

NEW SOUTH WALES – COLONIAL SECRETARY LETTERS RELATING TO MORETON BAY AND QUEENSLAND RECEIVED 1822 – 1860

LETTERS RECEIVED 1859 AND PAPERS FILED WITH THEM – REEL A2.43 [PART 1] CONTINUED FROM A2.42

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
	59/06077	1859 11 28	Hon CS	Jimboomba, Queensland A I Henderson	1859 11 21	At top: "A I Henderson" Letter resigning appointment to Commission of the Peace &	A2.43	001
				"W F"	1859 11 28~ 1859 11 28 1859 11 28 1859 12 06	Notes in margin Supersedeas Supersedeas herewith Mr Henderson Prothonotary Supreme Court		
	59/06169	1859 12 03	Hon CS	Police Office, Condamine William F Kennedy JP for the Bench	1859 11 16	Letter reporting arrival of R J H Fotheringham Clerk of Petty Sessions District of Condamine – re delay & Notes in margin	A2.43	002
				"W M"	1859 12 05~ 1859 12 08 1859 12 09~	Mr V Auditor General – to be returned Stamped AUDIT OFFICE - NEW SOUTH WALES/ NO.1319/ DE 9-1859 Noted [very faint]		
				Audit Office W M, AG	1859 12 12 1859 12 13	Note re above Noted Returned Colonial Secretary's Office		003
	59/06189	1859 12 05	Hon CS~	Government Resident's Office, Brisbane J C Wickham, GR	1859 11 28	Letter reporting removal from office of Gaoler, Matron & Principal Turnkey Brisbane Gaol – Samuel Sneyd late Chief Constable Brisbane, Mrs Margaret Sneyd & William Gillan Senior Turnkey appointed [No 59/214] &	A2.43	004 - 006
				"W F"	1859 12 06 1859 12 00~	Notes in margin For information – matter now rests with Government of Queensland Government Resident [crossed out]		
	59/06189		Government Resident, Moreton Bay	Colonial Secretary's Office, Sydney [no signature]	1859 12 00~	Letter re temporary appointment of Samuel Sneyd late Chief Constable Brisbane, Mrs Margaret Sneyd & William Gillan Senior Turnkey of Gaol at Brisbane – matter rests with Government of Queensland		007 – 008
	59/06197	1859 12 05	Hon CS~	Government Resident's Office, Brisbane J C Wickham, GR	1859 11 21	At top: "Executive Council 59/1200 – 7 th December 1859" Letter re loss of situation as Government Resident on separation - requesting a pension Para 2: November 1842 appointed Police Magistrate until 1 January 1853 when appointed Government Resident – discusses his conscientious performance of duties & Notes re above	A2.43	009 – 013

Letters relating to Moreton Bay & Queensland: A2 series – Reel A2.43 [PART 1] Last revised: Sep 2022

www.slq.qld.gov.au

Page 1 of 20



SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				"W F"	1859 12 05	Compares Capt Wickham's position with that of officers of Government of New South Wales: burden of compensation laid upon New South Wales & not Imperial Government - Capt Wickham's claims not valid against New South Wales &		
				"W F" "W T D"	1859 12 05~ 1859 12 05 1859 12 06	Notes in margin Governor General Fair claim against Government of Queensland but none against Government of New South Wales Executive Council		
				Edward C Merewether, Clerk of the Council	1859 12 12	Note re above Executive Council admit Capt Wickham's long & faithful services, not removed from office for neglect or impropriety but cannot allow claim for pension – reasons – regret cannot comply with application [Min 59/54 – Confirmed 19 December 1859]		014
				"W T D" "W F"	1859 12 29 1859 12 29~ 1859 12 30	Approved Capt Wickham		
				"E C M"	1860 02 14	Note Re papers – returned Colonial Secretary's Office		015
				"E C M" Principal Secretary	1859 12 29	Memo Required as Enclosure in Despatch on subject – copies in duplicate of Capt Wickham's application for Pension – Executive Council Minute from Clerk of Council		016
				"E C M", Principal Secretary	1859 12 29	Note Required for enclosure to Despatch – Minute of Council in Capt Wickham's application for Pension Clerk of Executive Council		017
			Governor Sir William Denison	"A G P"? Downing Street Newcastle	1859 12 30~ 1859 08 18	Forwarded herewith At top: "Received per <i>"Benares</i> " 10 October 1859" Letter instructing re appointments to office in order to inaugurate new Colony of Queensland – Civil List provides for appointment of Colonial Secretary – qualities required [No 12] Proposes Mr Herbert accompanying Governor Sir George Bowen as Private Secretary also receive Commission as Colonial Secretary – re salary Office of Treasurer – satisfactory if office accepted by Capt Wickham - arrangements Also at top: "WTD 10 October 1859" & "M868 – 2 nd December 1859" [M14868?]		018 - 025
	59/06203	1859 12 05	Hon CS	North Brisbane, Moreton Bay Charles Ross	1859 11 29	Letter re removal from office as Turnkey Brisbane Gaol – re payment of salary due – married with small family, 9 years 6 months service in Brisbane Gaol & no complaints	A2.43	026 - 027
				"W F"	1860 01 05~ 1860 01 11	Note re above Re payment Papers sent to Brisbane, nothing further to be done unless reference from		028

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				"W F"		Queensland – "Put by"		
			Elyard	Government House Edward C Merewether	1860 01 07 "Sat"	Letter re papers & new copies to be made & Notes re above	A2.43	029 – 030
					1860 01 09	To be done here		
					1860 01 13	Copy herewith		000 000
						Above letter repeated here		028 – 029 [as it is] 031
				W E Plunkett	1860 01 05	Forwarding copies in duplicate of correspondence re position of the Moreton Bay Judge at Queensland for enclosure in Despatches		
						Notes re above		032
				"E C M"	1860 01 06	Uncertain re documents		
					1860 01 07~	See note herewith		
						Note		033
				"E C M"	1859 12 28	Required for enclosure in Despatches on the subject		033
				Principal Secretary		Copies in duplicate of		
				. ,		1 st Mr Justice Lutwyche's letter of 1 st November1859		
						2 nd Law Officers opinion thereon printed with former Law Officers opinion on		
						Mr Milford's case		
						3 rd Judge Lutwyche's Commission		
						4 th Judge Lutwyche's protest of 10 th December 1859		
						5 th Opinion of Law Officers as to right of Mr Justice Lutwyche to salary £2000 per annum		
						Note		034
					1859 12 28	Secretary to Crown Law Officers for copies – re opinion re salary - to be		
						returned		
				" \\ C D "	1000 01 05	Letter as to salary 28 th November 1859 printed herewith		
				"W E P"	1860 01 05	Returned with duplicate copies		
						Note		035
	50/00100			"E C M"	1860 01 07	Re state of copy letters	10.40	000 007
	59/06120				1859 12 09	Note At top: "M14868"	A2.43	036 – 037
						Re copies of Opinion of Law Officers [see p 061] & other correspondence re		
						Resident Judge Moreton Bay presented to Assembly: accompanying papers		
						not required [Ref 59/5261]		
	59/05774			"W T D"	1859 11 05	Note	A2.43	038 - 039
						Opinion of Law Officers needed re "this letter" - re Mr Lutwyche's		
						appointment to Moreton Bay & his position in new Colony - mentions return		
						to Sydney to take seat on Bench - re salary - mentions Moreton Bay Courts		
					& Supreme Court Sydney			
						Re Mr Justice Lutwyche & condition of residence attached to Commission –		
						mentions resign Commission & return to position as Barrister – requires		
	1					opinion of Law Officers re claim by Mr Lutwyche to return to Sydney		
						At top: "M14868"		040 - 041
				Government House	1859 11 18	Letter re position of Mr Lutwyche at Moreton Bay & whether he is allowed to		

www.slq.qld.gov.au Page 3 of 20

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				W Denison		consider himself Judge of Supreme Court New South Wales & entitled to return to Sydney – refers to Minute on his letters – requests views of Law Officers & matter to be brought before Executive Council – mentions Sir George Bowen		
			Mr Moriarty	"W F"	1859 11 18~	Note At top: "Executive Council 59/1144" Papers to be forwarded for His Excellency's perusal		042
				"A O M" Executive Council Office	1859 11 22	At top: "M14868" <u>Memo & Note</u> [written at top] Minute not confirmed – subject under consideration		043
				"W T D"	1859 11 23	Prepare draft [see p 057] Inform Justice Lutwyche – to be furnished with copy of Minute & also of opinion of Law Officers		
	59/06281	1859 12 09	Hon CS	Judge's Chambers, Brisbane Alfred J P Lutwyche Resident Judge of Moreton Bay	1859 12 06 1859 12 09~ 1859 12 09~ 1859 12 09~ 1859 12 09	At top: "Resident Judge" Letter re his position on separation & claiming seat on Sydney Bench – mentions Mr Elyard's letter of 28 November enclosing copy Opinion of Crown Law Officers & copy Minute of Proceedings of Executive Council 21 November 1859 Para 2: Re his letter to Private Secretary of Governor General requesting information – mentions separation of Moreton Bay & Order in Council & His seat on Bench Supreme Court Sydney Para 3: Re claim & Executive Council New South Wales Para 4: Protests against decision of Executive Council – claims his right to take seat on Bench Supreme Court Sydney immediately Queensland a separate Colony & Notes in margin "41/59" Query re letter Only explanation enclosed by mistake in envelope to Government Resident To be explained to Mr Justice Lutwyche Mr Lutwyche Copy forwarded by Sir W Denison Despatch No 122 dated 28 December 1859	A2.43	044 – 046
				Executive Council Office, Sydney A Orpen Moriarty, Clerk of the Council	1859 11 22	At top: "M14868 – 24 th November 1859" <u>Proceedings of the Executive Council on the 21st November 1859 with</u> respect to the position in which the Resident Judge at Moreton Bay will be placed by the separation of that Colony from New South Wales – <u>Minute No 59/48</u> Re appointment of the Honourable Alfred James Peter Lutwyche to office of Judge Supreme Court & Resident Judge Moreton Bay District – mentions Despatch from Secretary of State & his entitlement to a seat on Bench of New South Wales [No 59/1144] Para 2: Re opinions of Attorney General & Solicitor General Para 3: Opinion that Resident Judge Moreton Bay has no jurisdiction to act as Judge in Supreme Court Sydney Para 4: Council's decision Para 5: Communicate decision to Mr Justice Lutwyche [Draft]		047 – 056

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
			His Hon The Resident Judge Moreton Bay		1859 11 28~	At top: "M14868" Acknowledging receipt of letter of 1 st inst & Secretary of State's Despatch re separation of Moreton Bay from New South Wales Re present Commission as Judge & entitlement to position of Judge Supreme Court New South Wales Para 2: Enclosing Opinion of Crown Law Officers & copy of Minute of Executive Council informing Government cannot recognise position as Judge Supreme Court & Note in margin "By steamer today"		057 – 060
	59/06120	1859 11 29	Hon CS	Crown Law Offices, Sydney Edward Wise, Attorney General John F Hargrave, Solicitor General	1859 11 28	Letter giving Opinion in reference to Mr Justice Lutwyche's salary & Notes in margin "Copy forwarded by Sir W Denison Despatch No 122 dated 28 December 1859" [Ref 59/5261]	A2.43	061 - 065
	59/05893	1859 11 14	Principal Under Secretary	Crown Law Offices, Sydney W E Plunkett "W F"	1859 11 14 1859 11 05~ 1859 11 18~	At top: "Executive Council 59/1144 – 23 November 1859" Letter forwarding Opinion of Law Officers [see p 071] as to Mr Justice Lutwyche's position as Judge upon separation of Moreton Bay [No 59.63] & Notes in margin "1 st Nov 59 and G.C. 5 Nov 59" M14868 Executive Council	A2.43	066
	59/05774	1859 11 05	Alfred Denison, Private Secretary	"W T D" Judges Chambers, Brisbane Alfred J P Lutwyche, Resident Judge of Moreton Bay	1859 11 18 1859 11 01 1859 11 05	At top: "Resident Judge Moreton Bay" Letter re his tenure of office as Judge on separation of Moreton Bay – mentions despatch from Secretary of State on subject of separation Para 3: Re his Commission as Judge of Supreme Court New South Wales with condition of residing in District of Moreton Bay with duties of Judge of Supreme Court of Queensland when established Query re new Commission from Governor of new Colony – query re salary & retiring allowance Paras 4-5: Outlines current position Para 6: Mentions case of Queen v Patteson [as it is] 4 Barn. & Adol. p.9 Para 7: Addressed for His Excellency as representative of Imperial Government & Notes in margin Refer to Crown Law Officers – noted	A2.43	067 - 070
						"Copy forwarded by Sir W Denison Despatch No 122 dated 28 December 1859" [Ref 59/05893]		
	59/05893			Crown Law Offices, Sydney Edward Wise, Attorney General John F Hargrave, Solicitor General	1859 11 14	Opinion Re Mr Justice Lutwyche: Perused letter of 1 st November 1859, printed copy of his Commission dated 21 st February last & other papers – no jurisdiction to act as Judge in Supreme Court Sydney nor following separation of Colony of Queensland – mention Mr Justice Milford & Port Phillip Act – also mention Supreme Court of Moreton Bay – re salary & pension & Notes in margin	A2.43	071 - 075

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
						"Copy forwarded by Sir W Denison Despatch No 122 dated 28 December 1859"		
						"20 th Victoria No. 25"		
					1859 10 12~	[PRINTED]	A2.43	076 - 078
						1859		
						NEW SOUTH WALES		
						Legislative Council		
						SEPARATION OF MORETON BAY		
						(FURTHER DESPATCH)		
						Ordered by the Council to be Printed, 12 October 1859		
						W. DENISON Message No.1		
						Governor General		
						The Governor General lays before Legislative Council a Despatch with which		
						he has been honoured by the Secretary of State, enclosing copies of the Order in Council directing the Separation of Moreton Bay from the Colony of		
						New South Wales. The originals of these documents are placed in the		
						hands of Sir George Bowen, who has been appointed Governor of the new		
						Colony of Queensland		
						Government House,		
						12 October 1859		
						&		
						Note attached at top:		
						"These are not required – E C M"		
			GOVERNOR	Downing Street	1859 08 18	THE SECRETARY OF STATE FOR THE COLONIES, to GOVERNOR SIR		
			SIR W DENISON, KCB	NEWCASTLE		W. DENISON		
						(No 11)		
						Instruments re Separation of Moreton Bay from the Colony of New South		
						Wales – mentions appointing Sir Ferguson Bowen Governor		
						Sydney: Thomas Richards, Government Printer – 1859		
						Above document duplicated here		79 – 081
	59/06357	1859 12 14	Chief Under Secretary	Office of Inspector General	1859 12 13	Letter re appointment of Camp Sergeant at Canoona & salary - mentions	A2.43	082 - 083
				of Police, Sydney		Commissioner Hay & Sanylume ? - re pay & rations [No 59/321]		
				John McLerie, Inspector		&		
				General of Police				
				"W F"	1050 10 15	Notes in margin		
				VV F	1859 12 15~ 1859 12 20	Approved Inspector General of Police		
	59/05110	1859 09 23	Principal Under	Office of Inspector General	1859 09 22	Letter re appointment of Camp Keeper Canoona – re salary, mentions	A2.43	084 - 085
	55/00110	1000 00 20	Secretary	of Police, Sydney	1000 00 22	Minute from Office of Lands & Public Works [No 59/254]	/12.70	504 000
				John McLerie, Inspector				
				General of Police		Notes in margin		
					1859 09 22~	Addressed to Treasury – send to Mr Elyard		
				"H L"	1859 10 04~			
						To be returned		
					1859 10 07	Auditor General re Vote to be charged		
					1050 10 10	Stamped: AUDIT OFFICE – NEW SOUTH WALES/ NO.1142/ OC-19		
				W C Mayne, A G	1859 10 18	The "Gold Contingent" Vote		
				"C C"	1859 10 19	Returned Colonial Secretary's Office		
				"C C"	1859 10 19~ 1859 10 20	Approved Inspector General [Ref 59/06357]		
	59/06494	1859 12 22	Hop CS	Bathurst	1859 10 20	At top: "J G Wheeler, C P S Nanango"	A2 42	086 - 087
			HUNUS		1009 12 20		AZ.43	000 - 007

www.slq.qld.gov.au Page 6 of 20

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				John George Wheeler		Letter resigning appointment as Clerk of Petty Sessions Nanango – reasons – expense – mentions advance of salary or appointment to another place &		
				"W F"	1859 12 24~	Notes in margin Inform Mr Wheeler that Government of NSW has no power to accept		
					1859 12 28	resignation – must be addressed to Government of Queensland Mr Wheeler		
			Hon CS	Newtown W Carron	1859 10 26	Letter applying for position of Clerk of Petty Sessions Molong	A2.43	088
						[Cover sheet] W Carron		089
	59/05509			A Orpen Moriarty	1859 11 07~	For appointment as Clerk of Petty Sessions at Molong Note	A2.43	090
				Clerk of the Council		At top: "59/1124" Re cancellation of appointment of Mr Edwards & appointment of John G Wheeler as Clerk of Petty Sessions Nanango [Min 59/467 – 7 November 1859 – confirmed 14 November 1859] &		
				"W T D"	1859 11 16	Notes in margin Approved		
				"W F"	1859 11 17 1859 11 23	Returned Colonial Secretary's Office Mr Wheeler, Bench, Bench for Bond, Notice "Not necessary in this case" "Is he to serve month at a Police Office" [Ref 59/06494]		
	59/05509	1859 10 20	Hon CS	Nanango Police Office C R Haly JP, Bryce T Barker JP	1859 10 10	At top: "Executive Council 59/1124 – 16 th Nov 1859" Letter re Mr Edwards – has not taken up duties as Clerk of Petty Sessions – former Clerk left 4 months ago – inconvenience & Notes in margin		091
				"W F"	1859 11 04~	 "59/173 [59/01730?] - Bench Nanango – 19 April~" Executive Council Approving of exchange between Clerk of Petty Sessions Balranald & Mr Sinclair "W Carron" [Ref 59/06494] 		
				"C C"	1859 10 22~	Note re above Mr Edwards notified in May & Bench Balranald where he was Clerk informed 3^{rd} June – not arrived – to appoint another person to Nanango		092
					1859 11 04	Note re above Clerk of Executive Council		093
	59/01730	1859 05 02	Hon CS	Nanango Bryce T Barker JP, W O'Grady Haly JP	1859 04 19	Letter approving exchange between Clerk of Petty Sessions at Balranald & Mr Sinclair &	A2.43	094
					1950.04.00	Notes in margin "59/01697" Bench Balranald		
				"C C"	1859 04 09~ 1859 05 02~	Leave of absence to Clerk of Petty Sessions – Exchange with Clerk of Petty Sessions Nanango submitted 30 April [59/05509]		
						Note re above		095

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
						Executive Council opinion [note not completed]		
	59/01288	1859 04 04	Hon CS	Nanango, Burnett District Charles A Sinclair, Clerk of Petty Sessions "C C"	1859 03 22	At top: "Clerk of Petty Sessions Nanango" Letter seeking approval of exchange with Clerk of Petty Sessions Balranald – re health – agreed by Mr Edwards Clerk of Petty Sessions Balranald Also at top: "Executive Council 59/315 – 8 April 1859" & Notes in margin Executive Council	2.43	096
				00	1859 04 08~	Noted		
				"W T D"	1859 04 08	[Ref 59/05509]		
						Notes re above		097
				A Orpen Moriarty, Clerk of the Council	1859 04 18	Executive Council advise Charles A Sinclair be appointed Clerk of Petty Sessions Balranald vice Mr Edwards exchanged (now Lang's Crossing Place) [No 59/315]		
				"W T D" "C C"	1859 05 02 1859 05 02~	Approved		
					1859 05 03 1859 06 03	Returned Colonial Secretary's Office Bench Nanango, Auditor General, Registrar General, Secretary to Treasury, Secretary Crown Law Offices, Under Secretary Lands		
					1859 07 15 1859 08 02	Resubmitted		
	59/00913	1859 03 12	Hon CS	Police Office Balranald George Edwards, Clerk of Petty Sessions	1859 02 10	At top: "Clerk Petty Sessions" Letter re health & requesting move to another Bench in the unsettled Districts – predecessor P J Murray moved to Bombala & Mr Loveday exchanged from Moulamein – wishes to exchange with Mr Sinclair Clerk of Petty Sessions at Goods Inn, Nanango, Burnett District – present appointment held since December 1852 [No 59/8] Also at top: "Executive Council 59/315" &	A2.43	098 – 099
				"W T D"	1859 03 14~ 1859 03 25 1859 05 01~ 1859 08 02	Notes in margin No objection Bench Nanango, Bench Balranald Resubmitted [Ref 59/01288] Mr Sinclair's Bond has been executed Nothing further required &		
				A Orpen Moriarty, Clerk of the Council	1859 04 18	Notes re above [Executive Council – obscured] advise George Edwards appointed Clerk of Petty Sessions Nanango vice Mr Sinclair exchanged [No 59/315]		
				"W T D" "C C"	1859 05 02~ 1859 05 02~	Approved		
					1859 06 03	Notice 17 May 1859 Bench, Mr Edwards, Secretary Crown Law Offices, Secretary to Treasury, Auditor General, Registrar General, Under Secretary Lands		
					1859 07 15~	Resubmitted – See 59/01288		
	59/06559	1859 12 29	Governor General Sir W T Denison KCB, Sydney	Government House, Brisbane G F Bowen	1859 12 20	Letter re enclosed Memorial re removal of Governor of Gaol Brisbane by Government New South Wales – requests copy of Minutes of Executive Council & any other information re this case [Memorial not filmed here]	A2.43	100 - 101

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				"W T D" "W F" "E C M"	1859 12 24 1859 12 28~ 1859 12 24 1859 12 24 1859 12 30	& Notes at top & in margin Papers to be sent with copy of Minutes of Council Colonial Secretary Registered & forwarded to Colonial Secretary Colonial Secretary Queensland		
				Executive Council Office, Sydney A Orpen Moriarty, Clerk of the Council	1859 03 21 1859 03 21 1859 03 31 1859 03 31~ 1859 03 23 1859 03 26	At top: "M14612 – 31 st March 1859" Proceedings of the Executive Council on the 21 st March 1859 with respect to the appointment of certain gentlemen to the Magistracy – Extract from Minute No 59/12 – confirmed 28 th March 1859 Undermentioned gentlemen to be appointed Magistrates: [PRINTED EXTRACT ATTACHED HERE] Firebrace, Edward of Lang's Crossing Place Geary, Edward Montague, Hellidon [as it is - Helidon?] Gennys, John Henn, Carcoar Gordon, William Pile, Surat Hayes, James, Gundagai Holt, William Harvey, Kolongo [as it is – Kolonga?], Gayndah Icely, Thomas Rothery, Carcoar Jones, David Maunder., Benaro, Gayndah Lardner, Alfred, Grafton Mackenzie, John, Poon Boon, Deniliquin Mair, George, Tooma, Murray River Marshall, George Cockburn, Gundamaine, Wee Waa North, Edward James Campbell, Carcoar [crossed out] Porter, Charles Edward, Caval, Grafton Ramsay, John Bonar Peter, Canoona Robertson, William, Lanark Lodge, Grafton Scott, James Hall, Retreat, Callandoon Sheaffe, Percy Hale, Ulladulla Smith, Robert Wilkin, Iderraway, Gayndah Solomons, Henry, Europambella, Walcha Wilson, Thomas George, Aberbaldie, Walcha Wilson, Thomas George, Aberbaldie, Walcha Mison, Thomas George, Aberbaldie, Walcha Wilson, Thomas George, Aberbaldie, Walcha Notes in margin Approved Commissions prepared Proth. Supreme Court	A2.43	102
						Note At top: "Grafton" William Albert Braylesford Greaves, Alfred Lardner Magistrates "M14612" [Refs 59/00626, 59/00638, 59/00469, 59/00315]		103
				"C C"	1859 03 21~	At top: "M14612" Re Magistrates: Grafton		104, 106- 107

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
						Alfred Lardner, Grafton William Robertson, Lanark Lodge Charles Edward Porter, Caval Gayndah William Harvey Holt, Kolongo David Maunder Jones, Benaro Robert Wilkin Smith, Iderraway The Condamine (Surat) William Pile Gordon Leichhardt John Bonar Peter Ramsay, Canoona Wee Waa George Cockburn Marshall, Gundamaine <u>p 106-107</u> : Murray River George Mair, Tooma Lang's Crossing Place Edward Firebrace Deniliquin John Mackenzie, Poon Poon Gundagai James Hayes Ulladulla Percy Hale Sheaffe Callandoon J Hall Scott [see also Scott, James Hall], Retreat Walcha Thomas George Wilson, Aberbaldie John Henry Thee, Europambella Carcoar John Henn Gennys Thomas Rothery Icely Ipswich Edward Montague Geary, Hellidon [as it is] Bombala Henry Solomons		
			Hon Charles Cowper	Darlinghurst, Sydney Arthur Hodgson	1858 11 24	At top: "M14612" Letter recommending J Hall Scott, Retreat, Callandoon for Commission of the Peace & Notes re above John Henn Gennys, Thomas Rothery Icely " M14612"		104 again 105
	59/00059	1859 01 06	Hon Chief Secretary, Sydney	Police Office, Wee Waa A C S Rose, PM	1858 12 22	At top: "Police Magistrate Wee Waa" Letter proposing George Cockburn Marshall of Gundamaine near Wee Waa for the Magistracy – manager of 2 cattle stations belonging to Messrs Lloyd Brothers – has private property – re character [No 58/205] <u>Margin</u> M14612	A2.43	108 - 110
	59/00346	1859 01 31	Hon CS	Police Office, Gayndah	1858 12 28	Letter recommending gentlemen be appointed to Commission of the Peace	A2.43	111 – 112

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				Henry Herbert JP, Arthur E Halloran JP Commissioner of Crown Lands Gilbert Eliott JP, Clement F Lawless JP		Margin J Philip Lamb, "Rocky Spring" [withdrawn] David Maunder Jones, "Bonara" [see also Benaro] Robert Smith, "Iderraway" "M14612" Mr Lamb is son of Capt Lamb MP, Mr Jones son of M D Jones MP of Sydney, both engaged in squatting operations in Burnett District Robert Smith squatter – resides 4 miles from Gayndah		
	59/00346		Hon CS	Gayndah Archibald M Thomson JP, Henry Herbert JP, Gilbert Eliott JP John Livingstone JP	1858 12 30	Letter recommending gentlemen to Commission of Peace – assistance to Bench at Maryborough also <u>Margin</u> Robert Wilkin Smith, Ideraway [also spelt Iderraway] William Harvey Holt, Kolongo Engaged in squatting pursuits in Wide Bay & Burnett – Mr Smith resides 4 miles from Gayndah, Mr Holt's station on road from Gayndah & Maryborough to Port Curtis & Fitzroy Goldfields		113 – 114
	59/00922	1859 03 12	Hon CS	Ipswich, Moreton Bay Henry Buckley	1859 03 01~	At top: "H Buckley" Letter re Commission of Peace & Gatton – W Turner lately appointed has proceeded to England –recommending Edward Montague Geary residing at Hellidon as replacement – son of Capt Geary RN <u>Margin</u> M14612	A2.43	115
				Executive Council Office, Sydney A Orpen Moriarty, Clerk of the Council	1859 05 04	At top: "M14659 – 6 th May 1859" <u>Proceedings of the Executive Council on the 27th April 1859 with respect to</u> <u>certain charges and counter charges by the Police Magistrate & the Clerk of</u> <u>Petty Sessions at Rockhampton - Minute No 59/17 – confirmed 3rd May</u> <u>1859</u> Re investigation by Government Resident Port Curtis into charges preferred by Capt Vyner PM Rockhampton against Mr Hutchinson Clerk of Petty Sessions Rockhampton & by the Clerk of Petty Sessions against the Police Magistrate [No 59/396] Outlines nature of charges – detailed summary of Government Resident's findings Para 4: More serious occurrence – Mr Hutchinson apprehended & tried under Vagrant Act for threatening Capt Vyner in public Paras 5-6: Council advise that services of Mr Hutchinson Clerk of Petty Sessions Rockhampton be dispensed with – reasons Para 7: Advise Mr Hutchinson - considering past services & recommendations of Government Resident, eligible for further employment in public service Para 8: Query re maintaining services of Police Magistrate at Rockhampton – advise office be discontinued & Capt Vyner to resume his former office of Clerk of Petty Sessions Tumut & Notes in margin	A2.43	116 – 124
				"W T D" "C C"	1859 05 05 1859 05 06~ 1859 04 29~ 1859 04 30	Approved Government Resident Port Curtis Bench Tumut		

www.slq.qld.gov.au Page 11 of 20

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
			Colonial Secretary's Office, Sydney	M C O'Connell, Government Resident	1859 04 16~	Forwarding report on complaints preferred by Police Magistrate Rockhampton against Clerk of Petty Sessions – proceeded by boat to Rockhampton on 14 th inst, enquiry in Capt Vyner's absence [No 59/56] Para 2: No formal enquiry – called upon Mr Hutchinson to provide statements now enclosed [see p 136+] Para 3: Re serious disagreement – Mr Hutchinson apprehended & tried under Vagrant Act for threatening Capt Vyner in public – suspended by Bench of Magistrates Rockhampton Paras 4-9: Report in full re Mr Hutchinson's conduct – recommends Mr Hutchinson ceases to hold appointment as Clerk of Petty Sessions Rockhampton Para 10: Considering previous services, recommends Mr Hutchinson be allowed an exchange of offices Para 11: Mentions Mr Vyner & interference with Mrs Hutchinson when passing through Police Office allotment Para 12: Re Mr Hutchinson's imprisonment & fine Also at top: "Executive Council 59/396 – 27 April 1859" & Notes in margin 59/01227 – Government Resident Port Curtis – 10 March: Inability to report in consequence of Police Magistrate's absence - submitted 1 st April		
	59/01227	1859 04 01	Under Secretary, Colonial Secretary's Office, Sydney	Gladstone M C O'Connell, Government Resident	1859 03 10	[M14659] At top: "Government Resident" Letter re complaints by Police Magistrate Rockhampton against Clerk of Petty Sessions Rockhampton & inability to report in consequence of Mr Vyner's proceeding to Sydney per <i>"Eagle"</i> – mentions more serious charges against Mr Hutchinson, & Mr Vyner's visit to Sydney in opposition to instructions [No 59/46] & Notes in margin Re Capt Vyner's visit to Sydney, has acted improperly under circumstances [Ref 59/01469]	A2.43	130 – 131
	59/00889	1859 03 11	Hon CS	"C C" Gladstone M C O'Connell, Government Resident "C C"	1859 04 04~ 1859 02 24 1859 03 11 1859 03 11~ 1859 03 14	At top: "Government Resident" Letter re charges against Mr Hutchinson Clerk of Petty Sessions Rockhampton by Capt Vyner Police Magistrate [No 59/26] & Notes in margin "59/00619 – Clerk of Petty Sessions Rockhampton – 10 February: Report on complaint made by Police Magistrate" Government Resident 21 February 1859 by letter – see Memo enclosed Re Capt O'Connell & correspondence Government Resident [Ref 59/01227]	A2.43	132
	59/01227		Capt Vyner RN, Police Magistrate, Rockhampton	Government Resident's Office, Gladstone M C O'Connell, Government Resident	1859 02 28	Letter re communication from Colonial Secretary per steamer "Eagle" requesting enquiry into charges against Mr Hutchinson Clerk of Petty Sessions Rockhampton – intention to visit Rockhampton, Mr Vyner to take measures to facilitate enquiry [No 59/28]	A2.43	133
				M C O'Connell, Government Resident		Memo Re right of way through Police Office allotment – stopped by Capt Vyner – stoppage cause of dispute with Mr Hutchinson – discusses	A2.43	134 – 135

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				A M Hutchinson	1859 02 28~	[Deposition] Rockhampton – Colony of New South Wales – to wit: Albert Maxwell Hutchinson of Rockhampton Clerk of Petty Sessions Re dispute on 14 th February regarding Police Office Enclosure & right of way – mentions Capt Vyner, Mr Lumsdaine JP, Mrs Hutchinson Subsequent detention by Chief Constable for disorderly conduct – mentions Mr Wood JP, Mr Cloete JP, Mr Murray JP Magistrates & Mr Connor re bail Fined £3 or 3 months imprisonment – appealed – refused to apologise - suspended from office Query to Arthur F Wood JP re appeal "Taken and declared at Rockhampton the 28 th day of February 1859 before me – J Leith Hay JP"		[136] – [142]
				C Anne Hutchinson	1859 02 28~	[Deposition] "A" Rockhampton – Colony of New South Wales – to wit: Clarissa Anne wife of Albert Maxwell Hutchinson of Rockhampton Clerk of Petty Sessions Details of occurrence in Police Office Enclosure – mentions Mr Vyner, Sergeant Griffin, Magistrates Messrs Murray & Wood JP & Mr Connor – Mr Connor's bail refused, mentions Commissioner Cloete & Mr Lumsdaine "Taken and declared at Rockhampton the 28 th day of 1859 before me – J Leith Hay JP"		[143] – [144]
				Frederick Plowright	1859 03 18~	Copy Declaration Frederick Plowright New South Wales – Rockhampton – to wit: Resides in tent owned by Mr Hutchinson – receives rations for services rendered – details re occurrence on 14 th February – mentions Mrs Hutchinson, Mr Vyner, Griffin Chief Constable, Mr Cloete JP, Messrs Murray & Wood "Taken and declared at Rockhampton this 18 th day of March 1859 before me – J Leith Hay JP"		145 – 147
				Rockhampton George Edward Evans	1859 02 19	Copy of letter George Edward Evans late of Rockhampton to A M Hutchinson Letter re proceedings of trial Vyner v Hutchinson in Police Office Rockhampton 14 th inst – re actions of Bench		148 – 149
			A M Hutchinson	Rockhampton Daniel Connor	1859 03 16	Copy of Statement of Daniel Connor of Princhester – Vyner v Hutchinson Re visit to Lockup Rockhampton with Mr Murray JP, evening of 14 th February to offer bail for Mr Hutchinson – bail refused by Chief Constable		150
						At top: "Vyner v Hutchinson <u>Memorandum of leading points of Defence read before the Magistrates the</u> <u>substance of which was refused to be taken down from verbal dictation</u> Re dispute re right of way through Police Office Enclosure – mentions Mr Vyner		151 – 152
	59/00619~			"C C"		Note At top: "59/00618" "59/00619" Both these letters & enclosures should go back to Resident – to report on	A2.43	153 – 154

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT		SL EEL	PAGE
					1859 02 24~	complaints – Capt Vyner has requested leave of absence – enquiry to be before he leaves Rockhampton & Note re above Capt O'Connell, Capt Vyner with note thereon		
			Capt O'Connell, Government Resident	A M Hutchinson	1859 03 03	Letter re application to Mr Vyner for leave to go to Sydney – anxious to leave by <i>"Eagle"</i> – postponed due to Government Resident's proposed visit to Rockhampton		155 – 156
	59/00619			M C O'Connell, Government Resident		Memo Re Mr Hutchinson's letter – discusses his charges & exchange to another appointment		157 – 158
	59/00619	1859 02 19	Hon CS	Rockhampton A M Hutchinson CPS	1859 02 10	At top: "Clerk of Petty Sessions" Letter enclosing Mr Vyner's letter of complaint & charges with explanation Re Bench of Magistrates : mentions Messrs Cloete, Hay, Wiseman, Murray & Jardine – also Messrs Wood & Lumsdaine & Notes in margin See 59/00618 also [Ref 59/00889]		159 – 160, 166
	59/00619			A M Hutchinson CPS	1859 02 12	 "Copy" [written in columns – Mr Vyner's Charges left-hand column, Mr Hutchinson's Explanation right hand column] <u>Charges against Mr Hutchinson furnished by Mr Vyner PM [partly obscured]</u> <u>/Explanation</u> [1] p 161 – 28th Oct 1858 landed per "Eagle" – met with Mr Hutchinson Clerk of Petty Sessions – re conduct / <u>Explanation</u> [2] p 161-162 – 29th Oct 1858 Police Court – Clerk of Petty Sessions unable to attend, engaged at Post Office – mentions Mr Wood JP & Capt O'Connell / <u>Explanation</u>: Placed in charge of Post Office Department by order of Colonial Secretary – mentions Mr Wood [3] p 163-164 - Mid Nov 1858 Police Force moved to new site - problems with site – mentions Mr Moore / <u>Explanation</u> re conduct [4] p 164-165 - 31st Jan 1859 re trial of man under Vagrancy Act & Mr Hutchinson's neglect to make out Warrant / <u>Explanation</u> 		161 – 165
	59/00619		Hon The Chief Secretary, Sydney	Rockhampton "A V" PM	1859 02 02	"Copy" Letter re complaints against Mr Hutchinson Clerk of Petty Sessions re insubordinate & insulting conduct [No 59/1] Mentions Mr Wood & Mr Lumsdaine – details of proceedings - complaints against Mr Hutchinson on a separate sheet [see p 180-186]		167 – 170
	59/00619		Mr J A Hutchinson [as it is], Clerk of Petty	Rockhampton Arthur Vyner PM	1859 02 05	Enclosing copy of letter to Hon the Chief Secretary re conduct		171

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
			Sessions, Rockhampton					
	59/00618	1859 02 19	Hon The Chief Secretary, Sydney	Rockhampton Arthur Vyner, Police Magistrate	1859 02 02	At top: "Police Magistrate Rockhampton" Original copy of letter at p 167-170 & Notes in margin See also 59/00619 [Ref 59/00889]	A2.43	172 – 175
			Bench of Magistrates, Tumut	Colonial Secretary's Office, Sydney W Elyard	1858 10 23	Letter informing Capt Vyner appointed Police Magistrate Rockhampton – mentions Port Kepple Settlement [as it is – Port Keppel?] – Sydney Blythe appointed to act as Clerk of Petty Sessions Tumut [No 501] & Notes in margin		176 – 177
				"C C"	1859 04 26~	Executive Council		
			Bench of Magistrates, Tumut	Colonial Secretary's Office, Sydney W Elyard	1858 12 24	Letter re appointment of Sydney Blythe as Clerk of Petty Sessions Tumut – appointed temporarily in absence of Mr Vyner to be appointed Police Magistrate Rockhampton [No 614]		178 – 179
	59/00618			Arthur Vyner, Police Magistrate		Complaint of the Police Magistrate at Rockhampton against the Clerk of Petty Sessions accompanying his letter to the Chief Secretary No. 59/1 [Original – copy at p 161-165 – see for details - final paragraph omitted from copy: re enquiry & removal of Mr Hutchinson from office of Clerk of Petty Sessions Rockhampton]		180 - 186
	59/01470	1859 04 16	Under Secretary, Colonial Secretary's Office, Sydney	Gladstone M C O'Connell, Government Resident	1859 03 29	At top: "Government Resident Port Curtis" Letter re complaints made by Capt Vyner against Postmaster Rockhampton re late delivery of letters – sending Mr Hutchinson's communications on the subject [No 59/54] Capt Vyner absent from Rockhampton – unable to gain information – mentions the <i>"Eagle"</i> , also Mr Scott & Mr Wood <u>Margin</u> M14659	A2.43	187 – 189
	59/01470			Gladstone M C O'Connell	1859 03 29	Memo Re complaints against Mr Hutchinson by Capt Vyner – mentions Mr Scott, employed to assist Mr Hutchinson		190 – 191
			Capt O'Connell JP, Government Resident, Port Curtis	Post Office, Rockhampton A M Hutchinson Late Postmaster	1859 02 19	Transmitting copy letter from A Vyner with Mr Scott's reply Para 2: Re Mr Scott – conducted business of Post Office under Mr Hutchinson – re delivery of mail to Mr Vyner & the constables Para 3: Encloses Mr Scott's reply P S re delivery practices		192 – 194
			The Postmaster, Rockhampton	Rockhampton Arthur Vyner, Police Magistrate	1859 02 11	"Copy" At top: "Received after departure of the "Eagle" - 12 February 1859 – A M H" Letter re withholding of letters from delivery – mentions mail per "Eagle" on 8 th inst & his despatches sent privately		195
				"A M H" "G A S"	1859 02 12 1859 02 12	Endorsement Mr Scott will reply to the within Ans ^d Mr Scott to A M H		196

www.slq.qld.gov.au Page 15 of 20

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
			A M Hutchinson	G A Scott	1859 02 12	Letter enclosing answer to Mr Vyner's complaint		
			Arthur Vyner, Rockhampton	G A Scott p Post Master		<u>G A Scott to A Vyner</u> Letter re withholding of mail – false & libelous assertions, discusses behavior of constables demanding mail & mail delivered to Mr Woods JP & Survey Department during sorting		197 - 198
	59/00617	1859 02 19	Hon The Chief Secretary, Sydney	Rockhampton Arthur Vyner, Police Magistrate "C C"	1859 02 11 1859 02 21~ 1859 02 21	At top: "Police Magistrate" Letter re complaint against Postmaster – despatches sent by private bag, explanation in letter to Postmaster copy enclosed – re Clerk of Petty Sessions acting as Postmaster [No 59/3] & Notes in margin Refer to Capt O'Connell Government Resident [Ref 59/01470]	A2.43	199 - 200
	59/00617		Postmaster, Rockhampton	Rockhampton A Vyner	1859 02 11	"Copy" Letter complaining his letters deliberately withheld from delivery on arrival of mail by "Eagle" on 8 th inst – consequently sending his letters by private hand – reported to Government [see also p 195]		201 – 202
	59/01471	1859 04 16	Hon CS	Gladstone M C O'Connell, Government Resident	1859 03 24	At top: "Government Resident Port Curtis" Letter reporting leave of absence granted to Mr Hutchinson Clerk of Petty Sessions for 1 month to proceed to Sydney [No 59/49] & Note in margin M14659	A2.43	203
	59/00912	1859 03 12	Hon CS	Police Office, Rockhampton W H Wiseman JP & CCL John Murray JP Lt N M Police Arthur F Wood JP District Surveyor	1859 02 17	At top: "Bench" Letter forwarding proceedings of Court of Petty Sessions Rockhampton 14 th February & report giving reasons for Bench suspending Clerk of the Bench Para 2: Clerk of Petty Sessions convicted for abusive & insulting behavior – breach of peace – threatened Police Magistrate Capt Vyner Para 3: Mr Hutchinson's insubordinate behavior towards 2 Magistrates as well as Police Magistrate – unanimous decision to suspend Clerk of Petty Sessions Para 4: Request that Mr Hutchinson apologise to Police Magistrate refused & Notes in margin To be submitted when further communication received from Rockhampton	A2.43	204 – 207
			Capt O'Connell	Rockhampton Arthur Vyner	1859 04 29 1859 03 03	See letter to Capt O'C [M14695 crossed out – M14659] Letter, conveyed by Mr Hetherington, re urgency of his visit to Sydney – mentions health suffering as result of Mr Hutchinson's behavior – Certificate provided by Dr Harvey – requests investigation be postponed & his leave sanctioned – mentions his despatches delayed by Mr Hutchinson	A2.43	208 – 210 223
			Charles Cowper	Rockhampton A M Hutchinson	1859 03 03	Letter re Mr Vyner's complaints against him & insult to his wife [Rough sketch]	A2.43	211 – 212 213
	59/00912					Memo of the Number of Cases tried & dealt with at the Police Office Rockhampton during the months of <u>December 1858 & January 1859</u> [Offences listed with numbers]		214
			Charles Cowper	Rockhampton	1859 02 11	"Private"		215 – 217

www.slq.qld.gov.au Page 16 of 20

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				A M Hutchinson		Letter re complaints against Mr Vyner Police Magistrate & his enmity towards him – re Government positions: mentions Sub Collector of Customs, Master of the "Satellite" as Customs Officer & trade of the Port – mentions Gladstone & Keppel Bay & Notes across letter Answered - enclosures returned to Mr Hutchinson		[2 x p 217]
	59/00912			"C C"	1859 02 21~ 1859 02 15	[PRINTED FORM] VAGRANCY – E. NO.1. <u>Information under 15 Victoriae, No.4 Section 6</u> Town of Rockhampton, Colony of New South Wales – To Wit: Re Vagrancy charge brought by Arthur Vyner against Albert Maxwell Hutchinson before John Murray JP "Taken & exhibited before me at the Police Office in the town of Rockhampton this 15 th day of February 1859~ - John Murray JP - Arthur Vyner"		219 [no p 218]
				Police Office, Rockhampton Arthur Vyner Thomas John Griffin	1859 02 16	[Depositions] Before W H Wiseman JP, John Murray JP, & A F Wood JP: Albert Maxwell Hutchinson charged with breach of the peace on 14 th inst – pleaded not guilty [Deposition] Arthur Vyner gives details of charge [Deposition] Thomas John Griffin, Chief Constable – arrested the defendant "Taken & sworn before us this 16 th day of February 1859 – W H Wiseman JP, John Murray JP, Arthur F Wood JP" <u>Bench's decision</u> : Charge proved & Albert Maxwell Hutchinson to pay fine £3 or be committed to Brisbane Gaol for 3 months - W H Wiseman JP, John Murray JP, Arthur F Wood JP		220 – 222
			Capt O'Connell	Rockhampton Arthur Vyner	1859 03 03	Last page of letter at p 208 - 210	A2.43	223
				Executive Council Office A Orpen Moriarty, Clerk of the Council	1859 06 28 1859 06 30 1859 07 01	At top: "M14725 – 1 st July 59" Summary of proceedings of the Executive Council on the 28 th June 1859 with respect to the capital conviction of <u>Chamery and Dick aboriginal natives for</u> <u>the crime of rape</u> Convicted before His Honour the Resident Judge of Moreton Bay District at 2 nd Session of Gaol Delivery of rape & sentenced to death – Executive Council advise law to be allowed to take its course [Min No 59] & Notes in margin Sentence of the law to be carried into effect on Thursday 4 th August 1859 – J M Perceval, Colonel W W Burton, Charles Cowper Sheriff, Sheriff Brisbane, Resident Judge, Government Resident	A2.43	224 - 225
	59/02567	1859 06 16	Hon Chief Secretary	Sheriff's Office, Sydney John O'Neill Brenan, Sheriff	1859 06 16	Letter re executioner proceeding from Sydney to Moreton Bay – requests decision of Executive Council [No 59/30] &	A2.43	226 - 228
				"C C"	1859 06 16~	Notes in margin To be considered hereafter		

SRNSW REF NO	CS REF NO	DATE REC'D	то	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
						"Letter from Moreton Bay Sheriff" Bring forward with Minute respecting the men [M14725]		
			Hon Charles Cowper	Sheriff's Office John O'Neill Brenan	1859 06 20	Letter re criminal aboriginals at Moreton Bay – suggests should be given time "to be made Christians" – arrangements re executioner	A2.43	229 – 230
	59/02606	1859 06 18	Hon Attorney General	Sheriff's Office, Brisbane William Anthony Brown, Sheriff "W E P"	1859 04 26	At top: "Crown Law Office – 2 Mar 1859" Letter indicating services of executioner will be required – details [No 59/409] & Notes in margin Papers with 59/02567 – Sheriff – 16 June [Ref 57/420] Re services of executioner – Colonial Secretary to be consulted Principal Under Secretary	A2.43	231
					1859 06 20~	Note re above To be brought forward when the cases of the men are decided [Ref 59/02567]		232
	59/02515	1859 06 15	Hon CS	Sheriff's Office, Moreton Bay William Anthony Brown, Sheriff "C C"	1859 06 07 1859 06 15~	At top: "Sheriff Moreton Bay" Letter re 2 aborigines tried at Brisbane for rape – found guilty & sentenced to death [No 59-81] <u>Margin</u> Chamery Dick If sentence to be carried out, makes application for Executioner from Darlinghurst Gaol & Notes in margin Immediate report of Sheriff [Ref 59/02567]	A2.43	233
						LETTERS RECEIVED 1860 & PAPERS FILED WITH THEM		

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"

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~ 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



CONTENTS

Reel No. A2.43 [PART 1]

New South Wales – Colonial Secretary Letters Received 1826 – 1934

Letters relating to Moreton Bay and Queensland, 1822 – 1860 From the Originals in the Archives Office of New South Wales

Letters received 1859 and papers filed with them 001 - 233[continued from Reel A2.42]

Letters received 1860 and papers filed with them 234 - 497[see Reel A2.43 [PART 2]]

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