



all yours

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

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

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

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

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



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

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

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





SRNSW REF NO	CS REF NO	DATE REC'D	TO	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
				"W T D" "W F" "E C M"	1859 12 24 1859 12 28~ 1859 12 24 1859 12 30	& Notes at top & in margin Papers to be sent with copy of Minutes of Council Colonial Secretary Registered & forwarded to Colonial Secretary Colonial Secretary Queensland		
				Executive Council Office, Sydney A Orpen Moriarty, Clerk of the Council	1859 03 21	At top: "M14612 – 31 <sup>st</sup> March 1859" <u>Proceedings of the Executive Council on the 21<sup>st</sup> March 1859 with respect to the appointment of certain gentlemen to the Magistracy – Extract from Minute No 59/12 – confirmed 28<sup>th</sup> March 1859</u> Undermentioned gentlemen to be appointed Magistrates: [PRINTED EXTRACT ATTACHED HERE] Firebrace, Edward of Lang's Crossing Place Geary, Edward Montague, Helidon [as it is - Helidon?] Gennys, John Henn, Carcoar Gordon, William Pile, Surat Hayes, James, Gundagai Holt, William Harvey, Kolongo [as it is – Kolonga?], Gayndah Icely, Thomas Rothery, Carcoar Jones, David Maunder., Benaro, Gayndah Lardner, Alfred, Grafton Mackenzie, John, Poon Boon, Deniliquin Mair, George, Tooma, Murray River Marshall, George Cockburn, Gundamaine, Wee Waa North, Edward James Campbell, Carcoar [crossed out] Porter, Charles Edward, Caval, Grafton Ramsay, John Bonar Peter, Canoona Robertson, William, Lanark Lodge, Grafton Scott, James Hall, Retreat, Callandoon Sheaffe, Percy Hale, Ulladulla Smith, Robert Wilkin, Iderraway, Gayndah Solomons, Henry, Bombala Thee, John Henry, Europambella, Walcha Wilson, Thomas George, Aberbaldie, Walcha [No 59/280] & Notes in margin Approved  Commissions prepared Proth. Supreme Court  Note At top: "Grafton" William Albert Braylesford Greaves, Alfred Lardner Magistrates "M14612" [Refs 59/00626, 59/00638, 59/00469, 59/00315]	A2.43	102
				"W T D" "C C"	1859 03 31 1859 03 31~ 1859 03 23 1859 03 26	& Notes in margin Approved  Commissions prepared Proth. Supreme Court  Note At top: "Grafton" William Albert Braylesford Greaves, Alfred Lardner Magistrates "M14612" [Refs 59/00626, 59/00638, 59/00469, 59/00315]		103
				"C C"	1859 03 21~	At top: "M14612" Re Magistrates: <b>Grafton</b>		104, 106-107

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

SRNSW REF NO	CS REF NO	DATE REC'D	TO	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
	59/00346		Hon CS	Henry Herbert JP, Arthur E Halloran JP Commissioner of Crown Lands Gilbert Elliott JP, Clement F Lawless JP  Gayndah Archibald M Thomson JP, Henry Herbert JP, Gilbert Elliott JP John Livingstone JP	1858 12 30	<u>Margin</u> J Philip Lamb, "Rocky Spring" [withdrawn] David Maunder Jones, "Bonara" [see also Benaro] Robert Smith, "Iderraway" "M14612" Mr Lamb is son of Capt Lamb MP, Mr Jones son of M D Jones MP of Sydney, both engaged in squatting operations in Burnett District Robert Smith squatter – resides 4 miles from Gayndah  Letter recommending gentlemen to Commission of Peace – assistance to Bench at Maryborough also <u>Margin</u> Robert Wilkin Smith, Ideraway [also spelt Iderraway] William Harvey Holt, Kolongo Engaged in squatting pursuits in Wide Bay & Burnett – Mr Smith resides 4 miles from Gayndah, Mr Holt's station on road from Gayndah & Maryborough to Port Curtis & Fitzroy Goldfields		113 – 114
	59/00922	1859 03 12	Hon CS	Ipswich, Moreton Bay Henry Buckley	1859 03 01~	At top: "H Buckley" Letter re Commission of Peace & Gatton – W Turner lately appointed has proceeded to England –recommending Edward Montague Geary residing at Hellidon as replacement – son of Capt Geary RN <u>Margin</u> M14612	A2.43	115
				Executive Council Office, Sydney A Orpen Moriarty, Clerk of the Council            "W T D" "C C"	1859 05 04            1859 05 05 1859 05 06~ 1859 04 29~ 1859 04 30	At top: "M14659 – 6 <sup>th</sup> May 1859" <u>Proceedings of the Executive Council on the 27<sup>th</sup> April 1859 with respect to certain charges and counter charges by the Police Magistrate &amp; the Clerk of Petty Sessions at Rockhampton - Minute No 59/17 – confirmed 3<sup>rd</sup> May 1859</u> Re investigation by Government Resident Port Curtis into charges preferred by Capt Vyner PM Rockhampton against Mr Hutchinson Clerk of Petty Sessions Rockhampton & by the Clerk of Petty Sessions against the Police Magistrate [No 59/396] Outlines nature of charges – detailed summary of Government Resident's findings Para 4: More serious occurrence – Mr Hutchinson apprehended & tried under Vagrant Act for threatening Capt Vyner in public Paras 5-6: Council advise that services of Mr Hutchinson Clerk of Petty Sessions Rockhampton be dispensed with – reasons Para 7: Advise Mr Hutchinson - considering past services & recommendations of Government Resident, eligible for further employment in public service Para 8: Query re maintaining services of Police Magistrate at Rockhampton – advise office be discontinued & Capt Vyner to resume his former office of Clerk of Petty Sessions Tumut & Notes in margin Approved  Government Resident Port Curtis Bench Tumut	A2.43	116 – 124
	59/01469	1859 04 16	Under Secretary,	Gladstone	1859 03 30	At top: "Government Resident Port Curtis"	A2.43	125 – 129

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

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

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

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

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



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

SRNSW REF NO	CS REF NO	DATE REC'D	TO	FROM	DATE OF DOCUMENT	CONTENTS	QSL REEL	PAGE
						"Letter from Moreton Bay Sheriff" Bring forward with Minute respecting the men [M14725]		
			Hon Charles Cowper	Sheriff's Office John O'Neill Brennan	1859 06 20	Letter re criminal aborigines at Moreton Bay – suggests should be given time "to be made Christians" – arrangements re executioner	A2.43	229 – 230
	59/02606	1859 06 18	Hon Attorney General	Sheriff's Office, Brisbane William Anthony Brown, Sheriff	1859 04 26	At top: "Crown Law Office – 2 Mar 1859" Letter indicating services of executioner will be required – details [No 59/409] & Notes in margin Papers with 59/02567 – Sheriff – 16 June [Ref 57/420]	A2.43	231
				"W E P"	1859 06 17	Re services of executioner – Colonial Secretary to be consulted Principal Under Secretary		232
					1859 06 20~	Note re above To be brought forward when the cases of the men are decided [Ref 59/02567]		
	59/02515	1859 06 15	Hon CS	Sheriff's Office, Moreton Bay William Anthony Brown, Sheriff	1859 06 07	At top: "Sheriff Moreton Bay" Letter re 2 aborigines tried at Brisbane for rape – found guilty & sentenced to death [No 59-81] <u>Margin</u> Chamery Dick If sentence to be carried out, makes application for Executioner from Darlinghurst Gaol & Notes in margin	A2.43	233
				"C C"	1859 06 15~	Immediate report of Sheriff [Ref 59/02567]		
						<b>LETTERS RECEIVED 1860 &amp; PAPERS FILED WITH THEM</b>		

## **NOTES**

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

## ***CS REF NUMBERS***

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

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

## ***DATES***

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

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

## ***PAGE NUMBERS***

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

# **A2 SERIES**

## **MICROFILM**

### **CONTENTS**

**Reel No. A2.43**  
**[PART]**

#### **New South Wales – Colonial Secretary** **Letters Received 1826 – 1934**

---

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

Letters received 1859 and papers filed with them 001 – 233