered the whole of the residents at Hornet Bank Station. If the Native Police Corps had been in a better state of organisation the latter tragedy would I believe never have occurred</p> <p>Personally I have no feeling but that of friendliness, towards Mr Ross, and I believe he did all in his power – considering the small number of troopers under his command and the short-time he had been in the Corps</p>		607 – 608
	57/04577	1857 11 14	Hon Colonial Secretary	Government Resident's Office, Moreton Bay John Wickham, Government Resident	1857 11 04	<p>Referring to your letter of 23<sup>rd</sup> ulto relative to an investigation of the charges alleged against 2<sup>nd</sup> Lt Ross of the Native Police, I have the honor to inform you that as my duties at Brisbane render it impossible for me to absent myself for a period sufficiently long to enable me to conduct the investigation in person, I have instructed the Commandant to call upon Lt. Murray to take evidence in the matter, upon receiving which I will make any</p>	A2.40	609

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						report to the Government [No 57/548] & See also 57/4578 See letter to Capt Wickham – 17 Nov 57 - 58/754		
	57/04187	1857 10 19	[Hon Colonial Secretary – not noted]	Government Resident's Office, Moreton Bay John Wickham, Government Resident	1857 10 12	Referring to my letter of 29 <sup>th</sup> ult No 57/493 respecting the recommendation of the Commandant and of the Native Mounted Police that Lt Ross should be dismissed from the Service for alleged serious neglect I do myself the honor to forward to you the copy of a communication which has been addressed to me by Lt Ross upon the subject, and I beg to recommend that an Enquiry should be instituted with a view of substantiating or invalidating the alleged charges against Lt Ross [57/564 57/504?] & Note in margin With enclosures nos. 1 & 2 1857 10 07~ 1857 10 21~ 57/4178 Lt Ross – Replying to certain charges preferred against him Ask Capt Wickham to be good enough to make the inquiry. There does not appear to me a necessity for associating any person with him 1857 10 23 Government Resident "On 15 Nov" - 57/4577	A2.40	610
	57/04187		The Government Resident, Brisbane [signed]	Thomas C Ross Upper Dawson	1857 09 28	"Copy" At top: <b>"Enclosure No 1 in letter from Government Resident, Moreton Bay to the Hon Col Sec dated 12<sup>th</sup> Oct 57/564"</b> I do myself the honor to draw your attention to the enclosed letter dated Sept 7 <sup>th</sup> and signed E V Morisset Comdt Native Police which I received on the 20 <sup>th</sup> inst on my return from my third expedition in pursuit of the Blacks, who had murdered six men on the Euroomba Station a short time previously You will observe that Mr Morisset states that he has found the charges corroborated by every one from whom he had sought information, but I would beg you particularly to notice that he has been careful enough to date his letter anterior to his asking any information from those who were in the best position to put him in possession of the facts of the case; I refer to the frontier settlers on the Dawson in the immediate neighbourhood of the station where the outrages were committed, this I considered a most important point, as he had an opportunity if he had chosen of conversing with the said settlers and in the only two instances in which I can ascertain that he did do, the evidence was in my favour. Mr Morisset's letter is dated the 7 <sup>th</sup> September; but he did not finally leave Euroomba until 16 <sup>th</sup> inst and it was during that interval the conversations alluded to look place With regard to the specific charge brought ... [end missing – see p 616-619 & 622-626 for complete Enclosure]		611 – 613 [see also 616-619]
			2 <sup>nd</sup> Lieut Ross Native Police	Eurumba [as it is – see also Euroombah?] E V Morisset Commandant Native Police	1857 09 07	"Copy" At top: <b>"Enclosure No 2 in letter from Government Resident, Moreton Bay The Honourable the Colonial Secretary dated 12 Oct 57/564"</b> I do myself the honour to inform you, that charges against you of neglect of duty, want of energy, and inefficiency as a Native Police Officer have been officially brought under my notice by gentlemen whose experience qualifies them to judge and on strict investigation of those charges I have found them corroborated by every one from whom I have sought information		614 – 615 [see also 620–621]

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						<p>It is apparent to me that had the Detachment under your command been properly directed and the Aborigines followed up and punished as they merited for former outrages – I specially refer to a statement of a case that has been brought before me of the Police having had to retire before a body of Blacks, who were being followed by them after an attempted outrage on Mrs Fraser and her family in consequence of the ammunition of the party consisting as is said (originally!) of only one cartridge – this portion of the country which has so long been under your charge, would have been spared the recent lawless &amp; brutal outrages</p> <p>The above mentioned charges having been clearly proved to me together with your perfect inability to keep the troopers over whom you have been placed under proper control, and discipline compels me to suspend you from the Native Police force pending the approval of His Excellency the Governor General. You will be relieved by 2<sup>nd</sup> Lt Powell whom you will furnish with a return of the men, horses, clothing, arms and ammunition Lieutenant in your charge</p>		
	57/04178	1857 10 17	Hon Colonial Secretary	Upper Dawson Thomas Ross	1857 09 28	<p>At top: "Thomas Ross 2<sup>nd</sup> Lt Native Police replying to certain charges of neglect of duty, want of energy and efficiency as a native Police Officer" I do myself the honor to draw your attention to the enclosed letter dated Sept 7<sup>th</sup> and signed E V Morisset Comdt Native Police which I received on the 20<sup>th</sup> inst on my return from my third expedition in pursuit of the Blacks, who had murdered six men on the Euroomba Station a short time previously</p> <p>You will observe that Mr Morisset states that he has found the charges corroborated by everyone from whom he had sought information, but I would beg you particularly to notice that he has been careful enough to date his letter anterior to his asking any information from those who were in the best position to put him in possession of the facts of the case; I refer to the frontier settlers on the Dawson in the immediate neighbourhood of the station where the outrages were committed, this I considered a most important point, as he had an opportunity if he had chosen of conversing with the said settlers and in the only two instances in which I can ascertain that he did do, the evidence was in my favour. Mr Morisset's letter is dated the 7<sup>th</sup> September; but he did not finally leave Euroomba until 16<sup>th</sup> inst and it was during that interval the conversations alluded to look place</p> <p><b>With regard to the specific charge brought</b> against me of the detachment under my command having had to retire, before a body of Blacks I beg most distinctly to deny it, and for a correct account of what took place, at Hornet Bank after alleged outrage took place I beg to refer you my report to Commdt Morrisset [as it is] on the subject dated Sept 21<sup>st</sup> 1857</p> <p>In reference to this matter however I would specially call your attention to the fact, that which Mr Morisset asserts that the above charges have been clearly proved to him, he did not receive any evidence, from any one who was present on the occasion, nor did he make any attempts to do so, although the opportunity was not wanting. There were only three persons with me [ from whom he could have obtained evidence] when one tracked the Blacks to their camp viz Mr W Fraser, Mr A Scott and one trooper the latter was with me from that time until Sept 20<sup>th</sup> Mr Fraser had had left this part of the country before Mr Morisset's arrival here and has not yet returned consequently from neither of those two could he had obtained information. As Mr A Scott altho' he was residing at Hornet Bank about 10</p>	A2.40	616 – 619

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	57/04178		Lt Ross Esq 2 <sup>nd</sup> Lieut Native Police	Euroomba E V Morisset, Comdt Native Police [signed]	1857 10 19~  1857 09 07	<p>miles from Euroomba during Mr Morisset's residence there and could easily have been consulted. Mr Morisset made no attempt to do so although he could not that be aware that Mr Scott's evidence as to the truth, or false-hood of the report was all important, and indeed the only reliable evidence within his reach at the time</p> <p>I have not been informed by Mr Morisset nor have I been able to distinctly ascertain by whom the above charges have been brought against me and I can only infer that they have been done so by Mr Gordon Sandeman and the other gentleman signing a letter, which appeared in the North Australian containing the story of the one cartridge. With respect to those gentlemen, I would beg to state that not one of them are or ever were residents in the Leichhardt District</p> <p>I have been suspended by Commdt Morisset from the Native Police force without his giving me any opportunity of defending myself or explaining circumstances either wholly or otherwise I have therefore earnestly to request that you will lay my case before His Excellency the Governor General for his favourable consideration trusting that he may see fit to withhold his assent to my dismissed from the Native Police Force, until my case has been inquired into, and I have had an opportunity of disproving the very serious charges under which I at present labor</p> <p>&amp; Notes in margin See 57/4028 Mr Ross will I apprehend communicate also through Captain Wickham – See 57/4028 The matter may lay over until we hear again from Capt. W If necessary say so to Mr Ross [57/4187]</p> <p>“Copy” I do myself the honour to inform you, that charges against you of neglect of duty, want of energy, and inefficiency as a Native Police Officer have been officially brought under my notice by gentlemen whose experience qualifies them to judge and on strict investigation of those charges I have found them corroborated by every one from whom I have sought information It is apparent to me that had the Detachment under your command been properly directed and the Aborigines followed up and punished as they merited for former outrages – I specially refer to a statement of a case that has been brought before me of the Police having had to retire before a body of Blacks, who were being followed by them after an attempted outrage on Mrs Fraser and her family in consequence of the ammunition of the party consisting as is said (originally!) of only one cartridge – this portion of the country which has so long been under your charge, would have been spared the recent lawless &amp; brutal outrages The above mentioned charges having been clearly proved to me together with your perfect inability to keep the troopers over whom you have been placed under proper control, and discipline compels me to suspend you from the Native Police force pending the approval of His Excellency the Governor General. You will be relieved by 2<sup>nd</sup> Lt Powell whom you will furnish with a return of the men, horses, clothing, arms and ammunition Lieutenant in your charge</p>		620 – 621 [see also 614 -615]
			Alfred Denison Private Secretary to	Upper Dawson Thomas Ross	1857 09 28	I do myself the honor to draw your attention to the enclosed letter dated Sept 7 <sup>th</sup> and signed E V Morisset Comdt Native Police which I received on		622 – 626 [see also

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			the Governor General			<p>the 20<sup>th</sup> inst on my return from my third expedition in pursuit of the Blacks, who had murdered six men on the Euroomba Station a short time previously</p> <p>You will observe that Mr Morisset states that he has found the charges corroborated by everyone from whom he had sought information, but I would beg you particularly to notice that he has been careful enough to date his letter anterior to his asking any information from those who were in the best position to put him in possession of the facts of the case; I refer to the frontier settlers on the Dawson in the immediate neighbourhood of the station where the outrages were committed, this I considered a most important point, as he had an opportunity if he had chosen of conversing with the said settlers and in the only two instances in which I can ascertain that he did do, the evidence was in my favour. Mr Morisset's letter is dated the 7<sup>th</sup> September; but he did not finally leave Euroomba until 16<sup>th</sup> inst and it was during that interval the conversations alluded to took place</p> <p><b>With regard to the specific charge brought</b> against me of the detachment under my command having had to retire, before a body of Blacks I beg most distinctly to deny it, and for a correct account of what took place, at Hornet Bank after alleged outrage took place I beg to refer you my report to Commdt Morrisset [as it is] on the subject dated Sept 21<sup>st</sup> 1857</p> <p>In reference to this matter however I would specially call your attention to the fact, that which Mr Morisset asserts that the above charges have been clearly proved to him, he did not receive any evidence, from any one who was present on the occasion, nor did he make any attempts to do so, although the opportunity was not wanting. There were only three persons with me [ from whom he could have obtained evidence] when one tracked the Blacks to their camp viz Mr W Fraser, Mr A Scott and one trooper the latter was with me from that time until Sept 20<sup>th</sup> Mr Fraser had had left this part of the country before Mr Morisset's arrival here and has not yet returned consequently from neither of those two could he had obtained information. As Mr A Scott altho' he was residing at Hornet Bank about 10 miles from Euroomba during Mr Morisset's residence there and could easy have been consulted. Mr Morisset made no attempt to do so although he could not that be aware that Mr Scott's evidence as to the truth, or falsehood of the report was all important, and indeed the only reliable evidence within his reach at the time</p> <p>I have not been informed by Mr Morisset nor have I been able to distinctly ascertain by whom the above charges have been brought against me and I can only infer that they have been done so by Mr Gordon Sandeman and the other gentleman signing a letter, which appeared in the North Australian containing the story of the one cartridge. With respect to those gentlemen, I would beg to state that not one of them are or ever were residents in the Leichhardt District</p> <p>I have been suspended by Commdt Morisset from the Native Police force without his giving me any opportunity of defending myself or explaining circumstances either wholly or otherwise I have therefore earnestly to request that you will lay my case before His Excellency the Governor General for his favourable consideration trusting that he may see fit to withhold his assent to my dismissed from the Native Police Force, until my case has been inquired into, and I have had an opportunity of disproving the very serious charges under which I at present labor</p>		616 -619]



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				Euroomba E V Morisset, Comdt Native Police [signed]	1857 09 07	I do myself the honour to inform you, that charges against you of neglect of duty, want of energy, and inefficiency as a Native Police Officer have been officially brought under my notice by gentlemen whose experience qualifies them to judge and on strict investigation of those charges I have found them corroborated by every one from whom I have sought information It is apparent to me that had the Detachment under your command been properly directed and the Aborigines followed up and punished as they merited for former outrages – I specially refer to a statement of a case that has been brought before me of the Police having had to retire before a body of Blacks, who were being followed by them after an attempted outrage on Mrs Fraser and her family in consequence of the ammuniton of the party consisting as is said (originally!) of only one cartridge – this portion of the country which has so long been under your charge, would have been spared the recent lawless & brutal outrages The above mentioned charges having been clearly proved to me together with your perfect inability to keep the troopers over whom you have been placed under proper control, and discipline compels me to suspend you from the Native Police force pending the approval of His Excellency the Governor General. You will be relieved by 2 <sup>nd</sup> Lt Powell whom you will furnish with a return of the men, horses, clothing, arms and ammuniton at present in your charge		627 – 629 [see also 620 - 621]
	57/04028	1857 10 05	Hon Colonial Secretary	Government Resident's Office Moreton Bay John C Wickham Government Resident	1857 09 29	At top: "Communication from the Commandant of Native Police respecting outrages at Euroombah and alleged neglect duty on the part of Mr Ross" I do myself the honour to forward to you for the information of the Government the copy of a communication which has been addressed to me by the Commandant of the Native Police concerning outrages committed at Euroombah, of which I have received no other report than that contained in the accompanying letter [57/493] 2. With respect to the Commandant's recommendation that Mr Ross should be dismissed the service, I have the honour to suggest that that extreme step should not be resorted to until Mr Ross shall have had an opportunity of explaining any circumstance as that may be alleged against him in support of the charges of neglect of duty, want of energy, & inefficiency, to which effect I have written to the Commandant and requested him to call upon Mr Ross for the explanation in question, as it does not appear from the enclosed communication to me, that the Commandant had seen Mr Ross, as the same time should His Excellency the Governor General be satisfied upon the subject, I consider that the sooner the Service is ridded of an inefficient officer, the better & Notes in margin Bring forward when Capt Wickham's further report comes In 10 days Resubmitted - See 57/4178	A2.40	630 – 631
			Government Resident, Moreton Bay	"C C"  Euroomba E V Morisset, Comdt Native Police	1857 10 07~  1857 10 17~  1857 09 12	"Copy" At top: "Enclosure in letter from the Government Resident Moreton Bay to the Honble The Colonial Secretary 57/493 – 57/4028" I do myself the honour to inform you that I arrived at this Station the scene of the late six murders, on the 8 <sup>th</sup> inst having visited all the Native Police Stations in the Port Curtis, Fitzroy and Leichhardt Districts and until my		632 – 634



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						<p>arrival here found that the Blacks had conducted themselves peaceably I first heard of the murders of the six men on this station at Gracemere on the Fitzroy and hurried on here as fast as the faded state of my horses would permit, instructing 2<sup>nd</sup> Lt Powell and five troopers of the Leichhardt Division to follow with all expedition, to reinforce the detachment stationed here, I regret to state that the Police have not as yet been able to come upon any of the murderers of the first four whites, but fortunately found the camp of those by whom the last two were murdered, and in endeavouring to make some prisoners, have to report that four were shot; the clothes and pistols of the deceased were found in this camp. Charges of neglect of duty, want of energy and inefficiency as a Native Police Officer previous to the murders have been brought against Mr Ross (commanding the Upper Dawson detachment of Native Police) and which charges on strict enquiry, I have found corroborated by every one whose information I have sought I can not but believe, had Mr Ross been at all active and zealous in dispersing and preventing large gatherings of Blacks and following them up and punishing them as they so richly deserved for previous murders, and outrages, this district would have been spared the late lawless and brutal atrocities. I therefore beg to recommend that Mr Ross be dismissed from the Force and have in the mean time written (as he is at present out after the Blacks) to inform him that he is suspended awaiting the decision of His Excellency the Governor General</p> <p>I am sorry to state that it does not appear to me that Lt Nicoll afforded the assistance and support he should have done under the circumstances for altho the murders did not happen immediately in the district which he has charge, they were committed within eighty or ninety miles of his headquarters and he must have heard of them immediately after. I have been compelled to rest my horses here for a few days, and when sufficiently recruited shall proceed to Wandai Gumbal and there call upon Lieut Nicoll for a report of duty performed by his Division since the date of my appointment, to the office of Commandant</p>		
	58/03706	1858 10 12	Colonial Secretary Office, Sydney	Warwick Charles Gilm	1858 10 01  1858 10 12	<p>I take the liberty to request you respectfully to cause my Certificate of Naturalization to be forwarded to my address and you will most oblige &amp;</p> <p>Note in margin Mr Gilm &amp; Cover Colonial Secretary Office / Sydney – Stamp cut out Postmark: SYDNEY-OCT-2- NSW 1858</p>	A2.40	635 – 636
	58/03059	1858 08 24			1858 07 31	<p>[PRINTED FORM] MEMORIAL OR APPLICATION FOR A CERTIFICATE OF NATURALIZATION To His Ex Sir William Thomas Denison Knight Commander, etc 1. Memorial of Charles Gilm of Warwick – native of Fellbach, Kingdom Wurtemberg [as it is] in Germany 2. Memorialist is Forty-five years of age and Roman Catholic – Baker 3. Memorialist arrived in Colony by “<i>Helene</i>” in 5. Memorialist is desirous of becoming a permanent resident in the Colony and has purchased land for that purpose 6. Memorialist requests Your Excellency may be pleased to grant a Certificate</p>	A2.40	637

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					1858 08 27~ 1858 08 28 1858 08 30	Signature Charles Gilm Date Warwick 31 <sup>st</sup> July 1858 We certify as to correctness of statements in Memorial, have known Memorialist for three years & since his arrival in the Colony Thomas Horsman, Canning Downs – Charles Beevor Daveney & Notes across document Prepare Certificate for approval Certificate prepared Secretary Treasury and General Prothonotary Supreme Court, Bench Warwick, Mr Gilm [58/3706]		
	58/03750	1858 10 15	W Elyard Under Secretary	Tarban Lunatic Asylum J Campbell Md, Superintendent	1858 10 15      1858 10 15~	At top: "Acknowledging receipt of Money Orders belonging to a Lunatic Henry Bunn" I do myself the honor to acknowledge the receipt this morning of your letter of 13 <sup>th</sup> August inst No 58/3693 enclosing a promissory note for £12.0.0 in favour of Henry Bunn by Mr Thomas Coutts of Ellangowan, and also a crumbled piece of paper illegible to me but stated in your letter to be a cheque for £1.0.0 both which shall be delivered to the said Henry Bunn who is not yet arrived here in the event of his recovery & Notes in margin W W V - Nothing further required	A2.40	638 [also 643]
	58/03680	1858 10 11		E Kitching Constable, Drayton          "C C"  "W D"   Drayton	1858 10 11          1858 10 11~ 1858 10 11~ 1858 10 11 1858 10 14~   1858 08 27	At top: "Praying admission of Henry Bunn to Lunatic Asylum" To His Excellency Sir William Thomas Denison Knight Captain General and Governor in Chief in and over Her Majesty's Territory of New South Wales: Petition of Edward Kitching Chief for Police District of Drayton – Respectfully sheweth that Henry Bunn now of Dayton, shepherd, has been examined and found to be of unsound mind as will appear by annexed Certificate and that your Petitioner who has the actual care and protection of said Henry Bunn and is therefore his Guardian under 13 Victoria Reg 2 is desirous of procuring his admission into the Lunatic Asylum and propose the said Henry Bunn to be maintained by the public he the said Henry Bunn having no means of support Your Petitioner therefore prays Your Excellency will be pleased to direct said Henry Bunn may be received into such Lunatic Asylum as Your Excellency may think fit to appoint And your Petitioner will ever pray At end of first page: Upon reading the above Petition and certificates of Frederick Cumming and William Armstrong Doctors of Medicine and duly qualified Medical Practitioners as I do sanction and approve of the prayer of the said Petition – Samuel Frederick Milford & Notes in margin See also 58/3693 W V This is regular Order Approved [58/3750]  [p 640] As the undersigned being a duly qualified medical practitioner, do certify	A2.40	639 – 640

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	58/03680			William Armstrong M D – M.R.C.L.L.?? M.R.C.S.E. ???		that I have examined Henry Bunn (Shepherd) of Drayton and that I find him to be of weak and unsound mind and proper object for reception into the Lunatic Asylum and I further certify that in my opinion the said Henry Bunn would be benefitted by treatment in such Asylum		
	58/03680			Police Office Drayton John Watts J P	1858 09 03	I John Watts Esq Justice of the Peace for Police District of Drayton do hereby certify that to the best of my knowledge and belief Henry Bunn who is described in the foregoing petition has not the means of paying his maintenance in the Lunatic Asylum and that he has not any relative or friend who can be reasonably expected to maintain him		641
	58/03680			Frederick Cumming M S	1858 08 26	[part of left side covered] ... undersigned being a legally qualified ... Practitioner do hereby certify that I .... examined Henry Bunn now in the lock up ... in Drayton and that I find him to be of unsound mind and incapable of taking care of himself		642
	58/03750	1858 10 15	W Elyard Esq Under Secretary	Tarban Lunatic Asylum J Campbell Md, Superintendent	1858 10 15	I do myself the honor to acknowledge the receipt this morning of your letter of 13 <sup>th</sup> August inst No 58/3693 enclosing a promissory note for £12.0.0 in favour of Henry Bunn by Mr Thomas Coutts of Ellangowan, and also a crumbled piece of paper illegible to me but stated in your letter to be a cheque for £1.0.0 both which shall be delivered to the said Henry Bunn who is not yet arrived here in the event of his recovery	A2.40	643 [also 638]
	58/03693	1858 10 11	Hon Colonial Secretary, Sydney	Police Office, Drayton John Watts J P Frederick Issac J P	1858 09 30  1858 10 11~ 1858 10 11~  1858 10 11~ 1858 10 13	At top: "Bench Drayton" We have the honor to submit herewith Petition of Edward Kitching Chief Constable of Drayton praying for the admission of one Henry Bunn into a Lunatic Asylum. We also enclose a Promissory Note for £12.0.0 drawn in favor of Henry Bunn by Mr Thomas Coutts of Ellangowan in whose service he was last employed together with a cheque for £1.0.0. nearly obliterated, both of which were found in the possession of Bunn. From information afforded by Mr Pattison, late overseer at Ellangowan, it would appear that arrears of wages to the amount of about £9.0.0 are due to Bunn from Mr Coutts whose present address is No 19 O'Connell, Street Sydney [58/5] We have the honor to be Sir your most obedient servants for the Bench & Notes in margin Registered separately – 58/3680 W V Promissory note & Cheque to be sent to Dr Campbell for delivery to Bunn on his recovery Yes Dr Campbell 58/3750 - On 1 Nov~	A2.40	644 – 645
	58/03761		Under Secretary to the Government	Audit Office W C Mayne, A G  "C C"	1858 10 19  1858 10 20 1858 10 25~	The Government Regulations require Clerks of Petty Sessions to pay their collections with Treasury monthly. Within the last 14 months three separate circular letters have been sent to every Bench in the Colony, reminding the Clerks of the Regulation. The collections at Bench Warwick, for July, were only credited at the Treasury on the 13 <sup>th</sup> September & Notes re above Returned S.C. Bench may perhaps be informed that it will not now be necessary to suspend Mr Evans – but that he should be required to be more attentive in	A2.40	646 – 647

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	58/03761	1858 10 15	Principal Under Secretary, Sydney	Bench Warwick Police Office, Warwick John Douglas, J P  John Douglas, J P  "W E"	1858 10 27 1858 10 05  1858 10 16 1858 10 16~	future, The Bench may be apprised of the Auditor General's report & Note in margin  At top: "Respecting accounts of Clerk of Petty Sessions" In reply to your letter of 16 <sup>th</sup> ultimo, received .... Instructing me to cause Mr Evans Clerk of Petty Sessions to be suspended until his accounts of collections for the month of July had been adjusted, we have the honour to state that Mr Evans has produced for our inspection a Treasury receipt for £5.17.6 for collections from 1 <sup>st</sup> July to 31 <sup>st</sup> August inclusion – the receipt is dated The Treasury Sydney 13 <sup>th</sup> September 1859 Under these circumstances we do not feel justified in suspending Mr Evans until we have further communication from you <b>p 648:</b> The mistake would appear to have arisen from Mr Evans having forwarded the collection for two months in one remittance. We have instructed him to forward by this Post separate accounts for each month & Notes in margin [p 649] Auditor General Noted To be returned STAMP [faint]: AUDIT IOFFICE - NEW SOUTH WALES / 820-OCT 8-1858		649, 648
	58/03838	1858 10 25	Hon Colonial Secretary	Government Resident's Office, Brisbane W C Wickham Government Resident	1858 10 18  1858 10 25~ 1858 10 28 1858 11 02	With reference to your printed letter of 20 <sup>th</sup> of last April , informing me that a Certificate of Naturalization had been granted to John Hornung, I do myself the honor to inform you, that he did not make his appearance before me for the purpose of subscribing to the necessary oath, until this morning – for the reason as stated by him, that he had not sufficient money to pay the fees. And as the prescribed period of sixty days has more than passed, since the date of his Certificate viz (26 <sup>th</sup> April) I have declined to administer the oath until I receive your further instruction [58/371] & Notes in margin W V Certificate prepared Government Resident, Proth. Sup Comdt, J Hornung	A2.40	650 – 652
	58/01499	1858 04 26	Hon Charles Cowper, Colonial Secretary	Brisbane Daniel F Roberts  John Hornung [signature]	1858 04 21  1858 04 26~ 1858 04 26 1858 04 28  1858 04 17	At top: "D F Roberts for a Certificate of Naturalization in favour of John Hornung" I do myself the honor to forward Memorial of John Hornung who is desirous of being naturalized and shall be obliged by your forwarding to me or to Captain Wickham the necessary Certificate as required by Act of Council & Notes in margin Prepare Certificate for app <sup>n</sup> – to be submitted to Capt Wickham Certificate prepared Secretary of Treasury, Auditor General, Proth Sup. Comdt, Government Resident Brisbane, J Hornung [Ref 58/3838]  [PRINTED FORM] MEMORIAL, OR APPLICATION FOR A CERTIFICATE OF NATURALIZATION The Memorial of John Hornung of Brisbane, Moreton Bay – native of Wurtemberg [as it is] – 42 years, a Tailor – arrived by ship "Commadore	A2.40	653  654

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					1858 04 26	<i>Perry</i> in Moreton Bay in 1855 – resident since that date – desirous of settling in Brisbane & of becoming a Freeholder [Certificate] Correctness of statements & have known Memorialist about 2 years – John Reedman & Notes in margin – Certificate prepared		
	58/03849	1858 10 25	Hon Colonial Secretary	Henry Challinor	1858 10 18	At top: "Receipt of appointment to the Commission of the Peace" I have the honor to acknowledge the receipt of Mr Under Secretary Elyard's letter of September 3 <sup>rd</sup> officially informing me of my appointment to the Magistracy 2. I have also to add that in accordance with the instructions contained therein I waited upon His Honor Mr Justice Milford on 28 <sup>th</sup> ult who administered to me the prescribed Oaths 3. In respectfully acknowledging the honor His Ex the Governor General has been please to confer upon me by placing me in the Commission of the Peace, permit one to state that I more highly appreciate it, because I have not even in the most remote manner solicited the appointment 4. Trusting it will always be my anxious desire not only conscientiously but efficiently to perform the very responsible duties appertaining to the Office of Magistrate - I have the honor to Sir Your most Obedient Servant & Note in margin – U S Elyard	A2.40	655
	58/03853	1858 10 25	Hon Colonial Secretary	Supreme Court House, Brisbane Samuel Frederick Milford	1858 10 19	I have the honor to forward the Medical Certificate of the Surgeon of the Gaol here and a letter received by me from the Sheriff relating to a prisoner confined in Brisbane Gaol names John Burns. He was found guilty of stealing a sum of £7.15.0 from the pocket of a woman with whom he was riding in a cart and for stealing a horse by means of asking the woman's husband, then present to allow him to ride, and on that being allowed riding away with the horse. He was sentenced on twenty seventh day of April to one years hard labor in Brisbane. The case does not disclose any very flagrant crime and perhaps under the circumstances mentioned in Dr Cannan's Certificate it right to remit the remainder of his sentence & Notes in margin Governor General Remaining sentence remitted & Notes written cross letter Judge Milford, Inspector General, Sheriff Moreton Bay Government Resident	A2.40	656 – 657
	58/03853		The Sheriff, Brisbane	Brisbane Gaol K Cannan, Visiting Surgeon	1858 10 12	I beg to call attention to case of prisoner named in the margin and to make following report, viz That he has been in prison since 12 <sup>th</sup> February ult and during the whole of that period has scarcity been a week out of the sick list. That he has become gradually worse from the effect of long confinement. That from the number of prisoners and the want of all Hospital accommodation it is most difficult to manage properly such a case and that there is no prospect of any improvement in his health, but the contrary, up to the termination of his sentence I have the honor to be Sir Your Obedient Servant&		658 – 659

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	58/03853		His Hon Mr Justice Milford	Sheriff's Office, Moreton Bay William Anthony Brown, Sheriff	1858 10 16	& Note in margin - John Burns & [Cover] O.H.M.S. The Sheriff – Brisbane - "Brisbane Gaol"  At top: "Sheriff at Moreton Bay, to His Honor Mr Justice Milford, respecting John Burns a prisoner in Brisbane Gaol" I do myself the honor to submit a Report from the Medical Officer of the Brisbane Gaol of the state of health of prisoner named in the margin in order that I may receive such instructions as your Honor may think proper to recommend [No 58/70] & Note in margin - John Burns		660
	58/03874	1858 10 28	Hon Colonial Secretary	Calliope, Port Curtis Charles James Clarke	1858 10 10  1858 10 28 1858 10 28~ 1858 10 28 1858 10 30	At top: "Printing out error in notification of his name as a Magistrate and requesting Writ may be forwarded to swear him in" I have the honor to acknowledge receipt of the 3 <sup>rd</sup> ultimo, conveying to me a copy of Notice dated 30 August and published in the Government Gazette of 31 <sup>st</sup> , by which I observe I have been appointed a Magistrate of the Territory of New South Wales 2. The distance from here to the nearest Court of Quarter Sessions will render it necessary that I should take the prescribed oath, before a Justice of the Peace in order to which, I have the honor to request that a Writ of Dedimus Potestatem be forwarded to Lieut John Murray JP Rockhampton for the purpose 3. I beg further to draw your attention to an error in the aforementioned published Notice of my second Christian Name being therein Charles Henry Clarke, my name being Charles James Clarke & Notes in margin For report In the List from which the Commissions here prepared, Mr Clarke's names are given as "Charles Henry" New Commission herewith Prothonotary Supreme Court & Mr Clarke	A2.40	661 - 662
	58/03907	1858 10 29	Hon Colonial Secretary	Government Resident's Office, Brisbane J C Wickham, Government Resident  "C C"	1858 10 26  1858 11 01~ 1858 11 04	At top: "Government Resident at Moreton Bay to Hon Colonial Secretary, relative to purchase of a boat for use of Blacks at Amity Point" With reference to your letter of 5 <sup>th</sup> of last July [58/2318] authorising me to purchase a boat from Immigrant Ship "Ascendant" for use of Blacks at Amity Point, for the sum of £22. I do myself the honor to inform you that before receipt of your letter, the boat had been sold and that I have now purchased a good boat complete from the Immigrant Ship "Alfred" for £20-10/- which sum I have to request may be placed to the credit of my Public Account, in the Joint Stock Bank, Brisbane – I have the honor to be.. [No 58/385] & Notes in margin Treasury may be requested to do this with reference to the letter of 5 <sup>th</sup> July 1858 Secretary to Treasury, Government Resident	A2.40	663 – 665
	58/02318	1858 06 28	Hon Colonial	Government Resident's Office,	1858 06 22	At top: "Government Resident, Moreton Bay to Hon Colonial Secretary,	A2.40	666 – 670

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			Secretary	Brisbane J C Wickham, Government Resident		<p>recommending purchase of a new boat for use of Blacks at Amity Point” Also at top: “TREASURY - No 3096 – JN 30/1858” [faint] I do myself the honor to inform you that the boat provided by the Government for the Blacks at Amity Point Moreton Bay is now perfectly useless and unfit to be repaired – and that an application has been made to me for a new boat [No 58/225]</p> <p>2. In order that you may understand the nature of the application, I may state that in 1849 or 1850 the Blacks saved the lives of the Surgeon Superintendent and mate of the Immigrant ship “America” who were in danger of drowning from the upsetting of a boat in the Bay from the bottom of which they were rescued by the Blacks, after drifting about for some time – the Crew having been drowned</p> <p>3. As a reward of their conduct the Government gave them a boat which has from time to time been repaired at the public expense, but is now in such a state as to be unworthy of any farther expenditure</p> <p>4. In recommending this subject to the favorable consideration of the Government, I beg to remark that the Blacks on the Islands in the Bay, have at all times been ready to render assistance when required, and on several occasions have done good services and should their request be complied with, an opportunity now offers of purchasing a suitable boat from the Immigrant ship “Ascendant” for the sum of £22</p> <p>&amp;</p> <p>Notes in margin</p> <p>Will the Secretary to the Treasury say if there are any funds available for this from the vote for the Aborigines – B C</p>		
				“W E”	1858 06 29			
				“C C”	1858 06 29~ 1858 07 03~	Noted To be returned approved Ref. 58/3907 [see p 663-665]		
				“H L”	1858 07 02~	Notes at end of p 666 & in margin p 667 Balance on the Vote, as shown by Treasury Books, is £915.0.0 August Which the Colonial Storekeeper has claims to the extent of £650 – leaving an available sum of £265 to cover Ordinary Expenses for the remainder of the year – the Boat may be paid for out of this Balance, & a Supplementary Vote taken to replace the amount		
					1858 07 02~ 1858 07 08~ 1858 07 05	B C - Returned Colonial Secretary Office [very faint - illegible] Secretary to Treasury Government Resident [Ref 58/3907]		
	57/00572	1857 02 04	Hon Colonial Secretary	Government Resident's Office, Brisbane J C Wickham, Government Resident	1857 02 03	<p>I do myself to honor to inform you that the boat which was supplied by the Government to Amity Point Blacks, is very much in want of repairs and as I think it very desirable that it should be put in good order for them, as they have no means of doing it themselves, &amp; request that I may be permitted to expend ten pounds for this purpose a similar sum having been required &amp; granted in 1855 [No 57/39]</p> <p>&amp;</p> <p>Notes in margins</p> <p>The Secretary to the Treasurer will perhaps say if there are any funds out of which this expense can be defrayed if authorised – B C</p>	A2.40	671 – 672
				W Elyard	1857 02 09 1857 02 09~	Noted To be returned – 58/2318 - £10 Stamp: TREASURY No 38 / A / FE-9 / 1857 See 55/4833 herewith		



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				Henry Lane  H W P	1857 02 10 1857 02 11~ 1857 02 11~ 1857 02 12~ 1857 02 19	The sum of £10 expend~ was paid to Capt Wickham on 11 July 1855 and accounted for under the "Aborigines" p 672: The like of sum of £10 now asked for similar Service, might be charged to the Vote of £2000 to defray the Expenses of "Aborigines in 1857" Treasury Returned CSO BC: For approval  Auditor General, Government Resident [58/2318]		
	55/04833	1855 05 21	Hon Colonial Secretary	J C Wickham, Government Resident Brisbane  "W D"	1855 05 16   1855 05 21~ 1855 05 21 1855 05 25~ 1855 05 26~	I do myself to honor to inform you that the boat which was given by the Government to Amity Point Blacks, is very much in want of repairs and as I think it very desirable that it should be put in good order for them, as they have no means of doing it themselves. I request that I may be permitted to expend £10 for this purpose & thus show the Natives that their services have not been forgotten [No 55/101] [similar letter p 671] & Notes in margin This may perhaps be approved Approved Government Resident Auditor General [57/572]	A2.40	673 – 674
	58/03908	1858 10 29				[PRINTED FORM] MEMORIAL, OR APPLICATION FOR A CERTIFICATE OF NATURALIZATION To His Ex Sir William Thomas Denison Knight Commander, etc 1. Memorial of Henry Opperman of Brisbane .... Native of Hamburg, in Germany 2. Memorialist is Twenty-three years of age as a carpenter 3. Memorialist arrived in Colony by "John Cosar" in 1856 (February) 5. Memorialist is desirous of settling in the Colony & purchase land etc 6. Memorialist requests Your Excellency may be pleased to grant a Certificate Signature: Henry Opperman Date 25 October 1858 We the under designed .... know Memorialist since his arrival in the Colony # Known about 2 years T C Heussler - Arthur A May & Notes in margin Prepare Certificate Certificate prepared Usual letter	A2.40	675
	58/3908		Hon Colonial Secretary	Brisbane Daniel F Roberts	1858 10 29~ 1858 10 30 1858 11 02  1858 10 26	I do myself the honor to forward the application of Henry Opperman for Certificate of Naturalization, and beg you will be pleased to cause the same to be forward to Brisbane as early as possible		676
	58/03997	1858 11 06	Hon Colonial Secretary	Government Resident's Office, Brisbane J C Wickham Government Resident	1858 11 03	At top: "Ex CI 58/696 – 8 Nov 1858" It has been represented to me that very great inconvenience arises in consequence of there being no Magistrates near the line of road between Ipswich and Drayton, a distance of 65 miles and that persons requiring Summons have to travel to either those towns to obtain such [58/400]	A2.40	677 – 679

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				A Orpen Moriarty Clerk of the Council  "W D"  "C C"	1858 11 15  1858 11 18 1858 11 19 1858 11 19~ 1858 11 20 1858 11 25	2. I do myself the honor to bring the subject under your notice and to inform you that Mr William Truner of Hellidon has been named a Justice of the Peace, and that such appointment would remedy the evil complained of, and would be otherwise beneficial, in consequence of his residence being only about seven miles from the Police Station at Gatton where one district and two ordinary constables are stationed 3. I am not personally acquainted with Mr Turner, but know that he has considerable property in this District, and believe him to be qualified to perform the duties of a Magistrate & Notes re above The Executive Council advise that William Turner Esquire be appointed a Magistrate of the Territory, and its dependencies Conf 15 <sup>th</sup> Nov 1858 No 58/690 Approved Returned Colonial Secretary  Commission herewith Notice: Government Resident, Mr Turner, Prothonotary		680
	58/04002/2	1858 11 06	Hon Colonial Secretary	Police Office, Ipswich Charles George Gray Police Magistrate  "C C"	1858 10 19  1858 11 08~	At top: "Receipt of Two packages of "Imphee" "No 1" I have the honour to acknowledge the receipt of two packages of "Imphee" seed forwarded to input. I am happy that it arrived at this season of the year as I sent for it for the purpose of distribution with the view of introducing so valuable a variety of sorghum into this district [No 110/58] & Note in margin	A2.40	681 – 682
	58/03682	1858 10 11	Hon Colonial Secretary, Sydney	Cape of Good Hope Colonial Office Samuel Rawson [as it is]  "C C"	1858 07 21  1858 10 11~ 1858 10 12 1858 11 03~ 1858 11 06	At top: "Transmitting 3 Packages containing "Imphee" for persons residing in New South Wales" I am desired by Governor Sir George Grey to forward herewith three packages containing "Imphee" seed addressed to persons residing in New South Wales with a request that you will have the goodness to transmit them to their several destinations [No 179] & Notes in margin To be forwarded Acknowledge receipt & inform Col Gray On 1 <sup>st</sup> Nov – Resubmitted Mr Rawson [58/4002/2]  Very small paper – illegible	A2.40	683 – 684
	58/04506	1858 11 13				[PRINTED FORM] MEMORIAL, OR APPLICATION FOR A CERTIFICATE OF NATURALIZATION To His Ex Sir William Thomas Denison Knight Commander, etc 1. Memorial of Hermann Winterhoff of Warwick .... Hamburgh, Germany 2. Memorialist is Twenty-five years of age - accountant 3. Memorialist ..... by "Snapdragon" in 1856 5. Memorialist may be enabled to become a freeholder Signature: Herman Winterhoff Date 2 <sup>nd</sup> November 1858 We the under designed .... know Memorialist since March 1858	A2.40	686

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					1858 11 13~ 1858 11 15 1858 11 19	Marcus Berkman – Patrick Fleming & Notes in margin Prepare Certificate for approval Certificate prepared Usual letters		
	58/04609	1858 11 06	Hon Colonial Secretary	H M Gaol, Brisbane J C Wickham, V J	1858 11 06	At top: "Visiting Justice applying for discharge of Mr Summerscales from Gaol supposed to have been a lunatic" I have the honor to inform you that in 27 ultimo the person named in the margin was committed to the Gaol at Brisbane from Rockhampton in the Colony of New South Wales as being unsound mind Since he has been in that establishment, those having charge of him, have not been able to discover anything either in his language or behaviour to lead me to think that he is not of same mind. I have caused the said individual to be examined by two Medical men, whose Certificate I herewith enclose, certifying that he is quite fit to be set at large. Under these circumstances I beg to suggest that an order for his release be forwarded to the Sheriff & Notes in margin "William Summerscales" This is regular - Warrant herewith V Justice – B C	A2.40	687 – 688
	58/04609			"W V"	1858 11 20~ 1858 11 22~ 1858 11 23~  1858 11 12	We the undersigned being legally qualified Medical Practitioners do hereby certify that we have examined William Summerscales who has been committed to Her Majesty's Gaol, Brisbane, Moreton Bay in the Colony of New South Wales as being of unsound mind – And we hereby certify that upon view and examination of the said William Summerscales we are of opinion that he is of perfectly sane mind and fit to be at large Signed at Brisbane, Moreton Bay in the Colony of New South Wales this 12 <sup>th</sup> day of November 1858 – K Cannan, Visiting Surgeon – W Hobbs		689
	58/04668	1858 11 27	Hon the Principal Secretary, Sydney	Police Office, Dalby Charles Coxen J P	1858 11 08	At top: "Bench of Magistrates at Dalby ... with reference to payment of a Collector of the Electoral Roll" We do ourselves the honor to inform you that a voucher for the payment of Twelve Pounds ten shillings for collecting the Electoral Lists for this District has been returned from the Audit Office to the Bench for an explanation of the reasons why this duty was not performed by the Police. [No 58/95] We have the honor to state for your information that the Chief Constable has summoned to appear at the Supreme Court Brisbane on the 4 <sup>th</sup> of June last, and we were apprehensive that he would not return in sufficient time to enable him to collect this List without assistance, under the circumstances. We deemed it advisable to engage the services of a Collector for that purpose Trusting that you will be pleased to authorize the payment of the amount specified We have the honor, Your obedient servants for the Bench & Notes in margin Auditor General – BC Noted	A2.40	690 – 692
				"W E"	1858 11 27			

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				W C Mayne, A G	1858 11 29~ 1858 12 01~ 1858 12 02~ 1858 12 02~ 1858 12 07	£1210.0.0 Stamp: AUDIT OFFICE / NEW SOUTH WALES – 941 / NOV 29 / 1858 The Voucher has under the explanation been passed to the Treasury for payment Returned Colonial Secretary Inform Bench Dalby		
	58/04755	1858 12 06	Hon the Principal Secretary, Sydney	Police Office, Dalby Frank S Bowerman Clerk of Petty Sessions  "W V" "C C"	1858 11 17    1858 12 06~ 1858 12 07~ 1858 12 10	At top: "Clerk of Petty Sessions at Dalby" & "Forwarding Scale of Impounding Fees" By direction of the Bench of Magistrates I have the honor to transmit to you herewith the accompanying "Table of Rates" (as fixed by "Bench") to be charged for the Trespass of Cattle and the Distances thereof whilst impounded in the District of Dalby under the provisions of the Act of Council 19 Vic. No 36 I am further directed respectfully to request that you will have the goodness to cause the Schedule referred to, to be submitted to the Governor General for His Excellency's approval [No 58/99] (very difficult to read) & Notes in margin J W For approval Gazette, Bench	A2.40	693 – 694
	58/04757	1858 12 06	Principal Secretary	Police Office, Dalby Charles Coxen JP – J C White JP	1858 11 16	At top: "Bench of Magistrates at Dalby – with reference to the detention of Ong You (a Chinaman) in the lock-up at Dalby" We have the honor to acknowledge the receipt of you letter of 28 <sup>th</sup> ult No 58/3832 accompanied by a copy of a letter addressed to you by Kim (a Chinaman) complaining of the detention of a fellow-countryman in the lock-up at Dalby. In reply we regret to say that the fact as represented in the letter referred to, is but too true [58/98] Ong You was given into the custody of the Police on 9 <sup>th</sup> September charged with stealing a saddle and its appurtenances; but in consequence of the non-attended of a Magistrate at the Court during his incarceration, his case was not adjudicated on until 5 <sup>th</sup> October and even the principal witness for the prosecution was not in attendance at the Police Office and it was found to be impracticable to give him due notice to attend the Court on the above date, in consequence of the distance that Witness resided from the Police Office and the short time the Magistrate remained in the Town The accused is now out on bail, on his own recognizance, to appear whenever called upon to answer the charge for which he was apprehended In accordance with the request contained in your letter, we now do ourselves the honor to recommend to your favorable notice Mr Frank Sydney Bowerman, Clerk of this Bench & that he be appointed a Stipendiary Magistrate We have much pleasure in reiterating the favourable opinion we entertain of Mr Bowerman, whose appointment to the Commission of the Peace, would, we feel assured, give very general satisfaction to the inhabitants of this Town and District; indeed we may add, that we know of no other resident gentleman who is willing to accept the appointment, and at the same time qualified to undertake the duties of the Office We respectfully beg leave to annex copies of letters, for your information, which we addressed to the Inspector General of Police recommending the	A2.40	695 – 701

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				"C C"	1858 12 08~	reduction of one ordinary Constable at the end of the year, whereby the expenses of this Establishment for 1859, would only be a trifle in excess of the same voted for the current year We beg to represent that the absence of one of the Magistrates (Mr C Coxen) was occasioned by a very severe accident – We have the honor to be Sir, your obedient servants for the Bench – Charles Coxen – J C White & & Note in margin - Nothing further required & [at end of above letter] When Ong-You was apprehended, I was at Maryborough – a distance of nearly 150 miles from Dalby and on my return, I had business at Warwick 75 miles in an opposite direction. The Chief Constable called twice at my Residence – a distance of 25 miles from Dalby during my absence – J C White JP		
			Inspector General of Police	Police Office, Dalby Charles Coxen JP J C White JP	1858 07 01	"Copy" We do ourselves the honor to transmit to you herewith the accompanying Schedule of the Police Establishment at Dalby, and in doing so we regret that we cannot recommend any decrease on the proposed Estimate for 1859, on the contrary we deem an increase absolutely and imperatively necessary for the Public Service, by the appointment of a Stipendiary Magistrate in terms of the Act of Council 30 [crossed out] Vict No 32 In making this recommendation we respectfully beg leave to point out that the Clerk of this Bench is also Agent for the Sale of Crown Lands, for the performance of which duties, he is guaranteed in addition to his Salary as Clerk of Petty Sessions not less than £50.0.0 a year, so that a trifling increase on his collective Salaries would make his Salary to the amount we have proposed (in Schedule), In case of our suggestion being acceded to, we feel persuaded that the increased Cout Fees that would necessarily accrue by the regular attendance of a resident Stipendiary Magistrate would make the increase merely nominal In conclusion we can only repeat that we consider such an Officer is very much needed in consequences of the peculiar nature of the District, the paucity of Magistrates attending the Sittings of the Bench and the great distance they respectively reside they respecting resile from Court House [No 58/60] We have the honor to be your obedient servants (Signed) Charles Coxen JP – J C White JP	A2.40	702 – 705
			Inspector General of Police, Sydney	Police Office, Dalby Charles Coxen JP J C White JP	1858 11 16	"Copy" Referring to our letter of 1 <sup>st</sup> July last No 58/60, we do ourselves the honor to inform you that after mature consideration we deem it our duty again to call your attention to the urgent necessity that exists for the appointment of a resident Stipendiary Magistrate for this District [No 58/97] And in order that the expenses of this Establishment for 1859, may not be much in excess of the sum voted for the present year and that no obstacle of a pecuniary nature may exist to deter the Government from placing a sum of money on the Estimates for the salary of the officer in question We do ourselves the honor to recommend that a reduction of one Ordinary Constable be made in the Schedule proposed by us and forwarded to you as the probable expenses of this Establishment for the year 1859 We will not weary you with a repetition of the various reasons why we consider this		706 – 709

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						<p>appointment so necessary, suffice it to say, there is a great paucity of Magistrates in the District and the great distance they each reside from the Court, renders their regular attendance of a very onerous nature, more especially as it frequently happens that on the arrival of a Magistrate for the purpose of attending to Magisterial duties, no coadjutor is to be found; cases therefore have to be adjourned and others fall ... the ground entirely, and an incalculable amount of loss and annoyance is thereby occasioned to all parties concerned</p> <p>In conclusion we urgently and respectfully entreat that you will use the weight of your influence in having a sum of money placed on the Estimates for 1859, as the salary of the Officer in question</p> <p>We have the honor to be Sir – Your Obedient Servant for the Bench (signed) Charles Coxen JP – J C White - JP</p>		
	58/03832	1858 10 23	Hon the Colonial Secretary, Sydney	Kim (Chinaman) Dalby	1858 10 04~	<p>At top: "Dalby – 4<sup>th</sup> Oct 1858"</p> <p>At top: "Calling attention to a Chinaman a countryman of his being confined in the lock-up for more than a month in consequence of the absence of a Magistrate to hear his case"</p> <p>I beg leave most respectfully to draw your attention to an evil that had long existed in this rapidly improving township and calls loudly for the interference of some Honorable gentleman whose influence may be subsisting powerful to procure a remedy for it</p> <p>A poor countryman of mine named Ong-You has been confined in the lock-up at this place upward of four weeks without the possibility of procuring the attendance of a Magistrate to adjudicate the case and whether guilty, or innocent imputed to him, he is, he is unjustly subjected to a very long incarceration without a hearing. This is the consequence of there being no Resident Magistrate in the Town, a boon frequently solicited by all the inhabitants and the utter impracticability of withdrawing the gentlemen, who are in the Commission of the Peace from their respective avocations at this busy season of the year, when the nearest to the spot will have to travel 20 miles to perform the duty</p> <p>Mr Charles Coxen JP has kindly devoted much of his time to the Magisterial Bench, but his requirements are urgent at his own stations and notwithstanding his willingness, he cannot always attend when wanted, added which (since the removal of Dr Swifte, who was seldom absent from the Town) the evil complained of has considerably increased.</p> <p>In the case of my poor countryman, I entreat that you will be pleased to cause some enquiry to be made and graciously listen to an appeal for some remedy to be found for the crying evil so long existing</p> <p>I am your most Obedient Very Humble Servant, Kim / Chinaman and free holder at Dalby</p> <p><i>[letter faint &amp; notes written over first page]</i> &amp; Notes</p>	A2.40	710 – 712
				"C C"	1858 10 03~ 1858 10 00~	<p>Refer to the Bench - if the fact is as stated. It will be glad ,, appointment Gentleman qualified and willing to accept the ... Inspector General? Bench [58/4757]</p>		
	58/04766	1858 12 07	Hon the Chief Secretary, Sydney	Rockhampton Arthur Vyner P.M.	1858 11 30	<p>At top: "Police Magistrate Rockhampton nothing to communicate"</p> <p>I have the honor to say that time alone has changed since the date of my last despatch and leaves me nothing to communicate</p> <p>&amp; Note in margin</p>	A2.40	713
				"C C"	1858 12 07~			

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						<b>RETURNS OF GAOL ESTABLISHMENTS</b> <b>P 714 - 745</b> <b>CS REF numbers not used here for any items other than p 714-5</b>	A2.40	
	58/04829	1858 12 11	Hon Colonial Secretary	Government Resident's Office, Brisbane J C Wickham, Government Resident	1858 12 04	At top: "Government Resident at Moreton Bay" Honor to inform you in reply to your letter of 19 <sup>th</sup> November, that the return of the <b>Gaol Establishment at Brisbane for the Committee on Retrenchment</b> was forwarded from the Sheriff, to the Hon the Attorney General on 21 <sup>st</sup> of last July [No 58/453] & Note in margin - <b>No 14</b>	A2.40	714 – 715
			Hon Colonial Secretary	Government Resident's Office, Brisbane J C Wickham, Government Resident	1858 12 13~			
			Hon Colonial Secretary	Government Resident's Office, Brisbane J C Wickham, Government Resident	1858 04 16	At top: " <b>No 14 – Rec'd 21 June 1858</b> " In compliance with your Circular of 22 <sup>nd</sup> ult, No 58/21 received on 14 <sup>th</sup> inst, I do myself the honor & to inform you that I have this day forwarded under separate cover, a return of the duties performed by my Department [No 58/233] & Note in margin		716 – 717
			Hon Colonial Secretary	Sheriff's Office, Sydney John O'Neill Brenan, Sheriff	1858 04 27~			
			Hon Colonial Secretary	Sheriff's Office, Sydney John O'Neill Brenan, Sheriff	1858 06 11	At top: " <b>No 11 – Received 12<sup>th</sup> June</b> " In accordance with the instructions contained in your letter of 22 <sup>nd</sup> ult I have the honor to forward herewith Returns from the Gaols, enumerated in the margin required for the information of the Committee of the Legislative Assembly on Retrenchment in the Public Expenditure [No 58/50] & Notes in margin Darlinghurst Gaol; Parramatta Gaol; Bathurst Gaol; Maitland Gaol; Goulburn Gaol Entd		718
			Hon Colonial Secretary	Government Immigration Office, Brisbane H H Browne	1858 07 08	At top: " <b>No 19 – Recd 8<sup>th</sup> July 1858</b> " The Agent for Immigration to Colonial Secretary, forwarding Schedule containing certain information relative to his Department, required by a <u>Select Committee of the Legislative Assembly</u> In accordance with request contained in your Circular letter of 22 <sup>nd</sup> May last, I do myself the honor to transmit to you herewith, duly filled up the Form of Schedule containing certain information in respect to the Department, required for the Select Committee of the Legislative Assembly on Retrenchment in the "Public Expenditure" & Note in margin		719 – 720
			Hon Colonial Secretary	General Post Office, Sydney W H Christie, Postmaster General	1858 06 26	At top: " <b>No 17 – Received 28 June 1858</b> " The Postmaster General to the Colonial Secretary transmitting Schedule of <u>Information relative to the Post Office Department</u> I have the honor to transmit in accordance with the constructions contained in your Circular letter dated 22 <sup>nd</sup> ult, a Schedule giving fulling information respecting this Department [No 58/79] & Note in Martin – 58/939		721 – 722
						At top: " <b>No 22 – Rec'd 31 August 1858</b> " Memo		723 – 724



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					1858 09 02	<p>Forwarded to the Principal Under Secretary as a sequence to the Return transmitted on the 17<sup>th</sup> inst B C August 31<sup>st</sup> for the Inspector General of Police &amp; Note p 724: To be sent to the Clerk of the Assembly</p> <p><b>PRINTED FORM</b> <b>Department of the Government Resident, at Brisbane, Moreton Bay</b> <b>P 725:</b> NO. / NATURE OF OFFICE AND WHERE EMPLOYED / NAME OF HOLDER / WHETHER HOLDING OTHER OFFICE, AND IF SO, WHAT / EPITOME OF DUTIES / <b>P 726:</b> IF ANY ARREARS, OF WHAT NATURE AND FROM CAUSE ARISING / DATE OF APPOINTMENT TO PUBLIC SERVICE / DATE OF APPOINTMENT TO PRESENT OFFICE / TOTAL LENGTH TO SERVICE / SALARY: Rate received on Appointment to Public Service - Rate received of appointment in present Office – Rate now received – Whether provided with Quarters / REMARKS</p> <p>Details written: NATURE OF OFFICE: (1) Government Resident, Moreton Bay (2) Clerk to: the Government Resident / NAME OF HOLDER: John Clements Wickham – Charles Carrington / WHETHER HOLDING etc: None / None / EPITOME OF DUTIES: “J C W” - General supervision of the District – To correspond with the various Departments of the Central Government on all subjects relating to the District – Responsible for the proper expenditure of all monies voted for Roads &amp; Public Works in the district and to keep all accounts connected with such expenditure As controller of the Native Police Force – to correspond with Commandant and other officers, and communicate with Colonial Secretary, on subjects connected with that Force – To pay all salaries and other expenses of the Force and to keep the Accounts incidental to that expenditure In addition to the above general outline at duties there are those connected with the following appointments – viz Visiting Justice at the Gaol – Chairman of the Immigration Board – Chairman of Board of Works It is difficult to enumerate the several duties which had devolved therewith a number of years, on the Government Resident as he is referred to in all subjects relative to the Government “Clerk” – Various and constant in connection with correspondence and accounts, referred to above IF ANY ARREARS: The accounts of the expenditure for Native Police purposes, are in arrear in consequence of the difficulty in collecting the Vouchers from the Officers in command of the different divisions, and in some degree owing to the changes which have lately taken place in the distribution of the Force <b>“J C W” – written details</b> 1-1842-Nov.14 / 2-1853–Jan.1 / 3-15-Years and 7 months / 4-£300–per annum / 5-£500-with Commdt on Land Sales / 6-£700 Annum/ 7-£50 per</p>		[725] – [726]

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						annum – Travelling expenses in lieu of ... / 8-£35-Fuel Light Water Postage Stationery etc / 9-£983.0.0 / 10 -No CLERK REMARKS In consideration the duties to be performed by the Clerk to the Government Resident arising from an extensive correspondence and variety of Accounts I venture to suggest that some increase should be made to the present salary attached to that office 1-1855–Aug 11/ 2-1858-July 24/ 3 -4-years and 6 months/ 4-£190-per annum/ 5-£200-per annum/ 6-£200-per annum/ 10-No SIGNED: J C Wickham, Government Resident		
						<b>RETURNS OF GAOL ESTABLISHMENTS CONTINUED</b> <b>P 727-745</b> <b>CS REF numbers not used here for any items other than p 714-5</b>	A2.40	
			Principal Under Secretary	Audit Office, Sydney W C Mayne A G	1858 06 24	At top: <b>“No 15 – Rec’d 25 June 1858”</b> In compliance with the request conveyed in your Circular letter No 21 of 22 <sup>nd</sup> ult, I do myself the honor to return the Form of Schedule filled up with the particulars required respecting this Department	A2.40	727
				Colonial Secretary's Office, Sydney	1858 06 15	Memorandum In the Column headed “Whether in receipt of any other remuneration and if so what” the salary received by Water Police Magistrate should be inserted Amounts received also by the Surgeon and Clergyman for the performance of other services than at ..... should also be shown in the same column. The Visiting Magistrate is requested to have the goodness to cause the form to be completed and returned top the Colonial Secretary Office with as little delay as possible & Note at top: Returned with the alterations suggested		728 – 730
				“S N”?	1858 06 17	<u>Goulburn Gaol</u> The stipend received by the Clergyman otherwise than for attending at the Gaol ought to be inserted in the Column, headed ‘Whether in receipt of any other remuneration and if so what’. The amount for Contingencies might also to be stated in one sum in the appropriate Column Mem. The full amount of Contingent Expenses of the Gaol should be filled in the appropriate column, And the amount received by the Chaplain ought to be states in Int.		731 – 733
				Executive Council Office, Sydney Edward C Merewether	1858 06 14	<u>Bathurst Gaol</u> Visiting Magistrate omitted – the stipend received by the Clergymen otherwise than at the Gaol ought to be shewn in the column headed “Whether in receipt of any other remuneration and if so what” – and the full amount of Contingencies should be shown in the appropriate column At top: <b>“No 12 – Rec’d 14 June”</b> At top: “The Clerk of the Executive Council to Honorable the Colonial Secretary returning Form of Schedule affording certain information required by the Committee of the Legislative Assembly in Retrenchment in the Public Expenditure” [58/328] In accordance with the request contained in your Circular Letter pf 22 <sup>nd</sup> Ult, I do myself the honor to return to you the enclosed Form of Schedule		734 – 735  736 – 737

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			The Hon Colonial Secretary	T Durrall / Durrell? P M Superintendent Parramatta	1858 06 01	affording the information in respect to this Department required by the Committee of the Legislative Assembly on Retrenchment in the Public Expenditure  At top: <b>"No 8 – Rec'd 2nd June 1858"</b> At top: "Superintendent of the Protestant Orphan School forwarding return requested by the Committee of the Legislative Assembly" I have the honor herewith to forward to you the return required by your letter of the 22 <sup>nd</sup> May 1858		738
			Under Secretary	Registrar General's Office, Sydney Chris Rolleston, Register General	1858 06 20	At top: <b>"No 9 – Rec'd 2<sup>nd</sup> June 58"</b> In compliance with the request contained in your Circular of 22 <sup>nd</sup> ult I do myself the honor herewith to transmit the Form of Schedule relating to my Department duly filled up as required [58/536]		739
			The Under Secretary	Water Police Office, Sydney S North, N P M	1858 05 29	At top: <b>"No 3 - Rec'd 29 May 1858"</b> As requested in your Circular letter dated 22 <sup>nd</sup> Inst I have caused the Schedule therewith forwarded to be filled up, with the information required by the Committee of the Legislative Assembly on Retrenchment in the Public Expenditure and now have this honor of returning it to you [No 58/50]		740
			The Hon Colonial Secretary	Newcastle J E Siary? Health Officer	1856 05 27? as it is	At top: <b>"No 2 – Rec'd 29 May 1858"</b> I have the honor to reply to the Circular, having date 22 <sup>nd</sup> instant, having .....to make such suggestions in accordance with the instructions contained in said Circular as appeared to calculated for the letter carrying on the duties of the Health Officer		741
			Principal Under Secretary	Cockatoo Island S North, Visiting Magistrate	1858 05 31	At top: <b>"No 5 – Rec'd 2<sup>nd</sup> June 58"</b> At top: "The Visiting Magistrate of Cockatoo Island to Hon Colonial Secretary, enclosing particulars of Officers employed at the Penal Establishment as requested in Circular letter of 22 <sup>nd</sup> Instant" In compliance with the request contained in your Circular letter of 22 <sup>nd</sup> Inst I have the honor to return, completed with the information requested, the Form of Schedule transmitted by you to be prepared on points, upon which the Committee of the Legislative Assembly on Retrenchment are especially desirous of obtaining information for the purposes of their enquiry Note – "1 Inclosure"		742
			William Elyard, Under Secretary, Colonial Secretary's Office	Tarban, Lunatic Asylum J Campbell M D Superintendent	1858 06 01	<b>At top: "No 6 – Rec'd 2<sup>nd</sup> June 1858"</b> I have the honor to return enclosed herewith the "Form of Schedule" transmitted to me 22 <sup>nd</sup> May 1858 by direction of the Colonial Secretary, prepared with the required information on the various points indicated, to the best of my judgment and as fully as the limits of the form would admit; and I beg to call the Colonial Secretary's particular attention to the item of Expenditure for the present year which I have reason to believe may approximate but not exceed the amount there given [No 58/64]		743 – 744
			The Hon Colonial Secretary	Central Police Office, Sydney D Forbes P M	1858 06 15	<b>At top: "No 13 – Rec'd 16<sup>th</sup> June 1858" [as it is]</b> I do myself the honor to acknowledge the receipt of your Circular of the 22 <sup>nd</sup> ult, forwarding a Form of Schedule to be filled up with particulars for the information of the Committee of the Legislative Assembly on		745

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						Retrenchment in the Public Expenditure; and in returning the same, filled up as directed, I beg to state that I have felt it my Duty to append a few remarks and suggestions which will I trust be of service to the Committee [58/16]		
	58/04830	1858 12 11	The Hon Colonial Secretary	Government Resident's Office, Brisbane J C Wickham Government Resident	1858 12 06	I have the honor to forward the enclosed letter [Margin: 18 <sup>th</sup> October 1858] from 2 <sup>nd</sup> Lieut Powell of Native Police addressed to the office in command of his division applying for two or three months leave of absence 2. As Mr Powell is suffering from complaints which have been brought on by exposure to the weather, while in execution of his duty, and is mentioned by the Commandant, as a zealous and active officer, deserving of consideration I beg to recommend, that he be allowed eight weeks leave, as suggested by Mr Morisset to enable him to visit Sydney [No 58/456] & Notes in margin Governor General Approved  Government Resident	A2.40	746 – 747
	58/04830		John Murray Esq 1st Lieut Native Mounted Police	Native Mounted Police Barracks, Rockhampton W Powell 2 <sup>nd</sup> Lieut N M Police	1858 10 18	I have the honor to forward through your hands, to the proper authorities, An application for leave of absence for two or three months I am now, and ever since May 1857 have been suffering more or less from Chrome [Chronic?] Rheumatism, and have not been able in consequence for some time, to perform my work with any satisfaction to myself Now, from the late change in the weather, I feel myself totally unable to do duty requiring any kind of exposure or energy Should you think proper to recommend this application, I hope that the change of climate together with other advantages, obtainable in Sydney now to have a beneficial effect, and I can't return to my duties with requisite vigor		748 – 749
	58/04831	1858 12 11	The Hon Colonial Secretary	Brisbane Hospital Moreton Bay John Innes Secretary	1858 12 09	At top: "Secretary for admission of W Blackett to Lunatic Asylum" By direction of the Committee of the abovenamed Institution I have the honor to enclose herewith an application in due form with a Medical Certificate to His Excellency the Governor General for the admission into a Lunatic Asylum of the patient named in the margin who is of unsound mind and destitute of the means to pay for his maintenance Should His Excellency the Governor General be pleased to accede to the prayer of the Petition the Committee will feel obliged at your earliest convenience for the necessary order for the admission of the patient into a Lunatic Asylum & Notes in margin This is now regular Approved <u>William Blackett</u>  Order Secretary	A2.40	750 – 751
				A O Stephen	1858 12 13	At top: "In the Supreme Court of New South Wales – In Lunacy" <u>In re W Blackett</u>		751

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	58/04831			Brisbane Hospital Frederick James Barton	1858 12 04	Upon reading the Petition of herewith, Frederick James Barton and the amend Certificate of two legally qualified Medical Practitioners I consent and approve of this application  To His Excellency Sir William Thomas Denison, Knight Captain General as Governor in Chief in and over Her Majesty's Territory of New South Wales, etc The Petition of Frederick James Barton of Brisbane House Surgeon to the Brisbane Hospital Respectfully sheweth that William Blackett a pauper in Brisbane Hospital has been examined and found to be of unsound mind as will appear by the annexed Certificate and that your Petitioner, who is the guardian of the said William Blackett (having the actual protection & cares of him) is desirous of procuring his admission into the Lunatic Asylum in order that he may there have such medical care and attendance as may be likely to ensure his eventful recovery at the Public expense the said William Blackett being destitute and without known friends or relatives Your Petitioner therefore prays that your Excellency will be pleased to direct that the said William Blackett may be received into such Lunatic Asylum as your Excellency may think fit to appoint		752
	58/04831			K Cannan, Visiting Surgeon, Frederick James Barton, Resident Surgeon, Brisbane Hospital  A O Stephen	1858 12 04	We the undersigned being legal qualified Medical Practitioners, do hereby certify that we have examined William Blackett at present a pauper in the Brisbane Hospital and that we find him to be of unsound mind and a fit & proper object for reception into the Lunatic Asylum, and we further certify that in our opinion the said William Blackett would be benefitted by treatment in such Asylum  Upon reading the Petition: I have signed the Approval – in order that the Governor's Order may be obtained without delay. But it was the only of the Medical gentlemen to apply to His Honor the Resident Judge; and I trust that the same oversight will not appear again. I doubt whether I have any jurisdiction in the matter, the case arising in Moreton Bay		753  754
	58/04835	1858 12 11	The Hon Colonial Secretary	Police Office, Ipswich Charles George Gray, Police Magistrate	1858 12 07	I have the honor of forwarding to you an Application from Frederick Charles Daveney for a month leave of absence from him duties here the leave to commence on 1 January 1859. I beg to leave to recommend Mr Daveney's application to your favourable consideration as he can be best spared at the period he has mentioned from his official duties here [No 116/58] & & Notes in margin Approved provided the duties under the ...Act are not neglected Police Magistrate	A2.40	756 - 757 [no p 755]
	58/04835		The Hon Colonial Secretary	Frederick Charles Deveney C P S	1858 12 06	I do myself the honor to request that you will be good enough to allow me a months leave of absence from my duties here – it is three years since I was last allowed leave of absence by Government; during in my absence I have arrangements with a person to act for me, he has acted on former occasions and is perfectly 'au fait' to the routing of the office, so my absence will cause no inconvenience I should wish if it were possible and agreeable to you, that my leave should take place from the 1 <sup>st</sup> January next – as I can only get away between the		758 – 759

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	58/04883	1858 12 16	Honorable Secretary for Land & Works, Sydney	Police Office, Drayton Frederick N Isaac JP H B Fitz JP John Watts JP P Thane JP J C White JP	1858 12 03	return day At top: "Bench" "58/4248 – 11/Dec/58" – crossed out" We do ourselves the honor to bring under your Notice the insufficient accommodation affected by the existing Police Building at Drayton and to request that you will have the goodness to take such measures as will obtain for us the means of erecting building more suitable to the requirements of this large District. The present building comprises Court room and Lockup under one roof – the prisoners cells immediately adjoining the Courtroom an arrangement we consider open to many objections A sum has repeatedly been placed by us in Estimates for the Establishment for the addition of a Magistrates room, intending it to serve also as a place for safe custody of papers and Records of the Office – but on reflection we consider that the addition of a room would but imperfectly supply our wants. The present Courtroom (which has to answer every purpose) is not large enough to afford sufficient accommodation for the people assembled on any occasion of public interest such as Licensing days, or Land Sales, whilst ... cells are not sufficient with the rapidly increasing population of the District where there are frequently three or four and sometimes seven or eight [continue p 763] & Notes of margin 58/2 4915 / Police - Dec 21 1858 12 11~ Submitted 1858 12 15~ Chief Secretary 1858 12 16~ Principal Under Secretary – B C 1858 12 15~ Noted & 1858 12 17~ Note at top: "For erection of a larger building for Police purposes – A Lock up to be erected - present buildings to be enlarged for a Court" & Notes across letter <b>p 760?</b> [difficulty to read in parts] It must now be borne in .... that a new Township springing up with 4 miles to Drayton & which seemed lately to ... side the better or a Township for the District the Government cannot provide Police Buildings for both ... than ..... refined to the Inspector General for his report – B C Noted 1858 12 21~ & <b>across left cover p 761</b> As the Township of Toowoomba has been only recently recommended to the Government as the proper place for the Erection of a Court House and Lockup, it is suggested that no addition be made to the Existing Buildings in Drayton, till the claims of the two Townships as places for holding Court Sessions has been decided – B C Returned & 1858 12 03~ Note ( <b>covering top of p 762 – 58/4248</b> ) [Floor Plan – small plan over p 762] Bedroom / Cell / Cell 14 X 8 / 8 ft / 1859 01 06~ Passage 16 ft	A2.40	760 – 764
				"M F"				
				"C C"				
				"J McL" "J P"?				

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				"C C"	1859 01 ~ 1859 03 01	General room / Cell / Cell 14 x 12 Front: 30 Feet – crossed out Estimated to cost about £400 & <b>notes across end [p 762]</b> Bench [Jany 1859 crossed out] & <b>p 763 [continuation from p 760]</b> eight prisoners in confinement at the same time. The present Lockup is in want of considerable repair, and we can refer to the escapes of two prisoners which have occurred within the last 18 months and which are mainly attributable to the insecure state of the Lockup We therefore beg to suggest that a new lockup should be built, and we herewith submit a plan of one that would not cost more than £400 We then consider that a further sum of £50 judiciously applied in repairing and altering the present building would enable us to have a retiring room and also an addition of about fourteen feet to ... the present Courtroom altogether [bottom of p 763 torn] Answer every probable requirement for some years to come Ernestly soliciting your attention to this matter. We have the honor to be – Your most obedient Servants Isaac / Fitz / Watts / Thane/ White - JPS [see p 460]		
	58/04903	1858 12 17	Hon Colonial Secretary	Judges Chamber, Brisbane Samuel Frederick Milford	1858 12 13  1858 12 17~ 1858 12 20  1858 12 23	At top: "Mr Justice Milford" "Reporting on Moses Henry's Petition for remission of sentence" The trial of Moses Henry did not disclose any aggravated case of guilt beyond that of carries stealing goods with which he had been ill trusted and as it appears that he is suffering under a mortal illness probably the Government will think it right to grant him a pardon P S He was as he says imprisoned a long time before he was tried & Notes in margin Governor General Reminder? of sentence remitted Noted Sheriff, Judge, Inspector General	A2.40	765 – 766
	58/04644	1858 11 25		His Excellency Sir William Thomas Denison	1858 11 18~	To His Excellency Sir William Thomas Denison Knight, Governor General in and over all Her Majesty's Colonies, Australia, Van Diemens Land and New Zealand etc and Vice Admiral of the same – Hon Remission of Sentence The humble petition of Moses Henry a prisoner confined in Her Majesty's Gaol Parramatta Most respectfully sheweth That petitioner was tried at the Criminal Court Moreton Bay in May 1856 on a charge of larceny and sentenced to imprisonment with hard labor in Parramatta Gaol for (3) three years That petitioner apprehended for his offence in September 1855 and ordered for trial the following Sessions which opened in November during three settings he was arraigned before the Court and informed that the depositions in his case not having arrived he stood & remanded until the next Criminal Sessions in January 1856 on that occasion the depositions were still absent and he was wither remanded until May: he was then tried,	A2.40	767 – 769



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	58/04644					<p>and His Honor Mr Justice Milford was placed to promise an allowance should be hereafter made in consequence of the long confinement in Gaol Your Petitioner since his confinement here has been most severely afflicted and is still actually suffering the disease by which he is has so operated through his System as to make it almost a matter of certainty that he will almost be called in the presence of his Master – he feels it more than probable that a release from confinement would be a powerful mean towards retarding the awful moment and certainly by placing him once again in the bosom of his family materially smooth the rough passage through which he is hastening, and place within his reach numerous comforts of which he is now bereft</p> <p>Your Petitioner feels assured that Your Excellency is extremely anxious to temper justice with mercy and in accordance therewith hope is adduced that he may become a recipient of that clemency usually imparted to the deserving and therefore humbly prays that your Excellency will take his case into favourable consideration and from the length of confinement before trial together with the affliction to which he has since been subjected and the certificates answered by graciously pleased to grant him a remission of the unexpired position of his sentence</p> <p>And petitioner as in duty bound ever pray -</p> <p>Moses Henry Gaol Parramatta Conduct good – Thomas Allen, Gaoler &amp; Notes in margin Governor General</p>		
				“C C”	1858 11 27			
				“W D”	1858 11 27	Refer to Mr Justice Milford		
				“C C”	1858 11 29			
					1858 12 01	Judge Milford [58/4903]		
				W V Bassett?	1858 11 18	I beg to certify that Moses Henry now confined in this Gaol is affected with .....? And that there is no probability that he will recur		770
				Sheriff's Office John O Brennan [as it is] Sheriff	1858 11 23	At end: Referring to the Certificate of Doctor Bassett I beg leave strongly to recommend the prayer of the Petition to the favourable consideration of His Ex the Governor General [58/108]		
				H M Gaol, Parramatta A Ambrosili Catholic Clergyman	1858 11 21	Memo During the short period of my attendance at this Gaol I have had the opportunity of observing the Petition - Moses Henry who has been sometime afflicted and is still suffering, he evinces true sincerity of purpose, in seeking aright preparation for a future state. I strongly recommend him to the favorable consideration of His Excellency the Governor General from a conviction, that mercy thus imported to him will be properly appreciated		771
	58/04904	1858 12 17	The Hon Colonial Secretary	Brisbane Samuel Frederick Milford	1858 12 13	At top: “Justice Milford” Reporting that W Jubbadge Cramber [as it is] has been discharged from Gaol. I have the honor to inform you that the Petitioner William Jubb was discharged out of custody by me under a writ of Habeas Corpus the twenty third day November last. I have the honor to be Sir ... &	A2.40	772

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				"C C" "W E" "M W"? "A P L"? "W E P" "S T A"? "C C"	1858 12 17~ 1858 12 17 1858 12 18? 1858 12 20 1858 12 28 1858 12 30~ 1858 12 29 1858 12 31~ 1858 12 31~	Notes in margin As the man has now been discharged nothing more seems necessary. Should the Attorney General see these Papers? Secretary to the Law Officers – B C Crown Law Office 58/883 As far as I can see from these papers, nothing more remains to be done, but the materials for a judgment on the matter are very slight - B C Noted The Principal Under Secretary – B C Returned		
	58/04612	1858 11 20		William Jubb John Douglas JP		At top: "William Jubb for Remission of Sentence" The Excellency Sir William Thomas Denison Knight Commander of the Most Honorable Order of the Bath The Humble Petition of William Jubb a prisoner confined in Her Majesty's Gaol in Brisbane in the Colony of New South Wales Humbly sheweth That your Petitioner having been as he considers and is advised to presented to the Honorable Samuel Frederick Milford Resident Judge at Moreton Bay, a Petition a true copy whereof is hereto annexed for a Writ of Habeas Corpus to bring him before the Supreme Court at Brisbane or His Honor in Chambers to be dealt with as to the said Court might seem meet That in consequence of the said Resident Judge at Moreton Bay being absent from the District your Petitioner was compelled to send the said Petitioner and as an affidavit in support thereof to be presented to the said Resident Judge in Sydney That your Petitioner is advised by his Solicitor and verily believes that the said Petitioner etc was duly presented to said Resident Judge and that the said Resident Judge declined to entertain his application for the said Writ of Habeas Corpus on the ground that he was not acting at Moreton Bay Your Petitioner therefore humbly prays that Your Excellency will be pleased to grant him relief by directing his release from his illegal imprisonment or directing that the said Resident Judge return to the District of Moreton Bay immediately to entertain his application for the Writ of Habeas Corpus And your Petitioner as in duty bound will ever pray etc. – "William Jubb" At top: "Copy Warrant of Commitment" To the Chief Constable at Warwick and Ipswich and to the Keeper of Gaol at Brisbane in the Colony of New South Wales Whereas William Jubb of the Gap Creek was this day connected before the undersigned one of Her Majesty's Justices of the place in and for the Colony of New South Wales, for that the said William Jubb did at Gap Creek at the 27 <sup>th</sup> day of September ult commit an assault upon the person of one James Kelly he the said William Jubb being armed with a loaded Gun with intent to commit a felonious Act, within the intent and meaning of an Act of the Governor and Legislative Council passed in fifteenth year of the Reign of Her Majesty Queen Victoria intituled "An Act for the... effectual preventive of Vagrancy" And it was thereby adjudged that the said William Jubb for the said offence should be imprisoned in the Gaol at Brisbane for the span of six months and there be kept to hard labor	A2.40	773 – 773 [as it is] 776 - 777 [as it is – no pp 774, 775]

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				Hon Samuel Frederick Milford Resident Judge at Moreton Bay		<p>These are therefore to command you the said Constables to take the said William Jubb into your custody and to convey him to the Gaol at Brisbane aforesaid and there so deliver him to the keeper thereof together with this precept.</p> <p>And I do command you the Keeper of the said Gaol to receive the said William Jubb into your custody in the said Gaol there to imprison him and keep him to hard labor for the span of six months and for your so doing this shall be your sufficient warrant</p> <p>Given under my hand and Seal this 19<sup>th</sup> day of October in the year of Our Lord 1858 at Warwick in said Colony</p> <p>The Humble Petition of William Jubb a person confined in Her Majesty's Gaol in Brisbane in the Colony of New South Wales</p> <p>That your Petitioner was on the nineteenth day of October committed to Her Majesty's Gaol at Brisbane in the Colony of New South Wales charged with having at the Gap Creek on the twenty seventh of September ult the person of one James Kelly be the said William Jubb being arrived with a loaded gun with the intent to commit a felonious act within the intent and meaning of an Act of the Governor and Legislative Council passed in the fifteenth year of the reign of Her Majesty Queen Victoria intituled an act for the more effectual presentation of Vagrancy. And it was thereby adjudged that said William Jubb for the said offence should be imprisoned in the Gaol at Brisbane for the space six months</p> <p>2<sup>nd</sup> That your Petitioner has been informed and verily believes that the Warrant of Commitment under which your Petitioner is now detained in prison as illegal on the grounds following</p> <p>1<sup>st</sup> [as it is] That by the Act of Council in the Warrant of Commitment mentioned no power is given to Justices to summarily adjudicate upon and to commit for any such offence as in the said of commitment mentioned</p> <p>2<sup>nd</sup> [as it is] That the offence mentioned in the said Warrant of Commitment does not fall within the meaning of the Act specified in the said Warrant with any other Act of the Governor and Legislative Council of New South Wales authorizing to act on a summary manner</p> <p>3<sup>rd</sup> That the Justice had no summary jurisdiction over the offence of Commitment</p> <p>4<sup>th</sup> That the Warrant of Commitment is bad on the face of it</p> <p>Your Petition therefore humbly prays that your Honor will be pleased to Grant a Writ of Habeas Corpus to bring him before the Supreme Court at Brisbane or your Honor in Chambers to be dealt with as the said Court or your Honor may seem meet</p> <p>And Your Petitioner will ever pray - "William Jubb"</p> <p>Signed in the presence of William Bergan - Daniel F Roberts</p> <p>[Cover page] Petition of William Jubb Prisoner in Her Majesty's Gaol Brisbane to His Excellency the Governor General</p> <p>At top: "To be noted" [PRINTED FORM] I am directed to request the favor of your honor's report [margin: to be returned] upon the accompanying petition, for mitigation of the sentence of</p>		778 – 779
	58/04612		His Honor The Resident Judge	Colonial Secretary's Office, Sydney	1858 11 24			780
								781

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			Moreton Bay	W Elyard		six months imprisonment in Brisbane Gaol passed by you upon the prisoner named in the margin [William Jubb – “J W”] I have the honor to be Sir Your Honor’s most obedient Servant – W Elyard & Note in margin		
				Noted “C C”	1858 11 27~ 1858 12 20~			
	58/04914					The Government is not prepared to make any specific persons ..... particular Grants of Lands or other properties within the bounds of way prepared Municipality. But when a District is incorporated it will be prepared to ..... favourably any applications and to cooperated cordially with the Municipality in its endeavour to carry out the intentions of the Regulation in creating such Institutions Mr McAlister [as it is]	A2.40	782 – 783
	58/04914	1858 12 17	Colonial Secretary Sydney	Ipswich A Macalister Chairman of Committee	1858 12 24 1858 12 13	At top: “Requesting information to enable Inhabitants to apply for a Municipality” <i>[paper thin]</i> I have the honor to inform you that at a Public Meeting on the Inhabitants of the Town of Ipswich held here on 8 <sup>th</sup> Instant for the purpose of taking into consideration the propriety of petitioning the Governor General to constitute the Town of Ipswich a Municipality the following Resolution was passed viz – “That a Committee be appointed to take into consideration the desirableness of carrying out the New Municipal Act in the Town of Ipswich, and to communicate with the Government upon the retention viz them of the Wharfrage of Ferry Dues and other Reservations” In conformity with the above Resolution I am directed by the Committee of which I have been appointed permanent Chairman to apply to you for the following information viz Whether the frontages to the River “Bremer” lying within the Town Boundary will be made over to the Corporation together with the Wharves & Ferries near or here after to be erected, or whether it is the intention of the Government under the 82th clause of the Municipal Act to retain possession of them as reserves. Also whether it will be in the power of the Corporation to place a Toll within the Town Boundary at the Bridge over the River “Bremer” situated at Little Ipswich being on the main road from Drayton to this township – I have the honor to be sir, Your most obedient Servant – A Macalister		784 – 786
	58/05001	1858 12 23	Hon Chief Secretary, Sydney	Police Officer, Rockhampton Arthur Vyner P M for the Bench	1858 12 06	At top: “Bench” “For extension of Police & Dog Acts to the Township” We do ourselves the honor to request that the Police Act 2 Vic Leg 2 and the Dog Act 6 William 4 <sup>th</sup> No 4 may be extended to the town of Rockhampton & Notes in Margin	A2.40	787
				“C C”	1858 12 29~ 1859 01 04	May remain in abeyance for the present Bench		
	58/05005	1858 12 23	Hon Colonial Secretary, Sydney	Government Resident Rockhampton M C O’Connell Government Resident	1858 12 13	At top: Reporting on complaint of treatment received by Captns Moodie & Chatfield at Rockhampton in Oct last 1. I have the honor to acknowledge the receipt /on 4 <sup>th</sup> Inst/ of Mr Elyard’s communication of 8 <sup>th</sup> Nov, enclosing a letter from the Secretary to the Australasian Steam Navigation Company complaining of the lawless treatment experienced by Captns Moodie & Chatfield from the mob during a visit of the Company’s Steamer “Eagle” to Rockhampton in October last –	A2.40	788 – 795

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						<p>said in compliance with your request to the effect I now beg to forward my report on the circumstances</p> <p>2. The occasion on which the riotous proceedings alluded to [p 789] took place was that which on 28<sup>th</sup> October, a day of great excitement and disturbance in Rockhampton, caused my letter to you of 20<sup>th</sup> of the same month written from on board H M S "Iris" in Keppel Bay -</p> <p>3. There were on that day / the 28<sup>th</sup> / at least three thousand people in the Town collected together here and there, in mobs and knots, and great confusion and noise prevailed every where but no outrage or act of violence came within my view – and when I enquired with reference to the disturbance at the Steam Navigation Company's tent, if any complaints had been made, I learnt that none such had been received by the Police -</p> <p>4. I was prepared had any demand for assistance been [p 790] made, on or how of any outrage to have interfered for the protection of life on property with all the means at Bay disposed but I was then, and still am of opinion Captn Moodie exercised a wise discretion in not applying Police assistance; as had the tumult once risen into riot in opposition to the Police it would have become necessary from the great disproportion of numbers to use firearms, and I believe the first shot fired would have been the signal for a scene of violence, which must have resulted in great loss of life and in great destruction to the property as well of the Company as of others</p> <p>5. I had every confidence in the good conduct of the Police, who on several occasions apprehended men charged with felonies or other crimes and took them from [p 791] the midst of the Mob with firmness and courage – but to have interfered on the occasion alluded to without any complaint made and with a view only of maintaining that peace and quietness which ought to characterise a well regulated Town would have been an intrusion on the excitement if the moment which as being attempted by twelve men against some thousands would in all human probability have led to bloodshed and entailed consequences very much to be deplored</p> <p>6. I myself visited Captn Moodie's tent in the course of that afternoon and nothing approaching to a complaint of any deficiency on the part of the Police was made to me at the time – wherefore I am somewhat surprised it should be brought forward [p 792] now and I am bound to say I do not consider the Police in any way to blame in this matter.</p> <p>7. With reference to that portion of the Secretary's letter in which he mentions that Captains Moodie and Chatfield were fired at I can only observe that <u>this is the first</u> I have heard of <u>such an occurrence</u> and I much regret they should not have laid formal information of the outrage before me when it took places, as at no time would there have been risk of disturbance, beyond control, from apprehending any person guilty of so atrocious an act</p> <p>8. I cannot of course dispute the motive which induced Captn Chatfield to refrain from ridding his vessel of Stowaways in Keppel Bay when he there had H M [p 793] "Iris" to apply to in case of necessity, but I do not think he need from that cause have been under any apprehensions for Captn Moodie's safety - Captn Moodie had very arduous duties to perform, and duties which under the circumstances subjected him to much rough language,</p>		

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						<p>when notwithstanding the popular prejudice that the Steam Navigation Company had been making large profits he had to raise the fares to disappointed diggers who had already suffered considerable losses and anxious as they were to return had barely money sufficient to carry them home again – this no doubt brought down upon him both rough language and threats – because it seemed to the people taking an undue advantage [p 794] of their necessities – but that he would have met with ill-treatment because the Company's Steamers would not carry people gratuitously is not at all likely – other vessels put their Stowaways on Curtis Island and there was no reason why the "Eagle" should not have done the same</p> <p>9. I beg also to forward you the report of Captn Vyner in reference to the circumstances I am writing about, and I can refer you should you desire any further information to Mr Inspector Harrison now in Sydney who on the 28<sup>th</sup> October took the executive command of the Police and rendered me very great assistance</p> <p>10. In conclusion I have the satisfaction to be enabled to state that all is now remarkably quiet</p> <p>[p 795] and orderly in Rockhampton, and that under the present respect of affairs there seems no risk of a recurrence of the scenes which characterised the month of October.</p> <p>I have the honor to be Sir - Your most obedt Servant &amp; Notes in margin p 788 Communicate the substance to Mr Paterson Mr Paterson</p>		
			Capt M O'Connell Government Resident Port Curtis	"C C"  Police Office, Rockhampton Arthur Vyner Police Magistrate	1858 12 28~ 1859 09 05?  1858 12 10	<p>I have the honor to acknowledge the receipt of your communication of the 8<sup>th</sup> inst enclosing for my perusal a letter from the Chief Secretary to you, and another from the Manager of the ASNPN? Company [ASNC?] to the Chief Secretary requesting me to report thereon</p> <p>In accordance with that request I beg to say that the statements regarding the Police are incorrect in as much as the Police Camp was over a furlong from that of Mr Moodie's intercepted by two rows of tents pitched closely together; that no report of a rush on Mr Moodie's tent was made at the Police Office &amp; nor to anyone connected with the Police so far as I have been able to find</p> <p>The Police force at this time was very small and in consequence of the duties they had to perform was necessarily being much divided, and as the alleged rush could not have occupied many minutes, it is quite possible may probable that it was never known to the Police but by report. This occurrence took place on the very morning on which I landed from the "Eagle". I was proceeding to the Customhouse and I saw a large crowd of men round Mr Moodie's tent, and on asking the meaning of it, I was told that it was the "Eagles" booking office, and believed that the vociferations were the result of eager men to obtain passages; no violence manifested itself to me and I passed on about noon I heard casually that a demonstration had been made by the diggers at Mr Moodie's tent and that he had again lowered the fares to £3 from £3.10 but no assistance was asked for any complaint made</p> <p>The way in which the Police at Rockhampton did them duty on every occasion needs no comment from me, for you Sir, know as well and better than I that their conduct throughout was beyond all praise; And in proof I</p>		796 – 799

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						<p>adduce the simple fact, that desiring the never to be forgotten time of the disappointment neither life nor property suffered and I believe it was owing to the courage coolness, tact and wonderful activity of the Police that peace and quarters were preserved</p> <p>As regards the shooting at Mr Moodie and Mr Chatfield I never heard of it; if it occurred it was before my arrival, but I think it would be hard to say who fired or what was fired at when not ten seconds elapsed without the report of a gun or pistol [Tied to previous pages 788-795]</p>		
	58/04024	1858 11 08	Hon Colonial Secretary	Australasian Steam Navigation Company, Sydney J Paterson, Manager	1858 11 08	<p>At top: "Complaining a treatment received by Captns Moodie &amp; Chatfield at Rockhampton"</p> <p>Also at top: "Register &amp; a copy recorded also" [difficult to read] "Printed Letterhead paper"</p> <p>I do myself the honor by ..... the Board &amp; Directors of this Company respectfully to draw your attention to the lawless treatment by Captains Moodie and Chatfield during the last visit of the Company's Steamer "Eagle" to Rockhampton, when they were surrounded by a huge number of people amounting to from four to five hundred, and were coerced under threats of violence to return a portion of the money which had been previously paid by those who had taken passengers by that vessel to Sydney</p> <p>It was not until Captain Moodie's tent was rushed and the mob had commenced to pull it down, that he fielded to their demand, and on this occasion, no assistance was received from the Police whose tent is so close to that of Captain Moodie. Captain Chatfield has also reported to me that on the previous visit of the "Eagle" to Rockhampton, with himself and Capt Moodie were fired at, although providentially without injury to either of them. I may also add that a number of these men forced themselves on board the "Eagle" Ship and came on to Sydney without payment of their passage money, the Captain not daring to muster the passengers previous to leaving Keppel Bay for fear of the consequence to Captain Moodie who is stationed at Rockhampton – had he put the Stowaways on shore.</p> <p>In respectfully representing this state of things to you, I venture to hope you will be enabled to take such measures and forward such instructions by the Steamer "Eagle" sailing this day for Rockhampton, as will ensure police protection and a greater state of security to life and property, as well as provision for the conveyance to Sydney of these who are without the means of paying for the same .... As if the present lawless state of matter continues, it must eventuate in the Company's Steamers being withdrawn &amp;</p> <p>Notes in margin Enclosed Cap. O'Connell J Paterson Esq - 58/5005</p>	A2.40	800 – 802
	58/05075	1858 12 29	Chief Under Secretary	Office of Inspector General of Police, Sydney John McLerie Inspector General of Police	1858 12 28	<p>At top: "Requesting authority for payment to T D Rusk? As Camp Keeper at Canoona"</p> <p>In submitting the enclosed letter [margin: to be returned] from the Government Resident Port Curtis stating that the services of a Camp Keeper for the Police Camp at Canoona being required, the man named in the margin [Timothy D Rusk] was employed in that capacity at a salary of 5/6 per diem from 6<sup>th</sup> October to the 30<sup>th</sup> November last, I do myself the</p>	A2.40	803 – 804



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				"C C"	1858 12 29~ 1859 01 05	honor to recommend that the amount due to Kusk for services in the capacity referred to may be paid out of the sum of £10,000 voted for the present year for police and other purposes as Rockhampton [No 58/335] & & Notes in margin Approved Inspector General Police		
	58/05076	1858 12 29	Chief Under Secretary	Office of Inspector General of Police, Sydney John McLerie Inspector General of Police	1858 12 28	At top: "Authority to pay two additional Constables approved by Government Resident" I do myself the honor to forward a letter from the Government Resident Port Curtis stating that previous to the arrival of the Police Force appointed for service at Rockhampton he found it necessary to appoint the two men named in the margin as Ordinary Constables during the periods set against each name respectfully [No 58/334] 2. Under the circumstances reported by Capt O'Connell I have to request that I may be furnished with the necessary authority to enable me to liquidate the claims referred to & Notes in margin Approved Allan McDonald - 29 Sep 10 21 Oct - £6.18.0 John Fitzpatrick - 5 <sup>th</sup> 10 20 Oct - £4.16.0 Inspector General of Police	A2.40	805 – 806
				"C C"	1858 12 29~  1859 01 06			
	58/00752	1858 03 01	[Hon Colonial Secretary]	Executive Council Office, Sydney Edward C Merewether Clerk of the Council	1858 03 02	At top: "M14226 – 9 <sup>th</sup> March 58" Proceedings of the Executive Council on 22 <sup>nd</sup> February 1858 with respect to the dismissal of Mr Johnson - Minute No 58/10 confirmed 1 <sup>st</sup> March 1858 His Excellency the Governor General lays before the Council a letter from the Government Resident Moreton Bay reporting that he has been under the necessity of dispensing with the services of his clerk from the 1 <sup>st</sup> January last for negligence and other misconduct and requesting that Mr Johnson's suspension may be approved [No 58/137] 2. It appears that Mr Johnson has frequently absented himself from his duties and had become so pecuniarily embarrassed that Capt Wickham has lost all confidence in him His Excellency also lays before the Council an explanatory letter from Mr Johnson on the subject of these charges; this letter the Council do not consider satisfactory and they deem his conduct so highly irregular? that they can only advise that his suspension be now terminated by dismissal from the Public Service & Notes in margin Approved Colonial Secretary [faint] See letters to Secy Treasury - Government Resident [M14227]	A2.40	807 – 808
				"W D" "C C"	1858 03 08 1858 03 09~ 1858 02 22			
				Government Resident's Office Moreton Bay J C Wickham	1858 02 15	At top: "Government Resident Moreton Bay to the Honorable the Colonial Secretary respecting the suspension of his clerk" Referring to my letter of 22 <sup>nd</sup> ult on the subject my having suspended Mr Johnson from his duty as clerk in my office, I have the honor to inform you, that in compliance with your desire that "Mr Johnson should be called upon to furnish any explanations he may wish to offer on the subject of the		809 - 823

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						<p>charges preferred against him", I addressed a letter to him enumerating the chief causes of complaint against him, a copy of which I now enclose, also</p> <p><b>[p 810]</b> Mr Johnson's reply</p> <p><b>(2)</b> In reply to the 2<sup>nd</sup> paragraph of your letter. I have the honor to state that my letter to Mr Johnson was not considered by me to convey a dismissal, but merely a suspension from duty, until the pleasure of the Government should be known as I am aware that the power of dismissal does not rest with me</p> <p><b>(3)</b> With regard to the explanations offered by Mr Johnson, they are most evasive as regards his money transactions, which, as stated to you on my letter of the 11<sup>th</sup> January, chiefly influenced me a suspending him for his duty</p> <p><b>(4)</b> Although Mr Johnson denies generally the charges</p> <p><b>[p 811]</b> of payment absence from this office, the fact of such being the case has been remarked to me by gentleman in Brisbane, &amp; especially his late hours of attendance in the morning on one of which occasions Mr Johnson admits my having spoken to him, but whether in the manner stated by him. I do what present recollection at all events, admitting that I used the expression named by him, it is no proof of any being "in joke" on the contrary I was much displeased that I should be subjected, by his conduct, to being told by my friends the he "took it very easy" of course implying that I allowed him to act as he pleased with regard to his</p> <p><b>[p 812]</b> attendance.</p> <p><b>(4 – as it is)</b> Another occasion, named by Mr Johnson, viz: "his absence in Ipswich for two days" – Arrangements had been made as mentioned by him for our absence for a week? On account of my being appointed, by the Supreme Court, to take evidence (de bene esse) in a disputed case, to be heard at Ipswich, respecting a sale of sheep in which case Mr Johnson was to act as deposition clerk – but on preceding on board the Steamer to Ipswich I received a notice from one of the attorneys employed in the case, that the matter had been settled in Sydney, and our attendance would not be required</p> <p><b>[p 813]</b> this was also made known to Mr Johnson. I however proceeded to Ipswich, to fulfill an engagement with Colonel Gray – Mr Johnson arrived in Ipswich two days afore – and remained there two days, notwithstanding my displeasure.</p> <p>When arrangements were made for Mr Johnson's absence from the office, it was in performance of a duty, but when that duty was rendered unnecessary the cause of absence was rendered unnecessary the cause of absence from the office aside</p> <p><b>(6)</b> in the 4<sup>th</sup> paragraph of Mr Johnson's letter he denies ever having absented himself from the office during my absence from Brisbane, of course this is a matter which could only come to my knowledge by hearsay, but it was told to me by</p> <p><b>[p 814]</b> a gentleman in whom I have implicit confidence, but whose name I am not at liberty to mention, the circumstance has reference to my last absence from Brisbane for the purpose of inspecting the Lighthouse, Buoys etc. which occupied some three days – Application had been made to this gentleman on some business, who referred his inquirer to me – his reply was "Captain Wickham has gone to the Bay and Mr Johnson is not at the office –</p> <p><b>(7)</b> These matters which compromise me with the Public, and altho'</p>		

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						<p>perhaps trifling in themselves, diminish my confidence in him who I expect to be at his post during my absence</p> <p><b>[p 815]</b> I meantime to say that Mr Johnson has had more latitude in the way of leave of absence than any clerk in the public service, and therefore should have been more particular besides he is not in the position of a young man to be scolded on all occasions</p> <p><b>(8)</b> With regard to Mr Johnson's explanation respecting the manner in which the account books have been kept, I still pronounce it slovenly and careless in the extreme and quite unintelligible to anyone but himself not withstanding my numerous hints to him on the subject I question whether the most practical accountant could understand them. I do not complain of any want of <u>ability</u> on the part of Mr Johnson</p> <p><b>[p 816]</b> but simply of slovenly carelessness in the matter proving the manifest indifference to his duty with which I charge him</p> <p><b>(9)</b> Referring to matters of a more private character, and which I repeat chiefly influenced me in suspending him from his duty – Mr Johnson's explanations are by no means satisfactory – the first circumstances alluded to viz my advancing him a quarter's pay to enable him to meet some pressing demands shews a direct breach of faith – I never would have signed a bill, authorizing the manager of the Bank to advance him £50, without his promise that his pay should be made over to me as it became due, to which effect he promised</p> <p><b>[p 817]</b> to instruct the Manager, but on my receiving my Bank Book, I think or I were, I found that the £50 had been charged to me. I immediately called for an explanation at the Bank, and was told by the Manager that Mr Johnson had not instructed him to place his salary at my credit, but on the contrary, had continued to draw cheques as usual – which he would not dishonour as long as these were funds at his credit</p> <p>I remonstrated with Mr Johnson on the subject &amp; on the 27<sup>th</sup> June I received £20. Mr Johnson can offer no excuse for not fulfilling his promise in this matter</p> <p><b>(10)</b> With regard to Mr Somerset – I can only say that he came to my office on a great state &amp; excitement</p> <p><b>[p 818]</b> <i>[this is a copy of p 817]</i> to instruct the Manager, but on my receiving my Bank Book, I think in I ....., I found that the £50 had been charged to me – I immediately called for an explanation at the Bank, and was told by the Manager that Mr Johnson had not instructed him to place his salary at my credit but on the contrary had continued to draw cheques as usual in which he could and dishonour as long as these were funds at his credit – I remonstrated with Mr Johnson on this subject &amp; on 27<sup>th</sup> June I received £20. Mr Johnson can offer no excuse for not fulfilling his promise in this matter</p> <p><b>(10)</b> With regard to Mr Somerset – I can only say that he came to my office in a great state of excitement.</p> <p><b>[p 819]</b> saying that Mr Johnson had swindled him, and that "it was a great shame that he should be kept in a public office" and more over that he would "make his conduct known at headquarters" he told me most distinctly that Mr Johnson offered to get him my endorsement, which is borne out by his own letter to Mr Johnson. I had previously heard of this case and of the manner in which Mr Somerset had publicly spoken of Mr Johnson, but until Mr Somerset came to my office, I was not aware that any use had been made of my name – indeed I could not help knowing, that weekly and</p>		

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			R E G Johnson Esq Stratton	Government Residents Office J C Wickham Government Resident	[no date]	<p>almost daily, applications were made at my office by persons seeking payment of accounts from him</p> <p><b>[p 820] (11)</b> As regards Mr Johnson's having obtained £100 from Mr Surveyor Roberts in a manner not creditable to him – there is not a shadow of a doubt in my mind that Mr Roberts has been gravely deceived in the transaction, that, and another matter where Mr Stuart H Russell was the sufferer, are known to much people in Brisbane and have (as I have stated) ... Mr Johnson's character in the estimation of the public. I am credibly informed that if a witness had been present at his transaction with Mr Roberts, he would have been prosecuted for obtaining money under false pretences, instead of the civil action which has been</p> <p><b>[p 821]</b> brought against him. Mr Roberts brought the circumstance under my notice, to put me on my guard against Mr Johnson, being aware that money transactions to a large amount, on account of the Public Service, were conducted in my office – I immediately called for an explanation of the matter, and received from Mr Johnson a very plausible account of the transaction, which induced me to say "if that be the case it is materially altered however legal men think it a bad case, and as I have since spoken to Mr Roberts on the subject, there is no doubt left in my mind that he has been</p> <p><b>[p 822]</b> grossly deceived. Knowing that I was not likely to hear all that was said of Mr Johnson several of my friends have warned me against him "not to trust him in money matters" these circumstances coupled with those in which I am myself a party concerned compel me to consider Mr Johnson an unfit person to be returned in a Public Office</p> <p><b>(12)</b> Although I have no wish to turn Mr Johnson on the world at the time of his life, there is a duty I owe to myself &amp; the public, which requires me to notice his conduct and although the matter referred to my chiefly effect his private character, still, situated as I am with large sums</p> <p><b>[p 823]</b> of Public money confided to me. I cannot feel satisfied in having a person associated with me in whom I have lost all confidence and whose character stands so low with gentlemen who are acquainted with his acts</p> <p>Having reported the circumstances which induced me to dispense with your services, as clerk in my office, to the Honble the Colonial Secretary, &amp; have the honor to inform you that that officer does not consider a board of ..... to be necessary but has desired me to call upon you to offer such explanations as you may wish on the subject of the charge as preferred against you – I have therefore to request that you will furnish me, for the information of the Government, with explanations on the following subjects</p> <p><b>1<sup>st</sup></b> Your frequent absence from this office, and almost invariable practice for some months past, of non-attendance until nearly eleven a clock, circumstances which have not only called for remark from me, but have been noticed by gentlemen in Brisbane</p> <p><b>[p 825]</b> especially your want of attendance at the Office at times when I have been absent from Brisbane</p> <p><b>2<sup>nd</sup></b> The careless &amp; slovenly manner in which the Account Books have been kept by you, as to render them unintelligible, and which clearly, proves the manifest indifference to your duty alluded to in my letter to you</p> <p>The above subject to the general indifference &amp; negligence shewn by you to your duty, but there are others, of a comparatively private nature, which have had much greater weight with me, in suspending you from your duty,</p>		824 – 827

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	58/00752		Government Resident	Stratton Ralph E G Johnson	1858 02 05	<p>and which are a ban to that confidence which ought to exist in an office where money transactions, to a large amount, favor the principal duties – they also require explanation  <b>1<sup>st</sup></b> I alluded to the circumstance  <b>[p 826]</b> of your having requested me to advance you a quarters salary, to enable you to meet some pressing demands – and which I complied with upon your promising to instruct the Manager of the Bank of New South Wales, to place your monthly salary, as received from the Treasury to my credit –            Has that promise been fulfilled?  <b>2<sup>ndly</sup></b> I consider some explanation necessary for the awantable? use, made by you, of my name, to Mr Somerset in telling him, as an inducement to provide you with the certain goods – that you would get my inducement to your bill –            There are other circumstances which have come to my knowledge, which have come to my knowledge, which have very much lowered your character in the estimation of the public, one of which the man now in which you obtained £100 from Mr Road Surveyor Roberts, which <b>[p 827]</b> as reported to me by that gentleman. I consider to be far from creditable to you, and when coupled with some other acts compels me to consider you an unfit person to be retained in a Public Office</p> <p>At top in margin: "Recd Feb 11/57 after calling attention" [as it is]            I have the honour to acknowledge the receipt (late yesterday evening) of your letter of the 3<sup>rd</sup> Inst requiring me to furnish for the information of the government explanation on the following subjects  <b>1<sup>st</sup></b> My frequent absence from your office and almost invariable practice for some months past of non-attendance until nearly eleven o'clock, circumstances which have not only called for remarks from you, but have been noticed by gentlemen in Brisbane &amp; especially my want of attendance at your office at times when you have been absent from Brisbane  <b>(2)</b> With regard to the first part of this charge, I do not recollect any occasions of absence; from your office except in cases of sickness or accident, without your leave either positively granted or implied, and on my return to the office you have not expressed yourself dissatisfied at my absence: an occasion to which you alluded on the 2<sup>nd</sup> January in a conversation I had with you (viz my absence at Moreton Island in July) was owing to the "<i>Boomerang</i>" which left here on Wednesday 15 July, not landing me at Moreton Island till Friday and the up steamer by which I had proposed to return passed Cape Moreton during the <b>[p 829]</b> night and thus my leave was of necessity exceeded. The other occasion to when you alluded viz an absence of two days at Ipswich in September (a portion of a week that you passed at Ipswich) you will perhaps remember that preparation had been made in your office for the absence of both yourself &amp; me during all that week, &amp; from a portion of a letter addressed to me by you (margin:31 Aug) dated 17 rocks it could not be inferred that you had altered your mind with respect to my coming up  <b>(3)</b> I have very lately I am aware since the excessive heat, been occasionally late in my arrival at the office, &amp; on every such occasion have made my apology which has seemed satisfactory, but I was not aware that I had ever been so late at the Brisbane gentleman remarked to you and I am quite sure that you have not made any observation to me on the</p>		828 – 834

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						<p>subject with the exception of once some time ago when you observed on my coming into the office (jokingly I presumed) "you must have had a damned late breakfast" &amp; on looking at my watch I remarked "it's only ten minutes past ten".</p> <p><b>(4)</b> Want of attendance of your office during your absence from Brisbane – I utterly deny, and as this information must have been derived from some reporter, I beg most distinctly to charge your informant with malicious falsehood, and in disproof of his or her ascertain I would beg you (as your absence from Brisbane has not been frequent) to refer to the receipt books and ascertain whether by remarkable coincidence public monies have not been received by me at those times more than at others, as I have frequently observed that such has been the case - Your</p> <p><b>[p 830]</b> last absence from the office for many consecutive days, was in October and I can positively assert that immediately before and after your marriage, &amp; during Mrs Wickham's illness I was daily &amp; hourly entirely devoting my entire time &amp; thoughts upon the business of your office so far even as to incur a responsibility which was entirely beyond my province and to which I was actuated by a desire to spare you from intrusion and at the same time to allow me arrears of the business of the Office</p> <p><b>2ndly</b> "The careless &amp; slovenly way in which the account books have been kept so as to render them unintelligible &amp; which clearly proves the manifest indifference to my duty alluded to "in your letter to me" – With respect to this charge, I will premise by observing that the absence of proper account books in your office is a serious evil to which I have frequently called your attention &amp; to which up to the period of my leaving the office I had heard of no remedy being about to be applied, but so far from carelessness in the matter it is a known fact to those with whom I reside that the accounts have been a source of very anxious care to me, and as to their being "unintelligible" I would submit whether the fact of their being so to you, entitles them to be generally so designated – I will instance as arguments to the contrary the facts of my being ready at all times (when your Street Committee assembled) to shew them without a moment's delay the state of the account, also that I found no difficulty in agreeing the Bank balance certificates at the expiration of each month, also that applications for advances to the Auditor General were left to me to be filled up, that Native Police accounts were arranged at your desire by me &amp; explained to the</p> <p><b>[p 831]</b> Secretary to the Commandant, and that the fullest account of Native Police expenditure which has been furnished, was drawn up by me at your request &amp; by your approval, &amp; that since my suspension I shewed/showed you in a very short time the mistake that you were making of some items composing the sum total of £160 in short if you will take the opinion of any impartial persons shew them the materials with which I had to work &amp; point out to them that there are 20 accounts <u>besides</u> the Native Police Accts I can not but think that their verdict would be "as not well as can be expected"</p> <p>Referring to "the subjects of a comparative private nature which have had much greater weight with you in suspending me" from my duties &amp; which also require explanation, I beg to state that in February last (not June) you lent your name as endorser to a promissory note for £50 to enable me to meet some pressing demands and that it was understood that my salary was to be placed against your "liability"; I paid you back £20 of this sum shortly after the maturity of the bill, and the great inconvenience that it</p>		



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						<p>would occasion me to pay you more at that time was stated to you by me, &amp; you told me by all means to pay any pressing claims altho' you wished the money to be paid as soon as convenient, &amp; you appeared satisfied, you also (in October) expressed your willingness to acquiesce to my proposal to pay you my November salary, which remained in the Bank till the 2<sup>nd</sup> January altho' unknown to me as I received no notice of it from the Treasury – continued delay in the receipt of monies from England</p> <p><b>[p 832]</b> (the power of attorney in respect of which you yourself attested) has been the sole cause of my not having been entirely free from all my pecuniary obligations generally which however I have been gradually diminishing since I entered the public service –</p> <p>Respecting Mr Somerset, I wrote to that person this morning – I enclose a copy of my letter &amp; of his reply – he asked me for your endorsement when I offered him my bill in settlement of my acct. but my impression is that I told him I could not ask it of you, certainly I did not promise it to him but wrote the Promissory Note which he took without remark – his letter however exonerates me from the more serious charge of “unwarrantably using” your name to Mr Somerset “in telling him as an inducement to provide one with certain goods” that I would get you endorsement to my bill, indeed my dealings with Mr Somerset commenced before I was in your office – The other circumstances “which have come to your knowledge which have very much lowered” my “character in the estimation of the public”, I am unable to explain, being in total ignorance of their nature, except the one you allude to – “the manner in which I obtained £100 from Mr Road Surveyor Roberts and which as reported by that gentleman “you consider to be far from creditable “ to me – the explanation I gave to you of that circumstance in February of last year appeared to satisfy you &amp; you told me that it certainly altered the case,</p> <p><b>[p 833]</b> an opinion which Mr Roberts seemed to coincide, as he took civil legal proceedings against me. In conclusion I am induced to express an opinion that you have lent too ready an ear to the malicious slanders of people who are my enemies without any cause, that you have allowed them to represent to you every action of mine in the most odious light &amp; that this enmity has lately been very powerfully strengthened &amp; as influentially exerted, and I can not but consider that you have dealt harshly with me in desiring my <u>dismissal</u> without expostulation, remark, or caution of any kind, &amp; whilst abundantly enjoying the emoluments of office yourself you have shewn very little consideration for my prospects, as you must be well aware that mine is not an age at which it is easy to begin the world anew had you but expressed to me a desire that I should resign there are circumstances (to which I will not now further allude) which would have prompted me to comply immediately but when I look to your letter to me of 4<sup>th</sup> October last, which shews that I then possessed your confidence, &amp; as you name no circumstance with which you were then unacquainted as a ground for deserving my dismissal</p> <p><b>[p 834]</b> it is but too clear that “an enemy hath done this” I am quite aware that friendless and unsupported, my struggle against your influence in high quarters would be worse than an absurdity with any view to occupying my post as heretofore, it is therefore with in <u>such</u> view, that I enter upon any explanation; but it is not fair that I am for any pecuniary difficulties (even tho' the time of their duration be long) should expose a man to the slanders of secret backbiters &amp; to be sent upon the world as “an unfit person to be</p>		



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						retained in a Public Office" I have the honor to be Sir your most obedient servant		
				Stratton R E G Johnson	1858 02 05	<b>"Copy"</b> At top: "From myself to Mr Somerset" I have to request that you have had any conversation with Capt Wickham, that can justify his asserting that I made use of his name to you by telling you "as an inducement to provide me with certain goods" that I would get his endorsement to my bill; as he requires an explanation from me upon the subject, and you must be well aware that such an ascertain is utterly untrue	A2.40	835
				Brisbane D R Somerset	1858 02 05	<b>"Copy"</b> At top: "Mr Somerset's letter to me - "R E G Johnson" In reply to yours of to-day I beg to say that I called upon Capt Wickham when I heard you had left, to ascertain whether such was the case. He upon my asking the question whether "Mr Johnson had left" said why do you ask me such a question - I then mentioned my reason for doing so namely that you were due me an amount etc etc - and I certainly stated that you promised to get me his endorsement which you must remember [as it is] you were to do when I agreed to take a six months bill - you however after waiting a few days made some excuse and sent me the Bill with only your own name and I took it hoping you would retire it when at maturity - If I conveyed to Capt Wickham the idea that you promised his endorsement prior to the delivery of the goods, I did not intend it still I may unintentionally have conveyed the idea by not being sufficiently explicit & if so I am willing to correct it - I am Sir - Your most .....		836
	58/00600	1858 02 01	Hon Colonial Secretary	Brisbane Ralph E G Johnson	1858 02 09	At top: "Mr R E G Johnson to Hon Colonial Secretary to afford explanations of charges alleged against him by the Government Resident Moreton Bay" Also at top: "E.C. 58/115 - 15 Feb 1858" In pursuance of Capt Wickham's request I have the honor to forward to you explanations on the subjects alluded to in his letter of 3 <sup>rd</sup> Inst I have the honour to be, Sir - Your most obedient Servant & Notes in margin Governor General and Executive Council	A2.40	837
				"C C"	1858 02 15~	Mr Johnson appears to be a gentleman of irregular habits with a tendency to draw Bills - I can ,,,, understand Capt Wickham's desire to get rid of him		
				"W D"	1858 02 15	I think quite sufficiency is shown to particularly Capt Wickham's desire to remove him		
				"C C"	1858 02 16~	Ex Council - BC		
					1858 02 16~	Noted M14226		
				Brisbane Ralph E G Johnson	1858 01 02	<b>"Copy"</b> I have the honor to acknowledge the receipt of your letter of 31 <sup>st</sup> December last, informing me that from an inclusion you have formed my "services from this date are dispensed with" I beg respectfully to remark that I can not consider this as a dismissal from my Government appointment, no charge being brought against me, and investigation of the matter having taken place Should you intend to act permanently in accordance with your letter I trust you will favour me with a copy of any dereliction of duty that you may charge me with, and will transmit the same together with my remarks for the perusal of His Excellency the Governor General	A2.40	838

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	58/00190		R G Johnson Esq	Brisbane J C Wickham Government Resident	1857 12 31	I believe the course I propose is in accordance with official wages and is I think due to me in order to defend the character of one about to be as you intimate dismissed from the public service, without any previous intimation I have the honor to be Sir – Your most obedient servant I was unable to write before owing to inflammation of the right hand arising from a laceration of the hand & arm  “Copy” Your very frequently and prolonged absence from this office of late, and the manifest indifference shewn with regard to your duty, have led me to conclude that you have no wish to continue in your present situation. I have therefore to inform you that your services from this date will be dispensed with		839
	58/00600		Government Resident Moreton Bay	Stratton	1858 02 05	“Copy” At top: “Mr Johnson to Government Resident Moreton Bay in reply to his letter of the 3 <sup>rd</sup> February 1858” <b>ORIGINAL DOCUMENT see 828-834</b>	A2.40	840 – 845
	58/00600		Mr Somerset	Stratton R E G Johnson	1858 02 05	“Copy” At top: “Johnson to Mr Somerset” [see also copy p 835] I have to request that you will inform me, as early as possible whether you have had any conversation with Capt Wickham, that can justify his asserting that I made use of his name to you by telling you “as an inducement to provide me with certain goods” that I would get his endorsement to my bill, as he requests an explanation from me upon the subject, and you must be aware that such an assertion is utterly untrue	A2.40	846
	58/00600		R G Johnson Esq	Brisbane D R Somerset (Signed)	1858 02 05	“Copy” [see also copy p 836] At top: Mr Somerset’s reply to Mr Johnson In reply to yours of to-day I beg to say that I called upon Capt Wickham when I heard you had left, to ascertain whether such was the case - He upon my asking the question “whether “Mr Johnson had left” said, why do you ask me such a question. I then mentioned my reason for doing so namely that you were due me an amount etc etc – and I certainly stated that you promised to get me his endorsement which you must remember [as it is] you were to do when I agreed to take a six months bill – you however after waiting a few days made some excuse - and sent me the Bill with only your own name and I took it hoping you would retire it when at maturity If I conveyed to Capt Wickham the idea, that you promised his endorsement prior to the delivery of the goods I did not intend it, still I may unintentionally have conveyed the idea by not being sufficiently explicit, and if so am willing to correct it		847
	58/00600		R E G Johnson Esq Stratton	Government Resident Office J C Wickham Government Resident	1858 02 03	“Copy” [see also copy p 824-827] At top: “Government Resident Moreton Bay to Mr Johnson” Having reported to the Honble the Colonial Secretary the circumstances which induced me to dispense with your services as clerk in my office; I have to inform you that that officer does not consider a Board of Investigation to be necessary; but has desired me to call upon you to offer such explanations (as you may wish on the subject of the charges preferred against you) I have therefore to request that you will furnish me, for the information of the Government, with explanations on the following subjects		848 - 850

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						<p>1<sup>st</sup> Your frequent absence from this office, and almost invariable practice for some months past, of non-attendance until nearly eleven a clock, circumstances which have not only called for remark from me, but have been noticed by gentlemen in Brisbane - and especially your want of attendance at this Office at times when I have been absent from Brisbane</p> <p>2<sup>nd</sup> The careless &amp; slovenly manner in which the Account Books have been kept, so as to render them quite unintelligible and which clearly proves the manifest indifference to your duty alluded to in my letter to you</p> <p>The above subjects relate to the general indifference &amp; negligence shown by you to your duties, but there are others, altho' of a comparatively private nature which have had much greater weight with me, in suspending you from your duties, and which are a bar to that confidence which ought to exist in an office where money transactions to a large amount from the principal duties – they also require explanation</p> <p>1<sup>st</sup> I alluded to the circumstance of your having requested me in last June, to advance you a quarter's salary, to enable you to meet some pressing demands, and which I complied with, upon your promising to instruct the Manager of the Bank of New South Wales to place your monthly salary, as it was received from the Treasury, to my credit</p> <p>Has that promise been fulfilled?</p> <p>2<sup>ndly</sup> I consider some explanation necessary for the unwarrantable use, made by you, of my name to Mr Somerset in telling him as an inducement to provide you with certain goods, that you would get my endorsement to your bill</p> <p>There are other circumstances which have come to my knowledge, which have very much lowered your character in the estimation of the public - one of which, the manner in which you obtained £100 from Mr Road Surveyor Roberts, and which as reported to me by that gentleman. I consider to be far from creditable to you, and when coupled with some other acts compels me to consider you an unfit person to be retained in a Public Office</p>		
	58/00190	1858 01 16	???????	Government Resident's Office J C Wickham Government Resident	1858 01 11	<p>At top: "Government Resident at Moreton Bay reporting negligence and other misconduct on the part of his clerk – Mr Johnson"</p> <p>I do myself the honor to inform you that I have been under the necessity of dispensing with the services of Mr Johnson as clerk in my Office, from the 1<sup>st</sup> inst</p> <p>(2) In my communication to him, I have stated that I did so, on account of his frequent absence from my office, and his manifest indifference to his duty; and although I have ample cause to complain in that respect, there are other circumstances which have weighed with me, and by which I have been chiefly actuated in deciding on the step I have taken – I alluded to matters of a pecuniary nature, which have come to my knowledge, and although of a private character, are such that I could not feel satisfied with myself, were I to retain him in my office</p> <p>(3) I would willingly have refrained from alluding to this subject but feel myself called upon to do so, from the tenor of Mr Johnson's reply to me (a copy of which I enclose) from which it appears that he claims an investigation, this I have no wish to deprive him of, but on the contrary would prefer such being held by any officers you may think fit to name – the Sub-Collector of Customs, the Police Magistrate, or any other gentlemen in the district</p> <p>(4) As much for usual? inconvenience is caused to me by the step I have felt it incumbent on me to take especially as regards my accounts, and</p>	A2.40	851 – 854

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						returns which are called for at this period of the year. I have to request that Mr Johnson's discharge from this office may be approved, and that another gentleman, having a good knowledge of accounts, and of official correspondence be appointed in his stead; as under any circumstances, it will be very unsatisfactory to require the services of one in whom I have lost confidence, and with whom I must necessarily be in constant communication. I have the honor to be – Your most obedient servant & Notes in margin Captain Wickham has only power to suspend – he should call upon Mr Johnson to answer his charge. A Board appear to me unnecessary Government Resident "On 15 February" [57/600]		
				"C C"	1858 01 16~ 1858 01 18			
				Executive Council Office, Sydney Edward C Merewether Clerk of the Council	1858 06 01	At top: "M14304 – 4 June 1858" Proceedings of the Executive Council on the 25 <sup>th</sup> May 1858 with respect to appointment in the Native Police Force – Extract from Minute No 58/22 confirmed 31 May 1858 Having carefully considered the whole hearing of this question, the Council fail to perceive that Mr Morrisset [Morisset] responsibility or efficiency would in any way be lessened by the appointments of the Native Police Force being made by the proper authorities, nor can they admit for a moment the claim which they observe is somewhat peremptorily urged by Mr Morrisset to have the power of making these appointments; as independently of the fact, that the power thus claimed is directly opposed to the provisions of the Constitution Act, they can see many and grave objections to the whole of the Patronage being handed over to the Commandant. They cannot therefore advise that the course proposed by the Government Resident be adopted; and with regard to the suggested unfitness of Mr Poulden for employment as a Native Police Officer, the Council desire that it be intimated to Captain Wickham that they are not prepared to advise the removal of any officer upon a suggestion of unfitness, and that until some specific charge has been proved against Mr Poulden they would not feel themselves justified in recommending his removal [No 58/302] & Notes in margin Approved  Colonial Secretary [very faint] Government Resident	A2.40	855 – 857
				"W D" "C C"	1858 06 03 1858 06 04~  1858 06 09			
	58/01778	1858 05 17		Government Resident's Office J C Wickham Government Resident	1858 05 12	At top: "Respecting the appointment of Mr R B Poulden to a Second Lieutenancy in the Native Police" Also: "E C 58/271 – 18 May 1858" "58/190" Referring to your letter of the 22 <sup>nd</sup> ..... informing me of the appointment of Mr Richard B Poulden to a Second Lieutenant in the Native Police I do myself the honor to inform you that Mr Poulden's appointment was in excess of the strength of the Force, as established by the Legislature 2. In my letter of 5 <sup>th</sup> March I did myself the honor to bring under your notice the appointment (provisionally by the Commandant), of Mr William R L Swete as a 2 <sup>nd</sup> Lieut in consequence of the absence from duty of 3 officers of the force, two under suspension, and one on sick leave, and at the same	A2.40	858 - 865

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						<p>time I suggested that in the event of the removal from the service of either of these gentlemen, Mr Swete should be permanently appointed if found duly qualified by the Commandant to be so, his services have been continued in charge of a detachment in the Wide Bay District</p> <p>3. Enclosed I forward a copy of a letter from Mr Morisset, requesting the permanent appointment of Mr Swete, which I beg to recommend to favorable consideration</p> <p>4. I also beg to enclose the copy of a letter from the Commandant in reply to my communication informing him of Mr Poulden's appointment to the force – in the 3<sup>rd</sup> paragraph of which he states that from what <u>he has heard of that gentleman since his arrival</u> in these districts, he is not suited to perform the duties of a Native Police Officer, an opinion in which I regret to say I am obliged to concur</p> <p>5. I have been informed that Mr Poulden's behaviour since his arrival in this district has not been such as to command the respect of those with whom he has become acquainted</p> <p>6. I would respectfully beg to suggest that in all appointments to the Native Police Force, the recommendation of the Select Committee of the Legislative Assembly should be carried out, viz that they should be made by the Commandant subject to the approval of the Government, as it is approved of the Government, as it is obvious that if the Commandant is to be held responsible for the conduct and efficiency of the Officers, which he necessarily must be to a great extent he will be most cautious? In only recommending those whom he feels confident with faithfully perform their duty</p> <p>&amp;</p> <p>Notes at end [p 865]</p> <p>I think there are many objections to the course proposed to be followed namely to have the nominature of officers in the ..... of the Commandant – the result would naturally be that he would put in his own friends &amp; be very ..... not to find fault with them in to repute them for misconduct which if he is to be held responsible in any preface? sense would result in his dismissal an officer in command of .. .... is held responsible for the conduct his officers and men yet he has nothing to do with the appointment of them and I am quite certain that the disciplining the Regiment would be injured were such discretions rested in him of any officer be incapable or should be misbehave himself the responsibility of the Commandant ... be made real &amp; effective by reporting him</p> <p>&amp;</p> <p>Notes in margin &amp; written over page 1 (<i>difficult to read</i>)</p> <p>Clerk Ex Council – B C</p> <p>Governor General and Executive Council</p> <p>I think there are objections to the whole patronage of the Officers in the Native Force? being handed over to Mr Morisset in the manner to which he rather pre-empting large claim. If Mr Poulden is inefficient or otherwise unfitting he should be so informed &amp; allowed to resign. But the general impression is very unfavourable in referred to the officers who have been appointed</p> <p>Laid before the Executive Council Min No 58/22 – M14304</p>		
				"W D"	1858 05 17			
				"W E" "C C"	1858 05 18 1858 05 17~			
				"E C M"	1858 05 25			
			Government Resident,	Office of Commandant, Native Mounted Police, Brisbane	1858 05 01	"Copy" I have the honor to refer you to my letter of 20 <sup>th</sup> February 1858, nominating	A2.40	866

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			Moreton Bay	E V Morisset Commandant Native Police		Mr W R L Swete provisionally to a Second Lieutenancy in the Native Mounted Police Corps. I beg to report for your information that since that gentleman has been acting in such capacity his conduct has been that of a most efficient Officer – and as the dismissal of Mr Ross creates a vacancy in the Corps I respectfully recommend that the appointment of Mr Swete be confirmed		
			Government Resident, Moreton Bay	Office of Commandant, Native Mounted Police, Brisbane E V Morisset Commandant Native Police	1858 05 01	<p><b>“Copy”</b></p> <p>I have the honor to acknowledge the receipt of the information contained in the communication addressed to yourself from the Colonial Secretary’s Office dated February 22<sup>nd</sup> 1858, relative to the appointment of Mr Richard B Poulden to a Second Lieutenancy in the Native Police</p> <p>I take the opportunity of respectfully recalling to your recollection that at the time I accepted the appointment of Commandant of the Native Mounted Police Corps it was decided that as it was the intention of the Government to hold me responsible for the discipline and efficiency of the Corps that the appointment of the Officers should rest solely at my disposal upon this understanding I have from time to time filled of the vacancies occurred in the Corps as they have consequently the appointment of Mr Poulden is in the excess of the estimated strength</p> <p>I would likewise further observe that the necessary qualifications for an officer in a service of the nature, require to be of a peculiar character, and of which Mr Polden [as I is] (from what I have heard respecting him since arrival in the Northern Districts) appears to be singularly deficient</p> <p>The selection of officers on my part has been solely directed to the efficiency of the Corps, and in furtherance of that object I have entered into correspondence with several gentlemen, whom I consider competent to fulfil the onerous duties of the appointment. I would therefore respectfully beg to direct the attention of the Government to the fact that any departure from the rule established in the first instance, would in a great measure compromise my word which I have passed to several gentlemen to recommend their appointment to the Governor General as vacancies recur – and further that it would (in my opinion) render it impossible for me to fully carry on the object for which the Corps was organized</p>	A2.40	867 – 869
				Governor General Government House	1858 02 05	<p>At top: “Governor General, Government House”</p> <p>My dear Cowper,</p> <p>The bearer of this Mr R. P. Poulden brought letters of introduction to me from England – he has been in the Army for three years in the 56<sup>th</sup> Regt leaving it for account of his health – I have pointed out to him the small prospect he will have in this country, however he is anxious to try his luck and has asked to be appointed to the Native Police – I believe their several vacancies in this force at present and it might be as well to get a man into it who has had some previous army training – I leave however the whole matter to you pr..... that I know nothing of Mr Poulden, who is the son of an old officer of Artillery, other than what I have stated</p> <p>Your very truly W Denison &amp; Visiting Card [printed – below first page] Mr R Bedford Poulden late [written] 56<sup>th</sup> Regiment &amp; Notes across first page Mr Poulden applied as Lieut Native Police – February 1858</p>	A2.40	870 – 871
				“W W S”				

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						CONTINUED ON ROLL A2.41		

## NOTES

~ Have used this symbol throughout when I have “assumed” details which have not been provided – e.g. “Hon CS” has been omitted on document  
See also “Dates”

### **CS REF NUMBERS**

For **SORTING** purposes, I have entered CS Reference Numbers to five places 00001 - 10000

For **FINDING** purposes I have inserted 0s in the Contents where CS ref Numbers have been cited

### **DATES**

Format used throughout is **YEAR MONTH DAY** – one space between

~ Used to indicate dates which are incomplete on document, usually in Notes e.g 31 Mar - assumption made as to year

### **PAGE NUMBERS**

For **SORTING** purposes I have entered all page numbers to 3 places



# A2 SERIES

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