

1851.

VICTORIA.

MELBOURNE COURT OF REQUESTS.

Laid upon THE TABLE of the COUNCIL, by THE COLONIAL SECRETARY, by Command of HIS EXCELLENCY THE LIEUTENANT GOVERNOR, and ordered by THE COUNCIL to be Printed, 23rd December 1851.

ANSWER TO AN ADDRESS PRAYING HIS EXCELLENCY THE LIEUTENANT GOVERNOR TO CAUSE TO BE LAID UPON THE TABLE OF THIS HOUSE.

Copies of all Correspondence (if any) which may have taken place between the Local Government, and the late Commissioner of the Court of Requests, respecting certain charges or imputations reflecting upon the conduct of the Registrar of that Court in the discharge of his official duties which appeared in some of the Public Journals of this City.

Melbourne, 18th June, 1849.

SIR,

I have the honor to enclose for your Honor's information, a copy of the *Melbourne Daily News*, of 18th June, 1849, containing an article which in unreserved terms, charges Mr. Griffin, the Registrar of the Court of Requests for the Town of Melbourne and County of Bourke with extortion under color of his office, which I need not inform your Honor is a Misdemeanour of a very grave nature punishable by fine and imprisonment.

I also have the honor to enclose a Letter addressed by me to Mr. Griffin, relative to the alleged instances of imputed extortion and his answer thereto.

I have the honor to beg that your Honor will peruse these several enclosures, and favor me with instructions respecting the course you wish Mr. Griffin to pursue.

I have, &c.,
(Signed,) REDMOND BARRY,
Commissioner of the Court of Requests for the
Town of Melbourne and County of Bourke.

His Honor the Superintendent, &c., &c., &c.

Melbourne, June 18, 1849.

SIR,

I request that you will have the goodness to furnish me with a return of all special writs of execution, under 6th Victoria, No 15, Sec. 24, issued by you as Registrar of the Court of Requests for the Town of Melbourne and County of Bourke, since the passing of that Act, and the number of Bonds of Indemnity entered into to you and the amount received by you upon such Bonds being given, and also that you will inform me whether in any instance you have received, or whether you have been offered by any plaintiff or defendant requiring such special writ, a greater sum than two shillings and sixpence (the amount which by the above mentioned Act you are authorized to receive for your own use,) for the Bond of indemnity alluded to in the above mentioned section of the said Act.

I wish that the above return should be as accurate as circumstances will allow, and that it be furnished without any unnecessary delay.

I have the honor, &c., &c.,
(Signed,) REDMOND BARRY,
Commissioner of the Court of Requests for the
Town of Melbourne and County of Bourke.

To MR. J. S. GRIFFIN, Registrar of the Court of Requests,
for the Town of Melbourne and County of Bourke.

Melbourne, 19th June, 1849.

SIR,

I have the honor to acknowledge the receipt of your Worship's Letter of the 18th Instant, requesting that I will furnish you with certain Returns of Special Writs of Execution issued out of the Court of Request for the Town of Melbourne and County of Bourke, under 6th Victoria, No. 15, Sec. 24, also of the number of Bonds of Indemnity entered into to me as Registrar of the above Court, and the amount of Fees received thereon. I have now the honor to enclose such

Return made up to the 15th June, 1849, as accurately as possible. The Fees on the Bonds of Indemnity being for my own private use, I have not kept any accurate account of them; the difference between the amount of the number of the Bonds at two shillings and sixpence each, and the amount received, arises from some of the Bonds not being acted upon, and others, the Fee not being insisted on by me. In reply to your enquiry whether in any instance I have received or have been offered more than two shillings and sixpence for any Bond taken under the above section of 6 Victoria, No. 15, I have the honor to state in the most decided and unequivocal manner, that I never have received more than the legal Fee of two shillings and sixpence on each Bond, and to the best of my recollection a larger sum never was offered to me. I beg to submit for your inspection, all the books and documents in the above Court and in my private custody, relating to or bearing upon the subject, and request that you will permit me to check the returns with you.

I have the honor to be, Sir,
Your Worship's most obedient servant,
(Signed,) J. S. GRIFFIN,
Registrar of the Court of Requests for the
Town of Melbourne and County of Bourke.

REDMOND BARRY, ESQ.,
Commissioner of the Court of Requests for the
Town of Melbourne and County of Bourke.

A RETURN of the number of Special Writs of Execution from the Court of Requests for the Town of Melbourne and County of Bourke, together with the number of Bonds of Indemnity, and the amount of Fees paid thereon, under the 6 Vic. No. 15, Sec. 24.

Year.	Number of Special Writs.	Bailiffs Appointed.	Amount Received for Bonds of Indemnity.			Number of Bonds.
			£	s.	d.	
1843.	337	337	39	2	6	337
1844.	245	245	27	10	0	245
1845.	200	200	22	12	6	200
1846.	213	213	25	2	6	213
1847.	188	188	22	10	0	188
1848,	232	232	27	12	6	232
to 15th June, 1849.	143	143	16	7	6	143

(Signed,) J. S. GRIFFIN,
Registrar.

Melbourne, 19th June, 1849.

These papers were referred to Mr Croke, for his opinion as to the course to be pursued.

Before that opinion was forwarded to His Honor the Superintendent, the following memorandum was noted upon the correspondence, and sent to the Commissioner of the Court of Requests.

The very day they came in I referred these papers to the Crown Prosecutor: I have not yet received his opinion, which, however, he informed me three days ago he was preparing for me.

My opinion is, however, that Mr Griffin ought to proceed by action against the author for libel, and thus vindicate his character and proceedings in the eyes of the public.

As to the Government, it seems that there are no reasonable grounds for the charge against Mr Griffin, nor any which call for investigation; if the chief Commissioner should entertain another opinion, he will, perhaps, say so. Mr Griffin's action, if entered, cannot be considered a prosecution on the part of the Government; but upon his vindicating publicly his character, I should recommend that His Excellency would entertain any application which Mr Griffin might deem it proper to make on the subject of the costs.

I write this without waiting for Mr Croke's letter, because I think there should be no delay.

(Signed) C. J. LA TROBE.

25th June, 1849.

Melbourne, June 21st, 1849.

SIR,

Having perused the letter of His Worship, the Commissioner of the Court of Requests addressed respectively to your Honor and His Worship's Registrar, Mr Griffin, and bearing date respectively the 18th instant; and having also perused Mr. Registrar Griffin's letter of the 19th instant, in reply to Mr. Commissioner Barry's of the 18th instant; and having also read in the *Melbourne Daily News* of the 18th instant, an article headed "The Court of Requests," and also

referring to your Honor's note, No. 49-1230, accompanying the several documents above alluded to, (which note bears no date, but which I should suppose was or ought to have been dated the 19th instant,) asking me to state my opinion as to the course which it may be proper to pursue. (I should suppose your Honor means with reference to the imputation cast upon Mr. Griffin.)

I do myself the honor to state it is my opinion, that as a public imputation has been made on Mr. Griffin in the *Daily News* of the 18th instant, charging him with criminal misconduct in the discharge of his duties as Registrar of the Court of Requests, the course that ought to be pursued under the circumstances is, that Mr. Griffin should vindicate his character, either by applying to the Supreme Court for a criminal information against the Editor, Printer, and Publisher of the *Daily News*, or institute a civil action for defamation.

I think it the bounden duty of any officer serving the Crown, when a charge of criminally corrupt practices is made against him, either publicly or when privately an attempt has been made to tamper with him, with a view to warp him from the pure and honest discharge of his duties, to vindicate his character from such imputations without aid or assistance from any quarter, save that of his legal adviser.

I have the honor to be, Sir, your Honor's most obedient Servant,
(Signed) JAMES CROKE,

His Honor the Superintendent.

Crown Prosecutor.

On this letter is a memorandum, transmitting the letter to the chief Commissioner, and signed C. J. LA TROBE.

Melbourne, June 25th, 1849.

SIR,

I have the honor to acknowledge the receipt of two letters, enclosing my correspondence with Mr Griffin and with your Honor, and also an opinion of the learned Crown Prosecutor on the subject of an attack on Mr. Griffin, accompanied with the remarks of your Honor.

I beg to thank your Honor for the suggestions and information contained in them, and have the honor, in compliance with your Honor's wish, to return the letters.

I have the honor to be, Sir, your Honor's most obedient Servant,
(Signed) REDMOND BARRY.

To His Honor C. J. LA TROBE, &c., &c., &c.,
Melbourne.

June 30th, 1849.

SIR,

Acknowledging the receipt of your letter to me of the 25th June, I have the honor to enquire,—as I presume that the Registrar of the Court of Requests has been made aware of the opinion entertained by the Crown Prosecutor and myself upon the subject brought under my notice by your previous communication of the 18th instant—to what decision that officer has come, as to the line of conduct which it is requisite for him to pursue in disabusing the public mind of the charge of misconduct, so confidently laid to his charge by the Editor of the *Melbourne Daily News*.

(Signed) C. J. LA TROBE.

Commissioner of the Court of Requests.

Melbourne, 2nd July, 1849.

SIR,

I have the honor to acknowledge the receipt of your Honor's letter of the 30th June, requesting me to inform you what steps the Registrar of the Court of Requests for the Town of Melbourne and County of Bourke, has taken to disabuse the public mind of the misconduct laid to his charge by the Editor of the *Daily News*.

I have the honor to inform your Honor that Mr. Griffin has commenced proceedings at law ^{18th June, 1849.} against Mr. Boursiquot, for the libels upon him published in the *Melbourne Daily News*.

I have, &c.,
(Signed) REDMOND BARRY,
Commissioner of the Court of Requests,
for the Town of Melbourne and County of Bourke.

His Honor the Superintendent, &c , &c., &c.

Melbourne, 5th July, 1849.

SIR,

It is my duty to request you to bring under His Excellency's notice the enclosed correspondence relative to a very gross charge of systematic illegal extortion brought by the Editor of the *Melbourne Daily News* against the Registrar of the Court of Requests, for the Town of Melbourne and County of Bourke, which has been brought under my notice officially by the Commissioner of that Court, who, upon the appearance of the article contained in the *Daily News* of the 18th June, (which appears not to be the first upon the subject,) called upon his Registrar

to furnish him with a return of all special writs of execution under the 6th of Victoria, No. 15, Sec. 24, issued by him since the passing of that Act: and the number of Bonds of Indemnity entered into to him, and the amount received upon such Bonds being given, and further enquiring whether he had in any instance received, or whether he had been offered by Plaintiff or Defendant requiring such special writ a greater sum than two shillings and sixpence, (the amount, which by the above-mentioned Act, he is authorized to receive for his own use,) for the Bond of Indemnity alluded to in the above-mentioned section of the Act.

His Excellency will perceive that the information required was at once furnished by Mr. Griffin as accurately as could be done; and in reply to the enquiry whether in any instance he had received or had been offered more than two shillings and sixpence for any Bond, he states in the most decided and unequivocal manner that he had never received more than the legal fee of two shillings and sixpence on each Bond, and that, to the best of his recollection, a larger sum had never been offered to him.

Mr Griffin's character and principles, as far as I am acquainted with them, are such as to have secured him against any suspicion of misconduct, such as has been laid to his charge; and as it seemed conclusive that the whole originated in the ignorance of the writer of the libel of the power expressly given to the Registrar of the Court of Requests, under the clause above referred to, to receive a fee of two shillings and sixpence for his own use on the issue of each special Bond, I did not consider, as far as the Government was concerned, that further investigation was requisite, and was led to infer that such was the opinion of the Commissioner.

With regard to the public, however, the question arises, whether such gross and open accusations should not meet with equally open disproof; and it will be seen that I have considered it my duty to state my opinion that this ought to be done by the institution of proceedings by the gentleman whose character is assailed, against the publisher of the libel.

I have since been given to understand, by the Commissioner of the Court of Requests, that Mr. Griffin has commenced proceedings against Mr. Boursiquot.

(Signed) C. J. LA TROBE.

The Colonial Secretary,
Sydney.

49-500
49-6,598

Colonial Secretary's Office,
Sydney, 17th July, 1849.

SIR,

I have the honor to acknowledge the receipt of your Honor's letter of the 5th instant, forwarding copies of a Correspondence relative to a charge of systematic illegal extortion preferred by the Editor of the *Melbourne Daily News* against the Registrar of the Court of Requests, for Melbourne and the County of Bourke, and reporting that at your instance proceedings have been instituted in the Supreme Court by Mr. Griffin against Mr. Boursiquot.

2. In reply, I am directed by His Excellency the Governor to state that your Honor pears to have adopted the proper course in this case.

I have the honor to be, Sir,
Your Honor's most obedient Servant for the Colonial Secretary,
(Signed) W. ELYARD, JUN.

His Honor the Superintendent of Port Phillip.

On this letter there is a memorandum to the effect, that the communication should be notified to the Commissioner of the Court of Requests and to Mr Griffin, and stating that His Honor the Superintendent would be glad to receive an intimation of the result of the proceedings instituted.

Melbourne, July 26, 1849.

SIR,

I have the honor to return the Honorable the Colonial Secretary's letter, dated July 17, 1849.

In compliance with your Honor's request to be informed of the result of the proceedings instituted by me against the Editor of the *Melbourne Daily News*. I have the honor to enclose a copy of the *Melbourne Daily News*, dated July 25, 1849, in which is inserted an advertisement, containing a distinct retraction of the charge preferred against me by the Editor of the *Melbourne Daily News*.

I have also to inform your Honor, that a similar advertisement has been twice published in three of the Melbourne Daily Newspapers.

I have the honor to be Sir,
Your Honor's most obedient servant,

J. S. GRIFFIN,
Registrar of the Court of Requests for the
Town of Melbourne and County of Bourke.

His Honor C. J. LA TROBE, Esq., &c., &c., Melbourne.

Melbourne, July 27, 1849.

SIR,

In reply to your Honor's communication of the 24th of July, respecting the Libel on the Registrar of the Court of Requests for the Town of Melbourne and County of Bourke, published in the *Melbourne Daily News*, I have the honor to return the letter addressed by the Honorable the Colonial Secretary, to your Honor dated July 17, 1849, forwarded to me, and with it a letter from the Registrar, with a copy of the Newspaper, containing the apology published by the Editor of the *Daily News*.

I have the honor to be, Sir,

Your Honor's obedient servant,

(Signed,)

REDMOND BARRY,

Commissioner of the Court of Requests for the
Town of Melbourne and County of Bourke

Melbourne, 30th July, 1849.

SIR,

Referring to my Letter of the 5th Instant, 49-433, and to your reply of the 17th, 49-500, relative to a charge of illegal extortion brought by the Editor of the *Melbourne Daily News*, against the Registrar of the Court of Requests for the Town of Melbourne and County of Bourke, I have now the honor to enclose copies of Letters from the Commissioner and Registrar of that Court, enclosing a Newspaper, containing an apology offered by Mr. Boursiquot for the Libel in question, and rendering as it would appear any further steps, with a view to the meditated prosecution for libel unnecessary.

(Signed,)

C. J. LA TROBE.

To the Honorable, the Colonial Secretary, Sydney.

Melbourne, 1st August, 1849.

SIR,

Referring to my Letter of yesterday's date 49-490, enclosing Correspondence respecting the Libel recently published by the Editor of the *Daily News* against the Registrar of the Court of Requests for the Town of Melbourne and District of Bourke. I have now the honor to forward the copy of the *Daily News* of the 25th of July, containing the apology referred to, which was inadvertently omitted to be enclosed with the documents in question.

(Signed,)

C. J. LA TROBE.

The Honorable the Colonial Secretary, Sydney.

Colonial Secretary's Office,
Sydney, 10th August, 1849.

SIR,

Having laid before the Governor your Honor's Letter of the 30th ultimo, No. 490, forwarding, with reference to former correspondence on the subject of a charge of illegal extortion by the Registrar of the Court of Requests for Melbourne and the County of Bourke, published in the *Melbourne Daily News* newspaper, copies of Letters from the Commissioner and Registrar of that Court, intimating that an apology has been inserted in the publication in question and other Melbourne newspapers, by Mr. Boursiquot, the Editor of the *Daily News*, I have the honor to acquaint you that the same appears to His Excellency to be quite sufficient.

I have the honor to be,

Your Honor's most obedient servant,

(Signed,)

E. DEAS THOMSON.

His Honor the Superintendent of Port Phillip.

Melbourne, August 17, 1849.

SIR,

I have the honor to return the Honorable the Colonial Secretary's letter, dated, Sydney, August 10, 1849, intimating that the apologies inserted by Mr. Boursiquot in the Melbourne Newspapers appear to His Excellency to be quite sufficient.

I have the honor to be, Sir,

Your Honor's most obedient servant,

(Signed,)

REDMOND BARRY,

Commissioner of the Court of Requests for the
Town of Melbourne and County of Bourke.

To His Honor C. J. La Trobe, &c., &c., &c., Melbourne.