

4
NEW SOUTH WALES.

MINUTES OF PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

FROM 1824 TO 1831, INCLUSIVE;

AND

VOTES AND PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

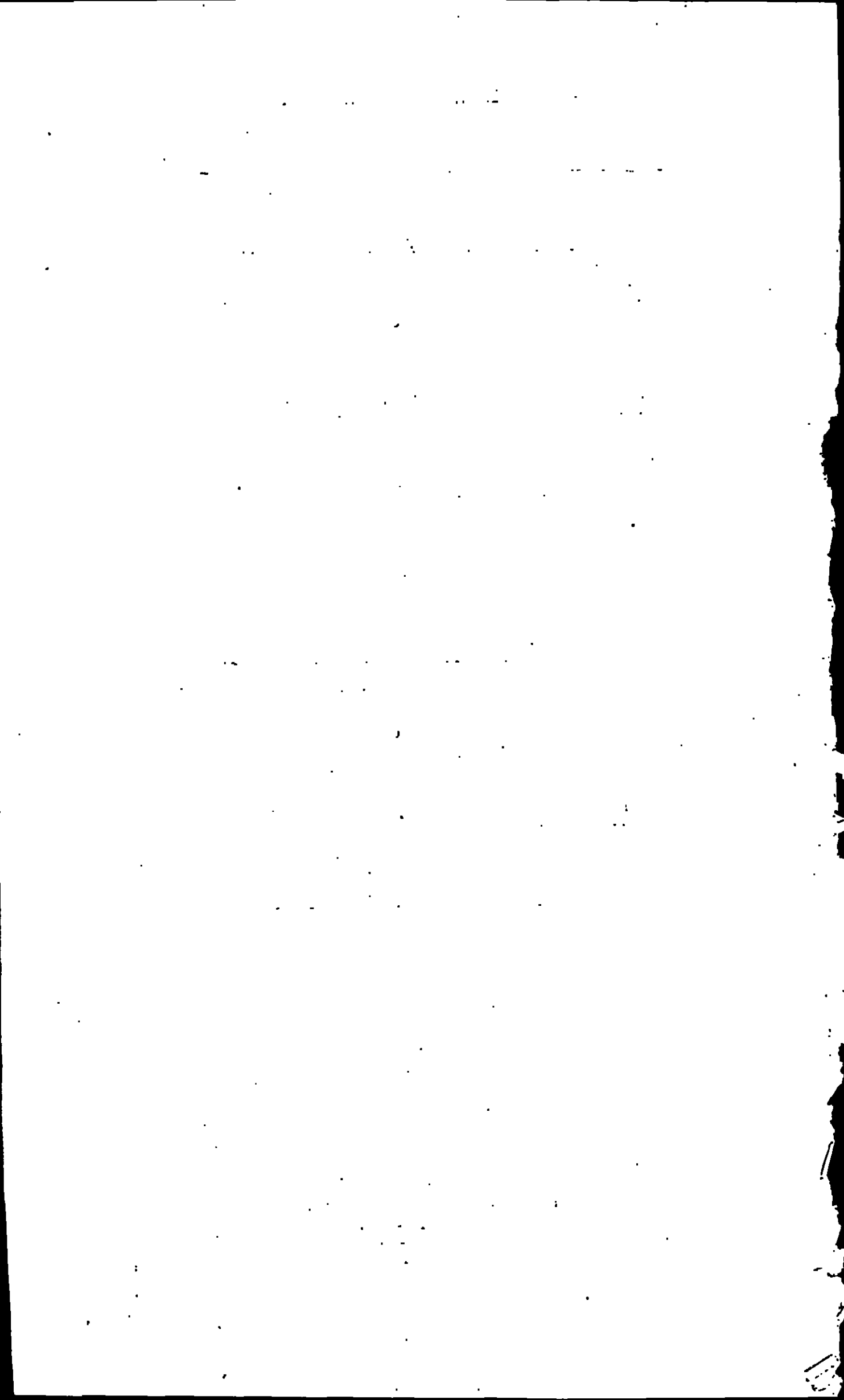
FROM 1832 TO 1837, INCLUSIVE.

IN TWO PARTS.

Sydney:

PRINTED BY W. W. DAVIES, AT THE GOVERNMENT PRINTING OFFICE
BENT-STEET.

1847.



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PART I,

COMPRISING THE MINUTES OF PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

FROM 1824 TO 1831, INCLUSIVE.



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NEW SOUTH WALES.

MINUTES OF PROCEEDINGS

OF

THE LEGISLATIVE COUNCIL,

FROM 25 AUGUST, 1824,

TO 22 NOVEMBER, 1825,

WITH SUNDRY DOCUMENTS CONNECTED THEREWITH.

Sydney:

PRINTED BY W. W. DAVIES, AT THE GOVERNMENT PRINTING OFFICE,

DENT-STREET,

1847.

MEMBERS

OF

THE LEGISLATIVE COUNCIL,

FROM

25 AUGUST, 1824,

TO

22 NOVEMBER, 1825.

HIS EXCELLENCY THE GOVERNOR,
THE LIEUTENANT-GOVERNOR, | **THE COLONIAL SECRETARY,**
THE CHIEF JUSTICE, | **THE PRINCIPAL SURGEON,**
THE SURVEYOR GENERAL.
Succeeded, on 10th May, 1825, by
THE VENERABLE THE ARCHDEACON.

DESPATCH from the Right Honorable the Secretary of State for the Colonies, to His Excellency Governor Sir Thomas Brisbane, transmitting a Warrant appointing a Legislative Council in the Colony of New South Wales.

Downing-street, 19th January, 1824.

SIR,

It being provided by the Act of the 4th George IV., cap. 96, that His Majesty may, by Warrant under His Royal Sign Manual, constitute and appoint a Council for the Colony of New South Wales, and that the Governor, with the advice of such Council, shall have power and authority to make Laws and Ordinances for the peace, welfare, and good Government of the said Colony, I have the honor herewith to transmit to you His Majesty's Mandamus nominating the five Principal Officers in the Colony to seats in the Council.

I am to desire that you will particularly explain to the gentlemen selected, that the nomination of the present Council is only intended to be *pro tempore*, and that the Warrant will be revoked as soon as I shall have received from you the names of ten of the principal Merchants and Landholders, whom you may consider eligible to form the Council, from which His Majesty will select as many as may be deemed proper. I however reserve to myself the power of submitting the names of any of the Members of the present Council for re-appointment, should I consider it to be advisable.

I have the honor to be,

Sir,

Your most obedient humble Servant,
(Signed) BATHURST.

GOVERNOR SIR THOMAS BRISBANE, K. C. B.,
&c., &c., &c.

To Our trusty and well beloved Sir Thomas Brisbane, Knight Commander of the most Honorable Military Order of the Bath, Major General of Our Forces, Captain General and Governor in Chief in and over Our Territory of New South Wales, and its Dependencies, or to the Lieutenant Governor or Commander in Chief for the time being.

GEORGE R. (L.S.)

Trusty and well beloved We greet you well. Whereas by an Act of Parliament passed, in the fourth year of Our Reign, intituled, "An Act to provide, until the first day of July, one thousand eight hundred and twenty-seven, and until the end of the next Session of Parliament, for the better Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto," it is amongst other things enacted, that it shall and may be lawful for Us, our Heirs and Successors, by Warrant under Our or Their Sign Manual, to constitute and appoint a Council, to consist of such persons, resident in the said Colony, not exceeding seven, nor less than five, as We, Our Heirs and Successors shall be pleased to appoint: And upon the death, removal, or absence of any of the Members of the said Council, in like manner to constitute such and so many other person or persons as shall be necessary to supply the vacancy or vacancies: Now We do hereby, in pursuance of the said Act of Parliament, and in execution of the power and authority thereby vested in Us as aforesaid, nominate, constitute, and appoint Our trusty and well beloved William Stewart, Esquire, Our Lieutenant-Governor of Our Settlements in New South Wales; and Our trusty and well beloved Francis Forbes, Esquire, Our Chief Justice of Our said Settlements; and Our trusty and well beloved Frederick Goulburn, Esquire, Our Colonial Secretary of Our said Settlements; and Our trusty and well beloved James Bowman, Esquire, the Principal Surgeon of Our said Settlements; and Our trusty and well beloved John Oxley, Esquire, the Surveyor General of Our said Settlements, to be the Members of Our Council of Our said Colony of New South Wales for and during Our Will and Pleasure. And We do hereby authorize, require, and command them to do all such acts and deeds, matters and things, as under and by virtue of the said Act of Parliament may lawfully be done and performed by the Members of Our said Council, and in case at the time of the execution of these presents, all, or any, or either of the persons before named should be dead, then, and in that case, We do hereby constitute and appoint such other person or persons as shall have lawfully succeeded to Our said Lieutenant-Governor of Our said Settlements, Our said Chief Justice of Our said Settlements, the said Colonial Secretary of Our said Settlements, the said Principal Surgeon of Our said Settlements, and the said Surveyor General of Our said Settlements, in their or any of their said offices, to act as, and be for and during Our Will and Pleasure, a Member or Members of Our said Council, in the place and stead of the person or persons to whose office or offices he or they may have so lawfully succeeded as aforesaid.

Given at Our Court, at Carlton House, the first day of December, One thousand eight hundred and twenty-three, in the fourth year of Our Reign.

By His Majesty's Command,
(Signed) BATHURST.

4 George IV., Cap. 96, s. 32.—The following oath is appointed to be taken and subscribed by the Members of the Council, severally, viz:—

"I do swear that I will, to the best of my judgment and ability, faithfully advise and assist the Governor or Acting Governor of the Colony of New South Wales and its Dependencies, in all such matters as shall be brought under my consideration as a Member of the Council of the said Colony; and I swear that I will not directly or indirectly, communicate or reveal to any person or persons, any matter which shall be so brought under my consideration, or which shall become known to me as a Member of the said Council. So help me God."

MINUTES OF COUNCIL.

No. 1.

Council Chamber, 25th August, 1824.

PRESENT :—

HIS EXCELLENCY SIR THOMAS BRISBANE, GOVERNOR,
 THE CHIEF JUSTICE, | THE PRINCIPAL SURGEON,
 THE COLONIAL SECRETARY, | THE SURVEYOR GENERAL,

His Excellency the Governor read His Majesty's Royal Warrant dated at Carlton House, the 1st day of December, 1823, appointing William Stewart, Esquire, the Lieutenant Governor of New South Wales, together with the above-named gentlemen, to be Members of Council for New South Wales and its Dependencies; and also a letter from Earl Bathurst, His Majesty's Principal Secretary of State, dated Downing-street, 19th January, 1824, relating to the said Council.

His Excellency then administered to each of the above named Members, the Oath prescribed by the Act of Parliament, 4th Geo. IV., Cap. 96, sec. 32.

His Excellency then stated to the Council, that William Stewart, Esquire, the Lieutenant Governor of New South Wales, was absent from the Colony, and desired their opinion whether from that circumstance, the Council would, by the terms of the said Act, be prevented from proceeding to the discharge of the duties imposed upon the Council by the Act. The above named Members were unanimously of opinion, that the circumstance of the Lieutenant Governor's absence would not preclude the Council from proceeding to business.

The Governor then was pleased to say that he had nothing further to lay before the Council.

No. 2.

Council Chamber 31st August, 1824.

The Council being this day assembled in pursuance of His Excellency's summons in such behalf.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,
 THE CHIEF JUSTICE, | THE PRINCIPAL SURGEON,
 THE COLONIAL SECRETARY |

His Excellency the Governor was pleased to lay before the Council an Ordinance intituled "*An Ordinance to stay proceedings against any person or persons advising, issuing or executing any Proclamation, Order, or other act of any Governor or Acting Governor of New South Wales, or any of the Dependencies of the Government of the said Colony.*"

The Council having taken the said proposed Ordinance into consideration, the same was ordered to lie over for further deliberation.

No. 3.

Council Chamber, 28th September, 1824.

The Council being this day assembled, in pursuance of His Excellency's summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,
 THE CHIEF JUSTICE, | THE PRINCIPAL SURGEON,
 THE COLONIAL SECRETARY, |

His Excellency the Governor was pleased to lay before the Council a Bill intituled, "*An Act to make Promissory Notes and Bills of Exchange payable in Spanish Dollars available, as if such Notes and Bills had been made payable in Sterling Money of the Realm.*"

The Council having taken the said proposed Bill into consideration, suggested some alterations and amendments to be made in the same; upon which it was resolved, that James Bowman, Esquire, the Principal Surgeon, be requested to carry and lay before His Excellency the Governor, the Bill, with the said proposed alterations and amendments, for his approval.

His Excellency was thereupon pleased to sanction and approve of the said alterations and amendments, and the above named Members then unaniously assented to the Law.

No. 4.

Council Chamber, 14th December, 1824.

The Council being this day assembled, pursuant to His Excellency's summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,
 THE CHIEF JUSTICE, | THE PRINCIPAL SURGEON
 THE COLONIAL SECRETARY, | THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to lay before the Council and to desire their advice upon an Act relative to the Port Regulations, and for the prevention of smuggling in New South Wales and its Dependencies.

The

The Board of Council having taken the said proposed Law into consideration, it was resolved that the same should lie over for further deliberation; and in the meantime that John Oxley, Esquire, the Surveyor General, should wait upon his Excellency the Governor to request, that His Excellency would be pleased to direct, that the Members of the Council should be severally furnished with a copy of the said proposed Law, and of a certain Colonial Order referred to therein.

His Excellency having communicated his assent to the said request, it was resolved, that the Council do adjourn until Tuesday, the 21st instant, at noon.

No. 5.

Council Chamber, 21st December, 1824.

At a Meeting of Council held this day by adjournment.

PRESENT:—

THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE COLONIAL SECRETARY,	THE SURVEYOR GENERAL.

The Council having proceeded to take into consideration the proposed Law laid before them at the Meeting held December 14th, 1824, it was resolved, that the following Letter, relative thereto, should be addressed to His Excellency the Governor, viz:—

“ To His Excellency Sir Thomas Brisbane, K. C. B., Governor
“ of the Colony of New South Wales and its Depen-
“ dencies, &c., &c., &c.

“ MAY IT PLEASE YOUR EXCELLENCY :

“ The Council humbly submit to your Excellency that, entertaining doubts upon the expediency of the form of the Ordinance laid before them, relating to the levying of duties on importation into this Colony, they beg submission to suggest, that all such rules and regulations as might be deemed by your Excellency indispensably necessary to carry into complete effect the power vested in the Governor of New South Wales by the Act 59th George III, continued by the 3rd George IV, should be embodied in the Proclamation or Order of your Excellency; and if it should be deemed necessary to obviate any doubt as to the exercise of the power being in conformity with this Act, that the Council should confirm any rules or regulations made by your Excellency, that an Act or Law should be framed, simply confirmatory, without embodying any specific regulations upon the subject matter so regulated by the Governor.”

“ The Council would further humbly suggest, that any rules and regulations of a general character, not peculiarly necessary to the exercise of your Excellency's power, derived from the above Acts, should be made the subject of a distinct enactment.”

(Signed)

“ FRANCIS FORBES, Chief Justice,
“ FREDERICK GOULBURN, Colonial Secretary,
“ J. OXLEY, Surveyor General,
“ J. BOWMAN, Principal Surgeon.”

Council Chamber, 21st December, 1824.

No. 6.

Council Chamber, 4th January, 1825.

The Council being this day assembled in pursuance of His Excellency's summons.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR,

THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON,
THE COLONIAL SECRETARY,	THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to draw the attention of the Council to an Ordinance laid before them on the 31st day of August last, and which was then ordered to remain over for further deliberation. His Excellency stated that this proposed Ordinance was for the purpose of staying proceedings against persons acting under Colonial Proclamations.

His Excellency the Governor was then pleased to inform the Council that he had transmitted to the Attorney General, the letter addressed by the Members of the Council, at their meeting, held December 21st, with a desire that the Attorney General would draw up the regulations therein alluded to, in compliance with the views of the Council. His Excellency further stated, that the Attorney General had addressed to him a reply on the subject, which he would now lay before the Council, and if they should require any explanation, the Attorney General was in attendance to afford it.

The Council then proceeded to take into their consideration the said proposed Ordinance, and the same was unanimously passed.

The Council then proceeded to deliberate upon the second matter laid before them by His Excellency the Governor, relating to the proposed Act for the collection of duties, and for

for the prevention of smuggling. The communication from the Attorney General to His Excellency the Governor, having been read—it was resolved that the following letter should be addressed to His Excellency on the subject, viz. :—

“ To His Excellency Sir Thomas Brisbane, K. C. B., Governor
“ of the Colony of New South Wales and its Dependencies,
“ &c., &c., &c.

“ MAY IT PLEASE YOUR EXCELLENCY :

“ The Council having taken your Excellency’s communication into their humble consideration, beg to state to your Excellency, that upon a careful perusal of the explanations given by the Attorney General, of the principle upon which he has drawn the Proclamation of your Excellency, and the proposed Ordinance submitted to the Council, they feel themselves sufficiently in possession of the subject, to prevent the necessity of their calling upon the Attorney General for any further elucidation.”

“ The Council, however, have failed to be convinced of the necessity of severing the provisions respectively contained in the above mentioned Proclamation, and proposed Ordinance, and adhere to the opinion they at first entertained, of the expediency of such provisions being incorporated into one public Act or Law. The Council are of opinion with the Attorney General, that they cannot pledge themselves to pass any Ordinance which may not yet be laid before them, but they do not distinctly apprehend the difference between submitting to them the Proclamation now upon their Table, and which does not appear to have been promulgated, and any other form of Proclamation, the publication of which, for wise considerations, your Excellency may have deemed it necessary to suspend, until the sense of Council should be taken upon it.”

“ The Council in begging permission to suggest that every provision of a mere general character, and not peculiarly required to give effect to your Excellency’s power under the Act of Parliament, should be reserved for general regulation or enactment, were led to make the suggestion from an impression that some of the provisions of your Excellency’s Proclamation, might be more conveniently put into a distinct form. As an instance, they would call your Excellency’s attention to the provision requiring the particular ships therein described, to receive on board Officers of the Customs, and Pilots; a provision which the Council conceive it would be almost indispensable to apply to all vessels arriving in the Port, to ascertain whether the vessel so arriving came within the other provisions of the Proclamation or otherwise.”

(Signed) “ FRANCIS FORBES, Chief Justice,
“ FREDERICK GOULBURN, Colonial Secretary,
“ J. BOWMAN, Principal Surgeon,
“ J. OXLEY, Surveyor General.”

Council Chamber, 4th January, 1825.

No. 7.

Council Chamber, 11th January, 1825.

The Council being this day assembled, pursuant to His Excellency’s summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE CHIEF JUSTICE,
THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON,
THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to lay before the Council two proposed Laws intituled respectively, “ An Act to make lawful such of the Proclamations and Government Orders issued in New South Wales, as are not repugnant to the Act 4th Geo. IV., cap. 96, or to any Charter or Order of the King in Council under that Act, or to the Laws of England, but consistent with such Laws, so far as the circumstances of the said Colony will admit,” and “ An Act to prevent the harbouring of runaway Convicts, and to prevent their tipping.”

The Council having proceeded to take into their consideration the first of the said proposed Laws laid before them, it was unanimously resolved that the following letter relative thereto should be addressed to His Excellency, viz. :—

“ To His Excellency Sir Thomas Brisbane, K. C. B., Governor
“ of New South Wales, &c., &c., &c.

“ MAY IT PLEASE YOUR EXCELLENCY :

“ The Council beg leave humbly to state to your Excellency that they unanimously are of opinion, that many great difficulties will arise from passing the Ordinance laid before them this morning, which has for its object to make legal, for a limited time, all the Orders and Proclamations which have been issued by the successive Governors of the Colony, from its first establishment. As those Orders and Proclamations have been very numerous, appear in many instances to have been made for temporary purposes, and are no where to be found in a collective or accessible body, they feel that they should be giving the force of
“ law

"law to regulations which are alike unknown to themselves and to the Public. They humbly beg to suggest to your Excellency that such particular Orders and Proclamations, as from the urgency of the case may require to be sanctioned for a limited time, may be specified, and laid before the Council to be examined, and, if approved, passed into Law. They feel the greater confidence in presuming to suggest this course for your Excellency's consideration, as the Act 59th Geo. 3, cap. 114, legalizes all such rates and duties as had been theretofore levied and collected in this Colony.

"As your Excellency was pleased to state to the Council, that some embarrassments were felt by the Magistrates of the Colony, from the uncertainty in which they are placed as to the existing force and effect of the Orders and Proclamations by which they have hitherto been guided, the Council trust that your Excellency will not consider them as transgressing the limits of their duty, in recommending to your Excellency, to cause a circular communication to be addressed to the respective Magistrates throughout the Colony, pointing out to them the general outline of their duty, and the propriety of directing their attention to the Laws and Statutes of England, as affording a safe guide in their jurisdiction, and conduct of their proceedings."

(Signed.)

"FRANCIS FORBES, Chief Justice.
"F. GOULBURN, Colonial Secretary.
"J. BOWMAN, Principal Surgeon.
"J. OXLEY, Surveyor General.

"Council Chamber, January 11th, 1825."

The Council then proceeded to deliberate upon the other proposed law laid before them, intituled, "*An Act to prevent the harbouring of runaway Convicts, and to prevent their tipping,*" when it was resolved that the Council do adjourn until Tuesday, the 18th instant, to take the same into their further consideration.

No. 8.

Council Chamber, 18th January, 1825.

At an adjourned Meeting of Council held this day.

PRESENT :—

THE CHIEF JUSTICE,
THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON,
THE SURVEYOR GENERAL.

The Council proceeded to take into their consideration the Act laid before them at their last meeting, when there not being time to finish the same, it was resolved, that the Council do further adjourn until Wednesday, the 19th instant, at three o'clock P. M.

No. 9.

Council Chamber, 19th January, 1825.

The Council being this day assembled by adjournment.

PRESENT :—

THE CHIEF JUSTICE,
THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON,
THE SURVEYOR GENERAL.

The Council proceeded to take into their further consideration the said Act laid before them, at their meeting held 11th January, when the same was unanimously passed.

No. 10.

Council Chamber, 1st February, 1825.

The Council being this day assembled, pursuant to His Excellency's summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE COLONIAL SECRETARY,
THE PRINCIPAL SURGEON,

THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to lay before the Council two Bills intituled, respectively, "*An Act to regulate the granting of licenses for the Sale of Spirits, Ale, Beer, and other Liquors in New South Wales and Van Diemen's Land respectively,*" and "*An Act for the safety of Shipping, and for the keeping of good order and regularity in various Harbours of New South Wales and Van Diemen's Land.*"

His Excellency was pleased to observe that another Law relative to shipping, comprising the proposed Proclamation and Law laid before the Board at their Meeting held December 14th, 1824, would be prepared for the consideration of the Council, previous to the passing of the last mentioned Act.

The

The Council then proceeded to take into their consideration the said proposed Law to regulate the granting of licenses, when it was resolved that the Council do adjourn until Thursday, the third instant, at ten o'clock, for the purpose of again deliberating upon the said proposed Law.

No. 11.

Council Chamber, 3rd February, 1825.

At an adjourned Meeting of Council held this day.

PRESENT:—

THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON,
THE COLONIAL SECRETARY,	THE SURVEYOR GENERAL.

The Council again proceeded to take into their consideration the proposed Law intituled, "*An Act to regulate the granting of licenses for the sale of Spirits, Ale, Beer, and other Liquors in New South Wales and Van Diemen's Land, respectively,*" when sundry amendments being made in the same, it was ordered to be printed, and laid before them at ten o'clock on Tuesday the 8th instant, to which day the Council adjourned.

No. 12.

Council Chamber, 8th February, 1825.

At a meeting of Council held this day by adjournment.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR,

THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON,
THE COLONIAL SECRETARY,	THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to lay before the Council a proposed Law, intituled, "*An Act for the summary punishment of disorderly conduct in any offender in the service of Government, or of any Inhabitant in New South Wales or Van Diemen's Land.*"

His Excellency was further pleased to lay before the Council a proposed Law, relative to the Port Regulations, and collection of duties, comprising the Proclamation and Bill which was laid before the Council at their Meeting, held 14th December, 1824, and which was mentioned at their Meeting, held 1st February, 1825.

The Council then proceeded to the consideration of the proposed Law, laying over for further deliberation, to regulate the granting of licenses, when the same was unanimously passed.

The Council further proceeded to take into their consideration the proposed Law for the summary punishment of offenders, when the same was unanimously passed.

It was then ordered that the two proposed Laws remaining for the consideration of the Council, and intituled respectively, "*An Act to regulate the collection of Customs, and to prevent Smuggling,*" and "*An Act for the safety of Shipping, and for keeping good order and regularity in various Harbours of New South Wales and Van Diemen's Land,*" should lie over for further deliberation, and that the Clerk should furnish a copy of the said proposed Laws, to each of the Members of Council.

It was then resolved that the Council do adjourn until eleven o'clock of Tuesday, the 15th instant, for the purpose of taking the said Laws into their consideration.

No. 13.

Council Chamber, 15th February, 1825.

At a meeting of Council held this day by adjournment.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR,

THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON,
THE COLONIAL SECRETARY,	THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to lay before the Council a proposed Law, intituled, "*An Act to suspend, for a limited time, so much of an Act, intituled, 'An Act to regulate the granting of licenses for the sale of Spirits, Ale, Beer, and other Liquors in New South Wales and Van Diemen's Land respectively,' as requires the certificate therein mentioned to be signed by a Minister of the Church of England.*"

His Excellency was pleased to observe that some inconveniences had been felt, in carrying into effect one of the provisions of the Law for regulating the licenses for the sale of Spirits; and His Excellency read a letter which had been addressed to him, by the two resident Ministers of the Church of England in Sydney, upon the subject, to the following effect; viz:—

"Sydney,

"Sydney, 14th February, 1825.

"SIR, "Conformably with the Act which your Excellency in Council passed on the 8th instant, several individuals have applied to us for our signatures to their certificates or memorials for licenses to keep victualling houses in this Town. By the said Act we perceive that the characters of those who are to hold such licenses should be subject to 'strict examination.' We beg to assure your Excellency that we are desirous, by every means in our power, consistent with our sacred office, to accede to your wishes, and to promote the public welfare; at the same time we would most respectfully acquaint your Excellency that, in our opinion, those persons are not 'fit and proper to keep a public house,' who do or may live in a state of adultery or concubinage, or in any other known immoral habit, nor those who do or may allow music or dancing, or keep a billiard table, &c., in their houses; moreover, as the vastly increased population of this Town, seems to us no longer to render it necessary or expedient for the business of an alehouse or inn to be carried on conjointly with shop-keeping; those persons, therefore, who do or may exercise the business of a butcher, baker, grocer, draper, or dealer in general, appear to us not eligible to hold a license to retail beer or spirituous liquors. The mixture of the commodities for sale in the same room or house, we believe has always been, and will be the occasion of no small disorder and immorality; it affords to servants and the lower classes, a pretext for visiting such public houses to purchase articles of clothing, food, &c., but in reality to drink or procure liquor, and thus to misspend their time and their money, also to neglect their duty, and, not unfrequently, to profane the Lord's Day.

" We have the honor to be,

" Sir,

" Your Excellency's very faithful

" and obedient servants,

" WILLIAM COWPER.

" RICHARD HILL."

(Signed)

" To His Excellency Sir Thomas Brisbane,
" K. C. B., GOVERNOR, &c., &c., &c."

The Council proceeded to take into consideration the said proposed Law, when the same was unanimously passed.

The Council then proceeded to the consideration of the other proposed laws remaining over from their last Meeting, when it was resolved that the Council do adjourn until eleven o'clock, of Tuesday, the 22nd instant, to deliberate further upon the same.

No. 14.

Council Chamber, 22nd February, 1825.

At a Meeting of Council held this day by adjournment.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR,	
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON,
THE COLONIAL SECRETARY,	THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to lay before the Council a proposed Law, intituled, "An Act to enlarge the time for the granting of Licenses, in pursuance of an Act" intituled, "An Act to regulate the granting of Licenses for the sale of Spirits, Ale, Beer, and" "other Liquors in New South Wales and Van Diemen's Land respectively."

The Council thereupon proceeded to take the said proposed Law into consideration, when the same was unanimously passed.

The Council then further proceeded to the consideration of the proposed Law, remaining before them, being for the regulation of Shipping in the Harbours of New South Wales and Van Diemen's Land, when, having read and deliberated upon the same; it was resolved, that the Council do adjourn until Saturday, the 26th instant, to consider further of the same.

No. 15.

Council Chamber, 26th February, 1825.

At a Meeting of the Council held this day by adjournment.

PRESENT:—

THE COLONIAL SECRETARY,	THE SURVEYOR GENERAL.
THE PRINCIPAL SURGEON,	

The Council having again deliberated upon the proposed Law to regulate the Shipping in the Harbours of New South Wales and Van Diemen's Land, it was resolved, the same should lay over for further consideration; and it was further resolved, that the Council should adjourn until Tuesday, the 1st of March next, at Eleven o'clock.

No.

No. 16.

Council Chamber, 1st March, 1825.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,
 THE CHIEF JUSTICE, | THE PRINCIPAL SURGEON,
 THE COLONIAL SECRETARY, | THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to lay before the Council a proposed Law for establishing a General Post Office in New South Wales, and Van Diemen's Land.

The Council proceeded to take the same Law into consideration, when it was resolved, that the same should remain over for further deliberation, and that the Council should adjourn until Tuesday, the 8th instant, for the purpose of considering further of the various matters laying before them.

No. 17.

Council Chamber, 8th March, 1825.

At a Meeting of Council held this day by adjournment.

PRESENT :—

THE COLONIAL SECRETARY, | THE SURVEYOR GENERAL.

The Council was pleased to adjourn further until Tuesday, the 15th instant, as there were not Members enough present to form a majority of the Council.

No. 18.

Council Chamber, 15th March, 1825.

The Members of the Council not attending this day, the Council-expired.

No. 19.

Council Chamber, 22nd March, 1825.

At a meeting of Council held this day, pursuant to His Excellency's summons.

PRESENT :—

THE CHIEF JUSTICE, | THE PRINCIPAL SURGEON,
 THE COLONIAL SECRETARY, | THE SURVEYOR GENERAL.

The Council proceeded to deliberate upon the various matters remaining over for their consideration, and adjourned until Tuesday the 29th instant.

No. 20.

Council Chamber, 29th March, 1825.

At a meeting of Council held this day by adjournment.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,
 THE CHIEF JUSTICE, | THE PRINCIPAL SURGEON,
 THE COLONIAL SECRETARY, | THE SURVEYOR GENERAL.

His Excellency the Governor was pleased to lay before the Council two proposed Laws, intituled respectively, "An Act for the relief of persons imprisoned for Debt," and "An Act to facilitate the proceedings of Justices of the Peace in the exercise of their summary jurisdiction."

The Council then proceeded to take the said proposed Laws into their consideration, when it was resolved that the Council do further adjourn until Wednesday the 30th instant, for the purpose of again deliberating upon the several matters remaining before them.

No. 21.

Council Chamber, 30th March, 1825.

At an adjourned meeting of the Council held this day.

PRESENT :—

THE CHIEF JUSTICE, | THE PRINCIPAL SURGEON,
 THE COLONIAL SECRETARY, | THE SURVEYOR GENERAL.

The Council proceeded to the consideration of the proposed Law for the relief of persons imprisoned for Debt, when the same was unanimously passed.

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The Council was then pleased to proceed to the consideration of the proposed Law to facilitate the proceedings of Justices of the Peace in the exercise of their summary jurisdiction; when the same was also unanimously passed.

The Council was then pleased to adjourn until Tuesday the 5th day of April, then to deliberate upon the other matters remaining for their consideration.

No. 22.

Council Chamber, 5th April, 1825.

At an adjourned meeting of the Council held this day.

PRESENT :—

THE COLONIAL SECRETARY, THE PRINCIPAL SURGEON.		THE SURVEYOR GENERAL.
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The Council proceeded to the consideration of the proposed Law for the regulation of Shipping in the various Harbours of New South Wales and Van Diemen's Land respectively, laid before them at their Meeting held 1st February last past, when the same was unanimously passed.

The Council was then pleased to adjourn until Tuesday, the 12th instant, to take into consideration the other matters remaining before them.

No. 23.

Council Chamber, 12th April, 1825.

The Council having met this day pursuant to adjournment.

PRESENT :—

THE COLONIAL SECRETARY; THE PRINCIPAL SURGEON,		THE SURVEYOR GENERAL.
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It was resolved that the Council do stand further adjourned until Tuesday, the 19th instant.

No. 24.

Council Chamber, 19th April, 1825.

At an adjourned meeting of the Council held this-day.

PRESENT :—

THE COLONIAL SECRETARY,		THE SURVEYOR GENERAL.
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It was communicated to the Council that the Chief Justice was engaged in holding the Supreme Criminal Court, and that James Bowman, Esquire, the Principal Surgeon, was unable to attend from indisposition.

It was resolved, accordingly, that the Council do stand further adjourned until Tuesday, the 26th instant.

No. 25.

Council Chamber, 26th April, 1825.

The Members of the Council not attending this day, the Council expired.

No. 26.

Council Chamber, 3rd May, 1825.

At a Meeting of the Council held this day pursuant to His Excellency's Summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,		
THE LIEUTENANT GOVERNOR,		THE PRINCIPAL SURGEON,
THE CHIEF JUSTICE,		THE SURVEYOR GENERAL.
THE COLONIAL SECRETARY,		

His Excellency the Governor read the Commission under the Royal Sign Manual, appointing William Stewart, Esquire, Colonel in the Army, to be Lieutenant Governor of New South Wales.

His Excellency then administered to Colonel Stewart, the Oath prescribed to be taken by Members of the Council for New South Wales, in the Act of Parliament, 4th Geo. IV., cap. 96, sec. 32.

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His

His Excellency the Governor was pleased to lay before the Council, for their consideration, some papers respecting the case of one Richard Barnes, of the district of Minto; and further to call the attention of the Council, to the proposed Law remaining before them, relating to the Post Office.

The Council then proceeded to the consideration of the case of Richard Barnes, when it was resolved that the following communication upon the subject, should be addressed to His Excellency, viz. :—

“ MAY IT PLEASE YOUR EXCELLENCY :

“ The Council, at the desire of your Excellency, have carefully considered the case of Richard Barnes, of the district of Minto; and are unanimously of opinion, that it is one which would not seem to be entitled to the aid of your Excellency, with the advice of the Council, as that person appears to have been refused a license, the year preceding the present, for conduct highly irregular, and reprehensible, by the Magistrates residing within his own district, and further appears to have been twice convicted for selling spirits without a license.”

“ The Council would humbly suggest, if the prosecution against Barnes should be apprehended as likely to produce informations against other persons, who have not been regularly licensed, but against whom there is no other objection, that an Ordinance should be prepared, having for its principle to confirm all licenses, although the same should have been irregularly granted; provided the person or persons holding such licenses, should not have been refused by the Magistrates of his or their district, a license at any time within two years from the last licensing day.”

(Signed)

“ WILLIAM STEWART.

“ FRANCIS FORBES, C. J.

“ F. GOULBURN.

“ J. BOWMAN, Principal Surgeon.

“ J. OXLEY, Surveyor General.”

To HIS EXCELLENCY SIR THOMAS BRISBANE, K. C. B.,

&c., &c., &c.

Council Chamber, 3rd May, 1825.

The Council was then adjourned until Tuesday, the tenth instant, at eleven o'clock.

No. 27.

Council Chamber, 10th May, 1825.

At a Meeting of the Council held this day by adjournment.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	THE PRINCIPAL SURGEON,
THE LIEUTENANT-GOVERNOR,	THE SURVEYOR GENERAL.
THE CHIEF JUSTICE,	
THE COLONIAL SECRETARY,	

His Excellency the Governor was pleased to state, that he had received a Despatch from Earl Bathurst, accompanied with a Warrant under the Royal Signet and Sign Manual, revoking the former Warrant for the appointment of a Council in New South Wales, and His Excellency proceeded to read the Despatch and Warrant appointing—

WILLIAM STEWART, Esquire, Lieutenant-Governor,
FRANCIS FORBES, Esquire, Chief Justice,
THE REVEREND T. H. SCOTT, Archdeacon,
FREDERICK GOULBURN, Esquire, Secretary and Registrar, and
JAMES BOWMAN, Esquire, Principal Surgeon,

to be Members of the Council in New South Wales.

(Despatch accompanying the Warrant.)

Downing-street, 23rd December, 1824.

SIR,

I herewith transmit to you a Warrant, under the Royal Signet and Sign Manual, revoking His Majesty's Warrant bearing date the 1st of December, 1823, and in pursuance of the provisions of the Act passed in the fourth year of His Majesty's Reign, intituled, “An Act to provide until the first day of July, one thousand eight hundred and twenty-seven, and until the end of the next Session of Parliament, for the better Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto,” appointing the persons named in the said Warrant to be Members of the Council within the Colony under your Government.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed)

BATHURST.

MAJOR GENERAL SIR THOMAS BRISBANE, K. C. B.,

&c., &c., &c.

GEORGE

GEORGE R. (L. S.)

Trusty and well beloved We greet you well. Whereas by an Act of Parliament, passed in the fourth year of Our Reign, intituled, "An Act to provide until the first day of July, one thousand eight hundred and twenty-seven, and until the end of the next Session of Parliament, for the better Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto," it is amongst other things enacted, that it shall and may be lawful for Us, Our Heirs and Successors, by Warrant under Our or Their Sign Manual, to constitute and appoint, in the said Colony of New South Wales and its Dependencies, a Council, to consist of such persons, resident in the said Colony, not exceeding seven, nor less than five, as We, Our Heirs and Successors should be pleased to appoint; and upon the death, removal, or absence of any of the Members of the said Council, in like manner to constitute such and so many other person or persons as shall be necessary to supply the vacancy or vacancies. And whereas in pursuance of the said Act, and in execution of the powers thereby vested in Us in that behalf, We did, on or about the first day of December, in the fourth year of Our Reign, by a Warrant under Our Royal Sign Manual, constitute certain persons therein named to be the Members of the Council of Our Colony of New South Wales during Our pleasure. And whereas We have thought fit to revoke our said Warrant and the appointment of the several persons aforesaid as Members of the said Council: Now We do hereby, in pursuance of the said Act of Parliament, and in execution of the power and authority thereby vested in Us as aforesaid, revoke the said Warrant bearing date the first day of December as aforesaid, and the appointment of the several persons therein named as Members of Our said Council; and We do hereby nominate, constitute, and appoint Our trusty and well beloved William Stewart, Esquire, Our Lieutenant-Governor of Our Territory called New South Wales; and Our trusty and well beloved Francis Forbes, Esquire, Our Chief Justice of the Supreme Court at New South Wales; and Our trusty and well beloved The Reverend Thomas Hobbes Scott, Archdeacon of New South Wales; and Our trusty and well beloved Frederick Goulburn, Esquire, Our Secretary and Registrar of the Records; and Our trusty and well beloved James Bowman, Esquire, Principal Surgeon, there to be the Members of Our said Council of Our said Colony of New South Wales for and during Our will and pleasure. And We do hereby authorize, and require, and command them to do all such acts and deeds, matters and things, as under and by virtue of the said Act of Parliament may lawfully be done and performed by the Members of Our said Council; and in case at the time when these presents are to take effect as hereinafter mentioned, the said William Stewart, Francis Forbes, Frederick Goulburn, and James Bowman, or either of them, should be dead, We do hereby constitute and appoint such other person or persons as shall have lawfully succeeded to Our said Lieutenant-Governor, Our said Chief Justice, the said Secretary and Registrar of Records, and the said Principal Surgeon, in their or any of their said offices, to act as, and be, for and during Our will and pleasure, a Member or Members of Our said Council, in the place and stead of the person or persons to whose office or offices he or they may have so lawfully succeeded as aforesaid; and if at the time when these presents are to take effect as after mentioned, the said Thomas Hobbes Scott should be dead, then, and in that case, We do hereby constitute and appoint the Surveyor General for the time being of Our said Colony to act as, and be for, and during Our will and pleasure, a Member of the said Council in the place and stead of the said Thomas Hobbes Scott; and We do hereby declare, and it is Our will and pleasure, that these presents shall take effect at and from the time when the same shall be actually received in our said Colony by Our Governor or Acting-Governor thereof for the time being, and not before; and that until these presents shall be so received by him, Our said former Warrant, and the several appointments thereby made, shall be and continue in force and effect as fully as if these presents had not been made, anything hereinbefore to the contrary contained in anywise notwithstanding."

" Given at Our Court, at Carlton House, the sixteenth day of November, One thousand eight hundred and twenty-four, in the fifth year of Our Reign."

" By His Majesty's Command,

(Signed)

" BATHURST."

The Reverend Thomas Hobbes Scott, Archdeacon, then took his Seat at the Council Board, and John Oxley, Esquire, the Surveyor General, retired from the same.

His Excellency then administered, to the several Gentlemen appointed Members of Council by the foregoing Warrant, the Oath prescribed by the Act of Parliament 4th Geo. IV., cap. 96, sec. 32.

The several Members then subscribed the Oath in the presence of the Governor, as follows:—

" I do swear that I will, to the best of my judgment and ability, faithfully advise and assist the Governor or Acting Governor of the Colony of New South Wales and its Dependencies, in all such matters as shall be brought under my consideration, as a Member of the Council of the said Colony; and I swear that I will not, directly or indirectly, communicate or reveal, to any person or persons, any matter which shall be so brought under my consideration, or which shall become known to me as a Member of the said Council. So help me God."

(Signed)

" WILLIAM STEWART.
" FRANCIS FORBES, Chief Justice.
" T. H. SCOTT.
" FREDERICK GOULBURN.
" J. BOWMAN."

His

His Excellency the Governor was then pleased to lay before the Council the following letter from Earl Bathurst, containing Instructions for the guidance of the Governor-in-Chief, in the Government of Van Diemen's Land, and to direct that the same should be recorded in the Council Minute Book.

Downing-street, 28th August, 1823.

" SIR,

" I am to inform you that His Majesty has been pleased to appoint Colonel Arthur to the situation of Lieutenant Governor of Van Diemen's Land, and that Officer will accordingly proceed, in the present month, to take upon himself the duties of his Office."

" You will perceive that the clause of the Act passed in the last Session of Parliament for the better Government of New South Wales, has committed to His Majesty, in Council, the power of erecting the Island of Van Diemen's Land into a separate and independent Government. It is not at present deemed expedient to effect this separation, although the growing wealth and population of the Settlement at Van Diemen's Land may hereafter induce His Majesty to exercise the authority thus vested in Him. In the interval, however, it becomes necessary to take measures for obviating those inconveniences which the union of the two Settlements under one Government has, in past times, occasioned. I, therefore, avail myself of the present opportunity to communicate to you such Instructions as His Majesty deems it necessary to issue for your guidance in the Government of the Island of Van Diemen's Land, and to which you, and the Heads of the different Departments at New South Wales, will strictly conform."

" The Legislative power which, under the Act of Parliament, is vested in yourself and your Council extends to Van Diemen's Land; but as persons resident in New South Wales will be imperfectly informed of the exigencies of the neighbouring Island, the Lieutenant Governor has received His Majesty's Instructions to transmit to you the drafts of all such Laws as he may deem it necessary to have passed for the better Government of the Settlement under his command. These drafts will be prepared by the Attorney General of the Island, and will, in conformity with the Act of Parliament, be laid before the Chief Justice of New South Wales for his consideration. If that Officer should report them to be not repugnant to the Law of England, you will take the earliest opportunity of laying them before the Council, and of promoting their enactment. In cases where you may doubt the expediency of such Acts, you will communicate to me the ground of your doubts, on transmitting them for His Majesty's confirmation."

" You will transmit to the Lieutenant Governor of Van Diemen's Land for his consideration, the drafts of all Laws originating with yourself, which may specially relate to, or affect the Inhabitants of that Island; and you will not lay any such Laws before the Legislative Council if he should report to you that they would, in his opinion, be inexpedient. In cases, however, of extreme urgency and vital importance, the dissent of the Lieutenant Governor of Van Diemen's Land is not to induce you to suspend the enactment of the projected Law; but, in such cases, you will transmit to me, for His Majesty's consideration, a copy of the Lieutenant Governor's Report on the subject, at the time when the Acts themselves are transmitted for the Royal confirmation."

" With respect to the Executive Government of the Island of Van Diemen's Land, the Lieutenant-Governor alone will be held responsible to His Majesty for every measure directly suggested by him, to which, in deference to his recommendation, your official sanction may be given; yet if in any instance his advice shall, in your judgment, be plainly and unequivocally repugnant to sound policy, and calculated to endanger the peace or safety of the Settlement, you will upon your own responsibility control his opinion."

" Among the particular cases to which this general principle will be applied, none is of greater importance than that of the grants of lands to settlers. As no valid and perfect title to such lands can be created, except by instruments to be passed under the Seal of the Colony, the settlers in Van Diemen's Land must, ultimately, apply to you for the formal confirmation of the grants of the lands allotted to them. It will rest, however, exclusively with the Lieutenant-Governor to receive and decide upon the claims of all persons who may propose to settle within the limits of his Government; and he will exercise this power under the same restrictions which have hitherto been imposed upon yourself. He will be further instructed to deliver to all settlers written instruments, authorizing them to take possession of the lands allotted to them; and he will cause a Registry to be kept at the office of the Deputy Surveyor General, in which the names of the intended Grantees, and the extent, situation, and boundaries of their locations, and the conditions upon which they are to be held, will be carefully entered. An exact transcript of this Registry will be forwarded to you, by the earliest opportunities, when it will be your duty, without further investigation, to direct grants to be issued in official form, to the several persons whose names appear in the Returns thus made to you; and you will transmit such grants to Van Diemen's Land, to be there recorded in the office of the Deputy Surveyor General; the Lieutenant-Governor will be instructed to submit to your decision, any questions of novelty or peculiar importance which may arise upon this subject; if in any case you should be of opinion, that he has made an improvident or unreasonable concession of the waste lands of the Crown, you will not fail to report fully to me upon the subject; and you will in such cases, suspend the issuing any grant of the lands so conceded, until you shall receive His Majesty's commands. In order to give effect to these arrangements, it is to be understood, that the office of Deputy Surveyor General of Van Diemen's Land, is to be entirely distinct from, and independent of,

" that

“ that of the Surveyor General of New South Wales ; nor is the last mentioned officer to exercise any control, or to possess any authority, in respect to the Crown Lands in Van Diemen's Land.”

“ The rules which are thus laid down for your guidance, respecting the grants of unoccupied lands, are to be understood as applying to the case of lands and property of every other description, which His Majesty may acquire in Van Diemen's Land by Escheat.”

“ In the receipt and administration of the revenues of the Crown in the Island of Van Diemen's Land, the Lieutenant Governor will be instructed to act upon his own discretion, and he, therefore, will alone be deemed responsible to His Majesty. He will be directed to apply the local revenue towards the exigencies of the public service, without waiting for your express authority for each particular payment it may become his duty to make. To give effect to this regulation, it will be necessary that whatever duties may be imposed by Ordinances of the Governor and Council for the local purposes of Van Diemen's Land, be in such Ordinances expressly made payable to the person executing the duties of Public Treasurer of that Island; and that the Warrants of the Lieutenant Governor should, in such Ordinances, be declared to be the only instruments under the authority of which the produce of such duties can be issued for the public expenditure of the Island. The Lieutenant Governor will be instructed to transmit to you periodical accounts of his receipts and application of these revenues. He will also be required to lay before you for your decision, any financial questions of a new or important nature, which may arise within his Government.”

“ The Lieutenant Governor of Van Diemen's Land will further receive His Majesty's commands to recommend to you such persons as he may deem best qualified to act as Magistrates, or to fill the public offices in the various Departments in that Island. It will be your duty to attend to these recommendations, and to issue the necessary instruments for confirming those individuals in their official situations, whom he may thus nominate; and in the event of any improper appointment of public officers at Van Diemen's Land, His Majesty will not hold you responsible. In the removal of officers already appointed, you will, however, act upon your own discretion and responsibility; and if you should see cause to disapprove of any recommendation of the Lieutenant Governor, as to the suspension or removal of any public officer, you will transmit to me, for His Majesty's information, a full statement of the grounds of such difference of opinion.”

“ In the exercise of the Royal Prerogative, of replevying or pardoning persons convicted of crimes in the Supreme Court of Van Diemen's Land, or of commuting their sentences, you will be guided by the suggestions you may receive, on each particular case, from the Lieutenant Governor, to whom the Chief Justice of Van Diemen's Land will make his official Report. You will not, therefore, be called upon to perform the arduous duty of investigating the case of each particular offender; but you will give your formal and official authority for carrying into effect the decisions which the Lieutenant Governor will form after communication with the Chief Justice of Van Diemen's Land, and for the propriety of which the Lieutenant Governor alone will be required to answer.”

“ The power of shortening or remitting the term of service for which convicts may have been transported to Van Diemen's Land, being vested by the Acts of Parliament exclusively in the Governor-in-Chief of the Colony, you must, of course, in obedience to those Statutes, execute this duty according to your own judgment and discretion; yet, in the exercise of that judgment, you will avail yourself of the advice and assistance of the Lieutenant Governor, and will give effect to his recommendations on this subject, whenever they may appear to you consistent with the intention and spirit of the Acts of Parliament.”

“ The Lieutenant Governor of Van Diemen's Land will receive instructions to correspond directly with this Department, upon all public questions which may arise within his Government. He will, however, be required to transmit to you, for your information, copies of all the official communications he may address to His Majesty's Government, or receive from them.”

“ In addition to these more general instructions, there are some topics of a comparatively partial and temporary nature, to which it is necessary to advert. Among these I have to notice a practice which, from Mr. Commissioner Bigge's Report, would appear to prevail at Sydney, of collecting and appropriating to the Police Fund at that place, the duties on goods imported, or intended for importation, into Van Diemen's Land. It is His Majesty's pleasure that this practice should be discontinued, and that the duties on all such goods should be received at the port in Van Diemen's Land at which they may be landed, and that they should be exclusively appropriated and applied towards the public expenditure of that Island.”

“ The various Public Works and Buildings at Van Diemen's Land which are now in progress, or which have been recommended by Mr. Commissioner Bigge, or which may hereafter be expressly authorized by His Majesty's Government, will be carried on under the direction and superintendence of the Lieutenant-Governor alone; and you will understand, that it will not be within the sphere of your duty to issue orders respecting any works or buildings in the Island. The Surveyor General will also regard this subject as not falling within the duties of his Department. If, however, the Lieutenant-Governor should project any new undertakings of this nature, which Mr. Commissioner Bigge has not specified as necessary, and which may not have been expressly sanctioned by His Majesty's Government, he will be instructed to lay before you an account of such intended works, explaining the object and supposed necessity of them, with the Plans and Estimate of the probable expense, from the Office of the Deputy Surveyor General of Van Diemen's Land, and he will be directed to suspend such new public undertakings until he shall obtain your sanction and consent.”

“ It is not improbable that in your conducting the Government of Van Diemen's Land upon the principles thus explained, difficulties may arise which cannot clearly be anticipated, and against which, therefore, no specific provision can be made; your zeal for His Majesty's Service will, however, suggest to you the importance of preventing such difficulties, by a cordial co-operation with

" with the Lieutenant-Governor, in acting upon the spirit of the preceding instructions, and that
 " Officer will on his part be instructed to take every opportunity of shewing respect and deference
 " to your superior authority.

" I have the honor to be,

" Sir,

" Your most obedient humble servant,

(Signed)

" BATHURST."

" MAJOR GENERAL SIR THOMAS BRISBANE, K. C. B.,
 &c., &c., &c."

The Council was then pleased to adjourn.

No. 28.

Council Chamber, 17th May, 1825.

At a Meeting of the Council held this day in pursuance of His Excellency's Summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	
THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY,
THE VENERABLE THE ARCHDEACON,	THE PRINCIPAL SURGEON.

A Message was received from His Honor the Chief Justice stating that the indispensable business of the Supreme Court would prevent his attendance in Council.

His Excellency was pleased to state, that in consequence of the continued illness of the Attorney General, he was not prepared with any Law for the consideration of the Council.

This being the day appointed for reading the Patent erecting an Archdeaconry in New South Wales, and appointing the Venerable Thomas Hobbes Scott first Archdeacon of the same, it was resolved that the Council do adjourn until May, the 24th instant.

No. 29.

Council Chamber, 24th May, 1825.

At an adjourned Meeting of the Council held this day.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	
THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY.
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

His Excellency the Governor was pleased to lay before the Council a Letter from Earl Bathurst, transmitting suggestions from the Reverend Archdeacon Scott respecting the Police of New South Wales, and to take their opinion thereon.

The Council proceeded to the consideration of the same, and was then pleased to adjourn.

No. 30.

Council Chamber, 31st May, 1825.

At a Meeting of the Council held this day pursuant to His Excellency's Summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	
THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

His Excellency the Governor was pleased to lay before the Council two proposed Laws, intituled respectively " *An Act to confirm certain Acts of His Excellency Sir Thomas Brisbane, passed with the advice of the Council before the tenth day of May last;*" and " *An Act to confirm certain Licenses granted under the authority of an Act to regulate the granting of Licenses for the sale of Spirits, Ale, Beer, and other Liquors in New South Wales and Van Diemen's Land respectively, and two others amending the same.*"

His Excellency was further pleased to lay before the Council a Despatch from Lord Bathurst respecting the Factory at Parramatta, to the following effect :—

No. 45.

Downing-street, 21st November, 1824.

SIR,

" As I consider it a matter of great importance that the Factory at Parramatta, should be under the strictest observation of those who may have an opportunity of entering into the detail of the Establishment, I have to direct that this Institution, as well as the convict boys, should for the future be placed under the immediate protection of yourself and the Council, and subject to such regulations as may be determined upon in Council; and I have further to desire, that this instruction may be carried into execution, on the arrival of the Archdeacon."

" I have the honor to be,

SIR,

Your most obedient humble servant,

(Signed)

" BATHURST."

" MAJOR GENERAL SIR THOMAS BRISBANE, K. C. B."
 &c., &c., &c."

His Excellency was then pleased to consult the Council, as to the reduction of the existing duty of four shillings per pound upon tobacco, and the *ad valorem* duty of fifteen per cent. upon foreign goods imported into the Colony.

The Council having first proceeded to the consideration of the last mentioned subject, advised His Excellency the Governor to reduce the *ad valorem* duty to ten per cent., until the first day of January next, and that from that date, a further reduction to five per cent. should take place; and the Council was pleased to address the following communication to His Excellency the Governor, respecting the duty upon tobacco.

" May it please your Excellency.

" The Council are of opinion, that it will be expedient to impose on all tobacco, which shall be, or may have been imported into New South Wales, and Van Diemen's Land, respectively, and on which a duty may not have been already levied, in pursuance of the Act " 59th Geo. III., a duty of one shilling sterling, per pound weight, without reference to the " former Proclamation, further than simply reciting it."

(Signed)

WILLIAM STEWART,
FRANCIS FORBES, C. J.
T. H. SCOTT,
F. GOULBURN,
J. BOWMAN.

Council Chamber, 31st May, 1825.

HIS EXCELLENCY SIR THOMAS BRISBANE, K. C. B.
&c., &c., &c.

The Council then proceeded to the consideration of the subject of Lord Bathurst's letter, when it was resolved that Mr. Archdeacon Scott, Major Goulburn, Colonial Secretary, and James Bowman, Esquire, Principal Surgeon, be requested to form a Committee, to report thereon, at a future Meeting of the Council.

The two proposed Laws laid before the Council this day were then read by the Clerk, when it was resolved, that the same do remain over for further discussion at the adjourned Meeting of the Council.

Resolved, That the Council do adjourn until Wednesday, the 8th day of June.

No. 31.

Council Chamber, 8th June, 1825.

At a Meeting of the Council held this day by adjournment.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	
THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY,
THE VENERABLE THE ARCHDEACON.	THE PRINCIPAL SURGEON.

His Excellency the Governor was pleased to lay before the Council, a proposed Law, for the purpose of establishing a Registry of Incumbrances upon Real Estates.

The Council proceeded to the consideration of the said proposed Law, and other matters remaining before the Board, when after some time spent therein, it was resolved, that the Council do adjourn.

No. 32.

Council Chamber, 14th June, 1825.

At a Meeting of the Council held this day pursuant to His Excellency's Summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	
THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

His Excellency the Governor was pleased to lay before the Council, two proposed Laws intitled respectively, " *An Act to authorise the taking of Fees upon the passing of Private Bills,*" and " *An Act to enforce the due observance of the Lord's day.*"

The Council proceeded to take into their consideration the proposed Laws remaining before them, to confirm the Acts of the Governor in Council, passed previous to the residence of William Stewart, Esquire, in the Colony; and to confirm certain Licenses. Several alterations and amendments having been made in the said proposed Laws, it was resolved, that a fair copy should be made of the said Laws with the amendments. It was further resolved, That the Council should adjourn until half-past nine o'clock of Wednesday, the 16th instant, in order that the said copies should be laid before the Council and passed.

No. 33.

Council Chamber, 15th June, 1825.

At a Meeting of the Council held this day by adjournment.

PRESENT :—

PRESENT :—

THE LIEUTENANT GOVERNOR,

THE CHIEF JUSTICE,

THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON.

The Clerk having read the proposed Law to confirm certain Acts of His Excellency Sir Thomas Brisbane, passed with the advice of the Council, before the residence of William Stewart, Esquire, in the Colony of New South Wales, the same was passed unanimously.

The Clerk then read the proposed Law to confirm certain licenses, when the same was unanimously passed.

The Council was then pleased to adjourn.

No. 34.

Council Chamber, 21st June, 1825.

At a Meeting of the Council held this day, in pursuance of His Excellency's Summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,

THE CHIEF JUSTICE

THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON.

His Excellency the Governor was pleased to lay before the Council two proposed Laws, intituled respectively, "*An Act for the naturalization of Timothy Goodwin Pitman*," and "*An Act for the registering of Colonial Ships, Vessels, and Boats*," and to withdraw from the consideration of the Council a proposed Law laid before them at a Meeting held 14th June, intituled, "*An Act to authorise the taking of fees upon the passing of Private Bills*."

The following Report was then laid before the Council, by the Committee appointed to investigate the subject of the Female Factory at Parramatta.

" Report of the Committee appointed to investigate
" the subject of the Female Factory at Parramatta."

" Your Committee beg leave to report that they have inspected the Female Factory at Parramatta, and have found many great irregularities in the receipt and issue of bread; no conveniences necessary for a Hospital, for cooking, for the receipt and delivery of provisions, or for the classification of prisoners, all which at present arise from the want of means for carrying these arrangements into effect."

" That a building is now in progress on the north-west angle, which when completed will, it is reported, contain sixty more prisoners; but your Committee have given directions that a plan of such general alterations as they consider necessary, both as to building and internal arrangements, for rules and regulations, be laid before them, which as soon as they are prepared will be submitted to the Council."

" In the mean time they recommend to the Council to present an Address to His Excellency the Governor, praying him to notify in the *Sydney Gazette*, and in the *Australian*, that it is His Majesty's pleasure that the Factory shall be placed under the control of the Governor and Council, and that although the Magistrates shall continue to commit female prisoners there, yet the assignments of them from the Factory can only be made by order of the Governor and Council; and that all applications must be made by letter addressed to the Superintendent of the Factory, stating the sort of servant required, and the condition in life of the family so requiring her, and this application will be laid before the Council, and replied to weekly."

(Signed)

" T. H. SCOTT.

" F. GOULBURN.

" J. BOWMAN."

June 21st, 1825.

In compliance with the recommendation contained in the said Report, it was resolved that the following Address should be presented to His Excellency the Governor, viz :—

" MAY IT PLEASE YOUR EXCELLENCY :—

" The Council beg to recommend to your Excellency, that orders should be given to notify in the *Sydney Gazette* and in the *Australian*, that it is His Majesty's pleasure that the Factory shall be placed under the control of the Governor and Council, and that although the Magistrates shall still continue to commit female prisoners there, yet the assignments of them from the Factory can only be made by order of the Governor and Council, and that all applications must be made by letter addressed to the Superintendent of the Factory, stating the sort of servant required, and the condition in life of the family so requiring her, and this application will be laid before the Council, and replied to weekly."

(Signed)

" WILLIAM STEWART.

" T. H. SCOTT.

" F. GOULBURN.

" J. BOWMAN."

Council Chamber,
21 June, 1825.

To HIS EXCELLENCY SIR THOMAS BRISBANE, K.C.B.,
&c., &c., &c.

His

His Excellency the Governor was pleased to lay upon the Council Table a Report from the Superintendent of Police, respecting the Police Establishment, observing that there were other documents upon this subject which should be laid before the Council at their adjourned Meeting.

The Council having proceeded to the consideration of the matters remaining before them, it was resolved that the Council should adjourn to Tuesday, the 28th instant, at eleven o'clock.

No. 35.

Council Chamber, 28th June, 1825.

At a Meeting of the Council held this day by adjournment.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,	THE COLONIAL SECRETARY,
THE VENERABLE THE ARCHDEACON,	THE PRINCIPAL SURGEON.

His Excellency the Governor was pleased to lay before the Council various documents respecting the Police Establishment.

The Council proceeded to the consideration of the various matters remaining before them, when it was resolved that a notice respecting the Convict Boys should be drawn up for His Excellency's approval, and to be published in the papers.

The Council was then pleased to adjourn.

No. 36.

Council Chamber, 5th July, 1826.

At a Meeting held this day, pursuant to His Excellency's Summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

His Excellency the Governor was pleased to lay before the Council a proposed Law, intituled, "An Act to regulate the collection of Customs and Duties, and to prevent Smuggling."

The Council proceeded to the consideration of various documents from the Factory at Parramatta, and made sundry orders therein.

The Police Establishment next formed the subject of deliberation, when it was resolved that it should remain over until the adjourned Meeting.

The Council then took into consideration the proposed Law for the naturalization of Mr. Pitman, when the same was passed.

The Council was then pleased to adjourn until Tuesday, the 12th instant, at noon.

No. 37.

Council Chamber, 12th July, 1825.

At an adjourned Meeting of the Council held this day.

PRESENT :—

THE LIEUTENANT GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

The Council first proceeded to the consideration of various matters forwarded from Mrs. Fulloon, respecting the Female Factory at Parramatta.

The Police Establishment having then formed the subject of deliberation, the following Address relative thereto, to His Excellency the Governor, was unanimously agreed upon, viz :—

" To His Excellency Sir Thomas Brisbane, K. C. B.,
" Governor, &c., &c., &c."

" MAY IT PLEASE YOUR EXCELLENCY :—

" The Council having, agreeably to the instructions transmitted from Earl Bathurst, taken into their consideration the Police Establishment of New South Wales, and having considered the Reports and recommendations from Captain Rossi, and the Magistrates, together with the various documents laid before them, beg leave to suggest that the following Establishment for the Town of Sydney be placed under the charge of the Principal Superintendent of Police."

" That for the discharge of the various duties of the office itself, and for the collection of the fees and fines, there shall be a Principal Clerk with a salary of £150 per annum, which salary shall increase annually at the rate of five pounds, but not exceed the sum of one hundred and seventy-five pounds; that there be a second Clerk with a salary of
seventy-two

"seventy-two pounds per annum; that there be a third Clerk with a salary of fifty pounds per annum; and that these salaries be in lieu of all fees, perquisites, and allowances whatsoever."

"That all lawful fees received in the Police Office be paid over to the Colonial Treasury."

"That the out-door Police Establishment shall consist of the Chief Constable, with a salary of one hundred and thirty pounds per annum; of two Police Officers, with such pay as Earl Bathurst has directed; of eight Wardsmen, with salaries of sixty pounds per annum, to be augmented for five years with one pound per annum each; of sixteen Conductors, with salaries of fifty-two pounds per annum; of forty-eight Patrolmen, to receive salaries of forty pounds per annum, which salaries shall have an annual increase of one pound, for five years; that the Wardsmen, or first class, shall after twenty-one years' service become entitled to a retiring pension of 2s. per diem; that the Conductors, or second class, be entitled to a retiring pension of one shilling and sixpence per diem after the same term of service; and the Patrolmen, or third class, to the sum of one shilling per diem after the like term; that no recommendatory discharge take place under fourteen years service, and then that each Constable discharged be entitled to one-half of the above pension according to his respective class."

"That all salaries hereinbefore specified be paid in sterling value, and that the three classes above mentioned, or Constables, shall, in addition, receive an uniform clothing, to be distributed and regulated by the Superintendent."

"That every Constable have a staff of office, and at night be armed with a cutlass from the watch-house to which he may belong."

"The Council beg leave further to recommend that the distribution of the Wardsmen, Conductors, and Patrolmen, be under the direction of the Superintendent of Police, and that the division of the Town of Sydney into Wards be likewise left to his discretion."

"That no Constables attached to the Police be employed in any duties but of that Department, unless required by the Supreme Court, or the Colonial Secretary's Office."

"That no Constable be attached to the service of any Magistrate resident in towns, except whilst in the discharge of his Magisterial functions."

"That no Constable be employed as heretofore in carrying "Letters on Service," unless on the service of the Police Department; but that such letters being sent to the Police Office before three o'clock in the afternoon, shall be enclosed in a bag kept for that purpose by the Chief Constable, and be conveyed daily to the Coach Office, to be forwarded to the Chief Constable of each district."

"That the pensioned Constables be selected to attend the Hospitals, the Male and Female Orphan Schools, and the Factory."

"That Watchmen be provided for such public offices as require them, upon a requisition signed by the Chief of the said Office, to be under the charge of the Superintendent of Police."

"That such Watchmen shall be furnished from the list of pensioned Constables as are fit for that duty, and if they shall not be adequate to this duty, that so many extra Constables be appointed for it as may be necessary."

"That in no case shall the Superintendent of Police interfere with the arrangement of the Gaols of the Territory, but that all Gaolers and Constables employed at the Gaols be appointed by the Sheriff, who shall have the sole direction of them; but this regulation shall not extend to Watch-houses, or places of temporary security."

"The Council further recommend that no Constable be employed at any public office as messenger, but that all officers receiving their services in this capacity, be directed to employ messengers distinct from the ordinary Constables."

"The Council not being furnished with sufficient information respecting the Police Establishments in the Country Districts, humbly suggest to your Excellency that a Circular be written to each Bench of Magistrates throughout the Territory, requiring them to report upon the points hereinafter specified."

"In the absence, however, of these details, the Council recommend, as general regulations, that a Police Superintendent be appointed at Parramatta, founded upon the foregoing plan, and that hereafter it may be extended as circumstances shall require."

"That the Magistrates throughout the Territory receiving pay, or not specially excused, be required to give their attendance in rotation at the Benches within their respective districts, so often as may be requisite for the discharge of the business of the Bench."

"For the purpose of affording a reference to all convictions before Magistrates throughout the Colony, that a quarterly return be made from each Bench, and from each Magistrate, of such convictions, to the Office of the Colonial Secretary."

"The Council beg leave further to recommend to your Excellency, that the suggestions transmitted from Earl Bathurst be adopted, and that each Member of the Committee appointed to deliberate upon those suggestions be furnished with a copy of the same."

"That the Circular Letter before mentioned shall require each Bench of Magistrates throughout the Territory to report, First—A particular account of the establishment at present existing in their district, and such alteration or addition as may be considered necessary for the future."

2nd.—To report the present emoluments and pay of each individual employed in the Department, together with a return of all fees and fines, and their appropriation."

3rd.—To report whether any, and what, alteration be deemed expedient in the amount of such pay and allowance, and whether rations and clothing, or the commutation, be more advisable."

4th.—To report the practicability of employing Native Blacks as Constables—the number required in each district—to what extent in rations and clothing they should be recompensed—and what reward it may be proper to hold out to all Natives, not Constables, who may apprehend Bushrangers."

5th.—

" 5th.—To report the places in each district which may be recommended as stations for Constables, in order to their becoming foot patrols."

" 6th.—To report whether, and to what extent, a horse patrol might be serviceable in each district, and likewise, what stations may be recommended for the keeping of books to enter an account of all cattle passing."

" The Council beg leave finally to suggest that an answer be required to the above letter, on or before the 30th instant, from each Bench in the County of Cumberland, and as early as may be possible, from all places more distant."

(Signed)

" WILLIAM STEWART,
" FRANCIS FORBES, C. J.
" T. H. SCOTT,
" F. GOULBURN,
" J. BOWMAN."

Council Chamber, July 12th, 1825.

The Council was then pleased to adjourn.

No. 38.

Council Chamber, 2nd August, 1825.

At a Meeting of the Council held this day, pursuant to His Excellency's Summons.

PRESENT :—

THE LIEUTENANT GOVERNOR,	THE COLONIAL SECRETARY,
THE VENERABLE THE ARCHDEACON,	THE PRINCIPAL SURGEON.

The Council proceeded to the consideration of various papers respecting the Female Factory at Parramatta, and having disposed of the same, were pleased to adjourn until the 9th instant.

No. 39.

Council Chamber, 9th August, 1825.

At an adjourned Meeting of the Council held this day.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

His Excellency the Governor was pleased to lay before the Council, certain papers which had been addressed to him from various Magistrates and others, respecting the proposed Law for the Registry of Incumbrances; and the same were ordered to be laid upon the Table for future consideration.

The Committee appointed to investigate the subject of the Female Factory at Parramatta, presented the following Report, viz.—

" Your Committee beg leave to report that, having had several plans laid before them for the alterations in the Factory, they are of opinion, that those pointed out in the plan No. 1, will be the most convenient, and should be ultimately adopted; but as some more immediate and pressing alterations are necessary, they recommend that such as are laid down in plan No. 2, be put in execution, and which will form part of the whole plan No. 1, before referred to."

" That the west yard be divided into two parts."

" That the third class shall be put into the penitentiary, and be deprived of tea and sugar, except such as have infants."

" That on the committal of any woman for crime, the Superintendent be ordered to divide her sentence into three equal periods, one period of which she must pass in the third class, another in the second, and another in the first, unless she be ordered by the Magistrates to the cells; and if she does amiss, she shall be returned to the class from whence she was last taken."

" As many applications for marriage are made to the Governor and Council, your Committee recommend that a public order be inserted in the Gazette regulating this subject; and they are of opinion."

" That a depôt should be pointed out at one end of Emu Plains, on which should be constructed bark huts with gardens, to which all persons marrying under certain conditions shall be transferred, and to work for Government during the several periods they are so ordered by the Government orders, before they can receive a Ticket of Leave."

" As this subject requires much consideration your Committee beg leave to refer it to a full Council, especially deferring it for the presence and advice of the Chief Justice."

" Your Committee also beg to report on the Carters' Barrack, that the Boys should be confined and separated entirely from the Carters."

" That they should be instructed in the trades of Carpenters, Wheelwrights, Turners, Block-makers, and Pump-borers."

" That in the first instance an advertisement be inserted for a Superintendent of Carpenters, who shall instruct the Boys, and who shall receive a per centage on all the work of the Boys."

" That the work be valued by the Boys themselves, and sold for their benefit."

" That regular Debtor and Creditor accounts be kept of all purchases and sales."

" That

"That the original plan of the place be completed, which will contain another treadmill to be applied to the sawing of timber."

"That the general rules made for the Factory be adopted, as far as circumstances will admit."

"That your Committee be authorized to make the necessary arrangements by contract; or by the Government laborers as may be necessary."

(Signed)

"T. H. SCOTT,
"F. GOULBURN,
"J. BOWMAN."

"Council Chamber, 9th August, 1825."

The Council was then pleased to adjourn *sine die*.

No. 40.

Council Chamber, 10th August, 1825.

At a Meeting of the Council held this day pursuant to His Excellency's Summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT-GOVERNOR,

THE CHIEF JUSTICE,

THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON,

His Excellency the Governor was pleased to lay before the Council two proposed Laws intituled respectively, "An Act to stay proceedings against the Colonial Treasurers of New South Wales, and Van Diemen's Land, &c., for collecting, levying, or receiving duties;" and 2nd, "An Act for the temporary regulation of the Hulk or Floating Prison in Sydney Harbour."

The Council proceeded to the consideration of the said proposed Laws, when the same were passed respectively.

The Council was then pleased to adjourn until the 16th instant.

No. 41.

Council Chamber, 16th August, 1825.

At a Meeting of the Council held this day by adjournment.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT-GOVERNOR,

THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON.

His Excellency the Governor was pleased to lay before the Council, two proposed Laws intituled respectively, 1st—"An Act for Registering Marriages, Baptisms, and Burials, and for enabling Ministers of various congregations to solemnize Marriages, Baptisms and Burials." And 2nd—"An Act for establishing and regulating a Market in Sydney, for levying tolls therein, and for appointing Commissioners of the said Market, and of the Tanks, Seters, and Roads; and for establishing a Public Pound in Sydney aforesaid."

The Council then proceeded to consider of various papers respecting the Female Factory at Parramatta, and after some time spent in the disposal thereof, the Council was pleased to adjourn, *sine die*.

No. 42.

Council Chamber, 17th August, 1825.

At a Meeting of the Council held this day, pursuant to His Excellency's Summons.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,

THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON.

His Excellency the Governor was pleased to lay before the Council a proposed Law intituled "An Act to authorize the appointment of an additional Judge in the Supreme Court of New South Wales."

The Council having proceeded to the consideration of the said proposed Law, the same was passed.

The Council was then pleased to adjourn, *sine die*.

No. 43.

Council Chamber, 30th August, 1825.

At a Meeting of the Council held this day, pursuant to His Excellency's Summons.

PRESENT —

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,

THE CHIEF JUSTICE,

THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON,

His

His Excellency the Governor was pleased to lay before the Council a proposed Law intituled "*An Act to naturalize Prosper De Mestre.*"

The Council having proceeded to the consideration of the said Law, the same was unanimously passed.

The Council having then disposed of certain papers from the Factory at Parramatta,—

His Excellency the Governor was pleased to lay before the Council a Letter from the Attorney General, respecting a presentment of the Grand Jury at Parramatta, and to request that the Council would take the subject into consideration, and give their advice thereon to His Excellency.

The Letter of the Attorney General was then read, and the Council having proceeded to the consideration of the matters therein contained, it was unanimously resolved that the following Address should be presented to His Excellency.

" To His Excellency Sir Thomas Brisbane, K. C. B., Governor
" of the Colony of New South Wales, &c., &c., &c.

" MAY IT PLEASE YOUR EXCELLENCY :

" In compliance with Your Excellency's desire, we have considered the Letter of
" the Attorney General, upon the subject of punishments inflicted upon Prisoners in this
" Colony, and we beg that Your Excellency would be pleased to cause the Records of the
" different Benches of Magistrates of Sydney, Parramatta, Liverpool, Windsor, Campbell
" Town, and Penrith, to be laid before the Council, as they deem it proper to take the whole
" subject into consideration, preparatory to giving any specific advice upon the matter referred
" to them by Your Excellency."

" WILLIAM STEWART,
" FRANCIS FORBES,
" T. H. SCOTT,
" F. GOULBURN,
" J. BOWMAN."

(Signed)

" Council Chamber, 30th August, 1825."

The Council then adjourned until the 1st of September.

No. 44.

Council Chamber, 1st September, 1825.

At a Meeting of Council held this day by adjournment.

PRESENT:—

THE LIEUTENANT GOVERNOR,

THE CHIEF JUSTICE,

THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,

THE PRINCIPAL SURGEON.

The Factory Committee laid before the Council, a Report relative to the employment of ten Boys at Carters' Barracks, under a Master Carpenter, as follows:—

" Your Committee having investigated the matters intrusted to them, respecting the
" Boys at Carters' Barracks, submit, that they have entered into an agreement with a person
" named Thomas Carlisle, by trade a Carpenter and Joiner, at the salary of one hundred and
" ten pounds per annum, for instructing the Boys in that trade. That they propose to begin
" at present with ten Boys, and to purchase by tender a given quantity of timber which may be
" considered a sufficient supply for two years, and which stock they recommend always to be
" kept up, so that the articles made may be seasoned, and that a weekly account be rendered
" by the Master Carpenter of the receipts and expenditure of the Establishment."

" Your Committee also beg to report that they have suggested some few alterations in
" the buildings, and especially the construction of an additional Treadmill, as originally intended,
" or which may be required in other parts of the Colony, as may appear necessary hereafter,
" but the whole may be gradually completed by the Boys, under the instruction of the Master
" Carpenter, at such intervals as they may not be employed for orders sent in for other work."

" Your Committee will further report progress, as occasion may require."

(Signed)

" T. H. SCOTT,
" F. GOULBURN,
" J. BOWMAN."

Which Report was approved of by Council.

The Council then took into consideration "*A. Bill for establishing a Registry of Incumbrances upon Real Estates.*"

Ordered to lie on the Table.

The Council then took into consideration "*An Act for Registering Colonial Ships, Vessels, and Boats.*"

Ordered to lie on the Table.

The Council then adjourned.

No. 45:

Council Chamber, 6th September, 1825.

The Council met, but transacted no business.

No. 46.

Council Chamber, 13th September, 1825.

At a Meeting of Council held this day.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	
THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

The Governor was pleased to lay before the Council a Bill intituled, "*An Act to facilitate the raising of 'Hus and Cry' for the arrest of Felons in New South Wales and its Dependencies.*"

The Council proceeded to the consideration of certain papers relating to the Female Factory.—Disposed of.

The Books of some of the Benches of Magistrates being brought in and laid before the Council, it was agreed, that the same should be examined by the different Members, who were to report such cases as they should find analogous to the cases presented by the Grand Jury of Parramatta, and brought under their notice by His Excellency the Governor.

The Council then adjourned.

No. 47.

Council Chamber, 15 September, 1825.

Council met pursuant to adjournment.

PRESENT :—

THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE.	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

The several Members reported in Council the result of their inquiries into the separate Books, whereupon it was found necessary to cause the Chief Constable of Parramatta, and the Clerk to the Bench of that district, who was formerly Clerk to the Penrith Bench, to attend on the following Tuesday, to be examined touching certain points in explanation of the cases under inquiry.

The Council then adjourned.

No. 48.

Council Chamber, 20th September, 1825.

PRESENT :—

THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

The Council resumed the inquiry into the proceedings of the different Benches of Magistrates, and John Thorn, the Chief Constable of Parramatta, was examined upon various matters connected therewith, as was also J. W. Fulton, Clerk to that Bench.

It was then agreed that a Report should be made to His Excellency the Governor, upon the cases which had been found similar in principle to those which had been complained of; and the Chief Justice was requested to draft the Report, and lay the same before the Council on the following Tuesday.

A Report was made by the Factory Committee of the Council to the Council, as follows :—

"Your Committee have learned that a complaint was made by Mrs. Fulloon, the Superintendent of the Factory, by a letter dated September 12th, 1825, of a false accusation against her son, the Secretary of the Factory, by one of the women confined there; and upon an investigation before Dr. Macleod, J.P., the prevarication and gross perjury of the woman were so apparent, that they do not conceive it necessary to institute any proceedings against the Secretary. Your Committee will again have occasion, and shortly, to report on this subject."

(Signed) "T. H. SCOTT.
"F. GOULBURN.
"J. BOWMAN."

No. 49.

Council Chamber 27th September, 1825.

Council met by adjournment.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	
THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY,
THE CHIEF JUSTICE,	THE PRINCIPAL SURGEON.
THE VENERABLE THE ARCHDEACON,	

The Council disposed of certain papers from the Factory.

The Governor laid on the Table a Petition addressed to His Excellency by H. H. Macarthur, Esq., against any Bill being passed to stay proceedings against Magistrates against whom prosecutions had been commenced; which was read.

The

The Chief Justice laid before the Council a Report upon the origin and extent of certain practices complained of against three Magistrates of Parramatta, which was read, and upon notice that the same should be adopted as the Report of the Council, it was agreed to by the Lieutenant-Governor, the Chief Justice, and the Colonial Secretary; the Archdeacon and the Principal Surgeon dissenting from the motion.

The Chief Justice then moved, that a Message be sent to His Excellency the Governor, suggesting the expediency of a Bill, having for its object, to stay all proceedings against any one or more Justices of the Peace in the Colony of New South Wales, for any sentence, act, or thing passed or done, by him or them, in the execution of his or their office, before the promulgation of the Statute, 3rd Geo. IV., cap. 96, being laid before the Council; which motion was assented to by the Lieutenant Governor and the Colonial Secretary; and dissented from by the Archdeacon and the Principal Surgeon.

Whereupon the following Message was sent to His Excellency.

"MAY IT PLEASE YOUR EXCELLENCY:

"The Council, in submitting their Report respecting the origin and extent of the practice of inflicting punishment after conviction, to compel restitution of property, or disclosure of parties implicated, beg leave to suggest to your Excellency, the necessity of causing a Bill forthwith to be laid before them, having for its object to stay all proceedings which may have been, or shall hereafter be commenced against any Magistrate, for any sentence, act, matter or thing, passed or done, in execution of his office, before the promulgation of the Act 3rd Geo. IV., cap. 96, in the Colony of New South Wales."

(Signed)

"WILLIAM STEWART,
"FRANCIS FORBES,
"F. GOULBURN."

The Council then adjourned.

No. 50.

Council Chamber, 4th October, 1825.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,
THE CHIEF JUSTICE,
THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,
THE PRINCIPAL SURGEON,

The Governor requested the Council to re-assemble to-morrow at eleven o'clock, as he will not be able to lay the Bill they were summoned to consider, before them till then.

Motion was made by the Colonial Secretary, seconded by the Archdeacon, that the following Address be sent up to the Governor.

Council Chamber, 4th October, 1825.

"MAY IT PLEASE YOUR EXCELLENCY:

"The Council lament to have discovered, during a late investigation into the records of the Benches of Magistrates of New South Wales, the total absence of the whole of the proceedings of the Liverpool Court, prior to the beginning of the present year; and of all the Minutes taken in a case of Anne Rumsby, who was tried towards the latter end of the year 1822, at the Parramatta Court House; and further a number of blank leaves in the midst of the proceedings of the Penrith Court. The Council therefore take the liberty of suggesting to your Excellency, the expediency of causing an inquiry to be instituted into these irregularities."

Which motion was dissented from by the Lieutenant Governor, the Chief Justice, and the Principal Surgeon.

The Council were then pleased to adjourn.

No. 51.

Council Chamber, 5th October, 1825.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,
THE CHIEF JUSTICE,
THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,
THE PRINCIPAL SURGEON.

The Governor was pleased to lay on the Table a Bill, intituled, "*An Ordinance to stay Proceedings in certain cases against Justices of the Peace in New South Wales and its Dependencies, acting in execution of their office.*"

The Council were pleased to take the same into consideration, and then adjourned.

No. 52.

Council Chamber, 11th October, 1825.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,
THE CHIEF JUSTICE,
THE VENERABLE THE ARCHDEACON,

THE COLONIAL SECRETARY,
THE PRINCIPAL SURGEON.

His Excellency was pleased to lay on the Table, the draft of a Bill for settling local taxes, rates, charges, and fees of Justice Courts, and for other purposes, for one year.

The

The Council were pleased to pass a Bill, intituled, "*An Ordinance to stay Proceedings in certain cases against Justices of the Peace of New South Wales and its Dependencies, acting in execution of their office,*" into Law.

No. 53.

Council Chamber, 18th October, 1825.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,	
THE LIEUTENANT-GOVERNOR,	THE COLONIAL SECRETARY.
THE VENERABLE THE ARCHDEACON,	

The Factory Committee laid on the Table, their Report recommending the adoption of Mr. Busby's Report for raising water, for the supply of the Factory.

"Your Committee beg leave again to report; 1st.—That since the separation of the children from their mothers during the working hours, and their diet changed, a very great difference is manifest in their health and cleanliness."

"2nd.—That the Superintendent of Government works has reported to your Committee, that the Penitentiary will be ready for the third class in the course of another week, and your Committee recommend a married man and his wife to sleep in the room adjoining the third ward, and to have inspection of that class both by day and night."

"3rd.—Your Committee beg to append the copy of a Report by Mr. Busby, senior, on supplying the Factory with water, and which they strongly recommend to be adopted. Connected with this operation a small Tread-mill now in the Carters' Barracks might be erected, by which the lifting of the water and other operations beneficial to the prisoners, both as to health and correction, can be effected; and Mr. Busby has reported that six or eight women in two or three hours, might raise all the water, necessary for the consumption of one day, and this Mill would be a cause of fear amongst the prisoners against ill-behaviour, of which lately some violent cases have occurred. It appears from the Superintendent that some of the women assigned from the last ship the "*Mariner,*" have been returned for misconduct, but that none of those who were "*finos*" and who have risen from the third to the first class, have been sentenced by the Magistrates, which affords some ground of hope that the classification has been effectual."

"Your Committee also recommend, that an advertisement be issued for Tenders to be made for raw wool, and also a sufficient quantity of split firewood, to be delivered and packed in the yard for half a year's consumption."

(Signed) "T. H. SCOTT,
"F. GOULBURN."

The Governor was pleased to submit to the Council, a communication from the Attorney General on the Duties Bill.

A Letter from the Reverend J. J. Therry was laid on the Table, on the subject of appointing a fit and proper person to read prayers to the Roman Catholics confined in the Factory.

Council then adjourned.

No. 54.

Council Chamber, 25th October, 1825.

PRESENT :—

THE LIEUTENANT-GOVERNOR, THE CHIEF JUSTICE,		THE VENERABLE THE ARCHDEACON, THE COLONIAL SECRETARY.
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The Council disposed of certain papers of the Parramatta Factory.

The Council took into consideration a proposed Law or Ordinance, for the registering Births, Marriages and Burials; further consideration postponed.

The Council next took into consideration "*An Act to continue for twelve months the levying certain tolls, rates, fines, costs of Magistrates' Courts, charges and fees, and to facilitate the collection of same;*" further consideration postponed.

The Council took into consideration "*An Act to explain and amend an Act of Council, intituled, 'An Act to regulate the granting of Licenses in New South Wales, and Van Diemen's Land respectively.'*"

The further consideration deferred.

The Council then adjourned.

No. 55.

Council Chamber, 27th October, 1825.

PRESENT :—

THE LIEUTENANT-GOVERNOR,		THE CHIEF JUSTICE.
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Council further considered the Bill for levying certain rates and tolls.

Council adjourned.

No. 56.

Council Chamber, 1st November, 1825.

PRESENT :—

THE LIEUTENANT-GOVERNOR,
THE CHIEF JUSTICE,THE VENERABLE THE ARCHDEACON,
THE COLONIAL SECRETARY,

The Council disposed of certain Factory papers.
The Council passed an Act, intituled, "*An Ordinance for the more effectual recovery of fines and penalties imposed by divers Acts of Council, and for other purposes.*"
The Council then adjourned.

No. 57.

Council Chamber, 8th November, 1825.

PRESENT :—

THE LIEUTENANT-GOVERNOR,
THE CHIEF JUSTICE,THE VENERABLE THE ARCHDEACON,
THE COLONIAL SECRETARY.

Council disposed of certain Factory papers.
Council then adjourned.

No. 58.

Council Chamber, 15th November, 1825.

PRESENT :—

THE LIEUTENANT GOVERNOR,
THE CHIEF JUSTICE,
THE VENERABLE THE ARCHDEACON,THE COLONIAL SECRETARY,
THE PRINCIPAL SURGEON.

The Council took into consideration a proposed Law, intituled, "*An Act for registering Deeds and Conveyances in New South Wales, and for other purposes.*"
Council then adjourned.

No. 59.

Council Chamber, 16th November, 1825.

PRESENT :—

THE LIEUTENANT GOVERNOR,
THE CHIEF JUSTICE,THE VENERABLE THE ARCHDEACON,
THE PRINCIPAL SURGEON,

The Council took into further consideration a proposed Law intituled, "*An Act for registering Deeds and Conveyances in New South Wales, and for other purposes,*" and were pleased to pass the same into Law.

No. 60.

Council Chamber, 22nd November, 1825.

PRESENT :—

HIS EXCELLENCY THE GOVERNOR,

THE LIEUTENANT GOVERNOR,
THE CHIEF JUSTICE,
THE VENERABLE THE ARCHDEACON,THE COLONIAL SECRETARY,
THE PRINCIPAL SURGEON,

His Excellency was pleased to lay before Council Instructions under the Sign Manual for the temporary Government of the Colony.

His Excellency was further pleased to lay before the Council a proposed Law intituled, "*An Act to regulate the Postage of Letters in New South Wales,*" which the Council were pleased to pass.

