

1852.

NEW SOUTH WALES.

Mr. W. H. MOORE'S PETITION.

REPORT

FROM

THE SELECT COMMITTEE

ON

MR. WILLIAM HENRY MOORE'S PETITION,

WITH

MINUTES OF EVIDENCE.

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ORDERED, BY THE COUNCIL, TO BE PRINTED,

21st December, 1852.

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Sydney:

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HYDE PARK

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE  
LEGISLATIVE COUNCIL.**

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**VOTES No. 50, TUESDAY, 7TH SEPTEMBER, 1852.**

2. Mr. William Henry Moore :—Mr. Nichols moved, pursuant to notice,—  
(1.) That a Select Committee be appointed to inquire into the allegations contained in the Petition of Mr. William Henry Moore received by the Council on the 25th ultimo, and to report thereon to the House.  
Question put and passed.  
(2.) That such Committee consist of Mr. Westworth, Mr. Martin, the Colonial Treasurer, Mr. Allen, Mr. Wm. Macarthur, and Mr. Morris.  
Question put and passed.
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**VOTES No. 65, SATURDAY, 2ND OCTOBER, 1852.**

3. Papers :—The Colonial Secretary laid upon the Table the Return to the Address in reference to Mr. Wm. Henry Moore, adopted, on motion of Mr. Nichols, on the 14th ultimo.  
Referred to the Select Committee now sitting on the claims of Mr. Moore.
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**VOTES No. 82, TUESDAY, 21ST DECEMBER, 1852.**

7. Mr. William Henry Moore :—Mr. Morris, on behalf of the Chairman, Mr. Nichols, brought up the Report from, and laid upon the Table, the Evidence taken before the Select Committee appointed on the 7th September last, to inquire into the allegations contained in the Petition of Mr. William Henry Moore, received by the Council on the 25th August, and to report thereon to the House.  
Ordered to be printed.
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**WITNESS EXAMINED.**

W. H. Moore, Esq. ....

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1852.

NEW SOUTH WALES.

MR. W. H. MOORE'S PETITION.

REPORT FROM THE SELECT COMMITTEE

ON

MR. WILLIAM HENRY MOORE'S PETITION.

THE SELECT COMMITTEE of the Legislative Council, appointed on the 7th of September last, "to inquire into the allegations contained in the Petition of Mr. William Henry Moore, received by the Council on the 25th of August, 1852, and to report thereon to the House," have agreed to the following Report :—

From the Evidence of Mr. Moore, and the Official Documents produced by him, it appears, that in 1814, the Home Government deemed it advisable to induce two Attorneys of high standing to proceed to New South Wales, as the Courts of Justice were then about to be re-modelled, and it was found necessary to enforce the Law which prohibited persons who had been transported from practising as Attorneys. Mr. Moore and Mr. Garling, two gentlemen in highly respectable practice in London, were accordingly induced to proceed hither; a stipend of £300 per annum being given to each, as a consideration for their leaving a certain and lucrative practice at Home; whilst the Governor of this Colony was charged to allow them every privilege and indulgence which had been hitherto extended to Civil Colonial Officers of the highest class.

This was a novel but expedient arrangement, yet one scarcely understood by Governor Macquarie, who, shortly after Mr. Moore's arrival, suspended his salary in consequence of his having been engaged professionally against the Government in the case of the seizure of an American vessel. The Home Government decided that the £300 per annum, allowed to Mr. Moore, was not to be regarded as a retainer on the part of the Government, but as a consideration for his giving up his practice in London and settling in Sydney, where the presence of respectable legal practitioners was of essential importance.

In 1825, Mr. Moore was appointed King's Coroner and Master of the Crown Office with a salary of £300 per annum; the first allowance of £300 being still continued,

In 1826, Mr. Moore was appointed Acting Attorney General with a salary of £600 per annum; still receiving the original stipend of £300.

In 1827, Mr. Baxter's arrival as Attorney General superseded Mr. Moore's appointment, and he reverted back to his former office.

In the same year, Governor Darling suspended Mr. Moore, on account of his having assented to some Resolutions passed by the Turf Club, and which His Excellency conceived were intended to convey an insult to him. This arbitrary proceeding (characteristic enough of the penal days of New South Wales) was promptly repudiated by the Home Government, and Sir George Murray conveyed instructions to the Governor to employ Mr. Moore again in the public service.

## REPORT FROM THE SELECT COMMITTEE ON

In August, 1829, Mr. Moore was re-appointed Crown Solicitor, with a salary of £500 per annum. But as this arrangement did not recognise his right to the separate "*consideration salary*," (as it may be termed) he protested against it, on account of certain alterations in the nature of his office, which materially prejudiced his private practice. He, however, continued in office under this arrangement until the 18th of January, 1834, when His Excellency Sir Richard Bourke, suspended or removed him from office and all salary whatever; and it is to the circumstances under which this removal took place, that your Committee consider the attention of the Council should be carefully directed.

Between Mr. Kinchela (the Attorney General of that day) and Mr. Moore, a misunderstanding had arisen, caused, there can be little doubt, by the vexatious and overbearing conduct of the former. Mr. Moore, who it must be remembered, had himself acted in the high capacity of Attorney General; who, nearly twenty years before, had come to the Colony on the express understanding that he was "*to be allowed every privilege and indulgence which had been hitherto extended to the civil Colonial officers of the higher classes*;" whose legal ability and whose public and private character were unimpeachable; whose professional and social *status* was, in every regard, equal to that of Mr. Kinchela; found himself reduced, to a position (graphically described by himself in a letter to Mr. Kinchela) of a mere runner of errands. A copy of this letter is annexed to Mr. Moore's Evidence.— (*Vide Appendix H.*) It was forwarded by Mr. Kinchela to His Excellency Sir Richard Bourke, who construed it into "a total want of that respect due by the Crown Solicitor towards the Official Head of his department," and immediately removed Mr. Moore from his Office.

Mr. Moore, in a letter to the Colonial Secretary, (*Vide Appendix K.*) set forth the grievous annoyances to which he had been exposed by the Attorney General, and requested a full investigation of the whole of the circumstances connected with the Crown Law Officers' Department.

This investigation Sir Richard Bourke refused to authorize. (*Vide Appendix L.*)

Mr. Moore then submitted that the salary of £300 per annum, which was guaranteed to him as an inducement to come to New South Wales, and not as any remuneration for his professional services, ought, at all events, to be continued to him.

This claim was also rejected by Sir Richard Bourke. Thus, a gentleman of acknowledged ability and high integrity, was deprived of office, and refused that investigation of his conduct which he earnestly demanded.

Of the illegality of these proceedings, there cannot be a single doubt. As a case in point, your Committee request attention to the appeal of Mr. Justice Willis against his removal from office by Sir George Gipps. In that case, Mr. Justice Willis, who had been charged with misbehaviour, so far from demanding an investigation of his conduct, refused to admit the power of the Executive Council over him. He did not deny any of the material facts on which the accusation made against him was founded; but denied the power of the Governor to interfere with him. Sir George Gipps, therefore, deemed it useless to give Mr. Justice Willis notice of the proceedings which were being taken by the Executive Government against him; and the first intimation which the learned Judge received of the same was whilst sitting in Court at Melbourne, a sealed packet was put into his hands, containing a letter from Mr. Superintendent La Trobe, announcing to his Honor, that it had been deemed expedient to submit to the Executive Council certain representations respecting him, and that, after mature deliberation, the Council had advised that in conformity with the provisions of the Act of Parliament, 22 Geo. III., c. 75, His Honor should be forthwith removed from the office, not only of resident Judge of Port Phillip, but as Judge of the Supreme Court of New South Wales.

This summary mode of removing a high public functionary, holding a patent office, was declared illegal by the Judicial Committee of the Privy Council, who, whilst they reported to Her Majesty that, upon the facts before the Governor and Council of New South Wales, and established before their Lordships, "*there were sufficient grounds for the motion of Mr. Willis*," were of opinion also, "*that the Governor ought have given him some opportunity of being previously heard against the motion, and that the order of the Governor and Executive Council ought therefore to be reversed.*"

Your

Your Committee conceive, that this Report of the Privy Council must be considered, (in the high principle which it involves) to be strictly applicable to Mr. Moore's case. That gentleman, unlike Mr. Willis, so far from denying the right of the Governor to enquire into the differences betwixt himself and his accuser, earnestly prayed for the fullest investigation; and his prayer was peremptorily refused. No charge of neglect or incompetency or malversation, was brought against him. He, a gentleman of high standing, was simply accused of writing a disrespectful letter to an official whose conduct he had, before and afterwards, publicly and indignantly denounced; whose conduct was not attempted to be defended or palliated by the Government; but whose official position demanded, in the opinion of the then Governor, Sir Richard Bourke, that failure in paying respect to it should be punished by forfeiture of office and salary.

Your Committee taking the whole of the circumstances of this case into their consideration recommend that an Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to place upon the Supplementary Estimates for the year 1853, the sum of £1800, to be given to Mr. W. H. Moore as compensation for the loss unjustly sustained by him of eighteen years stipend, and that his annual allowance of £800 be restored to him.

GEO. R. NICHOLS,

*Chairman.*

*Legislative Council Chamber,*

*Sydney, December, 1852.*

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1852.

NEW SOUTH WALES.

Mr. Wm. H. MOORE'S PETITION.

## MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

MR. WILLIAM HENRY MOORE'S PETITION.

MONDAY, 4th OCTOBER, 1852.

Members Present:—

MR. WM. MACARTHUR,  
MR. MORRIS,

MR. NICHOLS.

GEORGE ROBERT NICHOLS, Esq., IN THE CHAIR.

William Henry Moore, Esq., called in and examined:—

1. *By the Chairman:* You are a Solicitor of the Supreme Court? I am.
2. And were originally appointed by a former Secretary of State as Government Solicitor? W. H. Moore,  
Esq.  
4 Oct., 1852.  
Yes; I obtained the name of Government-Solicitor but I scarcely know how. What led to the appointment of Mr. Garling and myself was that the Courts were about to be remodelled and Mr. Bent stated that he could not allow persons in this Colony who had been transported to practise as Attorneys as they were prohibited from doing so by the Act of Parliament 22 George II, which Act not only prohibited these men from acting, but subjected them to seven years transportation for acting in any way as Attorneys. He therefore suggested that two Attorneys should be appointed to come to this Colony for the purpose of practising. That appointment fell eventually upon Mr. Garling and myself. Earl Bathurst the Secretary of State, wrote a letter, of which this is a copy, to Governor Macquarie, upon my appointment. (*Witness produced the same, Vide Appendix A*) This is a note which Mr. Stuart, who was in the office of the Secretary of State for the Colonies, wrote to me at the same time. (*Witness handed in the same, Vide Appendix B.*)
3. Who was Mr. Stuart? There was no Secretary of State for the Colonies at that time, they were under the management of the Home Department, but he acted in that capacity.
4. *By Mr. Macarthur:* He was the Clerk who managed the affairs of New South Wales in the Secretary of State's Office? Yes.
5. *By the Chairman:* You had been in practice for some time as a Solicitor in England before you came to this Colony? Yes; I had been in business with my father, who died about two years before I received my appointment. He had carried on business for nearly fifty years previously.
6. You filled the office of Under Sheriff for some time, I believe? Yes; the year but one before I came out here I held the office of Under Sheriff for the City of London and the County of Middlesex.
7. In consequence of the salary of £300 a year being set apart for you, you consented to come out to New South Wales? Yes; my principal inducement was ill health, for I was at that time in a business which brought me in at least £3,000 a year.
8. Mr Garling was a partner in the house of Freshfield and Kay, I believe? He was in that house, but do not know whether he was a partner or not. They were Solicitors for the Bank of England.
9. Was any arrangement made with you as to your returning to England at any time? Mr. Stuart told me that in the course of seven years or so in all probability there would be Attorneys in the Colony, and that then I should get leave to return to England. I asked him if he could give me that in writing; he said, "no; I cannot tell what may happen; it may be necessary to retain you there longer, but I have no doubt that within that, or a shorter time, the necessity for your remaining there will be obviated, and you may obtain leave to return." I brought out my family with me.
10. In what year did you arrive in the Colony? In January 1815.
11. How long did you continue in receipt of £300 a year before you were appointed to any Government Office? Up to the time of my dismissal by General Darling, which was on the 18th December, 1827. There was a temporary suspension of me previously by Governor Macquarie, but my arrears of salary were paid up afterwards.
12. *By Mr. Macarthur:* That was in consequence of your having acted professionally in the case of the seizure of the American vessel "Traveller," by the Reverend Mr. Vale? Yes.
13. *By the Chairman:* I believe, about 1820, Mr. Commissioner Bigge recommended that yourself and Mr. Garling should receive Government appointments? Yes.

- W. H. Moore, Esq.  
4 Oct., 1852.
14. Did you continue in the receipt of £300 a year, in pursuance of your arrangement with the Secretary of State for the Colonies, until your appointment to the office of Master of the Crown Office? Yes; and during the whole of the time I held that office. It was at the time General Darling suspended me on account of the Turf Club business, my salary was stopped. Some alterations were recommended in the Court, and having appealed Home, a letter was sent out to the effect that I should be immediately re-employed by the Government, but General Darling, instead of restoring me to my former salary of £300, and to my appointment as King's Coroner, and Attorney of the Supreme Court, or Master of the Crown with the £300 per annum attached to that office, appointed me to the office of Government Solicitor, with a salary of £500 per annum. Mr. Banister on his arrival in 1824, I understood, brought out some instructions respecting Mr. Garling and myself, and some time after his arrival Mr. Garling was appointed Clerk of the Peace, and I, King's Coroner, or Master of the Crown Office. After my suspension by General Darling, for the Turf Club business in December 1827, I represented to him that I was still entitled to the £300 a year, but I never could get it restored to me.
15. Did you receive any increased salary when you were appointed Master of the Crown Office? Yes; I was appointed with a salary of £300 a year.
16. Subsequently you were suspended by General Darling on account of the Turf Club business; Yes.
17. Previously to that you had acted as Attorney General for some time? Yes.
18. Do you recollect for how long a time you held that office? About ten months, from Mr. Banister's leaving the Colony in October 1826, till the arrival of Mr. Baxter in August, 1827.
19. What salary did you receive at that time? £600 a year as acting Attorney General, and £300 a year besides.
20. By Mr. Macarthur: Which £300 you continued to receive distinctly from the £600 a year? Yes.
21. By Mr. Morris: Did you perform any duty for this £300 a year? No, it was merely for coming out to the Colony. They could not get Attorneys to come to the Colony without such an inducement. At first £200 a year was offered, but no one would come, and the offer was then raised to £300 a year.
22. Up to 1826, when you became acting Attorney General, did you ever perform any duties for the Government? None at all for the £300 a year.
23. Not in any capacity? Not that I can recollect, I might have drawn some of the government contracts or bonds but for every duty I performed if any, I was separately paid.
24. By the Chairman: You never performed any business for the £300 a year; that was a gratuity? Yes, it was considered by me as a stand by for what is now happening, in case there should not be business for an Attorney to live upon.
25. After your suspension by General Darling, were you appointed to an office by the direction of the Secretary of State for the Colonies? Yes, as Government Solicitor, as I have stated.
26. Have you a copy of the Secretary of State's letter? I have here a letter from the Under Secretary of State, Mr. Horace Twiss, in answer to mine on that subject, dated 1st September, 1828. (*Witness handed in the same, Vide Appendix C.*) I considered from the terms of that letter that I should be re-instated in my former Office.
27. What office was then conferred upon you? The Office of Government Solicitor as they termed it.
28. How long did you hold that Office? Until I was suspended by Sir Richard Bourke, on the 18th January, 1834.
29. Have you at any time written to the Government claiming your £300 a year? Yes, repeatedly.
30. Have you copies of your letters? It appears I have lost the copies of my letters to the Colonial Government on the subject, but that correspondence is alluded to in my letter to the Secretary of State on the subject, 13th October, 1829.
31. Have you a copy of your letter to the Secretary of State? Yes. (*The Witness handed in the same, Vide Appendix D.*) And also the Secretary of States answer thereto, (*Vide Appendix E.*) I also beg to hand in a copy of a letter I subsequently wrote to His Excellency the Governor with reference to the last mentioned document, together with the answer I received thereto. (*Vide Appendices F. and G.*)
32. You continued to hold office then until you were suspended by Sir Richard Bourke? Yes.
33. Were you not suspended by Sir Richard Bourke in consequence of some difference between yourself and Mr. Kinchela, who was then Attorney General? Yes.
34. Did you ask for an inquiry into your conduct? Yes, I applied to Sir Richard Bourke for an inquiry into my conduct, but he refused me all inquiry.
35. Have you a copy of your letter requesting that such an inquiry might be made? Yes, (*The Witness handed in the same, Vide Appendix K. together with the answer of the Colonial Secretary thereto marked L.*)
36. Did you also claim the £300 a year after your suspension by Sir Richard Bourke? Yes.
37. Were you refused the payment of that sum? Yes.
38. And the inquiry into your conduct as well? Yes.
39. Have you the letters refusing both these requests? I have. (*Witness handed in the same, vide Appendices and M. N.*)
40. By Mr. Macarthur: When you were re-appointed Crown Solicitor in 1829, was there a distinct understanding that your salary of £300 a year should cease and merge totally in the salary of £500? No, the letter stated that I was to receive £500 a year, and that my services were to be entirely devoted to the Government; but I wrote, as my letter shows, to claim the salary of £300 a year in the meantime.

41. My question now applies to the 1st of August 1829. I wish to know what was the specific nature of the agreement between you and the Government? There was no specific agreement at all respecting it. W. H. Moore,  
Esq.
42. There was no mention made of your salary of £300 a year? None at all; I wrote, afterwards, to claim it. 4 Oct., 1852.
43. At that time it was not stated that that salary was, thereafter, to cease? No.
44. Nothing passed between the Government and yourself, to apprise you that you were not to expect that salary for the future? All that passed on the occasion was this: Mr. M'Leay, the Colonial Secretary, sent for me, and told me that General Darling had decided on appointing a Government Solicitor, at £500 per annum, and that he was instructed to offer that appointment to me. I told him I had expected, from Mr. Horace Twiss' letter, of 1st September, 1828, that I should have been restored to my salary of £300 a year, as well as to some Government appointment. He said to me, (as I thought, in a very emphatic and significant manner,) "*I have no authority to say anything on that subject. You know that General Darling is not a man that is likely to alter a determination he has once come to—I strongly advise you to accept the offer immediately, and without any hesitation.*" I accordingly acted on that advice, under the impression that no alternative was open to me; but I immediately wrote to the Secretary of State a letter of remonstrance. The paper in the Appendix, marked D. contains a copy of my letter on that occasion.
45. *By Mr. Morris:* In effect you appear to have received two salaries of £300 a year each, one as King's Coroner, and the other in accordance with your original agreement? Yes.
46. During your suspension from 1827 to 1829, about two years, did you receive the £300 a year for which you originally bargained? No; I wrote to the Secretary of State upon the subject, and a paragraph in the letter dated 26th August, 1831, shews that it was not allowed to me. (*Witness referred again to the letter, vide Appendix E*) In consequence of receiving that letter I wrote to Governor Bourke, requesting to be favored with a copy of the communication he had received, and this is his answer to it, dated Sydney, 1st March, 1832. (*Witness referred again to the letter in Appendix G.*)
47. *By Mr. Macarthur:* The fact is, that the Secretary of State appeared to be ignorant of the original understanding on which you came out to the Colony? Yes; but I was not aware that the £300 a year would be discontinued, in the event of my losing the office of Government Solicitor, at £500 a year.
48. *By the Chairman:* Had you entered upon the appointment before you received this despatch? Yes.
49. But you always contended for the £300 a year? Yes.
50. When you were suspended by Governor Macquarie, did you not receive the arrears of your salary of £300? Yes.
51. For what time? It amounted to nearly three years, for Governor Macquarie refused to comply with the Secretary of State's directions, in the first instance, and I therefore wrote Home again, with reference to the matter; but, shortly before Governor Macquarie's departure, as a kind of act of grace and peace, he, upon Mr. Bigge's recommendation, paid me the whole of the arrears.
52. *By Mr. Macarthur:* You have stated that, on your re-appointment, on the 1st of August, 1829, at the single salary of £500 a year, no mention was made of the allowance of £300 a year, in consideration of which you originally came out to this Colony? None at all.
53. Did you understand that you were to receive the allowance of £300, in addition to the salary of £500? No, I did not; so long as I was in the receipt of the higher salary of £500 per annum, for the performance of the duties of Government Solicitor, I considered my salary of £300 to be in abeyance; but what I complain of is, the salary being consolidated and confused in this way.
54. You made no stipulation yourself, at the time? I could not do so, but I remonstrated against it immediately afterwards.
55. *By the Chairman:* After General Darling suspended you, did you receive your back pay? No; I wrote to claim it, but I never could get it paid to me. My letters have been written, principally, with the view of being re-employed by the Government. I considered it was more due to my character, than anything else, that it should be acknowledged by the Government that I had done nothing to disqualify me for the service of the Government. I have made application to every Governor that has been sent out, to be appointed to the situation of Solicitor General, Prothonotary of the Court, or something of that sort.
56. You are quite certain there was no inquiry at the time you were suspended by Governor Bourke? There was none at all; I was refused all inquiry.
57. Had you a letter sent you containing a copy of the charges made against you? Never, in fact I complained of that. I never was furnished with any charges. I have here a copy of a letter from the Colonial Secretary, in reply to one sent by me remonstrating against my being suspended, in which he says, "Such being the case, His Excellency must decline to authorise the investigation proposed by you, but he is quite ready to forward any justification or explanation of your conduct which you may desire to address to the Secretary of State for the Colonies." (*Witness again referred to the letter in Appendix L.*)
58. It is only during the present year that you have petitioned the Legislative Council, for redress of your grievances? I wrote to the present Governor on the subject, and sent in nearly the same statement as is contained in my Petition.
59. Was any inquiry instituted then? I have here the answer to my communication. His Excellency considered that the matter had been disposed of, and would not, in any way, interfere.
60. What reason can you give for not having brought this matter before the Council until now? I was, at one time, in circumstances that made me rather careless on the subject.—My difference with Mr. Kinchela arose, principally, from my refusing to pay the clerks in the office. When I was appointed to the office of Government Solicitor, at £500 a year, I was

- W. H. Moore, was required to devote my whole attention to Government business, and I did not consider that I should be required to pay any portion of the clerk's salary out of my £500. My brother was a clerk in the Attorney General's Office, and when Mr. Kinchela came out he got him dismissed and his own son appointed in his place. The son never did any duty; he was riding about the town and amusing himself in various ways, but he did not attend to the business of the office. It then became necessary to employ another clerk, and Mr. Kinchela said that I should pay the salary of that clerk. This I peremptorily refused to do. He then said I must pay half. I replied that I would not pay any portion. In the meantime, Mr. Kinchela, finding that he could get no assistance from his son, obtained an appointment for him, as Police Magistrate, somewhere up the country. This was the commencement of the differences between Mr. Kinchela and myself, and from that time he took every means to annoy me in my situation. The reason of my writing the letter to Mr. Kinchela, which was considered so disrespectful, was, in order that a reference might be made to the Judges, to point out what amount of duty I had to perform. The same matter had been, previously, before the Judges, but their decision had no effect upon Mr. Kinchela.
62. You still hold the Commission under the Great Seal of the Colony, as Master of the Crown Office? It has never been in any way revoked.
63. Will you hand in your Commission? (*The Witness handed in the same, and also his Commission as Attorney General, and as Crown Prosecutor.*)
64. *By Mr. Macarthur*: Do you not consider that your acceptance of the office of Crown Solicitor, for the salary of £500 a year, from the 1st of August, 1829, was, virtually, an abandonment of your Commission? It is so said now.
65. However it might affect the original understanding with the Government, as to the allowance of £300 a year for coming to this country? Yes.
66. *By the Chairman*: Is there any other person in the Colony who can give any information in this matter? I do not think there is, since the death of Mr. Garling. I beg leave to hand in a copy of the letter I wrote to the Attorney General, on 7th January, 1834, which gave rise to my suspension by Governor Bourke, together with the Colonial Secretary's letter to me, of 18th of the same month, announcing my final suspension from office (*Vide Appendices H. and I.*)

## APPENDIX A.

COPY OF AN OPEN LETTER from THE SECRETARY OF STATE to GOVERNOR MACQUARIE.

(*Brought to the Colony by Mr. W. H. Moore.*)

No. 31.

Downing-street,  
5th July, 1814.

SIR,

£300. Mr. Bent will have delivered to you my letter, No. 29, which informed you that two respectable Solicitors had been selected, to proceed to New South Wales by an early opportunity, and that a salary of Three hundred pounds per annum, to each of them, was to be defrayed out of the Colonial Revenue, and to commence from the 1st February of this year.

I am now to acquaint you that these gentlemen, with their families, will sail in the ships at present under despatch—Mr. Garling in the "Francis and Eliza," and Mr. Moore in the "Marquis of Wellington;" and I beg leave to recommend both of them to your notice and protection. These gentlemen are to be allowed every privilege and indulgence which has hitherto been extended to the Civil Colonial Officers of the higher classes; and I flatter myself that they will be found not only useful to the Colony individually, in their own profession but that the procedure, in the Courts of Judicature which have been recently established, will be carried on in a manner that will, in a great degree, do away all the inconveniences and objections which had been found to attend the administration of justice, under that part of the Old Patent which H. B. H. the Prince Regent has been pleased to revoke.

I have, &amp;c.,

(Signed) BATHURST.

HIS EXCELLENCY GOVERNOR MACQUARIE.

APPENDIX B.

(Copy.—Original produced.)

Downing-street,  
4th August, 1814.

W. H. Moore,  
Esq.  
4 Oct., 1852.

MY DEAR SIR,

Mr. Goulburn desires me to inclose you a copy of the letter which has been written, respecting you, to Governor Macquarie.

The original is also enclosed, of which you will take charge. Wishing you a fine passage.

I remain,  
dear Sir,  
Yours truly,  
H. STUART.

W. H. MOORE, ESQ.

APPENDIX C.

COPY OF A LETTER from THE UNDER SECRETARY OF STATE, to MR. W. H. MOORE.  
(Original produced.)

Downing-street,  
1st September, 1828.

SIR,

I am directed by Sir George Murray to acknowledge the receipt of your letter to Mr. Huskisson, dated the 6th of February last, and I am to inform you that Sir George Murray has this day addressed a despatch to His Excellency the Governor of New South Wales, in which he has conveyed Instructions that the first opportunity should be taken, which may offer of again employing you in the Public Service, in any suitable situation for which you may be qualified.

I have the honor to be,

Sir,

Your very obedient humble servant,

HORACE TWISS.

W. H. MOORE, ESQ.

APPENDIX D.

COPY OF A LETTER from MR. W. H. MOORE, to SIR GEORGE MURRAY, SECRETARY OF STATE FOR THE COLONIES.

George-street, Sydney,  
13th October, 1829.

SIR,

I have the honor of acknowledging the receipt of a letter from Horace Twiss, Esq., under your direction, conveying to me the information that you had despatched instructions to His Excellency the Governor to employ me again in the public service, in any situation for which I might be qualified.

I beg to express my sincere thanks for the prompt attention you have been pleased to pay to my case, and have to inform you that, in consequence of your Despatch, His Excellency the Governor has since re-appointed me to the situation of Crown Solicitor, with a salary of £500 per annum.

This re-appointment took place on the 1st of August last, although His Excellency the Governor acknowledged to me the receipt of your instructions on the 17th of April, nearly four months previously, which, in addition to the time that had elapsed between my suspension and the receipt of your letter, forms a period of twenty months, during which I was deprived of all salary whatever.

I am unwilling to trouble you, Sir, with a copy of the correspondence which has passed between His Excellency the Governor and me on the subject of my re-appointment, and my claim of salary during the period of my suspension, but I must take the liberty of stating to you the grounds on which I founded such claim, and the reasons given by His Excellency for withholding it from me, and referring me to you on that subject.

My suspension from office (as it has been I conceive erroneously termed, as far as it respects one of the situations I held, for the reasons I shall presently state) was expressed by a general order to be, until the pleasure of His Majesty's Secretary of State should be made known,

W. H. Moore, known, and, on the receipt of your Despatch, I considered myself entitled to be immediately placed in as good a situation, at least, as I had previously held, which was the Crown Solicitorship, as it has been called, and the Mastership of the Crown Office, for which I was receiving together £600 per annum, with the liberty of practising as an Attorney privately.

Esq.,  
4 Oct., 1852.

His Excellency's reason for not thus reinstating me, is, that one or both of those situations had been done away with by instructions from you, although he admits that such instructions were conveyed to him in the same letter which ordered my being again employed in the Public Service; notwithstanding which he has held them, as far as they relate to those situations being done away with, not to apply either to the date or receipt of your Despatch, but to refer back to the date of my first suspension; and as to my being again employed in the Public Service, after a further delay of four months, His Excellency has re-appointed me to one of the same situations, namely, the Crown Solicitorship, until only your pleasure be again known, at £100 per annum less than I formerly received, and in which situation he expressly says I am to devote my whole time and attention, thereby precluding me from keeping together any connection by private practice, which, in the event of the office not being approved of or confirmed, or its being at a future time again done away with, would leave me entirely without the means of support.

I will now take the liberty of stating my reasons for believing that the nature of my first appointment has during these transactions been entirely mistaken. In consequence of the great inconveniences which were found to exist in the administration of justice in these Colonies, from a want of legally qualified attorneys to carry on the business of the suitors, Earl Bathurst found it necessary to appoint two such persons, with a salary of £300 per annum each, as a remuneration for giving up their practice in England and proceeding to the Colony with their families, for that express purpose only. I do myself the honor of enclosing you a copy of Earl Bathurst's instructions to Governor Macquarie on that subject.

(5 July, 1814.  
See Appendix  
A.)

That this was the sole object of these appointments is obvious, because if the salaries had been given as retaining fees on the part of the Government, the suitors in the Law Courts here would have been still left without professional assistance, which was the origin of their creation.

On the arrival of myself and Mr. Garling, and the other Gentlemen appointed to these situations, we were termed the Stipendiary Solicitors; and I am at a loss to know the occasion which first gave rise to the designation of Crown or Government Solicitors, which were never thought of until a very considerable time after our being here. Several correspondences took place between Governor Macquarie and the Secretary of State, with respect to the nature of these situations, and our being called upon to perform some duties for them, wherein, I believe, it had been fully established that the objects of these appointments were solely as I have stated; but I conceived all question on that subject had been fully set at rest by the late Commissioner of Inquiry, John Thomas Bigge, Esquire, who recommended to His Majesty's Ministers, that as the first motives of these appointments were not then in existence in consequence of the Emigration here of other professional men who were adequate to the demands of the suitors for legal assistance in the Courts, the two Stipendiary Solicitors should be appointed to the Government situations with salaries sufficient to maintain themselves and families respectably, without their being engaged in private practice; and should they not accept the offices proposed to them, but prefer continuing their private practice, their salaries were to cease, on the expiration of one year from the time of their being called upon to make their election.

Under these circumstances, I most respectfully submit that the instructions contained in your letter to His Excellency the Governor, of 31st August, 1828, for the discontinuance of the situations I had filled, should not, at any rate, be held to apply to that termed the Crown Solicitorship, whatever you may be pleased to direct as to the application of them to the Mastership of the Crown Office, and that I am therefore entitled to the twenty months salary, at least, of the former situation; and I beg leave also to request your favorable consideration as to the reduction that has taken place in the amount of my annual income, viz., £100, accompanied as it is with the impossibility of keeping up any private practice to provide against the discontinuance of a situation which is expressly temporary.

I have, &c.,

(Signed)

W. H. MOORE.

THE RIGHT HONORABLE SIR GEORGE MURRAY.

APPENDIX E.

COPY OF A LETTER from THE UNDER SECRETARY OF STATE, to MR. W. H. MOORE.  
(Original produced.)

W. H. Moore,  
Esq.,  
4 Oct., 1831.

Downing-street,  
26th August, 1831.

SIR,

I am directed, by Viscount Goderich, to acknowledge the receipt of your letter, of 22nd January last, in reply to one which Mr. Hay had addressed to you, by desire of Sir George Murray, respecting the office of Solicitor General, to which you had applied to be appointed.

That situation having been filled up by the late Secretary of State, Lord Goderich does not think it necessary now to enter upon the subject of your qualifications for discharging its duties. But, with reference to your claim for remuneration, to which your letter of the 13th of October, 1829, relates, to which, you state, that you have received no reply, his Lordship directs me to refer you to the Governor, to whom the decision of the late Secretary of State, on the claim in question, appears to have been communicated on the 6th of June, 1830.

Lord Goderich desires that any further representations which you may have occasion to address to this Department, may be forwarded through the Governor, who, you must be aware, is the proper channel of communication, in all cases in which the interests of persons resident in the Colony, and particularly of those holding public employments, are concerned.

I am,

Sir,

Your most obedient humble servant,

(Signed) HOWICK.

W. H. MOORE, Esq.,

SYDNEY, NEW SOUTH WALES.

APPENDIX F.

COPY OF A LETTER from MR. W. H. MOORE to GOVERNOR BOURKE.

George-street, Sydney,  
15th February, 1832.

YOUR EXCELLENCY,

I beg leave to address your Excellency, in consequence of a letter I have received from the Right Honorable Lord Howick, dated 26th August last, acknowledging the receipt of a letter from me, of 22nd January, 1831, in reply to one which Mr. Hay had addressed to me, and from which I take the liberty of extracting the following passage:—  
“ With reference to the claim for remuneration, to which your letter of the 13th October, 1829, relates, to which you state that you have received no reply, his Lordship directs me to refer you to the Governor, to whom the decision of the late Secretary of State, on the claim in question, appears to have been communicated on the 6th of June, 1830.”

I should, most probably, not have had occasion to trouble his Lordship with a second letter, calling his attention to an application I had previously made to him, had I been made acquainted, by General Darling, with the nature of the late Secretary of State's decision on the subject. And as I am still totally in the dark as to the view that the late Secretary of State has taken of my request, I beg the favor of your Excellency's allowing me an extract of the communication to General Darling of 6th June, 1830, or granting to me such information on the subject as your Excellency may please to consider I am at liberty to claim.

I have the honor to be,

Sir,

Your Excellency's most obedient servant,

W. H. MOORE.

HIS EXCELLENCY

MAJOR GENERAL SIR RICHARD BOURKE,  
GOVERNOR, &c., &c., &c.

W. H. Moore,  
Esq.,  
4 Oct., 1852.

## APPENDIX G.

COPY OF A LETTER from THE COLONIAL SECRETARY, to MR. W. H. MOORE.

(Original produced.)

Colonial Secretary's Office,  
Sydney, 1st March, 1832.

SIR,

Having submitted to the Governor your communication of the 15th instant, on the subject of a letter addressed by you to the Right Honorable the Secretary of State, on the 22nd of January, 1831, and of the reply of Lord Howick, of 26th August last, relative to your Claim for Salary between your suspension from and return to the Office of Crown Solicitor, in which his Lordship refers you to a despatch of Sir George Murray to the late Governor, dated 6th June, 1830:

I have the honor, by direction of his Excellency Major General Bourke, to transmit, (6 June, 1830.) for your information, an extract of the despatch alluded to, in which it is stated that Sir George Murray does not consider that you have any claim to any part of the Salary of the office of Crown Solicitor, prior to the 1st August, 1829, when, as stated by you, your re-appointment took place, and that no prospect of any pecuniary advantages beyond those now assigned to your situation, upon the understanding that you devote the whole of your time to the Service of the Crown, can be held out to you.

I have the honor to be,

Sir,

Your most obedient servant,

ALEXR. McLEAY.

W. H. MOORE, ESQ.,  
CROWN SOLICITOR.

[Extract of a Despatch from the Right Honorable Sir George Murray, Secretary of State for the Colonies, to His Excellency Lieutenant General Darling, Governor of New South Wales.—Dated Downing-street, 6th June, 1830.]

Encl. in Ap-  
pendix G.

I have to acknowledge the receipt of your Despatch of 7th August last, reporting the circumstances under which you had considered it necessary to revise the office of Crown Solicitor, and to assign to it a salary of £500 per annum.

I have also received a letter, of which the enclosed is a copy, from Mr. Moore, claiming salary during the period which elapsed between his suspension from and return to that situation.

I do not consider that he has any claim under the instructions conveyed to you in my Despatch of the 30th August, 1828, to any part of the salary of the office prior to the 1st of August last, when, it is stated by Mr. Moore, that his re-appointment took place. And you will therefore acquaint Mr. Moore that I am unable to hold out to him any pecuniary advantages beyond those which are now assigned to his situation, upon the understanding that he devotes the whole of his time to the Service of the Crown.

## APPENDIX H.

COPY OF A LETTER from MR. W. H. MOORE, to J. KINCHELA, ESQ., ATTORNEY GENERAL.

Tuesday Evening,  
7th January, 1834.

SIR,

I have already represented to you the utter impossibility of my preparing the totally useless copies of the depositions, which you are pleased to call briefs, in the cases now about to be brought before the Court; but as you will not hear me and refuse to give me any answer whatever, to my verbal communications on the subject, I feel myself compelled to lay it before you in writing. Ten (10) sets of the depositions in cases which you this morning pretended you understood had been prepared and were ready yesterday,—you knew were never laid before me until six o'clock, in the evening of Saturday. I had hoped in the course of yesterday and to-day, to have made some progress in the preparation of them by to-morrow or Thursday—but I have both these days been employed at your special call and commands in the four-fold capacity of common errand boy about you and the two Courts—of common constable to inquire at the door and report when the witnesses arrive—of attending the Court as Counsel in two cases yesterday and partly of two to-day—in addition to the other duties which have been assigned to me as Crown Solicitor in issuing subpoenas, giving notices of trial to prisoners and witnesses, certificates of their attendance and of all

all convictions and discharges, as well as the entry of them in the books and on the proceedings &c., &c., &c. You must know that you are only heaping upon me impossibilities for no other purpose than that of endeavouring to raise some cause of complaint against me. I do therefore beg you will inform me in writing, as you refuse to do so verbally, what part of these duties I am to perform.

W. H. Moore,  
Esq.  
4 Oct., 1852.

Unless I am spared from attending the Court and running of errands it is impossible I can be in the office copying the depositions, which solely in consequence of your misunderstandings with the Solicitor General, respecting your respective duties, and not from any matter of necessity, has become a point on which you so tenaciously stickle. Whatever you think most necessary or require of me I am ready to perform and therefore request you will instruct me accordingly.

I am,  
Sir,  
Your most obedient servant,  
W. H. MOORE.

J. KINCHELA, Esq.,  
ATTORNEY GENERAL.

#### APPENDIX I.

COPY OF A LETTER from THE COLONIAL SECRETARY, to MR. W. H. MOORE.

(Original produced.)

No. 34.

Colonial Secretary's Office,  
Sydney, 18th January, 1834.

SIR,

I have received the commands of the Governor to inform you, with reference to my letters of the 9th and 29th of November last, that His Excellency the Governor regrets to find that the admonitions which were therein conveyed to you, by his direction, have so totally failed of effect; and that another complaint from the Attorney General of your disrespectful conduct towards that Officer should have been now brought before him.

The Attorney General has forwarded a letter addressed by you to him, in which His Excellency observes not merely a total want of that respect which is due by the Crown Solicitor towards the Official Head of his Department, but a direct charge upon the Attorney General of low and base dissimulation amounting in effect to falsehood.

It is quite evident that the business of the Crown cannot be carried on with any prospect of success conjointly by persons in the situation in which your last letter has placed Mr. Kinchela and yourself. The Attorney General cannot be expected to communicate with a person who has so grossly insulted him, by given utterance to the charge just referred to, and by the general disrespectful tenor of the letter addressed to him by you on this and on former occasions. Nor is it likely that you will act efficiently and zealously, under the instructions of a person whom you have thought fit to stigmatize in so improper a manner. Under these circumstances His Excellency has no other course to pursue with a view to the due discharge of the law business of the Crown in this Colony, than to remove you from a department in which you have more than once treated your superior with such marked disrespect.

I am therefore directed to acquaint you that your further employment as Crown Solicitor in this Colony, is dispensed with, and that His Excellency will immediately apply to the Secretary of State to signify His Majesty's pleasure as to another appointment. Your salary will accordingly cease from this date.

I have the honor to be,  
Sir,  
Your most obedient servant,  
ALEX. McLEAY.

W. H. MOORE, Esq.,  
SYDNEY.

W. H. Moore,  
Esq.

4 Oct., 1862.

## APPENDIX K.

COPY OF A LETTER from MR. W. H. MOORE, to THE COLONIAL SECRETARY.

King-street, Saturday,  
25th January, 1834.

SIR,

I have the honor to acknowledge the receipt of your letter of 18th instant, with reference to a letter addressed by me to the Attorney General, on Tuesday, 7th instant.

I must confess that I am at a loss to conceive what expression contained in my letter His Excellency the Governor should have construed into a giving utterance to the charge of base and low dissimulation, amounting in effect to falsehood upon that Officer. The letter alluded to contained a simple statement of two or three circumstances, the truth or falsehood of which could have been readily enquired into. And I must add that the Attorney General never questioned the correctness of any part of my statement to me, nor am I aware which part of it he can charge with inaccuracy.

I regret that His Excellency should have been led from the terms of my letter to dispense with my further employment as Crown Solicitor, without further investigation; and the more so, from the circumstance of his having on a previous occasion declined giving me any information respecting the complaints made by the Attorney General of me, or instituting any enquiry into the circumstances. I am therefore left entirely ignorant of what the nature of those complaints are, and consequently unable to defend myself against them.

On Monday, 6th January, which was the first day the Supreme Court sat for Criminal business, I was proceeding to the preparation of the copies of the depositions which he had delivered to me on the Saturday evening previously, and during that day I received messages from the Attorney General in Court, at least upwards of twelve different times, to come down to him from the Office for no other purpose than to desire me to go to the Solicitor General and ask him for any such paper as he required; several times to ask the Clerk of the Court, who was sitting within three yards of him at the time, whether such an information had been filed or not; and every witness that was called during the day, he sent for me from the office and desired me expressly to go to the door and call him; at the same time that he knew that I had informed him that the constable in each case was in attendance who could give him better information as to the other witnesses being in attendance, than I could possibly do. The consequence was, that nearly the whole of that day was occupied in my running of errands, settling with the different witnesses and giving certificates of their attendance, of convictions and acquittals, and making minutes of the proceedings.

On the next morning, Tuesday, 7th, on my stating to him the impossibility of my copying the depositions in question, unless I was spared from attending the Court, I was taken to task for not having had all the briefs, as he improperly termed them, prepared before the Court had sat on the previous day, as he stated he had, previously to the Court's sitting, directed should be the case. These are the circumstances which called forth my letter to him of that date. But this is not the only way in which my time has been uselessly occupied. A document, on which an information for forgery was pending, had been delivered by me to the Attorney General, with the other papers in the case, and when the trial was coming on it was found to have been mislaid either by him or the Solicitor General. I was charged by the Attorney General, in direct terms, with never having delivered it to him, and he desired I would search through the office until I found it; and although he shortly afterwards found that I had given it to him, and he had come into the office several times, and saw and knew that I was searching for it, he allowed me to continue searching until I had gone through every paper and place in the office. The same thing happened with a set of depositions, which, after my having handed over to him, he had given to Mr. Rogers, in Court, to hand to the Judge for his inspection, if necessary; he persisted in my never having delivered them to him, and after me having searched for them in vain, it was by mere accident I asked Mr. Rogers if he had happened to see such papers, when he informed me how they had come into his hands. A similar thing happened with the recognizances of Mr. Barnett Levey, which (when the time was gone by that they were required) he afterwards returned to me with other papers that had been done with. These are recent occurrences, but the same system has been going on for some time past. It must be

be evident that these duties (supposing them to be necessary), as well as the mere copying of the depositions could as efficiently be performed by a clerk at £50 or £60 per annum, salary, as by the Crown Solicitor, who might, and ought to, have more important duties to perform; which have latterly been very imperfectly performed, if not totally neglected. And during the late sittings of the Supreme Court, the public would not then have had to witness the entire escape of three or four felons, and the very near escape of one or two more from defective informations.

W. H. Moore,  
Esq.  
4 Oct., 1852.

The Government is now for the first time (that is to say during the last two years and upwards) paying to the Attorney and Solicitor General's Offices £300 per annum for Clerks, which is more than the whole Government Law Departments of the Colony together would require, if that sum were expended in the salaries of efficient men with some professional office experience; but as long as that sum of money is divided between two lads without either practice as Clerks or experience in the profession, and one Clerk only with those qualifications is engaged at £75 per annum only, so long the Clerks' duties must be performed by those who ought to be the principals or conductors of the business, and consequently the proper management and superintendence of the business by being abstracted or diverted from their immediate and constant attention must get overlooked and neglected. I would without hesitation submit to the opinion of any man of experience in the profession, after laying before him a full statement of the numbers of the prosecutions, Civil and Criminal—the Deeds to be drawn—and an enumeration of all other business in these Departments—whether any man who had ever conducted a law concern requiring the employment of three efficient Clerks, could not, with ease to himself, conduct the whole of the business in those Departments in this Colony, without requiring any further assistance.

I have been in the management of a Law business upwards of 26 years. For nearly six years I had the principal management of all the Government Law business in the Colony, and a great portion of those six years the entire management of it. I never experienced the difficulties that are now complained of, nor was the Criminal business ever so much in arrear from one sitting of the Court to another, as it has been of late. I deny that the Government Law business in the Attorney and Solicitor General's Departments has increased to anything near the extent that is supposed. The number of prosecutions on Criminal charges has, of course, increased with the population; but the Supreme Court has been greatly relieved these few years back, by the vast number of cases that have been sent to the Quarter Sessions;—and had the supposed increase in the number of prosecutions in the Supreme Court really taken place, it would be but of very little moment, from the great simplicity of the proceedings, and the almost daily further simplification of them that has been latterly taking place, whilst, on the other hand, the Conveyancing Department has very greatly decreased in business.

During the time I was acting Attorney General also, I had eight or ten prosecutions for libels at the same time in my hands, which were (as indeed such cases always are) cases of the greatest intricacy, and in some of which I had the whole of the Law profession in the Colony opposed to me. Since the arrival of the present Attorney and Solicitor General, I do not remember that a single trial of the kind has taken place in which they have been concerned.

There has been also much greater assistance given to the Attorney and Solicitor General of late years than ever was known to have taken place at any prior period, from the number of cases in which the prosecutors or parties concerned have privately retained Counsel; and from what circumstance this may have arisen, unless from a want of confidence that the public now feel in the Crown prosecutor, I am not able to discover. The cases too, in which this has occurred, have been very differently treated latterly than they had used to be.

The whole cause of dissatisfaction which the Attorney General had felt towards me originated, in the first instance, in my refusal to pay the salary of another Clerk, and, subsequently, to contribute with him one-half of the amount for the purpose of paying such salary. I have already troubled His Excellency the Governor with a letter on this subject, but which His Excellency, as far as I am informed or concerned, never took in any way into consideration. I then pointed out some of the sources from whence arises the great accession of emoluments that the present Attorney General receives to what any other Attorney General

W. H. Moore, Esq. General in the Colony ever before enjoyed; and at the same time, I mentioned the reduction that had taken place in my salary as a reason why I conceived I should not, under the present regulations, be required to pay a salary for a Clerk, which I had never thitherto done; and why I conceived he ought to be expected to keep (at any rate) as many Clerks as had always theretofore been considered necessary for the Attorney General's Office. Since that period I have been required to perform the duties of a Clerk of the very lowest stamp, such as I have above enumerated, and which no other consideration than His Excellency's commands to obey the Official Head of the Law Department could have compelled me to submit to. I however did submit to so doing, as cheerfully as any man under such circumstances could possibly do; and I am ready to show that, during the latter week (as well as at all other times), that is to say, from Monday, 13th instant (when the Court broke up, and I was relieved from my attendance there), until Saturday, 18th instant (from which day I was suspended from office), no man in the Colony, be he whom he may, or whatever situation he may fill, got through the quantity of writing alone (independent of other business) that I performed during that week.

I do, therefore, respectfully submit to His Excellency, that I ought to be allowed a reference of my conduct throughout to some investigation, rather than being left to trusting it to the public opinion, which the very circumstance of my having been dismissed, for no other reason than that alleged, is of itself so calculated to prejudice me in the public estimation. I have every confidence in its being submitted to the inquiry of any persons competent to judge of the nature of the duties I have had to perform, and for all other opinions I feel very little regard or concern.

I have, &c.,  
(Signed) W. H. MOORE.

THE HONORABLE ALEXANDER M'LEAY,  
COLONIAL SECRETARY.

#### APPENDIX L.

COPY OF A LETTER from THE COLONIAL SECRETARY, to MR. W. H. MOORE.

(Original produced.)

*Colonial Secretary's Office,  
Sydney, 8th February, 1834.*

SIR,

The Governor having attentively perused your letter to me of 25th ultimo, on the subject of your removal from the office of Crown Solicitor, I am directed to inform you that his Excellency regrets to find that it contains nothing to relieve him from the necessity under which he felt himself placed, of removing you from that situation, in consequence of the letter which you thought fit to address to the Attorney General, on the 7th of that month.

It is doubtless unnecessary to point out, more in detail than has been previously done, the obvious consequences of that communication, and the impossibility of carrying on the law business of the Crown with any prospect of success, if, after such a communication, your official intercourse with that officer were allowed to continue.

Such being the case, his Excellency must decline to authorise the investigation proposed by you, but he is quite ready to forward any justification or explanation of your conduct which you may desire to address to the Secretary of State for the Colonies.

With regard to the other matters contained in your letter, I am further directed to inform you that a representation has been made, some time since, to His Majesty's Government, upon the state of the Department of the Law Officers in this Colony, both as respects its efficiency and expense.

I have the honor to be,  
Sir,  
Your most obedient servant,  
(Signed) ALEXR. M'LEAY.

W. H. MOORE, Esq.

## APPENDIX M.

COPY OF A LETTER from MR. W. H. MOORE, to HIS EXCELLENCY MAJOR GENERAL  
BOURKE.

W. H. Moore,  
Esq.

4 Oct., 1832.

King-street,

14th February, 1834.

SIR,

I have the honor to transmit to your Excellency a copy of a Despatch, brought by me (July 5, 1814, Secretary of State to Governor Macquarie. See Appendix A.) to this Colony, which I received from Earl Bathurst, previous to my departure from England. Your Excellency will observe by that communication to the Governor of the Colony, that the Salary of Three hundred pounds per annum, which I received, was paid to me from the Colonial Funds, as an inducement to my giving up a respectable practice in London, and not by way of remuneration for any services I might be called upon to perform. A misunderstanding on this point occurred not long after my arrival in the Colony, when on a reference to His Majesty's Secretary of State, which was made by the late Governor Macquarie and myself on the subject, that view of my appointment was confirmed, and the arrears of that Salary which had become due to me, pending the reference, were paid to me, although I had never, at that time, been called upon to perform any official duties whatever.

The Commissioner of Enquiry, Mr. Bigge, also took the same view of my appointment, both during the time he was in the Colony, and subsequently when he made his report to the Committee of the House of Commons, on the state of the Colony in the year 1818.

After my acceptance of Office, the salary attached to it was for many years kept entirely distinct from the Salary of Three hundred pounds per annum, first alluded to; and although after a time the two salaries (by what circumstance I know not) had been consolidated into one in the Colonial accounts they have been as far as I can learn, always kept distinct in the Parliamentary Estimates.

Under these circumstances, I submit to your Excellency that the suspension of my Salary, as far as relates to the Three hundred pounds per annum, is an injustice towards me, as I am still in the situation in which I was in the Colony, for which that Salary was directed to be paid to me; and I humbly conceive that as I performed the duties of the various offices of Attorney General, Solicitor General, and Crown Solicitor, for several years, for the additional Salary of Two hundred pounds per annum, only, that the amount is fully adequate now to the performance of those duties which are so much more divided than when I had the honor to hold those offices.

I have, &c.,

(Signed)

W. H. MOORE.

TO HIS EXCELLENCY MAJOR GENERAL BOURKE,

&c., &c., &c.

## APPENDIX N.

COPY OF A LETTER from THE COLONIAL SECRETARY, to MR. W. H. MOORE.

(Original produced.)

Colonial Secretary's Office,  
Sydney, 13th April, 1835.

SIR,

I am directed by His Excellency the Governor to inform you that the Secretary of State laments that your conduct left no other alternative to this Government than to decide upon your suspension. A suspension which the Secretary of State has approved, and he has accordingly appointed a gentleman to fill the vacancy.

I am directed further to inform you, with reference to your claim for payment of three hundred pounds a year, under an arrangement made with you by Lord Bathurst, in the year 1814, that Mr. Secretary Spring Rice concurs with his predecessors, Secretary Sir George Murray and Lord Viscount Goderich, in their opinion upon the inadmissibility of this claim. Mr. Secretary Rice further considers the consolidation of that allowance, with

W. H. Moore, Esq., the salary of the appointment subsequently conferred on you, wholly superseded the former arrangement, and you, having by your late misconduct forfeited that employment, cannot now claim upon any ground that is just or reasonable to be placed in respect to that allowance upon your original footing. Mr. Secretary Spring Rice adds, that the letter adverted to in your application of 14th February, 1834, which was addressed to Governor Macquarie, on the 22nd of April, 1817, proves:—

1st. That the allowance of Three hundred pounds a year was paid to you, in consideration of your holding an official situation; and—

2ndly. That it was to be continued to you only so long as your future conduct should prove you to be worthy of such indulgence.

I have the honor to be,

Sir,

Your most obedient servant,

ALEXR. McLEAY

W. H. MOORE, Esq.,

&c., &c., &c.