

1853.

VICTORIA.

COLONIAL AGENT GENERAL.

Ordered by the Council to be Printed, 6th September, 1853.

C. J. LA TROBE,

Lieutenant Governor.

Message No. 17.

In obedience to the instructions of the Right Honorable the Secretary of State, the Lieutenant Governor transmits, for the information of the Legislative Council, the Copy of a Despatch dated 12th September, 1852, on the subject of the requisitions which have been sent to the Colonial Agent General from this Colony.

Government Offices,

Melbourne, 6th September, 1853.

No. 139.

[COPY.]

Downing-street,  
27th April, 1847.

SIR,

I transmit to you herewith copies of a Correspondence with the Agent General for New South Wales, from which you will perceive, that I have thought it necessary to decline, under the altered circumstances of the Constitution of the Colony, to express any sanction or authority in cases of requisitions for services which have been sanctioned by the Local Legislature. You will take particular care to specify distinctly, in each requisition, whether the service will be defrayed from funds at the disposal of the Local Legislature, or from the British Treasury or the Revenues of the Crown.

Mr. Barnard, 17th  
March, 1847.  
Mr. Stephen, 24th  
April, 1847.

I am, &c.,  
(Signed)

GREY.

Governor Sir C. Fitz Roy,  
&c., &c., &c.

[COPY.]

No. 5, Cannon Row,  
17th March, 1847.

SIR,

I have the honor to transmit to you, for the information of Earl Grey, the copy of a Letter, from the Colonial Secretary at New South Wales, conveying to me the directions of His Excellency the Governor, to forward to that Colony a quantity of paper, which appears to have been already ordered, and, also, to procure and transmit two pier Glasses, of the description specified by the Colonial Architect; and I am to request that you will favor me with His Lordship's authority for complying with the directions conveyed to me.

3rd October, 1846.

The estimated cost of the two pier Glasses required, amounts to the sum of £99 17s. 5d.

I have, &c.,  
(Signed)

EDWARD BARNARD,

James Stephen, Esq.,  
&c., &c., &c.

[COPY.]

Colonial Secretary's Office,  
Sydney, New South Wales, 2nd October, 1846.

SIR,

A quantity of Paper being required for papering the Ante and Drawing Rooms of the New Government House in this Colony, I am directed by His Excellency the Governor to inform you, that he has written for what is necessary, and desired that the amount may be sent to you for payment, and to request, therefore, that you will, after seeing that the Paper is duly forwarded, discharge the same, and provide for the freight. The quantity required, calculating the Paper to be of the usual width of twenty inches, and allowing one-fifth additional for matching the pattern

23rd September,  
1846.

B.—No. 17.

and providing for casualties, is estimated at Six hundred yards, and the sum of Seventy Pounds has been ordered to be paid into the Military Chest here, in order that you may obtain an equal sum in England, to pay for the Paper, packing and freight.

23rd September,  
1846.

I am further directed to request that you will obtain and forward to this Colony, two pier Glasses, for the New Government House, of the dimensions and description specified in the enclosed copy of a letter addressed to me by the Colonial Architect. The expense of each Glass has been estimated at Forty-five Pounds, and the frame at Ten Pounds, the total cost of both, including packing case and freight, at One hundred and twenty-five Pounds, which sum has been ordered to be paid into the Military Chest, in order that you may receive an equal amount in England.

I have, &c.,  
(Signed) E. DEAS THOMSON.

E. Barnard, Esq.,  
&c., &c., &c.

Colonial Architect's Office,  
Sydney, 23rd September, 1846.

SIR,

In attention to your instructions, relative to the pier Glasses required for Government House, I do myself the honor to state the width of the two piers between the windows being respectively four feet three inches and four feet four inches, the extreme width of the frames must be confined to these dimensions; but should, in order to obtain the plates as wide as possible, be as narrow as the strength requisite for holding the Glass may be deemed sufficient; and, with respect to the height, the architraves of the windows being sixteen and a half feet from the floor to the top, and the slabs on which the Glasses will stand being three feet; I am of opinion that, to obtain a good effect, the plates, exclusive of the frames, should be not less than nine or ten feet, and the top of the frame, or carved work, be irregular instead of straight.

(Signed) I am, &c.,  
MORTIMER W. LEWIS,  
Colonial Architect.

The Honorable  
The Colonial Secretary,  
&c., &c., &c.

[COPY.]

Downing-street,  
24th April, 1847.

SIR,

I have laid before Earl Grey your letter of the 17th ultimo, in which you enclose a copy of a communication from the Colonial Secretary to the Government of New South Wales, conveying to you the directions of the Governor to send out to that Colony some Paper, which appears to have been already ordered; and also, to procure and send out two pier Glasses, for the Government House, at the estimated cost of £99 17s. 5d.; and you request Lord Grey's authority for complying with those requisitions.

In reply, I am directed to observe that the alteration which has taken place in the Constitution of the Government of New South Wales, since the period when the instructions were framed, which rendered it necessary that you should obtain the authority of the Secretary of State for every expenditure which you should incur, as Agent for that Colony, has placed the control of the Colonial Finances exclusively within the power of the Local Legislature; and has, in His Lordship's opinion, virtually superseded these instructions.

Lord Grey, therefore, considers that it would not only be useless, but highly inexpedient, that the Head of this Department should continue to sanction expenditure incurred under the authority of the Governor and Legislative Council of New South Wales; because there is no longer an Audit in the course of which proof of such sanction would be required; and because the expression of that sanction involves the Secretary of State in a responsibility for expenditure, which he has no power to forbid or to control, however useless or inexpedient he might consider it. For these reasons, Lord Grey can express no sanction or authority in regard to any requisition which you may receive from the Local Government of New South Wales, except in cases wherein the expense may be chargeable either on the British Treasury or on the Crown Revenue; and, His Lordship will instruct the Governor to specify distinctly whenever he may submit any requisition the charge of which would be defrayed from either of those sources.

I am, &c.,  
(Signed) J. STEPHEN.

Edward Barnard, Esq.,  
&c., &c., &c.

No. 55.

Downing-street,  
12th, September, 1852.

SIR,

I transmit to you herewith copies of a Correspondence with the Colonial Agent General for the Australian Colonies, on the subject of a doubt which he has felt in complying with the requisitions which he now receives from the Local Governments of those Colonies.

Colonial Office,  
2nd, August,  
1852.

I also transmit for your information a copy of a Despatch, which was addressed to the Governor of New South Wales in the year 1847, at the period when the Government of that Colony, under the altered circumstances of its Constitution, was placed in the control of the General Revenue.

E. Barnard, 4th  
August.

That instruction is now applicable to the Colony under your Government, and you will be particularly careful in specifying distinctly, in the case of each requisition, whether the service is to be defrayed from funds at the disposal of the Local Legislature, or of the British Treasury or from the Revenues of the Crown. Cases may sometimes arise in which the Colonial Agent may feel a difficulty in complying with requisitions which he may receive from the Local Government, from the want of such instructions as may meet all the circumstances of the particular case; while, at the same time, inconvenience may arise from the delay of applying to the Colony for fresh instructions.

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In such cases, I shall be ready to give such instructions as the Agent may require, if it is the wish of the Local Government that I should do so. But I can only act in accordance with their wishes, and those of the Local Legislature; and, for the purpose of arriving at the understanding on this point in future, it will be desirable that this Despatch should be laid before the Legislative Council.

I am,

Sir,

Your most obedient Servant,

(Signed)

JOHN S. PAKINGTON.

Lieutenant Governor La Trobe,  
&c., &c., &c.

[COPY.]

Downing-street,  
2nd August, 1852.

SIR,

I have laid before Secretary Sir John Pakington your letter, of the 21st ultimo, enclosing a copy of a requisition from the Local Government of Victoria, for certain articles necessary for the Light House at Cape Otway; and you request the necessary authority for providing those articles, at the estimated cost of £52 9s. 6d. In reply, I am directed to request that you will state what is the difficulty under which you ask for the interference of the Secretary of State, as necessary to enable you to comply with the requisition which you have now received from the Government of Victoria.

I am, &amp;c.,

(Signed)

H. MERIVALE,

Edward Barnard, Esq.,  
&c., &c., &c.

[COPY.]

5, Cannon Row,  
4th August, 1852.

SIR,

I have to acknowledge the receipt of your letter, of the 2nd instant, and to acquaint you, in reply, for the information of Secretary Sir John Pakington, that, by my instructions, I am required to produce an authority from the Secretary of State for complying with a requisition from a Colony. A copy of the instruction is herewith transmitted. No. 11.

If the Colony of Victoria has the control of its Revenue, I would beg to suggest that I may be instructed to act on the directions I may receive from the Colonial Secretary, as in the case of the Colony of New South Wales.

It is right, however, that I should point out the fact that, in the present instance, I am not informed whether the expenditure is to be defrayed from the General Revenue, or from that over which the Crown has control.

I have, &amp;c.,

(Signed)

EDWARD BARNARD.