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David Scott Mitchell.









Dr. Mitchell

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# THE CASE

OF

## CAPTAIN ROBISON,

WHO WAS TRIED BEFORE A

GENERAL COURT MARTIAL,

HELD AT SYDNEY, NEW SOUTH WALES, IN THE YEAR 1828,

ON

## EIGHT CHARGES,

BROUGHT AGAINST HIM BY

### LIEUTENANT-GENERAL DARLING,

GOVERNOR AND COMMANDER OF THE FORCES IN THAT COLONY;

AND ON PART OF WHICH CHARGES CAPTAIN ROBISON WAS FOUND GUILTY,  
AND SENTENCED TO BE DISMISSED THE SERVICE.

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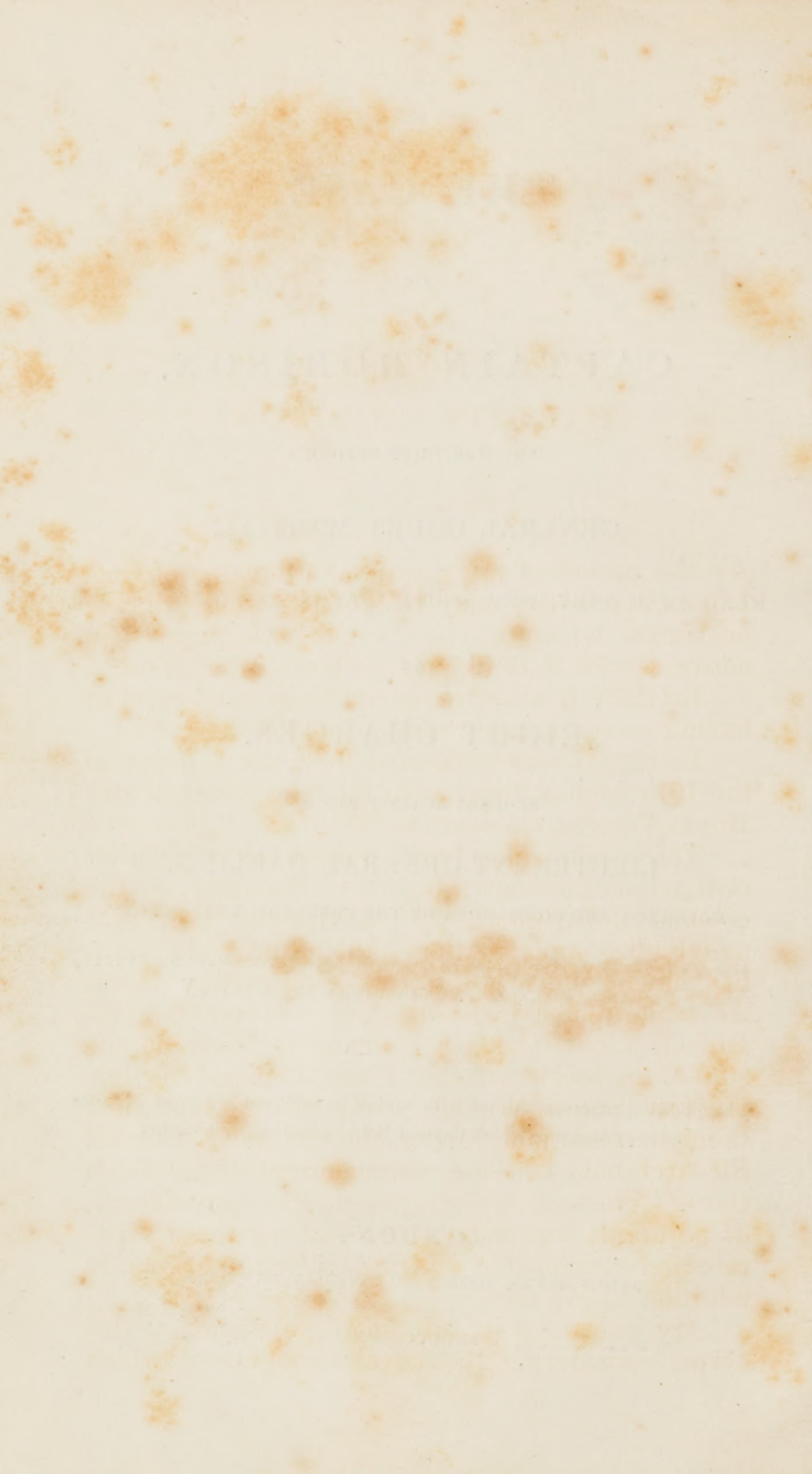
The following pages are printed with a view to point out the great *injustice*  
and *oppression* of which Captain Robison has been the victim.

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LONDON :

JAMES MOYES, TOOK'S COURT, CHANCERY LANE.

M.DCCC.XXXI.





C A S E  
OF  
CAPTAIN ROBISON.

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At the period of my dismissal from the service, I had been in the army twenty-five years, during nearly the whole of which I had been engaged in active service in different quarters of the globe.

In 1823 I was promoted, by purchase, after having served sixteen years as a subaltern.

In 1825 I was appointed from the half-pay of the 17th Light Dragoons to the New South Wales Royal Veteran Companies.

See Letter of Service, APPENDIX, No. 1.

These companies were raised for a peculiar civil service, unknown before to the army, by the colonial department, with a view of their ultimately becoming settlers—their numerous families having been allowed to accompany them. As senior officer in England, (the eldest Captain-Brevet, Lieut.-Colonel Dumaresq, being on the staff of his brother-in-law, Lieut.-General Darling, in New South Wales), I raised and embodied them at Chatham, under the orders of Colonel Sir Archibald Christie, commandant of the depôt there. No staff, of quarter-master, pay-master, or adjutant, was appointed; and all these separate and responsible duties devolved upon me, in addition to my own.

See Proclamation under which they were raised, App. No. 2.

My exertions in bringing into efficiency this corps, considering the novel elements of which

it was composed, were approved of both by his late Royal Highness the Commander-in-chief and the Secretary of State for the Colonies, as will be seen by their letters to Lieut.-General Darling, the Governor of New South Wales, given me on embarking for that colony.

See App.  
No. 3.

I sailed from England in command of the Veteran Companies in May 1826 (with the last division), and landed them and their numerous families (amounting to several hundreds) safely, at Sydney, in September of that year.

I was appointed to the command of all the mounted duties in the colony, consisting of the Governor's body-guard and mounted police, under General Darling's own hand, Oct. 10; it having been directed at Chatham, that all the cavalry out-pensioners should be formed into my company.

See App.  
No. 4.

I was put to the expense of purchasing horses and equipments for the above service; but, after the lapse of several months, Lieut.-General Darling changed his former orders, and placed my company, or the greater part of it, as mounted police, body-guard, &c. under command of the infantry officers of the line, whose regiments were stationed in the colony, and for which duty the Lieut.-General granted them extra colonial pay and allowances of some hundreds a-year.\*

See App.  
No. 5.

Lieut.-General Darling issued a general order by which each of the Veteran Companies I had brought out were placed under the command of their own immediate officers; and the small emoluments attached to me, as command-

\* I would beg to ask my military reader, Was it *according to the rules of the service, or legal*, for Lieut.-General Darling to take the command of my own company from me, which I held under the King's commission, and give it to other officers, for the purpose of increasing his patronage, by granting them extra pay, &c. out of the colonial revenue?—R. R.

ing *the whole*, and which were allowed by the Secretary-at-war in England, thereby taken from me; since which period, the King's regulations and articles of war have been totally disregarded, by not forwarding to the different departments in England the monthly and other returns.

I may here ask, Is it probable the Lieut.-Gen. would have issued this order, had his own brother-in-law, one of the other captains, (Brevet Lieut.-Col. Dumaresq), commanded the whole of these companies?

I was ordered to the command of the Bathurst District, the most extensive in the colony, in the month of March 1827; and whilst there, was obliged to take notice of, and officially report to Lieut.-General Darling, the highly irregular and improper conduct of Colonel Stewart, commanding the 3d regiment (Bufs), the Lieut.-Governor. This officer employed soldiers of his regiment in his own private concerns, on an estate of fourteen thousand acres of land, which he possessed close to the settlement; and also caused slops to be sold to the settlers and their convict servants from the commandant's house—(part of which I found, on my arrival, had been converted into a store for that purpose)—slops which had been sent out, made up into bales, in the convict ships from England at the public expense, for the sole use of the Buff's regiment.

Shortly after my reports of Colonel Stewart to General Darling, I was recalled from the command of the district, by its being abolished as a separate district in general orders; but in a little time after my recall, it was again re-formed as a district, an officer of the 39th regiment being appointed commandant. It is here necessary to remark, that, at the time when my sense of duty thus led me to report the Lieut.-Governor, he was

See App. No. 6. Extracts from my Reports to the Commander-in-chief, Secretary of State, Gen. Darling, &c.

See App. No. 7.

at that moment engaged as one of the executive council at Sydney, in furthering Governor Darling's project of imposing such a heavy stamp on newspapers as would have abolished them altogether, and which nothing but the legal interposition of the Chief Justice, who was also one of the executive council at that time, prevented.

On my return from Bathurst to head-quarters, accident threw in my way certain irons, which had been applied, by Governor Darling's orders, as instruments of punishment to the persons of two privates of the 57th, of the names of Sudds and Thompson.

I tried them on; and finding them to be of intolerable weight and peculiarly severe and unusual construction, expressed to a friend, who was with me at the time, my strong disapprobation of the use of such oppressive instruments. This conversation, and some others which I incautiously held on the same subject, soon afterwards reached (as I have reason to believe) the ears of the Governor.

On my arrival in Sydney, which was in June 1827, I applied for leave to proceed to England, in consequence of Gen. Darling having stated, that the Veteran companies had not answered the purposes for which they were raised; and his further having said, that he had recommended to the home government that they should be again returned to the out-pensioned list, and disbanded; which recommendation was immediately complied with in England, and orders sent him to that effect from the Horse Guards in May 1828.

I obtained leave to embark for England, in charge of the invalids of the line, by which I was entitled to a *free* passage.

After making preparations for my voyage, by

See App.  
No. 8.

See App.  
No. 9.

selling off camp-equipage, horses, &c. at a very great loss, my leave to England was suddenly cancelled by the Governor, without any cause being assigned, and the command of the Invalids given to a friend of the Colonial Secretary, Lieutenant (now Captain) Christie, of the Buffs, though his regiment was at that period under orders, and embarking from the colony for India. I must here observe, that this officer, after his return to England, volunteered his evidence to the Colonial Secretary of State, impugning certain charges made against General Darling, for the alleged murder or manslaughter of Sudds, one of the above-mentioned privates, whose death was supposed to have been caused by the punishment he had received. See an extract from a letter of Mr. Wentworth, a highly respectable and talented barrister, who distinguished himself at the University of Cambridge, who took up the case of this unfortunate soldier on the grounds of public justice and humanity; and which letter he addressed to the Secretary of State for the Colonies.

See App. N  
10. Extrac  
of Mr. Wen  
worth's Let

Immediately after my leave to England was cancelled, and without any previous notice, I was suddenly ordered to Norfolk Island, a penal settlement of the very worst description, distant upwards of 800 miles from the coast of New Holland, destitute of any free inhabitants, and to which no females were allowed, by General Darling's orders, to accompany their husbands, either soldiers or convicts. It was a place most aptly designated a second Gomorrah. I was selected for this odious duty, which the whole garrison held in abhorrence, notwithstanding another officer and detachment of the 39th regiment had been previously put in general orders for that command, and had made their private arrangements by the purchase of a year's supplies for that island.

See App  
No. 11.

See App  
No. 12.

See App.  
No. 13.

This order was again countermanded by Governor Darling; and there being no quarters for me in the barracks, which was certified by the barrack-master, I was forced to the expense of hiring and furnishing lodgings, which I was obliged to take for twelve months, owing to the great difficulty of procuring them in Sydney. After the Governor had allowed me to incur all these heavy outlays, he again changed his general orders, and directed me to proceed immediately to Newcastle, an out-station upon the coast, for which duty he had previously put in general orders a subaltern and detachment of the 57th regiment.

See App.  
No. 14.

All these different orders, counter-orders, and changes, seem to have had no other object than one of a personal nature towards myself—to harass, perplex, and perhaps even to drive me to commit a breach of military discipline, by a remonstrance against them; and with this offence General Darling subsequently charged me, on my trial, before a general court-martial.

At this period, the greater part of my company being distributed as mounted police and governor's guard in the colony, all the best-conducted soldiers were selected from them, and transferred to the company of Brevet Lieutenant-Colonel Dumaresq, then absent in England, on the plea, as stated in the general order, of equalising the two companies; and all the worst characters of the Veterans, who had been returned to Lieut.-Colonel Dumaresq's company as *unfit* for the civil employments of superintendents and overseers, were posted to my company to do garrison duty at Newcastle, Port Stephen, &c.; and of which duty they constantly complained to me, as their commanding officer, stating that, from wounds and other infirmities, contracted in their

former services, and for which they had been discharged, they were totally unable to perform it.

I must here remark, that Lieutenant-Colonel Dumaresq, from the period of the formation of the Veterans, had never done one hour's duty with them, although in the receipt of their cavalry pay, free rations, &c., and holding at the same time staff and civil appointments, through the patronage of his brother-in-law, General Darling, which gave him considerable emoluments.\*

See App.  
No. 15.

On my arrival at Newcastle, I was refused the occupation of the quarters I was entitled to as officer commanding, and put into inferior ones, by the express order of General Darling, directed to a subordinate, who had gone out to the colony in the transport with myself and company, as a steward and mate from England, and whom the Governor had nominated superintendent of convicts, public works, and deputy post-master there.

See App.  
No. 16.

I was treated not only with the greatest indignity by this superintendent, but by all sorts of inferiors, before the convicts, for the evident purpose of lowering me in their estimation and that of the soldiers, and goading me on to commit myself by some rash act, which would enable General Darling to bring it forward as a military offence against me. In the meantime, the numerous complaints of the Veterans under my command, of the unexampled severity of the duty they had to perform, contrary to the proclamation under which they were raised, and which from time to time I made known to General Darling,

See App. N  
17. Mem  
orials and Pe  
titions forward  
ed by the  
Veterans.

\* This officer was also a large landed proprietor, having received free grants, town allotments, &c. amounting to several thousands of acres, and was, and is at present, one of the largest stock and land proprietors in the colony. One company of Veterans is still kept up for him.

were totally disregarded and unredressed by him.

I was refused the reimbursement of the expenses I incurred for the passage of myself and family, by sea, from Sydney to Newcastle, when proceeding there agreeably to the general orders, notwithstanding I had a detachment of soldiers under my command, and I had sent, as a voucher to that effect, the receipt of the master of the packet; nor have I been able to recover either this sum or my other withheld allowances, amounting to several hundred pounds, to this day: which could not have occurred, had not General Darling's orders set aside the King's regulations in my case, by his having, as I before stated, deprived me of the command of the companies, which left all our allowances at his Excellency's will and pleasure; a power he could not have exercised over any of the regiments of the line, they having commanding officers to protect them, who were accountable to the home authorities for the regulations and articles of war being adhered to.

On my application to the Secretary-at-war and General commanding-in-chief, since my arrival in England, for these withheld allowances, they informed me that a reference must be made back again to New South Wales, as Lieut.-Gen. Darling had neglected to send home the requisite returns of the Veterans, either to the army agent or the War-Office; and what aggravates this part of my case is, that I had repeatedly applied, previous to my leaving the colony, for a board of officers to examine and report upon my claims, which was invariably refused by Lieut.-General Darling.

As commanding officer at Newcastle, I had to furnish a guard, by the Lieut.-General's orders, for the protection of the Australian Agricultural Company's establishment, consisting of a million of

see App.  
No. 18.

see App.  
No. 19.

acres, at Port Stephen ; and in the course of my duty, officially reported to the Governor acts of speculation upon the colonial government, by the superintendent of convicts, and superintendent of police at Newcastle and its vicinity, which came under my own personal observation. These two individuals were large land and stock holders ; the superintendent of police having just before sold out of the army, when his regiment (the Buffs) were ordered to India. In short, there is scarcely a functionary in the colony, from the Governor's numerous family and dependents of the Darlings and Dumaresqs, to the district convict constable, and colonial secretary, who does not traffic in land, stock, &c. to the great prejudice and ruin of the settlers, and the detriment and disgrace of the colonial government, whom they profess to serve, and from which they receive ample salaries.\*

Reverting, however, to my reports of the superintendents of convicts and police, no sort of notice was taken of them, *at the time*, by the Governor ; but, on the contrary, these persons were selected by him several months afterwards, as the chief witnesses against me on my trial, when the Lieut.-General himself was my prosecutor, and the framer of eight charges against me before a general court-martial, the president and members of which were also selected by him ; and not until the court had terminated its proceedings, and the Lieut.-General had thus made use of their evidence against me, did he attempt the mockery of calling upon me to substantiate my charges against them ; his Excellency being perfectly aware, from the time that had elapsed,

\* The Colonial Secretary, Mr. M'Leay, receives 2,000*l.* a-year salary, besides 750*l.* per annum pension for former services ; all which is paid by the colony.

that it was impossible for me to substantiate the charges *then*, as I could have done when I first brought them forward.

The Lieut.-General, however, was compelled to dismiss *one* of these individuals, the superintendent of public works, &c. immediately after he had given his evidence on my trial, upon a *part only* of what I had charged him with being proved against him by the officer in charge of the commissariat department at Newcastle. Nevertheless, this *favourite*, though discarded, servant of the Governor's had subsequently conferred upon him, extensive free grants of land, and other government favours.

I was compelled, by the orders of General Darling, to defend myself on two infamous and absurd charges of feloniously causing a mail-bag to be opened (charges made by this said superintendent of convicts against me, after my reports of him to the Governor), before a bench of magistrates at Newcastle, nominated by the Lieut.-General, one of them being the very superintendent of police whom I had previously reported to him, as coupled with the superintendent of convicts in plundering government; but, although I particularly requested the Lt.-General, by letter, to nominate another magistrate to hear and determine these alleged felonious charges, he positively refused to do so; by which it was evident that all such persons as I had accused, in the execution of my duty, with malversation, and as unworthy of trust, were the very individuals who were not only protected by the Governor, but chosen by him as fit instruments to accomplish his purposes in effecting my ruin; and I am fully borne out in this remark from the circumstance, that after an adjourned sitting by this bench at Newcastle, for nearly three weeks before a prisoner population,

See App.  
No. 20.

See App.  
No. 21.

See App.  
No. 22.

to allow convict witnesses to be brought from distant parts of the colony to attempt the substantiation of these charges, they were on investigation found to be "frivolous and vexatious," (as will appear by the perusal of one of the magistrate's letters to me, who sat on the bench,) and were accordingly dismissed.

See App.  
No. 23.

No notice was, however, taken even *then* by General Darling of the superintendent's conduct in preferring false and malicious charges against me, (for the obvious reason, that he had not at that time made use of his evidence against me before the court-martial); neither would this court allow me on my trial to prove that this man, as well as others, was an interested witness, nor permit me to shake the credibility of such evidence, having most severely censured me in their sentence for having attempted to do so, designating my conduct as "insolent, unmilitary, and disrespectful" to them; all which was meant not to leave me a chance of mercy, when the minutes of the court-martial should come to be examined at home.

Lieut.-General Darling, notwithstanding this civil investigation, *again* brought forward these two said infamous charges against me before a general court-martial, in which, as I have before stated, he was my prosecutor, and the nominator of the whole court who tried me; but even *there they could not be substantiated*; but of this persecuting conduct, on the part of my prosecutor, no notice was ever taken by the court-martial who tried me.

At the same time that I was forced as a criminal to answer these charges before a bench of magistrates at the station I commanded, a military court of inquiry, illegally and irregularly constituted, was ordered from Sydney to Newcastle by Lieut.-General Darling, to examine into

my military conduct. The president of this court (a particular friend of the Governor's, who had been sent from England as commandant of Norfolk Island, but had his destination changed by General Darling, and appointed to a most lucrative situation at Sydney,—that of civil superintendent of police, for which he received a salary of £800 per annum from the colony) was accompanied by two military officers from the garrison, as members; one of whom (Captain Forbes, 39th regiment) officiated as deputy judge-advocate, for which, contrary to usual practice, he received extra allowances of some guineas a-day, as did the whole commission.\*

A soldier of my own company, of the very worst character (one Thomas Budd), who had previously been sent for by the military secretary and major of brigade, accompanied this court back from Sydney in the same vessel to Newcastle, where he openly stated to the other soldiers of the Veterans, "*that Governor Darling had given him a chair, to sit down for several hours in his Excellency's office; promised him his discharge, and to be the making of him, or any other soldier, who would come forward on Captain Robison's trial and give evidence against him;*" and, at the same time, he tampered with the other soldiers of my company to effect a like purpose: all of which will be seen in his evidence, and that of the other Veterans, on reference to the minutes of my court-martial—he and they having been summoned by General Darling for the *prosecution*.

*Yet upon such evidence as this did this court convict me!*

This soldier, who openly acknowledged to the

\* Captain Forbes, as acting judge-advocate, netted upwards of £150 for his *assistance* in conducting the *prosecution*!

See App.  
No. 24.

See App.  
No. 25.

Extract  
Evidence,  
p. No. 26,  
compared with  
original  
notes in  
Judge-Adv.  
n.'s office.

court that he had accused the Governor of having “made great offers” to him, to “induce him to give his evidence against” me, was suffered to go unpunished, notwithstanding I addressed an official letter to the president and court on the subject, of which no notice was taken; and the Governor had the hardihood to bestow favours afterwards on this person: for it will be found, that, after the trial, he obtained a grant of land, a discharge from the service, and a pension.

See App. N  
26\*. New  
South Wales  
Gen. Order  
for 1809, N  
107. 113.

After being kept in arrest at Newcastle for several months, whilst the minds of the garrison, who were to try me at head-quarters, were poisoned against me by the propagation of the most infamous calumnies, I was at length ordered to Sydney, (the expenses of my own and family’s passage to which place have never yet been reimbursed me,) and was brought before a general court-martial upon eight charges, drawn up by General Darling himself, founded for the most part on alleged acts of insubordination and breach of discipline.

See App. N  
27, for the  
names of mem-  
bers of the  
court-martial  
&c.

The friends and brother-officers of those I had accused were nominated by the Lt.-Gen. as president and members, and one of them appointed to act as deputy judge-advocate in conducting the prosecution. The latter, instead of being one of the *oldest* and *most experienced*, was one of the *youngest* and *most inexperienced* officers of the whole garrison, having only received his ensigncy in 1823; and from the circumstance of his having been a member on the *court of inquiry*, was *incompetent* (as laid down by all authorities on military law) to officiate as judge-advocate on my trial before a *general court-martial*.

The selection of Captain Forbes for this duty I cannot but impute to a sinister motive, as there

was at the same time in the garrison an old and experienced officer, who held a deputation from home of deputy judge-advocate, but who, on this occasion, was not so employed.

I protested strongly against Capt. Forbes, and another member, Capt. Crotty, 39th regiment, having any thing to do with my trial, but both these challenges were over-ruled.

The daily minutes of my court-martial were carried by the deputy judge-advocate, as soon as the court rose, to my prosecutor at Government-house, during the nine weeks that my trial lasted; and Captain Forbes also allowed the minutes to be read by the prosecutor's chief witness, Captain Sturt, in his own private quarters—and *that*, too, at the time Captain Sturt was under examination.

*This* I myself witnessed, and protested against it in open court, when Captain Forbes acknowledged he had done so, as well as the impropriety of it; from all which circumstances I could not but infer, as did also my legal advisers who attended my trial, that the Lieut.-General as prosecutor, and Captain Sturt as his Excellency's chief witness, had most unjustly and illegally interfered with the court's proceedings.

Upon my trial being closed, the proceedings were, by Lieut.-General Darling, forwarded to England; and by a general order the court was dissolved.

I was detained a prisoner in New South Wales (notwithstanding orders had been sent from England sixteen months previously, to disband my company) for upwards of two years before the sentence was made known to me, remaining all that time degraded and disgraced in the eyes of the army and the colony, excluded from all society, with my regulated allowances stopped; and not

e App. No.  
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ce of one of  
e prosecu-  
s witnesses,  
Sweeny,  
my com-  
ny.

until the month of April last was the sentence promulgated; which was to the effect that, having been found guilty on some of the eight charges, I was sentenced to be "dismissed the service," and from that day struck off all pay and allowances in his Majesty's army. In addition to this sentence, the court passed a most severe personal censure upon me for having protested (by the advice of my counsel) against its irregular and partial proceedings; and I am prepared to prove, that the most unjustifiable measures were resorted to, to prevent my introducing such exculpatory matter as would have shewn what the real motives of my prosecutor were in bringing me to trial, and have fully exonerated my character from the imputations he cast upon it.

I applied for a grant of land, such as had been given by General Darling to all the other officers and soldiers of the Veterans, who were disbanded and remained in the colony, and each of whom had also received mechanics (free of any expense) from government, to enable them to erect buildings upon their grants, implements of husbandry, certain portions of cattle, &c. as well as free rations for themselves and families. But all the above indulgences I was refused!

See App.  
No. 29.

General Darling, however, was in the habit of bestowing profuse favours on such of the Veteran officers as were in his good graces; for, shortly after our arrival in the colony, he removed the subaltern of my company to a civil situation, with a salary of £400 per annum, in addition to his cavalry full pay, free rations, &c. in the Veterans, with whom he did no duty.

See App.  
No. 30.

This was also the case with Assistant-Surgeon Gibson, the only medical officer attached to these companies, who, while on the full pay of the Veterans, with whom he was doing no duty, was

placed on the civil medical establishment by General Darling, for which he received a colonial salary, in addition to extensive free grants of land of several thousand acres; all this being in direct violation of the express orders of the Secretary of State for the Colonies, as also of an act of parliament.

I would call upon the reader to observe the treatment which I, as senior officer, who had raised and brought the companies out from England, met with, and contrast it with that of the above-mentioned favoured individuals. In *my* case, I was not only denied the *regulated allowances* to which my rank entitled me, and which were granted to all the officers in the colony, but by a continued and unexampled series of military oppression, was made a victim to the conscientious performance of my duty in the different stations where I commanded, by attempting to protect the interests of the Government, in exposing the acts of plunder and peculation practised by its officers to those authorities whose duty it was to have taken notice of, and put a stop to, such abuses, and not to have ruined and made me a sacrifice to the honest and upright line of conduct I pursued, and which it has been my pride and endeavour through life to maintain in all situations.

Immediately on the sentence of the court being made known to me in New South Wales, I was compelled to sell off all the little personal property I possessed, to meet the heavy expenses of my own and family's voyage to Europe; and I embarked for England, where I landed a few months since, thrown out of employment, and possessing no pecuniary resources whatever.

I applied, without loss of time, to the General commanding-in-chief, through his military secretary, for a revision or reconsideration of my case;

in hopes, if I could not get justice done me by being restored to the service, I might at least be allowed the sales of my commissions, having served chiefly on foreign stations for upwards of twenty-five years, and *purchased* my company; but after several months most anxious suspense, it was notified to me that my request could not be complied with. And I am now, after having devoted the best years of my life to the service, and expended all the property I ever possessed in it, turned adrift upon the world, to support myself and family how I can.

See App. No. 32. Petition to Lord Hill, forwarded by Sir James Mackintosh, M.P., and his Lordship's reply.

The whole proceedings of my court-martial, I am legally advised by the first law authorities, both in New South Wales and England, are directly contrary to law and the practice of conducting such courts. And, to give the opinion of one of these legal gentlemen, in his own words, in a letter from the colony, to a highly distinguished member of parliament, I was "made the victim of a most foul conspiracy;" the original documents in proof of which I am ready and most anxious to lay before any candid and competent tribunal, whether of a civil or military description.

R. ROBISON,

*Late Captain New South Wales  
Royal Veteran Companies.*

*London, March 1831.*

Since the foregoing pages were sent to the press, the following correspondence with the General commanding-in-chief has taken place, through his lordship's military secretary:—

*London, March 22, 1831.*

MY LORD,

The Judge-Advocate-General having lately been pleased to allow me to examine the original minutes of my court-martial, lodged in his office, and compare them with my own,

I found so many discrepancies on the original proceedings, that I felt it necessary to obtain the advice of a high legal functionary; and I beg to enclose your lordship six objections made by him to the *legality* of the proceedings.

May I request the favour of your lordship (as soon as convenient) laying the same before the General commanding-in-chief.

I have the honour to be, &c.

R. ROBISON,

*Late Capt. N. S. W. R. V. Com.*

*M. General,*

*Lord Fitzroy Somerset, K.C.B.*

*Military Secretary, Horse Guards.*

*Some Points of Remark suggested by a short Inspection of the Minutes of Captain Robison's Court-Martial.*

1st. Though the eight charges were (as the practice upon courts-martial require) brought forward at the trial *seriatim*, with the evidence in support of each, yet, in the original minutes of the proceedings lodged in the Judge-Advocate-General's office, the charges are all *heaped together*, and the evidence given *in mass*, so that it is impossible to ascertain, upon the face of the minutes, by what evidence a given charge was attempted to be sustained.

2d. On the 11th, 12th, and 14th of July, Captain Sturt was called as witness for the prosecution on the first and second charges, on which Captain Robison was convicted, and was cross-examined by Captain R.; but this cross-examination is not entered at its right place, as having taken place on *those days*, or in reference to *those charges*, but is entered as having taken place at a period of some weeks *subsequent* (11th August), and when a totally *distinct charge* (the seventh) was under consideration; so that, when the minutes are inspected, the whole effect of that cross-examination is lost.

3d. Lieut. Robertson, Mr. Mackie, and Mr. Wright, were called as witnesses for the prosecution on several of the charges on which Captain Robison was convicted; and Captain R. attempted to cross-examine them, with the object of shewing that he had had occasion to prefer charges against each of these persons for misconduct in their official capacity; but the court would not permit any questions of that tendency to be put.

4th. Thomas Budd, a private, was called for the prosecution in support of the third charge for exciting the men to discontent, on which charge Capt. Robison was convicted. Budd admitted, on cross-examination, that, in conversation with privates Murray and Pragnall, he had stated that he had conversed with Governor Darling, the prosecutor, *touching the evidence that he was to give*

against Captain Robison, and that great promises had been made to him touching that evidence. This account was afterwards confirmed by Murray and Pragnall, who stated that Budd had so expressed himself.

William Crutchley, private, a witness in support of the same charge, admitted, on cross-examination, that Budd told him that *all the Veterans who should come forward against Capt. Robison would get their discharges, and no others of the Veterans.*

Charles Faunt, private, a witness in support of the same charge, admitted, on cross-examination, that Budd had told him that he had received assurance from Captain Sturt (a witness for the prosecution, and military secretary to the Governor) that *he should be well provided for hereafter; and that Faunt, if he joined him in making charges and complaints against Captain Robison, should be also well provided for.*

(N.B. The said Thomas Budd has since the trial received a grant of land, been discharged, and pensioned, from the Veterans, as appears by General Orders of Governor Darling, bearing date the 4th and 15th days of July, 1829. New South Wales General Orders of 1829, Nos. 107 and 113.)

5th. The questions put to witnesses in support of the prosecution are in a great variety of instances of a *leading character*, and on that ground manifestly *irregular and unfair*.

6th. The Chief Justice of New South Wales (upon the sentence of Captain Robison's court-martial being promulgated in the colony) addressed a letter to Captain R., stating that a certain letter of his to the Governor, which had been brought forward to convict Captain Robison upon the first two charges by the prosecutor, General Darling, "*ought not to have been received by the court, as it had been, as legal evidence; and that, even if receivable, it by no means proved the fact which it had been supposed to establish.*" The Chief Justice further stated, that it was of such manifest injustice to Captain Robison, that he would address the Secretary of State for the Colonies upon the subject.

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*Horse Guards, April 4, 1831.*

SIR,

Having submitted to the General commanding-in-chief your letter of the 22d ultimo, stating that "the Judge-Advocate-General having lately been pleased to allow you to examine the original minutes of your court-martial lodged in his office, and compare them with your own, you found so many discrepancies on the original proceedings, that you had felt it necessary to obtain the advice of a high legal functionary," and enclosing "six objections made by him to the legality of the proceedings," I have received Lord Hill's directions to state,

that it is not for his lordship to decide any question which a complainant may take upon himself to raise upon the legality of the proceedings of a general court-martial, which, after due examination and consideration by competent authority, have been submitted to the King, and approved by his Majesty.

It is, under these circumstances, out of Lord Hill's power to enter into the objections to which you refer.

I have the honour to be, sir,

Your obedient, humble servant,

FITZROY SOMERSET.

*R. Robison, Esq.*

*Late Capt. N. S. W. Veteran Com.*

As the following letter (in reply to one I had formerly written to his Majesty's private secretary) pointed out the Commander-in-chief as the proper channel through which any application of mine should be made, I, of course, on the present occasion addressed Lord Hill.

*St. James's Palace, February 22, 1831.*

SIR,

I have to acknowledge the receipt of your letter of the 18th instant, which, with its enclosure,\* have been submitted to the King, who orders me to say that he cannot entertain your application, unless recommended by the General commanding-in-chief.

I am, sir,

Your obedient servant,

H. TAYLOR.

*Robert Robison, Esq.*

*Late Capt. N. S. W. Veteran Com.*

\* A petition.

## APPENDIX.

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### No. 1.

*Horse Guards, Sept. 2, 1825.*

SIR,

HIS Majesty having been graciously pleased to approve of your being appointed to one of the companies forming for service in New South Wales and Van Diemen's Land, I am directed by the Commander-in-chief to acquaint you, that your appointment will bear date on the 24th instant, and that the full pay of cavalry will be attached to the commission. You will therefore, on the receipt of this letter, make arrangements for repairing, by the 24th of this month, to Chatham, and report yourself to Colonel Sir Archibald Christie, from whom you will receive further instructions.

I am, Sir, &c.

(Signed) H. TAYLOR.

*Capt. Robison,  
Half-pay, 17th Light Dragoons.*

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### No. 2.

*Notice to the Out-Pensioners belonging to His Majesty's Royal Hospital at Chelsea, (including those transferred from Kilmainham Hospital), who reside in London and its Neighbourhood.*

HIS Majesty having been pleased to approve of the formation of three Veteran companies, for service in New South Wales and Van Diemen's Land, each to be composed of three sergeants, three corporals, and fifty privates, for the purpose of being employed as superintendents and overseers of convicts, in addition to their military duty; and that such companies should consist of volunteers from the out-pensioners of this establishment, who shall have borne good characters while in the army, and whose subsequent conduct shall have been such as to recommend them for the service in question; a preference being, however, given

to those pensioners who were discharged as non-commissioned officers, or who have acted in that capacity:—

Notice is hereby given, that such out-pensioners of the description aforesaid, as reside in London and its neighbourhood, and may be desirous of volunteering their services in the said companies, are to signify their intention to the Field-officer who will be appointed to examine them, and who will attend at the board-room of the hospital for that purpose between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, on the undermentioned days, viz.—Monday, Oct. 3, Tuesday, Oct. 4, and Wednesday, Oct. 5, 1825; and such out-pensioners are at the same time to produce to the said Field-officer, certificates from the minister and officers of the parish where they reside, or from some other respectable persons, to the effect that their conduct and habits have been such as to qualify them for the employment above described.

In consideration of the duties to be assigned to the volunteers who may be selected for this service, they will be allowed full pay of cavalry, viz.—Sergeants, 2s. 2d. per diem; Corporals, 1s. 7½d. ditto; Privates, 1s. 3d. ditto; together with free rations. And they will likewise, in case of their reverting to the out pension at any future period, be allowed to reckon the term they may have served in the said companies, in addition to their previous service in the army, with a view to their obtaining any increase of pension to which such additional service may entitle them under the regulations now in force.

It is to be observed, that this Notice does not extend to such men as, by the hospital books, exceed fifty years of age, or who have lost a limb, or labour under any serious bodily infirmity. Pensioners, eligible in other respects, will not be objected to on account of their having families, if not too numerous.

By order of the Lords and other Commissioners,

RICHARD NEAVE,  
*Secretary and Registrar.*

*Royal Hospital, Chelsea,  
Sept. 12, 1825.*

No. 3.

*Horse Guards, April 18, 1823.*

MY DEAR GENERAL,

I beg to introduce to you the bearer of this letter, Captain Robison, of the New South Wales Companies, and to recommend him to you as an intelligent officer, who has proved himself very zealous and attentive in the formation of those

companies. I trust you will find them composed of steady and useful old soldiers, and that they will answer the purpose in view.

Lord Bathurst complains of the expensive character of this corps, and perhaps with reason; but the inducement of superior pay was necessary towards obtaining the services of a better description of men.

I trust that we shall, ere long, receive letters from you, and a satisfactory report of your voyage and safe arrival, and of the state in which you have found things.

I must refer you to the papers for news from hence. At head-quarters we are well, and going on much as usual.

Believe me to be ever, with best wishes,

Most truly and faithfully yours,

(Signed) H. TAYLOR.

*Lieut.-Gen. Darling, &c. &c.*

*Downing Street, April 6, 1826.*

MY DEAR SIR,

I beg to introduce to your notice Capt. Robison, who goes out to New South Wales in command of the Veteran companies, now under orders for that colony.

Captain Robison, I believe, is already personally known to you; but, in consequence of the strong testimonials which I have received in his favour from Mr. Charles Grant, I cannot deny myself the pleasure of giving Captain Robison this especial introduction to your favour and protection.

I remain, my dear Sir,

Yours, very faithfully,

(Signed) R. W. HAY.

*Lieut.-Gen. Darling, &c. &c.*

(*Private.*)

*Dublin Castle, Sept. 15, 1825.*

MY DEAR GENERAL,

I beg to introduce to you Captain Robison, a near connexion of Lord Castlestuart, who is proceeding again to New South Wales. My best apology for troubling you, is the reply which I received some time since from Governor Macquarie, in reply to a similar introduction, which speaks of Capt.

Robison in terms which enable me to recommend him to you with greater confidence.

Ever, my dear General, most truly yours,

(Signed) HENRY GOULBURN.

*M.-Gen. Darling, &c. &c.*

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(*Enclosure to Mr. Goulburn.*)

*Government House, Sydney,  
March 15, 1819.*

DEAR SIR,

I had the pleasure on the 26th of November last of receiving your note, dated 30th July, 1818, per Lieutenant Robison, recommending that gentleman to my attentions here; and I beg now to return you my best thanks for giving me so very pleasant and agreeable an acquaintance, which he has proved himself to be in every society here.

Lieut. Robison is a very accomplished, well-informed young man, of highly-polished, conciliating manners, and has, consequently, rendered himself a universal favourite here. Mrs. Macquarie and myself have endeavoured to pay him every little attention in our power; and, whenever it takes place, we shall very sincerely regret his departure.

From various conversations I have had with Mr. Robison, he appears to be quite in raptures with this country and its delightful climate, and seems anxious to spend a part of his life in it, if he could succeed to any respectable official situation in it; and from what I have seen of this young man, I think he would do credit to any office he might be appointed to.

I have the honour to be,

With respectful esteem and regard, &c.

(Signed) L. MACQUARIE.

*Henry Goulburn, Esq., M.P.  
Downing Street.*

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(*Copy of Colonel Sir Archibald Christie's Report to the  
Adjutant-General.*)

*Chatham, March 30, 1826.*

SIR,

I have the honour to report, I yesterday inspected the men of the New South Wales Royal Veteran Companies. They are well clothed and appointed, and a most respectable set of old soldiers.

Great credit is due to Captain Robison for the zeal and attention which he has paid to their selection and formation.

I have, &c. &c.

(Signed) A. CHRISTIE.

Colonel.

To the Adj.-Gen. of the Forces,  
&c. &c. &c.

#### No. 4.

It is intended that Captain Robison's company of the Veterans shall be employed in the duties of the mounted police, and furnish the Governor's guard.

The vacancies in Lieut.-Colonel Dumaresq's company are to be filled up by infantry soldiers from Captain Robison's.

The vacancies in Captain Robison's are to be filled up by the transfer of men from the body-guard and the present mounted police.

The four men of the mounted police at Wallis's Plains, belonging to the 40th, and the four men of the Buffs, are to join their regiments, and be replaced by eight men from the Veteran troop.

Eight men of the Veteran troop to replace an equal number of the Buffs, attached to the mounted police at Bathurst—the latter to join their regiment.

Two men of the Veteran troop to be stationed at Irish Town, and four in Argyle, as mounted police, as soon as horses can be provided.

The other stations (Paramatta, Windsor, and Liverpool) to remain as at present. One man of the Veteran troop to be sent to Longbottom to complete that station.

The distribution of the Veteran troop, when the arrangements are complete, will be as follows:—viz.

	Sergeants.	Privates.
Governor's guard . . . . .	1	6
Bathurst mounted police . . .	1	12
Wallis's Plains . . . . .	1	15
Paramatta . . . . .	0	2
Windsor . . . . .	0	2
Liverpool . . . . .	0	2
Longbottom . . . . .	0	2
Irish Town . . . . .	0	2
Argyle . . . . .	0	4
	—	—
	3	47

## Establishment of the troop:—

- 1 Captain.
- 2 Subalterns.
- 53 Rank and file.

(Signed) RA. DARLING.

Oct. 10, 1826.

## No. 5.

## GENERAL ORDER, No. 83.

*Sydney, 25th October, 1826.*

No. 1.—The Veteran companies are not considered as a corps, but are to act independently of each other, under their own immediate officers.

By command,

H. GILLMAN,  
Major of Brigade.

*Extract from the Sydney Newspaper, "The Australian," of November 8, 1826.*

“ By a proceeding which took place in the barracks the other day, it would seem that the duties of the New South Wales corps are not very accurately defined; at least if any reliance can be placed on the statement of one of the members.

“ A court martial was held to investigate into a charge which had been made against private John Eberson, for refusing to do garrison duty, and persisting in such refusal. On inquiry, it appeared that Eberson belonged to the New South Wales corps, and that after landing here, which was only a few days since, he refused to do the ordinary duties of a private soldier, alleging, that when he entered the corps, it was upon an express understanding that he should have an employment different from that to which a man with a red coat on his back is accustomed.

“ There certainly appears to be some difficulty in assigning to the New South Wales corps the specific duties on which they are in future to be employed. To prevent misunderstandings, which may lead to insubordination, they ought immediately to be made sensible of their situation, and to know whether they are to act as soldiers in garrison, or according to some specific arrangements under which the corps was formed. It appears quite clear to us, that they were not to be considered as *soldiers in ordinary*, and that they will not in anywise interfere with that succession of regiments which take this colony in their route to India, and, while stationary, do all garrison duty. It

seemed to be thought, from the intelligence which reached us from England previous to the arrival of the New South Wales corps, that the men would be distributed over the country with their families; that they would act something like overseers—have, indeed, a variety of duties cast upon them, all tending to prevent the numerous excesses of a prison population. They were to form a check upon bush-rangers—have an eye to reputed receivers of stolen goods—exercise a vigilant superintendence over stock-keepers, &c.—interdict intercourse between runaways and overseers—prevent quarrellings among the servants of distant settlers and the aboriginal natives, and, by settling here with their families, help to improve the face of the country. But if they are to remain in barracks, and merely do garrison duty, the benefit of the contemplated arrangements will be wholly lost, and the children of the members of the corps, by receiving their ‘education’ in Sydney, will, in a few years, help to increase the number of the indolent and dissolute.”

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## No. 6.

*Extracts from Capt. Robison's Reports to the Secretary of State for the Colonies and Commander-in-chief in England, dated from New South Wales.*

23d December, 1827.

Some little time after my arrival at Bathurst, upon taking over the command of the district from Lieut.-Colonel Wall of the Buffs, I found what in my opinion appeared a serious violation of the rules of the service by that officer, he having suffered a part of the Commandant's house to be kept as a store for Colonel Stewart, (the Lieut.-Governor commanding the Buffs,) who caused to be sold to the public from it clothing and other articles of necessaries, which had been sent out in transports from England for the express use of the Buffs regiment; and it was a subject of complaint amongst the settlers, that their assigned convict servants could not, in consequence, be known from the soldiers, owing to their dress; which very much assisted the crime of “bush-ranging.”

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I was compelled to take notice of a highly irregular and unmilitary practice, which I found to have existed some time, in Colonel Stewart's sending various detachments, composed of soldiers of the Buffs, from Sydney to Bathurst, upon his own private concerns; chiefly as escorts to drays, teams, &c. &c. containing farming utensils for his large estate, amounting to

fifteen thousand acres of the late Government reserved land, close to the settlement.

Knowing that the garrison duty in Sydney was at that time so severe, that the soldiers had only every other night in bed, I lost no time in reporting the circumstance, through the military secretary, Lieut. Condamine, 57th regiment, to his Excellency Lieut.-General Darling; and I beg to refer you to the accompanying correspondence:—

*Commandant's Office, Bathurst,  
20th March, 1827.*

SIR,

Having been applied to by Deputy Assistant-Commissary-General Howard to sign ration returns for various men of the Buffs, who are *not* included in the duty strength of this district, I have the honour to request you will be pleased to inform me in what capacity they are to be mentioned in my monthly returns.

Three out of the five soldiers lately arrived from Sydney have produced the accompanying copy of a pass; the others have merely stated "they expect" their discharge.

I have the honour to be, &c.

(Signed)

R. ROBISON,

*Capt. New South Wales Veterans,  
and Commandant.*

*Lieut. Condamine, 57th Regt., A. D. C.  
Military Secretary, Sydney.*

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*His Majesty's 3d Foot, or Buffs, commanded by  
Colonel William Stewart.*

Permit the bearers hereof, privates John Loverstone and William Sutherland, soldiers of the above-named regiment, together with John Sullivan, one of the four private servants allowed me by Government, to pass from hence to "*Throsby Park*," in Argyle, and from thence to proceed with a small flock of Merino sheep, belonging to me, across the Cockbundoon Range, and by the residence of Mr. M'Allister, justice of the peace, to the River Abercrombie; down the banks of which they will proceed for Bathurst, where they will report their arrival, and that of the sheep, to Lieut.-Colonel Wall of the Buffs, and to Colour-Sergeant M'Gregor, my overseer there.

Soldiers' rations are to be issued to them at the several commissariat stations; and the stock-keepers at each station will be pleased to insert the number of rations issued by him on the back of this pass, and to what date he has rationed them,

as a voucher for the guidance of the Quarter-master of the regiment,\* and of the deputy Commissary-general.†

After they have rested a few days after their arrival at Bathurst, private John Loverstone will rejoin the head-quarters of the regiment at Sydney by the first opportunity; but private William Sutherland, and the private servant, John Sullivan, will remain with my other servants at Bathurst until farther orders; and John Sullivan will be rationed with my two other private servants now there, the same as a soldier, spirits excepted, as arranged with the deputy commissary-general at Sydney.†

Given under my hand at Sydney, this 6th day of February, 1827.

(Signed) WILLIAM STEWART,  
*Lieut.-Governor.*

P.S.—A sealed haversack is herewith sent by the bearer, addressed to William Sutherland, and sealed in three different places with red wax and the regimental seal, and which contains two letters, with one pound of tea, and two pounds of sugar, for William Sutherland's use.

(Signed) WILLIAM STEWART.

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I hereby certify that Private John Loverstone, of the Buffs, and one private servant, received their rations at Sydney, the 8th February.

(Signed) M. FUGLESON,  
*Acting Quarter-master-Sergeant, Buffs.*

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*Commandant's Office, Bathurst,  
28th February, 1827.*

SIR,

The three men which have been sent to Bathurst with Colonel Stewart's sheep, viz. two soldiers and one private servant, are to be rationed at the commissariat stores.

I send their pass, on which you perceive is inserted the provisions they have received on the road since they left Sydney. It would be as well to give them rations up to the period that Colour-Sergeant M<sup>c</sup>Gregor has received rations for the other

\* There was no Quarter-master to the regiment. He died upwards of a year previously to this pass being issued!

† Mr. Wemyss, the deputy Commissary-general in charge of the department, informed me that he had made no such arrangements, and that it was false.—R. R.

men of Colonel Stewart's establishment; after which he can draw provisions for them also.

I am, &c.

(Signed) CHAS. WALL,  
*Lieut.-Col. Buffs, Commandant.*

*Charles Howard, Esq.*  
*Dep. Assist.-Commissary-General, Bathurst.*

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*Bathurst, March 20, 1827.*

SIR,

I have to request that rations may be issued to two soldiers of the Buffs, employed by Colonel Stewart, for which Captain Robison, the commandant, has agreed to sign a return; and when I go to Sydney, I will, if necessary, cause an authority from the deputy commissary-general to be sent you for so doing.

I am, &c.

CHAS. WALL,  
*Lieut.-Colonel, Buffs.*

*Charles Howard, Esq.*  
*Dep. Assist.-Commissary-General.*

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Receiving no answer to the above communication, although every other letter, to the amount of eight or ten, were replied to; and a fresh detachment of the Buffs having arrived, as an escort to another private dray of Colonel Stewart's, I wrote the following letter, enclosing the pass, which was also unanswered:—

*Commandant's Office, Bathurst,*  
*16th April, 1827.*

SIR,

On the 20th ult. I had the honour of forwarding a letter relative to the detention of some men of the Buffs in this district; and as I have received no answer to it, and being again applied to by Deputy Assist.-Commissary-Gen. Howard here (whose letter I enclose), I beg to forward you a copy of my former communication.

I take this opportunity of observing, that a very irregular practice exists of soldiers being sent into this district from Sydney, without reporting themselves to this head-quarters.

I have the honour, &c.

(Signed) R. ROBISON,  
*Capt. N. S. Wales Veterans, Commanding.*

*Lieut. Condamine, A. D. C.*  
*Acting Military Secretary, Sydney.*

*His Majesty's 3d Foot, or Buffs, commanded by  
Colonel William Stewart.*

Permit the bearers hereof, privates William Brown, George Brunt, and George Kearns, of the 3d regiment of foot, or Buffs, to pass from hence to the Commandant's at Bathurst on duty, in charge of a dray with stores, and accompanied by twelve prisoners of the crown,\* assigned servants to Lieut.-Governor Stewart; and who are to return to the head-quarters of the regiment at Sydney, when they have delivered over the government servants in question, together with the dray and stores, to Sergeant M'Gregor at Bathurst.

Given under my hand at Sydney, this 6th day of March, 1827,

(Signed) WILLIAM STEWART,  
*Lieut.-Colonel, Buffs, and Colonel.*

*To all whom it may concern.*

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Rationed by me at Sydney up to the 8th March, 1827, inclusive; and they are to draw rations at Emu Plains, to carry them on to Bathurst.

(Signed) M. FUGLESON,  
*Acting Quarter-master-Sergeant, Buffs.*

---

I likewise found men of the Buffs regiment employed upon Colonel Stewart's farm; and, in short, such a system carrying on as was, in my opinion, greatly injurious and derogatory to the service, particularly with reference to the nature of the colony, and emanating from so high an authority as its Lieut.-Governor.

The major of brigade, also a captain of the Buffs, (Gillman,) was a large land and stock-holder, and had just then sold several hundred head of sheep and cattle at the Bathurst settlement, having procured leave of absence from Sydney to proceed there.

Colonel Stewart was also in the habit of forwarding despatches in the name of the Colonial Secretary, and making use of the constables who were stationed on the road for the purpose of conveying them. In one instance I received a despatch, addressed to me as Commandant, *to be forwarded with all possible haste*, purporting to be from the Colonial Secretary, and directed on his Majesty's service, as follows:

“The Colonial Secretary requests Captain Robison will have

\* N. B. Convicts; but the twelve were mechanics.—R. R.

the goodness to forward the two enclosed letters by bearers to their destination, with the least possible delay."

*Colonial Secretary's Office, Sydney,  
March 20, 1827.*

Upon my arrival at Sydney, and shewing the original to Mr. M'Leay, the Colonial Secretary, he declared it was a *forgery*; and Mr. Harrington, the head clerk in the Colonial Office, stated it was in the handwriting of Colonel Stewart's clerk, and "that he could swear to it."

No. 7.

*Brigade Office, Sydney, April 21, 1827.*

SIR,

By the first paragraph of the General Orders, No. 38, you will perceive that the Lieut.-General commanding has thought proper to discontinue Bathurst as a separate district. You will therefore be pleased to return to head-quarters.

I have the honour to be, Sir,  
Your most obedient servant,

H. GILLMAN,  
*Brigade Major.*

*Capt. Robison, Commandant, Bathurst.*

GENERAL ORDER, No. 38.

*April 3, 1827.*

No. I.—Captain Robison, of the Royal Veterans, will return to head-quarters; Bathurst being discontinued as a separate district.

No. 8.

No. 20.395

1

*War Office, May 30, 1828.*

SIR,

I am directed to transmit herewith a copy of a letter to Lieut.-General Darling, containing instructions for the disbandment of the Veteran companies for service in New South Wales.

I am, &c.

(Signed) L. SULIVAN.

*John Kirkland, Esq.*

Mr. Kirkland has the honour to present his compliments to the officer commanding the New South Wales Veteran companies, and to annex a copy of a communication he has just received from the Secretary-at-War.

Mr. Kirkland begs to offer his services to the officers of the corps, and to enclose a form of power of attorney for the guidance of those who may wish him to act as their agent in this country.

*General Agent's Office, London,  
June 5, 1828.*

No. 20.395

1

*War Office, May 29, 1828.*

SIR,

I have the honour to acquaint you, that the King has been pleased to command that the Veteran companies for service in New South Wales shall be disbanded.

You will have received the necessary instructions from the General Commander-in-chief, relative to the disposal of the men, who, of course, will be placed upon such pensions as they are entitled to.

The officers, who may have the option of remaining in New South Wales, can only be permitted to receive two months' full-pay from the date of disbandment; and those who return home will be allowed full-pay to the date of their arrival.

You will be pleased to acknowledge the receipt of this letter, and report to this office the date of the disbandment of the said companies.

I have, &c.

(Signed) PALMERSTON.

*Lieut.-General Darling, &c. &c.  
New South Wales.*

No. 9.

*Sydney, July 5, 1828.*

SIR,

I have the honour to request you will be pleased to state to me, whether you did not, in the month of June, last year (as the Acting Major of Brigade), on the occasion of his Excellency Lieut.-Gen. Darling embarking to visit the northern settlements, bring me an official verbal communication from him, to the effect, that his Excellency had been pleased to grant

me leave to return to England, and that I should take charge of the first invalids about to be sent home ?

I have, &c.

(Signed) R. ROBISON,  
*Capt. N. S. W. R. V. Corps.*

*Major Innes, 3d Regt. (Buff's),  
Paramatta.*

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*Paramatta, July 6, 1828.*

SIR,

In reply to your letter of yesterday's date, I have the honour to inform you, that I do remember, on the occasion of his Excellency proceeding to visit the northern settlements, I did verbally communicate to you, that the Lieut.-General would give you leave of absence, and that you would get charge of the invalids proceeding to Europe.

I have the honour to be, Sir,

Your obedient servant,

ARCH. C. INNES,  
*Major (Buff's).*

*Capt. Robison,  
N. S. W. Royal Vet. Company.*

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GENERAL ORDER, No. 58.

*June 6, 1827.*

The Lieut.-General has been pleased to grant Capt. and Brevet Lieut.-Col. Dumaresq, Royal Vet. Companies, leave to return to England on his private affairs, for 18 months, to commence from the 1st of the present month.

N.B.—Lieut.-Col. D. was absent upwards of two years. He did not return to the colony until the month of July 1829; when the following General Order was issued:—

GENERAL ORDER, No. 112.

*Brigade Office, Sydney, July 13, 1829.*

Lieut.-Colonel Dumaresq, having returned from leave of absence, will resume his duty as Aid-de-Camp, &c.; and Ensign Darling, 57th regt. will consequently return to the duties of his regiment.

By command,

(Signed) K. SNODGRASS,  
*Lt.-Col. and Major of Brigade.*

## No. 10.

*Extract of a Letter from Mr. Wentworth to Sir G. Murray, Secretary of State for the Colonies. Printed by order of the House of Commons.*

“ Of the validity of these grounds of impeachment, and the nature of the offence which they respectively amount to, you, sir, will of course take the opinion of his Majesty’s Attorney and Solicitor-General; and you will, I have no doubt, sir, be told by those high law officers of the crown, that these acts, which you will perceive flow necessarily from the Lieutenant-General’s admissions, as contained in the various documents set forth in Appendix B, even though all the Lieutenant-General’s statements and inferences should be true, and the death of Sudds not one of the consequences of the illegal punishment which he underwent on the memorable 22d of November, constitute in law what I have designated them, *high indictable misdemeanours*.”

*Second Extract.*

“ My chief grounds for believing that this artifice was resorted to, will be found in the statement of Captain Robison, of the Royal Veterans, hereunto annexed in Appendix D. Of the accuracy of Captain Robison’s statement, I myself entertain no doubt; and those gentlemen here, who have known him for many years longer than I have, feel, in common with myself, perfectly satisfied that no motive of personal malice or ill-will would tempt him to swerve in the slightest degree from the path of truth and honour. I make this prefatory observation on his testimony, because I am aware that the Lieutenant-General will attempt to weaken, if not to shake it altogether, by alluding to a late court-martial, in which Captain Robison was the defendant, and the Lieut.-General himself the prosecutor. I, for one, feel no doubt, that the chief, if not sole, motive in which this court-martial originated, was the accidental *trying on* of these chains by Captain Robison, in the manner stated in his letter, and the latitude of remark in which Capt. Robison indulged with respect to these *instruments of torture* afterwards. In a country like this, where an organised system of espionage opens the surest way to the patronage of the government, and where, consequently, scarcely a conversation takes place in any circle, social or otherwise, which is not immediately repeated at Government-house,—in such a lamentable state of society, in which no man can trust his neighbour, it is impossible that Captain Robison’s observations, with respect to the character and weight of these chains, could have been long unknown to the Lieut.-General; and it is evident that this gentleman’s private and individual

experience being thus at variance with the Governor's and the Colonial Secretary's public and official statements, it became expedient, if not essential, to the vindication of their *public character for veracity*, as to their *very official existence*, that some measure should be adopted to get rid of, or at all events to weaken, the effect of testimony, which it was foreseen would, sooner or later, rise in awful array against them. Hence a court-martial, the result of which, notwithstanding the *foul* means which were practised by this powerful prosecutor to get Capt. Robison cashiered, and the highly objectionable elements of which the court was in part composed, no one here doubts, who heard the trial, will prove highly honourable to this persecuted officer."

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## No. 11.

GENERAL ORDERS, No. 63.

July 14, 1827.

Captain Robison, of the Royal Veteran companies, will hold himself in readiness to proceed to Norfolk Island, in the room of Captain Wright, of the 39th regiment, notified for the commandant of that settlement in the General Orders, No. 59.

By command.

GENERAL ORDERS, No. 66.

July 18, 1827.

The Lieut.-General directs that six privates, single men, of Captain Robison's company of the Royal Veterans, will be in readiness to proceed to Norfolk Island by the first opportunity.

By command.

## No. 12.

GENERAL ORDERS, No. 59.

June 12, 1827.

P. 2.—Captain Wright, of the 39th regiment, is appointed Commandant at Norfolk Island, and will proceed by the first opportunity to relieve Captain Donaldson, of the 57th regiment.

By command,

H. GILLMAN,

*Major of Brigade.*

## No. 13.

## GENERAL ORDER, No. 70.

*July 28, 1827.*

The General Orders, Nos. 63 and 66, are cancelled. Capt. Wright, of the 39th regiment, will consequently proceed to Norfolk Island by the "Governor Philip," now under despatch for that settlement. Capt. Donaldson, 57th regiment, will return to head-quarters by the same vessel.

By command.

## No. 14.

## GENERAL ORDER, No. 82.

*September 5, 1827.*

Lieut. Brown, two sergeants, and forty rank and file, of the 57th regiment, will relieve the detachment of the 39th at Newcastle.

By command.

## GENERAL ORDERS, No. 83.

*September 8, 1827.*

Captain Robison's company of the Royal Veterans will relieve the detachment of the 39th regiment at Newcastle, as soon as the two companies are equalised.

## GARRISON ORDERS.

*September 8, 1827.*

The Lieut.-General has been pleased to direct that the Veteran companies be equalised.

The under-mentioned non-commissioned officers and privates of Capt. Robison's company, at present attached to the civil service of the government, are transferred to Capt. and Brevet Lieut.-Col. Dumaresq's company, from the 25th ult. inclusive.

[Here follow the names.]

N.B.—The mounted police and Governor's body-guard are termed the "Civil Service" in the colony.

## No. 15.

## GOVERNMENT AND GENERAL ORDERS.

*Colonial Secretary's Office, Dec. 21, 1825.*

The Governor has been pleased to appoint Henry Dumaresq, Esq. to be his private secretary.

His Excellency has also been pleased to appoint Henry Dumaresq, Esq. to be clerk to the Executive Council, until his Majesty's pleasure shall be known.

By his Excellency's command,

(Signed) F. GOULBURN,  
*Colonial Secretary.*

## GOVERNMENT ORDER, No. 39.

*Colonial Secretary's Office, Nov. 3, 1826.*

His Excellency the Governor has been pleased to appoint Lieut.-Colonel Henry Dumaresq to act as clerk to the Legislative Council, in the room of Mr. Douglass, till farther orders.

By his Excellency's command,

ALEXANDER M'LEAY,  
*Colonial Secretary.*

N. B.—These were only part of his *civil* appointments.

## No. 16.

*Extract.**Colonial Secretary's Office,  
Sydney, Oct. 4, 1827.*

SIR,

I am directed by his Excellency the Governor to request that you will provide a quarter, consisting of two rooms, in some of the buildings under your charge, for Captain Robison, of the Royal Veteran company, who is proceeding to Newcastle.

I have, &c.

(Signed) ALEXANDER M'LEAY,  
*Colonial Secretary.*

*Mr. Mackay,  
Superintendent of Convicts, &c.  
Newcastle.*

No. 17.

*Newcastle, 5th February, 1828.*

SIR,

As my commanding officer, I take the liberty of addressing to you a few lines, trusting to your goodness to represent my case in that quarter from whence emanates my cause of complaint. In 1825, I was discharged from the 17th Lancers, with eighteen years' service, having served upwards of ten years in India, under the immediate command of Lieut.-Colonel the Hon. L. Stanhope, through whose intercession, and the kindness of Lord Fitzroy Somerset, I was put down to fill the first vacancy that occurred in the Ordnance Department as barrack sergeant; but shortly after receiving my discharge, and before any vacancy took place, I was informed that three companies of Veterans were about to be raised, selected entirely from the pension list, and those of the best of characters, to proceed to New South Wales, there to be employed as superintendents, overseers, &c. I embraced the opportunity, thinking, by a steady adherence to that line of conduct for which I was so strongly recommended on leaving my regiment, I should be enabled to provide decently for my wife and family. I accordingly repaired to Chatham, and was introduced to you, sir, by Major Bently; you asked me if I had any testimonials of good conduct; I produced documents from the whole of the senior officers then present with the regiment, most of whom, sir, you was personally acquainted with, and which you was pleased to say were the strongest you ever read. It being soon finally settled, I was entered upon the strength of the companies, which was no sooner done, than I received a letter from the Ordnance Department, appointing me barrack sergeant at Tilbury Fort barracks; but having engaged to proceed with your company to New South Wales, I sacrificed it; at the same time I wrote a letter of thanks to Lord Fitzroy Somerset, and stated my reasons for declining so eligible a situation. Immediately after my joining the companies, you was pleased to appoint me acting quarter-master sergeant, which duties I have since and do still perform, and to which has been added that of pay-sergeant to the company for the last eleven months. Upon my arrival at Sidney, I expected to be placed in some civil employ; but month after month elapsed without the least notice being taken, nor has any offer or proposal of any thing of the kind ever been made to me. I have hitherto endeavoured to perform the military duties required of me, still flattering myself, that when a vacancy occurred I should be appointed; but having waited for eighteen months, and finding my expectations as remote now as when I landed in the colony, and likewise observing that vacancies occur so often that

they seem obliged to take subaltern and petty officers of trading vessels arriving at Sidney to fill them; I therefore humbly request, sir, that you will have the goodness to represent my case to his Excellency the Governor. It may be urged, sir, that in consequence of so many complaints being presented against several of the Veterans who have had civil employments, his Excellency declines appointing any more; but surely, sir, that ought not to affect me, as there has been no complaint made against me since I have been in the colony. That several of the men's conduct has been complained of, I readily admit; but may I be bold enough to ask, sir, from whence originates the major part of those complaints? Merely this, sir; the men felt themselves aggrieved at being under the control of, and obliged to obey, the orders of *convicts*; nay, sir, many of them compelled to associate, diet, and sleep, in the same hut with convicts of the worst description. No man possessed of the least spark of pride (and there is no good soldier without it), but must feel himself very uncomfortable so situated. Hence arose the majority of those complaints; for the men would commit irregularities, merely with a view of being dismissed. I do not mention these circumstances, sir, with a view of vindicating any misconduct in the men: you are well aware, sir, that I always suppressed, as far as lay in my power, any misdemeanours that I may from time to time have observed, nor did I ever lose any authority by associating with, or making equals of, those whom my duty required I should keep at a proper distance; no, sir, I state it as matter of facts, facts that are still in existence; for there is not a single overseer belonging to the Veterans employed in Sidney, and there are many of them, but is under the command of a convict or convicts. I trust, sir, you will make a favourable statement of my case; there are many respectable situations in this country that I consider myself quite competent to fill, at present held by men who have not the least claim whatever upon the service. In order, sir, to give an idea of the numerous situations in which the colony abounds, I beg to mention some of those in this small settlement of Newcastle:—

Superintendent of convicts, salary 150*l.* per annum, house, coals, and servants. This man came out from England in the same transport vessel with myself, in capacity of junior mate and ship's steward.—Clerk to magistrates, 120*l.* per annum, house and coals. This man is a convict.—Chief constable at settlement, 100*l.* besides a pension, house, and coals.—District ditto, 2*s.* 10*d.* per diem, with coals. This man is a convict.—Free constable, 2*s.* 3*d.* Ditto, ditto, late convicts.—Convict ditto, 2*s.* Ditto, ditto, at present convicts.—Jailor, 80*l.* per annum; apartments, coals, &c. A convict.—Turnkeys and constables to jail, 2*s.* 3*d.* and 2*s.* per diem. Convicts.—Convict overseer, first class,

1s. 3d. per diem; second class, 10d.; third class, 6d. Pay of the Veterans as sergeants, 2s. 2d.; corporals, 1s. 7½d.; privates, 1s. 3d. per diem. I have taken the liberty to enter into particulars, sir, in order to shew what mortifications the Veterans have received from the arrogance of those men placed in those situations over them which they had every reason to expect to fill themselves.

I beg leave to subscribe myself, sir,

Your obedient and very humble servant,

(Signed) JOHN STAPLES,  
Sergeant, Royal Veterans.

Captain Robison,

N. S. W. Royal Veterans, commanding at Newcastle.

The above is a correct copy.

JOHN STAPLES,  
Sergeant, Royal Veterans.

Witness,

J. SWEENEY, Lieutenant,  
New South Wales R. V. Company.

To His Excellency Lieut.-General Darling, Governor and  
Commander-in-Chief in and over the Territory of New  
South Wales and its Dependencies, &c.

The humble Petition of CHARLES FAUNT,

Most respectfully sheweth,

That your Excellency's petitioner holds the rank of lance sergeant in the Royal Veteran company, and for the last nine months has been attached to the civil department at Newcastle, as marker at the coal mines.

That your Excellency's petitioner has a wife and young family of five children, entirely depending on him for subsistence; and the manner in which he is at present situated, renders it impracticable for him to earn any trifling assistance in addition to his pay to support his numerous family.

That your petitioner came to this colony under the immediate auspices of his late Royal Highness the Commander-in-chief, at the recommendation of Sir Herbert Taylor, (not on a par with the rest of the corps, he being no pensioner,) military secretary, under the promise of being well provided for in this colony; solely under that impression, your petitioner joined his present corps, in which he feels himself totally inadequate to support so large a family on his bare pay, and having the arduous duties he has to perform in this present civil situation.

Your petitioner humbly begs leave to refer your Excellency to his recommendations from Sir Herbert Taylor, and which were handed over to your Excellency by Captain Robison, at your petitioner's disembarkation in this colony.

Your petitioner most humbly sheweth, that your Excellency will be graciously pleased to take his case into your humane consideration, and grant him such allowance in addition to his military pay, as your Excellency in your justice and humanity may deem fit, to enable him to support his numerous family; and your Excellency's petitioner, as in duty bound, will ever pray.

CHARLES FAUNT,

Newcastle, October, 1827.

4th Sergeant R.V.C.

Witness,

J. SWEENEY, Lieut.

New South Wales V. Corps.

JOHN STAPLES, Sergt.

*Military Secretary's Office, Sidney, 29th Dec. 1827.*

SIR,

I am directed by the Lieut.-General commanding, to request that Sergeant Faunt, of the Royal Veterans, who has been employed at the coal mines, may be ordered to join and do duty with the detachment under your command.

I have, &c. &c. &c.

CHARLES STURT,

Captain Robison,

*Military Secretary.*

Royal Veterans, &c. &c. &c.

*Newcastle, 11th February, 1828.*

SIR,

I hope I may be pardoned the liberty I take in addressing you; but knowing your general attention to the claims and interests of a deserving soldier, I am induced to address the following statement to you, and humbly beg you will be pleased to forward it to His Grace the Duke of Wellington, Commander-in-chief of the forces.

About fifteen months ago, I was sent to this place, for the purpose of being employed as a marker at the coal mines here, by order of his Excellency the Governor. This duty, which is arduous of itself, I did for thirteen months, I hope with credit to myself and satisfaction to the government; indisposition and internal suffering was at length the sole cause of my being under the necessity of tendering my resignation to the superin-

tendent of public works at this station, which, on being submitted to his Excellency, it was accepted, and I was ordered to remain in the settlement and do duty with the detachment of the company under your command.

Previous to this epoch, I had sent a memorial to Lieut.-General Darling, of which the accompanying document is a copy, praying I might be allowed some gratuity in addition to my military pay, to enable me to support a numerous family of five children, to which appeal I received no reply.

Two of my children would be of some service in aiding me in the maintenance of my family, as they are capable of entering a place of service, but not finding any sufficiently respectable here to employ them, and from other parental anxiety, they being females, I was necessitated to forward them, together with the mother, to head-quarters, Sidney.

Thus being placed, by orders of his Excellency, afar from my family, they depending on me for support, and yet unprotected by me, I am constrained to say, that having come out under the immediate auspices of his late lamented Royal Highness, the then Commander-in-chief, at the recommendation of Sir Herbert Taylor, military secretary, I had expected in some way to be more beneficially placed by the government here, with some means of maintaining my family; and in most respectfully requesting you to submit this to the high authority before mentioned, I humbly presume to anticipate some favourable result.

I am, sir, with the highest respect,

Your most obedient humble servant,

CHARLES FAUNT,

*Captain Robison,*

*L. Sergt. R. V. C.*

*Commanding N. S. W. Veterans, Newcastle.*

*Witness,*

J. SWEENEY, Lieut.

*New South Wales V. Corps.*

JOHN STAPLES, Sergt.

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*Newcastle, 29th January, 1828.*

SIR,

With due submission, I forward these few lines to you, hoping they will meet your approbation, in me laying the following statement before you. Under proclamation, bearing date 23d December, 1826, by his Lords Commissioners, and others of his Majesty's Royal Hospital, Chelsea, and agreeable to the terms therein, I entered the New South Wales

Veteran companies, as a superintendent or overseer of convicts; and after my arrival in Sidney, was immediately placed on the garrison list for military duty, and shortly after was banished to Newcastle, with often only one night in bed. This I call hard duty; but little did I think, nor do I suppose that such old deserving soldiers, with good characters, should be selected for such hard duties. I have now served for nearly twenty-three years; and during which time have felt and experienced the fatigues and hardships that attended the continent of Europe, from the year 1808 until the year 1819, under the command of his Grace the Duke of Wellington. I was recently discharged for chronic rheumatism, wounds, &c. I never got the least chance or offer of any situation in the colony whatever, but military duty. I am at this present quite unfit for the military duty that is required of me at this present; therefore I hope you will look into my case, as I feel myself much hurt.

With due submission, sir,

Your most obedient and very humble Servant,

JOHN <sup>his</sup> X KELLEY,  
Mark.

*Captain Robison.*

*Private, Royal Veteran Company.*

*Witness,*

J. SWEENY, Lieutenant,  
*New South Wales Veteran Company.*

JOHN STAPLES, Sergeant.

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*Newcastle, 21st February, 1828.*

SIR,

I beg leave to lay before you, as being captain of the company to which I belong; I having entered into the Veterans under terms held out by the Lords Commissioners, as to be appointed a superintendent or overseer of convicts; but upon my arrival in Sidney, New South Wales, I was immediately placed to do garrison duty, often only one night in bed; and from thence I was ordered to proceed with my company to Newcastle, from which place I was ordered on detached duty to Port Stephens, and being embarked in an open boat, both me, and my wife and family, with a young infant child, where I remained one night, and a part of the following day, during which time I was exposed, both me, wife, and family, to a most severe and heavy gale of wind and rain, which my baggage being in the open boat, I sustained a heavy loss, by a part of my things being washed overboard and lost, and what was not washed away was totally damaged,

as they are to be seen at this present. I am now suffering from severe pains, which I caught through being in the open boat, in an open sea, on a most dangerous coast. Upon my entering into the Veterans, little did I suppose that military duty was designed for me, as it is well known that I was recently discharged from my regiment, totally incapable of further military duty, which I hope you will take into consideration, as I never had the least offer of any situation whatever, which was the terms held out in the proclamation by the Lords Commissioners and others.

*Captain Robison.*

I remain, sir,  
Your most obedient humble servant,  
WILLIAM PHIPPS,  
*Second Veteran Company.*

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GOVERNMENT NOTICE.

*Colonial Secretary's Office, Feb. 17, 1827.*

His Excellency the Governor has been pleased to approve of the following alterations in the police of the colony.

In the county of Argyle, private Robert Aikenhead, Royal Veteran company, to take charge of the lock-up house and pound at Boong Boong, in the room of Jacob Wroughton, who is in future to act only as scourger and petty constable.

By his Excellency's command,

ALEXANDER M'LEAY.

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*Memorial of Robert Aikenhead, Private, New South Wales  
Royal Veterans, Captain Robison's Company.*

Agreeable to an order from his Excellency, Lieut.-Gen. Darling, Governor-in-chief of New South Wales, I was sent to report myself to the bench of magistrates for the county of Argyle; and on my arrival, which was on the 26th January, 1827, they appointed me as chief constable, which situation I took charge of on the 20th January, 1827; but on the 12th February following, the bench had occasion to dismiss their gaoler, and at that time they could find no one to fulfil the said situation: they asked me if I thought I would be able to fulfil this duty, along with what I had taken in hand already: I replied, that I would do the utmost of my power to fulfil the two duties, which was very hard. My house being on the main road, I had all cattle to inspect, with regard to brands, and all government men for their protection. The bench said

to me, that I should be paid for the gaol, which was 12*l.* per annum: which situations I faithfully fulfilled to the end of July 1827. During most of the time that I was in office, the constables, which had formerly been convicts, became very refractory, on account of the case of Robert Taylor, formerly clerk to the said bench. He had been empowered by the magistrates to draw the constables' pay, from the secretary's office, Sidney: after so doing, he absconded with it; in this case I have had a great deal of trouble, as I have in many more similar cases. The mounted police and constables were sent out after him; and I apprehended him myself, concealed under a bed, and brought him a prisoner to the bench: and, sir, I have now to remark to you the injustice they did me at this time. After my trouble in taking the prisoner, I certainly expected in this case some encouragement from the bench; but instead of that, they set him at liberty for two days, to make up his books. In course of these two days he absconded a second time, and he was re-taken, tried, and death recorded against him. Sir, this is to shew you their neglect, when I apprehended him the first time, in letting him go. In this case, if they had kept him safe, I was entitled to 10*l.* for his apprehension. Sir, the above prisoner had been twice convicted before he was clerk for the bench. At my resignation I requested a certificate to draw the promised pay for the gaol, which I got; and on my presenting it to the colonial secretary, the answer I received was, that nothing more than my military allowances could be granted me, sir. And another circumstance that I have to mention is, the case of Patrick Goodharty, who was apprehended on suspicion of cattle stealing; the magistrates seizing the said cattle, and placed them under my charge. I was at the expense of keeping a man three months to look after them, until the prisoner's trial came on; and at his trial he was cleared. The magistrates finding themselves in an error, ordered me to deliver his cattle *free of expense*, which certainly was a heavy loss to me. In the first place, the maintenance of the man that kept them, and in the loss of about 6*l.* of poundage; and, sir, if you consider my statement, you will see that I had every reason to resign and join my company.

ROBERT AIKENHEAD, Private,

*Captain Robison's Company, New South Wales Royal Veterans.*

*Witness,*

J. SWEENEY, Lieutenant,

*New South Wales Veteran Company.*

JOHN STAPLES, Sergeant.

*Captain Robison,*

*Commanding Royal Veteran Company, Newcastle.*



*Colonial Secretary's Office, 2d Oct. 1827.*

In reply to your application, dated 14th of last month, for additional pay for your services in the Argyle Police, I am directed by his Excellency the Governor to inform you, that nothing more than your military allowances can be granted to you.

*Robert Aikenhead, Newcastle.*

ALEXANDER McLEAY.

SIR,

*Newcastle, 10th Feb. 1828.*

I beg the liberty in which I have taken in writing these few lines to you. It is merely to lay before you the following statement, &c. Under a proclamation issued by the Lords Commissioners and others of his Majesty's Royal Hospital, Chelsea, 3d of October, 1825, and agreeable to the terms therein, I entered, with a view of being appointed as a superintendent or overseer of convicts, on my arrival in New South Wales, which was clearly laid down to me; but on my arrival in Sidney, New South Wales, I was ordered to the most hard and fatiguing military duty of the colony, as a mounted police, stationed at Bathurst, where I was constantly out in the bush, both nights and days, exposed to rains, colds, and heavy dews at nights, without the least notice being taken of the purpose for which I was sent out, nor got the least offer given me of such. During my time in the mounted police, I was present at the apprehending of several prisoners, which there was a reward for, and for which I gave a claim in to you, sir, for a part or share, to which I might be entitled, to which you received an answer from Lieutenant Everden, 3d Buffs, then commanding the mounted police at that station; that he, Lieutenant Everden, did not consider the mounted police entitled to the rewards, and therefore he did not think proper to draw it. This hard heartening duty I fulfilled for the space of seven months, when I was ordered to join my company in Sidney; then I was continued to do garrison duty, with often only one night in bed, and from thence to Newcastle. N.B. Those men selected from the regular troops to do duty in the mounted police, received an additional allowance of 9*d.* per diem, for which I received nothing but my regular pay, agreeable to his Majesty's proclamation. So, sir, you being captain of my company, I hope will be so kind as to look into this.

I am, with due respect,

Your most obedient, humble servant,

WILLIAM WAGER.

*Witness,*

J. SWEENEY, Lieut.

*N. S. W. Veteran Company,*

*Captain Robison,*

*Commanding Royal Veterans, Newcastle.*

Newcastle, January 11, 1828.

SIR,

I hope you will excuse the liberty in which I have taken in laying before you the following statement, as being the captain of my company. At my arrival in Sydney, New South Wales, I was immediately placed to do garrison duty, with one night in bed, without ever having the least trial of any situation whatever. Military duty was not whatever intended by the Lords Commissioners, nor yet by me: for were it so, I would not have been passed by any military surgeon, as I was recently discharged totally unfit for further military duty;—which I have at this present a musket-ball in my body, which I received at Toulouse, 10th April, 1814—through the effects of wounds which I am now labouring under at present. I so continued at my duty in Sidney, until ordered with my company here to Newcastle, there to do the severe duty of that place, with one night in bed. From this I was ordered to Port Stephens, on a detachment duty, to protect the Australian Agriculture Company. I was obligated to lie in an open boat for three days and three nights, during which time I was in an open sea and dangerous coast; it rained for two days and two nights, and part of the third day, which I was exposed to the whole of the above time mentioned; and through the fatigues and colds that I received during the time, I was obligated to return back here, and go into hospital, where I received nothing whatever but such medicine as might be ordered by a colonial assistant-surgeon—not the least comforts whatever—there is no bed or bedding, cooking utensils, or any other comforts in it that I was used to in a military hospital; so that from my wounds, and fatigues, and colds that I have received, has left me at present totally incapable of accomplishing that hard military duty sent here to do in this place. So think very hard that my health should be so far injured, merely for the want of the regular nourishment that I was used to. I was sent out here by Government as a superintendent or overseer of convicts; but in place of that (convicts) are superintendents' overseers—which has left me to do hard military duty, which I am not able to do, as I was discharged from my regiment totally unfit for that duty. So I hope, sir, that as you are the captain of my company, you will be graciously pleased to look into this, as I find myself in duty bound to lay my statement before you.

I am, sir, with due respect, your most obedient, humble servant,

JOHN MURRAY,

*Private in Capt. R. Robison's Company, N. S. W. Vet.*

*Witness,*

J. SWEENEY, Lieut. *New South Wales Vet. Corps.*

JOHN STAPLES, Sergt. *New South Wales Royal Vet.*

*Captain Robison, commanding R. Vet. Company, Newcastle.*

*To his Excellency, Lieut.-General Darling, Governor and Commander-in-chief in and over the Territory of New South Wales and its Dependencies, &c. &c. &c.*

The humble Petition of John Robinson of the Royal Veteran company, stationed at Newcastle, as orderly to the Military Hospital.

Most respectfully stateth,

That your Excellency's petitioner joined his present corps when it was first embodied; and after remaining three months in it, he was, in consequence of ill health, discharged.

That your petitioner on receiving his discharge, he petitioned Sir Robert Peel, then Secretary of State for the Home Department, for a free passage to this colony, which application was recommended by the Deputy-Assistant Adjutant-General of the forces, and R. Canning, Esq. In answer to which, he was assured by Sir Robert Peel, that if your petitioner came to this colony with the Veteran company, he should, on his arrival, be appointed to a comfortable situation; and, should a military life hereafter disagree with his health, he should have the benefit of his former discharge forthwith.

That your petitioner having served the long period of twenty-six years in the army, and finding his present state of health much impaired; and feeling himself inadequate to execute the duties attached to an active soldier's life, having a wife and family depending on his sole exertions for support; and having served in the English metropolis as a constable for a period of six years and a half; he most submissively begs leave to refer your Excellency, as to general character, to A. M. Baxter, Esq., His Majesty's Attorney-General, and Lieut. Lane, of H. M. 47th regiment.

Under the foregoing circumstances, your petitioner most humbly prays that your Excellency may be graciously pleased to allow him the benefit of his former discharge, and appoint him to such situation as your Excellency, in your justice and humanity, may deem fit; and for such mark of beneficence, your Excellency's petitioner will, as in duty bound, ever pray.

his  
JOHN X ROBINSON.  
mark.

*Witness,*

J. SWEENEY, Lieut.  
*N. S. W. Veteran Corps.*

JOHN STAPLES, Serg.  
*N. S. W. Veteran Corps.*

*Newcastle, Jan. 15, 1828.*

Newcastle, Jan. 26, 1828.

SIR,

With due submission, I forward those few lines to you, hoping it may meet your kind approbation to look into my case, which is as follows:—

Under proclamation, dated 23d Dec. 1828, and upon conditions offered and held out to the out-pensioners of His Majesty's Royal Hospital, Chelsea, I entered to be a superintendent, or overseer, of convicts; military duty was not by no means intended by me, and many others.

I arrived in Sydney on the 1st of August, 1827, and, not many days after, I was placed on the list for garrison duty, without the least offer towards terms held out by proclamation, which I am still doing, and labouring under the effect of severe wounds which I received at the capture of Washington (America), 24th August, 1814.

I have served in His Majesty's 85th regiment upon the continent of Europe, from the year 1809 until the year 1814, which fatigues and hardships are to you and many others well known, which I suffered with comfort and content in the defence of my king and country; also at Flushing, 31st August, 1809, (capitulated).

I therefore hope, that through your former goodness you will look into this and take it into consideration; for were any such thing as military duty held out by proclamation, I should not have entered, and which I find, that through severity of wounds, I am rendered totally unfit for military duties.

I remain, sir, with due submission,

Your very obedient humble servant,

THOMAS WALSH,

*Corporal New South Wales R. V. C.*

*Captain Robison,*

*Commanding R. V. Corps, Newcastle.*

P.S. I have been invalided from Saint John's, Newfoundland, North America, in consequence of severe wounds, and no way fit for military duty.

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Newcastle, 29th January, 1828.

SIR,

I hope you will pardon the liberty that I am about to take in addressing you upon the following subject:

A proclamation being published by order of the Lords Commissioners, and others of his Majesty's Royal Hospital, Chelsea,

bearing date 23d of December, 1826, to the out-pensioners of his Majesty's Royal Hospital, Chelsea :

It being deemed that an augmentation should take place in the three Veteran companies, consisting of mechanics only, to act as superintendents and overseers of convicts in the colony of New South Wales, and as such and none other did I enter, being a bricklayer by trade.

But shortly after my arrival at this colony, was there sent to do military duty, which I continued so to do so long as my health permitted. It was not my intent at the time of entering into this corps that I was subject to those duties, as I was well aware, that through my former services and afflicting wounds which I have received on the continent of Europe, would render me incapable of performing such hard duties ; and without further hesitation was sent to Newcastle, there to do military duty, with often only one night in bed, without even giving me the least encouragement or trial of my profession in trade.

I am, sir, with due respect,

Your most obedient humble servant,

RICHARD <sup>his</sup> × BROWNING,  
mark.

*Private 2d Vet. Company.*

*Witness,*

J. SWEENEY, Lieut.

*New South Wales R. V. Company.*

JOHN STAPLES, Sergt.

*New South Wales R. V. Company.*

*Captain Robison,*

*Commanding R. Vet. Com. Newcastle.*

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*Newcastle, 26th January, 1828.*

SIR,

I am emboldened through your well-known attention to the justice, rights, and &c. of a soldier, which I do now lay before an statement of the same before you, as being captain of the company to which I now belong.

According to proclamation, bearing date 23d Dec. 1826, by the Lords and others, Commissioners of his Majesty's Royal Hospital, Chelsea, I entered under the conditions therein laid down ; I was approved of, and joined at Chatham on the 29th January, 1827, and disembarked in this colony in the month of August in the same year ; and, shortly after my arrival, was appointed to the engineer department, as clerk in the lumberyard, Sydney, under the guidance of Captain Dumaresq, of the

engineer department. Shortly after, an overseer and crown prisoner convict, named Kettle, of the carpenter's gang, working at government house, was dismissed from his charge as overseer. I was there and then ordered to go and take charge of the above gang. During my time in charge of the above carpenter's gang, I was visited by a man on horseback, named Peter Howell, a crown prisoner convict, who inquired of me how the work or works were going on? I answered him in reply, that the works were going on so that there were no reason to complain, and he then rode away. In about a week after, I was ordered to the lumber-yard, to my former office as clerk: in the course of a few days after, Lieutenant Condamine ordered me up to the Carter's barracks to an officer that was there, giving me a note to the superintendent at the above barracks. I immediately proceeded and delivered the above note to the superintendent. I was then sent into the office, and my daily work shewn me by a schoolmaster at the Carter's barracks, as crown prisoner convict, whom, I suppose, had orders to that effect. I asked where the quarters was that I was to occupy, which he told me was in rear of Mr. King's, leading into town, where, on my return, I found them as directed; the quarters were both small, filthy, in an unrepairable state, and partly standing upon an open common, and in a state not fit to be seen.

The day following I reported the case to Lieut. Condamine, who told me that he would put another Veteran into it to keep me company. I told Lieut. C. there were plenty of room in the military barracks. I suppose, said Lieut. Condamine, you don't like to go there? I answered him, no sir, I do not: well, then you shall go to Newcastle, and join your company, there to do your military duty; so hold yourself in readiness to join at the first opportunity.

Agreeable to a garrison order I joined your company, where I was placed to do military duty, which I did as long as my health continued; but soon, through rains and cold nights, I became a victim, and is now labouring under rheumatic pains or cold effects.

I am, sir, with due respect,

Your very obedient humble servant,

THOMAS BUDD,

*Royal Vet. Company.*

I am now suffering from a severe wound which I received at Albuhera, on the 16th of May, 1811, in the 31st regiment of foot, and is not at whatever able to stand sentry through the effects. I never did expect to have been put on such hard duty

as this when I entered, I came as a superintendent or overseer ; as being captain of company to which I belong, I hope you will look into my case.

(Signed) THOMAS BUDD,

(A true copy.)

*Private Royal Vet. Com.*

*To Captain Robison,  
Commanding Royal Vet. Com. Newcastle.*

*Witness,*

J. SWEENY, Lieut.

*New South Wales R. V. Com.*

JOHN STAPLES, Sergt.

R

271.

*Office of Ordnance, 10th August, 1827.*

RODERICK ROSS,

I have submitted to the Board of Ordnance your application dated 4th instant, soliciting permission to proceed to New South Wales as a settler.

And I am directed in reply to acquaint you, that the Board have no objection to your going to New South Wales.

I am your humble servant,

(Signed) R. BYHAM.

*Artillery Pensioner, Watt's Court, Aberdeen.*

N.B. This man was obliged to join the Veteran companies, (although his pension was equal to his pay, and he had been discharged as a non-commissioned officer from the artillery, but *forced* to do private's duty in Veterans,) and being an excellent carpenter, was sent to work at his trade for the government, but without his receiving any extra remuneration.

The greater part of the Veteran companies were old pensioned sergeants from cavalry, life-guards, &c.; but, by the orders of General Darling, compelled, from their landing in the colony, to do garrison duty as *privates*: old soldiers will understand what sort of degradation this must have been.

Most of their out-pensions were equal to their pay! but there was no redress to be had in New South Wales; and I was made a victim of, and ruined, for attempting to do my duty in protecting these old and deserving Veterans from the injuries and punishments heaped upon them.

R. R.

No. 18.

*Newcastle, October, 1827.*

£17.

Received from Captain Robison, New South Wales Royal Vet. companies, the sum of seventeen pounds sterling, being the amount of his own and family's passage-money in the Lord Liverpool packet, from Sydney to Newcastle.

A detachment of Captain Robison's company came in the same packet, under command of Captain R.

(Signed) ALEX. LIVINGSTONE,  
*Master of the Lord Liverpool Packet.*

No. 19.

*Government House, 24th October, 1829.*

SIR,

I have not lost a moment in bringing under consideration of the Lieut.-General commanding, the subject of your communication, and I am directed to inform you, that, as he is already acquainted with the various claims you are desirous of submitting to a board of officers, as well as the particulars on which you found those claims, he considers himself perfectly competent to judge of their merits, and must therefore decline according to your request.

I have the honour to be, &c.

(Signed) HENRY DUMARESQ,  
*Lieut-Colonel, Private Secretary.*

*Captain Robison,  
New South Wales Royal Vet. Com.*

*Brigade Office, Sydney, 24th April, 1830.*

SIR,

Having submitted to Lieut.-General Darling your letter of this day's date, requesting that some method should be adopted to enable you to submit certain documents which you conceive entitle you to various allowances to which you lay claim previous to your departure from this colony: I am directed by his Excellency to refer you to the replies already made to your applications on this subject.

I have the honour to be, sir,

Your obedient servant,

K. SNODGRASS,

*Captain R. Robison,  
Late of New South Wales Royal Vets.*

*Major of Brigade.*

## No. 20.

*Colonial Secretary's Office, 29th October, 1828.*

SIR,

It appearing by the proceedings of the court of inquiry lately held at Newcastle, that Mr. Mackay, late superintendent of convicts and works at that place, had made use of the government reserve (land) at Nelson's Plains, for his private purpose, without any authority for so doing, and having thus contravened the intentions of government, which, according to the general principle, had refused granting him any land while in the situation he then held;\* I am directed by his Excellency the Governor to inform you, for the purpose of being communicated to Mr. Mackay, that it is considered that the government could not continue him in its employment, without affording an example which could not fail to prove injurious to the public service; and that he is in consequence to be discontinued from the end of the present month.

I have the honour to be, &c.

(Signed) ALEX. M'LEAY,

*Captain Dumaresq,*

*Colonial Secretary.*

*Royal Staff Corps, Superintendent of Public  
Works, &c. Sydney.*

\* Why was not this *general* principle equally carried into effect and acted upon with the Colonial Secretary; Lieut.-Governor Colonel Stewart; Lieut.-Colonel Dumaresq, Veterans; Captain Dumaresq, Staff Corps; Principal Superintendents of Police and Convicts at Sydney; Major of Brigade, Captain Gillman; and numerous others who held land and trafficked, &c. in its produce; at the same time they were in the receipt of enormous civil and military salaries? The answer is plain to all disinterested and honest men. That the Governor's . . . . . would be at an end by it, and . . . . .

R. R.

## No. 21.

*Military Secretary's Office, Sydney, March 22d, 1828.*

SIR,

I am directed to acquaint you, that his Excellency the Governor has given directions to the Superintendent of Police at Newcastle, to investigate a representation that has been made by the Deputy Postmaster of that place, Mr. Mackay, of your having proceeded on board the packet, and taken possession of,

and opened the mail bag in his absence, and taken therefrom sundry letters.

I have the honour to be, sir, &c.

(Signed) CHARLES STURT,

*Captain Robison,  
R. N. S. Wales Vet. Com. Newcastle.*

*Military Secretary.*

N.B. Why did not his Excellency previously order an investigation of my charges against him for peculation, and on only part of which being proved by another officer at Newcastle, he was dismissed ?

R. R.

No. 28—221.

*Colonial Secretary's Office, 21st March, 1828.*

SIR,

In transmitting to you the accompanying extract of a letter from the Superintendent of Public Works and Deputy Postmaster at Newcastle, I am directed by his Excellency the Governor to request that you will obtain the assistance of another magistrate, and investigate and report upon the circumstances therein stated, of Captain Robison, commanding the Veteran company, having taken the mail-bag to his quarters, and opened it in Mr. Mackay's absence; and also of his having, on a former occasion, opened letters addressed to Mr. Mackay from this office.

In conducting this inquiry, you will be pleased not to call on Lieut. Robertson, of the 57th regiment, commanding mounted police, to assist you *as justice of the peace*,\* which would be inexpedient under present circumstances.

I have the honour to be, &c

ALEXANDER McLEAY,

*Samuel Wright, Esq.  
Justice of the Peace, and Superintendent of Police,  
Newcastle.*

*Colonial Secretary.*

\* I had previously been compelled by the soldiers of my company of Veterans, who were attached to the mounted police under Lieutenant Robertson's command, to take notice of, and report to, Lieut.-General Darling, the scandalous conduct of this officer in cohabiting with a soldier's wife of the 3d regiment (whose husband was obliged to accompany his regiment to India), whom he kept in a state of adultery in his quarters at Wallis Plains, near Newcastle, as well as afterwards in the Sydney barracks, and by whom he had a family. This woman most indecently interfered with the Veterans and their families; but in place of my being called upon to *substantiate these charges*, this officer was some time after selected by General Darling as one of his witnesses against me on my court-martial, to prove his charges, and deposed to conversations which he acknowledged took place in my quarters at Newcastle, when he called to pay a *private visit* to my family. See his evidence on my trial. R. R.

Newcastle, March 25, 1828.

SIR,

In compliance with the instructions contained in the Colonial Secretary's letter, dated the 21st inst. (a copy of which is herewith transmitted), I have to acquaint you that George Brooks, Esq., justice of the peace,\* and myself, propose entering on the investigation required, to-morrow, in the private room of the Police-office (or at my residence, should you prefer it), † at any hour it may suit your convenience to attend, and which you will be pleased to signify in reply to this communication.

A letter to your address, sent to me in envelope by the Military Secretary, with a request that it should be delivered to you, I have now the honour to forward, the receipt of which you will be pleased to acknowledge.

I have the honour to be, &c.

(Signed) S. WRIGHT,

*Justice of the Peace, Superintendent of Police.*

*Captain Robison,  
Royal N. S. W. Vet. Comp. Newcastle.*

\* This man was appointed colonial assistant-surgeon, and stationed under me at Newcastle, and is also a large landed and stock proprietor.— See his evidence, denying, *on oath*, that he had been either directly or indirectly requested to attend, as a magistrate, this investigation.

† I preferred the investigation to take place in the open Police-office, to let the public witness this infamous transaction. R. R.

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*Extract from Alexander M'Leay's Letter.*

*Colonial Secretary's Office, Sydney, 26th March, 1828.*

I am directed by the Governor to add, that instructions have been sent to the superintendent of police, to investigate the circumstances relative to the opening of the mail-bag; and that you will be called upon, in consequence, to appear before the magistrates.

I have the honour to be, &c.

ALEXANDER M'LEAY.

*Captain Robison,  
N. S. W. Royal Veteran Company, Newcastle.*

*Extract of a Letter from Mr. D. F. Mackay, Superintendent of Public Works, and Deputy Postmaster at Newcastle, to the Hon. Alexander M'Leay, Esq., Colonial Secretary.— Dated 17th March, 1828.*

A circumstance occurred, connected with the post-office department, which I feel it my duty to bring under his Excellency the Governor's notice, in order to prevent a recurrence of such unwarrantable conduct. On the arrival of the packet yesterday morning, at eight o'clock, Captain Robison, of the Royal Veteran Corps, went on board, demanded the mail-bag, took it to his quarters, and opened it, notwithstanding its being sealed and addressed to me.

On a former occasion, the same gentleman took the liberty of opening and perusing my official letters from the Colonial office, without any authority whatever from me.

(Signed) D. F. MACKAY.

*Superintendent of Convicts, &c.*

No. 22.

*Extract of a Letter addressed by Captain Robison, at Newcastle, to his Excellency Lieut.-General Darling. Dated March 25, 1828.*

On the 20th inst. I delivered into the hands of the Assistant Colonial Secretary, Mr. Harrington, at Sydney (in the absence of Mr. M'Leay), a written report of the transaction relative to the opening of the mail-bag; and I have now to submit to your Excellency, as Mr. Wright, the superintendent of police at Newcastle, has already been reported by me as coupled in certain transactions with Mr. Mackay, that I respectfully trust your Excellency will be pleased to nominate another magistrate for this felonious investigation, conceiving that impartial justice could not otherwise be done.

(Signed) R. ROBISON,

*Captain, N. S. W. Royal Vet. Comp.  
Commanding at Newcastle.*

*His Excellency  
Lieut.-Gen. Darling, &c. Sydney.*

*Extract of a Letter from Alexander M'Leay, Esq., Colonial Secretary, to Captain Robison.*

*Colonial Secretary's Office, Sydney, 2d April, 1828.*

SIR,

I am directed by the Governor to acknowledge your letter of the 25th ult., addressed to his Excellency, and

to inform you, that his Excellency cannot admit of your objection to the superintendent of police (Mr. Wright), as in simply taking depositions\* upon certain facts, he can have no opportunity of indulging, if so disposed, in any feelings of hostility to any party.

I have the honour, &c.

(Signed) ALEXANDER M'LEAY,  
*Colonial Secretary.*

*Captain Robison,  
Commanding Veterans, Newcastle.*

\* Mark, in all his "instructions" to the superintendent of police, it is called an investigation, no doubt with the intent of getting me committed for a felony!! For, had I been found *guilty*, the magistrates must have done so; and I should have been tried before the supreme court of justice of the colony. R. R.

No. 23.

*Sydney, 28th June, 1823.*

SIR,

In reply to your letter of yesterday, respecting my opinion as to your opening the mail-bag, &c., I have only to repeat the same opinion that I have formerly done, that I considered the charges *frivolous and vexatious*, and that they were brought by Mr. Mackay against you from pique, and not from any wish to benefit the public service; and were I placed in the same situation as you were in, I should have acted in the same manner. This opinion I stated from the bench at the time of the investigation; for, had I thought otherwise, *I had no alternative, as a magistrate, but to commit you.* I never officially wrote to Mr. M'Leay; but in the course of conversation I stated my opinion to him, the same as I now do to you, and have stated the same opinions to every person who spoke to me on the subject.

I have the honour to be, &c.

(Signed) ALEXANDER MACLEOD,  
*Justice of the Peace for the Colony of N. S. W.*

*Captain Robison,  
N. S. W. Royal Vet. Comp.*

No. 24.

## GOVERNMENT ORDER, No. 35.

*Colonial Secretary's Office, 19th Oct. 1827.*

His Excellency the Governor has been pleased to make the following appointment: John Thomas Morisset, Esq., to act as principal superintendent of police.

By command of his Excellency,

ALEXANDER M<sup>c</sup>LEAY,*Colonial Secretary.*

No. 25.

## GENERAL ORDER, No. 40.

*Sydney, 1st April, 1828.*

Captain Donaldson, 57th regiment, and Captain Forbes, of the 39th, will hold themselves in readiness to proceed to Newcastle to-morrow, in the "Isabella," and will there conform to the instructions that will be given for their guidance by the Lieut.-General commanding the forces.

(Signed) CHARLES STURT,

*Major of Brigade and Military Secretary.**Newcastle, 3d April, 1828.*

SIR,

The Lieut.-General commanding having directed the assembly of a court of inquiry, of which Lieut.-Colonel Moriset is president, for the investigation of certain matters, of which you are already informed through the military secretary, I am directed to acquaint you, that the Court will assemble at Mr. Smith's house, at Newcastle, on Saturday morning, the 5th inst., when I am to request that you will attend to give such information as may be required of you.

I have the honour to be, &amp;c.

(Signed) J. D. FORBES,

*Captain 39th Regt., Officiating Judge-Advocate.*

*Captain Robison,  
N. S. W. Royal Veterans, Newcastle.*

## No. 26.

*Extracts from the Minutes of Cross Examination of the Soldiers of the New South Wales Royal Veteran Companies, brought forward by Lieut.-General Darling, as prosecutor, to prove his Charges against Captain Robison, before a General Court-Martial: taken from the original Minutes in the Judge-Advocate-General's Office, London.*

*Private Thomas Budd, cross-examined by Captain Robison, 15th July, 1828.*

Q. Have you had any written communication or conversation with any person relative to me as your commanding officer?

A. Yes; I have had conversation, and wrote one letter to Captain Sturt, the military secretary and major of brigade.

Q. What conversation have you had, and with whom, and when?

A. I have had conversation with private John Murray. Mrs. Murray was in the house at the same time, and lance corporal Pragnell: as to the time, I cannot recollect. When I entered Murray's quarters, at Newcastle, I asked him if he had the copy of the letter he wrote to Captain Robison. Murray answered that he had; which I asked him to shew me, which he did. I looked at it. Murray asked what news there was from Sydney, and what I was called down for, or whether it was respecting my memorial or not? My answer, it was. And are you going to be discharged, or what? I said no, I believe it could not be done,—not a word about Captain Robison. *I told Murray I had been with the Governor, and that I could not get my discharge at this present time, until an answer came out from England. Murray asked me if I had seen the Governor a second time; I said I had, and was in company with him. I had conversation with private Murray and corporal Pragnell; that is the only conversation I had at Newcastle in which Captain Robison's name was mentioned.*

N.B. The answer to the foregoing question in the original minutes, deposited with the Judge-Advocate-General, London, was as follows: "with private Murray, and acting corporal Pragnell, the only way in which Captain Robison's name was mentioned, was in talking with them." All the remainder of this answer was left out in the original minutes sent to England from New South Wales.

Q. Did you not tell private J. Pragnell that you had seen the Governor, and spoken to him about me when you were in Sydney?

A. Yes; to the best of my knowledge I did.

Q. Did you state to privates Pragnell, Murray, or either of

them, you had been with the Governor three hours, speaking about me?

A. I did tell Pragnell so, but don't recollect telling Murray so. I recollect Murray asking; but I cannot say as to the exact answer I might have given.

Q. Did you state that the Governor had made any promises to you relative to me, or about getting your discharge?

A. I did, to the best of my knowledge.

Q. You said something about conditions: what did you mean about temporary conditions, upon which you were to have your discharge?

A. My meaning was, that I was to be discharged, but not to be free from the army until an order came out from England for my pension.

16th July.—Q. Have any promises been made to you respecting your evidence against me upon this court-martial; and have you never said there were to some of the Veterans at Newcastle?

A. No; but I might have said so to some of the Veterans at Newcastle; but with whom, or to whom, I do not know.

Q. Do you know Bridget Murray, and did you ever tell her the Governor had made you sit down in his presence for three hours; and say to her "by J—s, its all right, its all over with him" (meaning me)?

A. I knew Mrs. Murray. I might have told her I was in the presence of his Excellency the Governor; but such words as those I never said.

Q. If you might have said you had been in company with the Governor, and if you did, what was your motive for saying so?

A. Respecting my discharge, as I had before told her that *I was promised by his Excellency the Governor my discharge*; this was the cause of the conversation.

Q. Did you see the private or military secretary at government house, or elsewhere?

A. I saw them both at the quarters of Captain Sturt, the military secretary to General Darling.

Q. Did you understand from Captain Sturt, or Lieutenant Condamine (the private secretary, and A. D. C.), that you would be called upon to give evidence against me?

A. Yes; I supposed nothing else.

Q. How long were you with Lieutenant Condamine and Captain Sturt?

A. Probably about three quarters of an hour.

Q. Do I understand that your memorial was the *only* correspondence you had with Captain Sturt, Lieutenant Condamine, or General Darling?

A. The memorial was the *only* correspondence.

Q. Was not some correspondence produced at the court of inquiry at Newcastle, which correspondence was stated to be yours?

A. Not to my knowledge; no further than what I stated to Captain Sturt was taken down in writing.

Q. Who took it down in writing?

A. Captain Sturt.

Q. Then you mean to swear you wrote no more than your memorial, that was produced on the court of inquiry?

A. Nothing more, further than I have before stated.\*

*Private William Crutchley, New South Wales Royal Veteran Company, cross-examined by Captain Robison. 16th July, 1828.*

Q. Do you not recollect private Budd being ordered from Newcastle to Sydney, and that on his return (with the court of inquiry) he boasted that he had seen the Governor, and that it was all right, and that it was all over with me?

A. He did. I do. He told me so himself, and a number of others, that he had been with the Governor and brigade major four or five hours. I heard him say it was all right, it was all over with him, Captain Robison.

Q. *By the Court.* When Budd said that the men who came forward on this trial would get their discharges; did you understand him to mean the whole of the Veterans would be discharged, or only those who were witnesses?

A. Only the men who came forward at the trial would get their discharges.

Q. *By the Court.* Was Budd sober at the time?

A. Yes, he was.

*Private Charles Faunt, New South Wales Veterans, cross-examined by Captain Robison. 18th July, 1828.*

Q. Has not private Budd had conversations with you upon the subject of this court-martial; if so, when did it take place, where, and what was the purport of it?

A. He had, in the first week in May. He told me he had a conversation with the brigade major, and gave him some information relative to Captain Robison's affairs; and that he (Budd)

\* Captain Forbes, 39th regiment, the Deputy Judge-Advocate, *must have known* this was *false*, as he produced from General Darling a long statement in Budd's own hand-writing, before the military court of inquiry at Newcastle, of which Captain Forbes was a member, as well as officiating Judge-Advocate, and Lieut.-Colonel Morisset, President; and Captain Forbes took down the whole evidence with *his own hand*.

further told me, that he (the brigade major) gave him a chair to sit down; and that he told him he should be well provided for hereafter; and that if I joined him in the same I should receive a like indulgence, and be well done for hereafter; and that he (Budd) would be provided for *at the present*, but *that it would be rather remarkable that any thing should be done before Captain Robison's court-martial would take place, lest any notice should be taken of it.*

Q. Did you not understand Budd to mean, in the conversation he had with Captain Sturt, the brigade-major, upon my affairs, that he was giving charges or complaints against me, and that if you did the same you would be provided for?

A. I did.

Q. *By the Court.* Did you believe Budd when he said that he would be benefited by the advantages held out to him by coming forward in prosecuting Captain Robison, and that you would also by joining him?

A. I really did believe him as to himself, but I did not as to me.

*Lieut. James Sweeny, New South Wales Veterans, cross-examined by Captain Robison, 19th July, 1828.*

Q. Did you not receive an order from the military secretary (Captain Sturt) to send Budd to head-quarters from Newcastle, without its stating what he was sent for?

A. Yes, I did.

Q. Did you not hear Budd say if I neglected to forward his complaint and obtain redress for him, he would himself memorialise the Commander-in-chief, meaning in England?

A. I did.

Q. Did I not tell him in reply, that I would transmit his memorial to the Governor, and at the same time say, that all his, the Governor's, orders must be obeyed?

A. You did.

Q. Did not Budd do all in his power to excite the men to be discontented, and refuse to do their duty at Newcastle?

A. He did; the men were discontented by his means.

*Sergeant John Staples, New South Wales Veterans, cross-examined by Captain Robison, 21st July, 1828.*

Q. Did you not hear private Budd declare, on going into the hospital at Newcastle, that he would remain there until he was returned to Sydney, for that he would do no more garrison duty, and that those that did were "*darned fools*?"

A. I did hear Budd make use of words to that effect.

Q. Did not the men of the Veterans most seriously complain and object to the hardships of being sent in open boats by sea to

Portstephen from Newcastle with their families, and have you not known them to have been at sea on this passage several days and nights ?

A. I have known several of the Veterans complain of it : I have known single men go by land in preference. I *knew a boat containing one man, one woman, and children, at sea buffet- ing about a week before they could reach Port Stephen.*

Q. Did you never hear the men of the Veterans who were employed as superintendents and overseers of convicts, complain of their being obliged on such duties to sleep and mess with such convicts in their huts ?

A. Yes, I have heard these complaints made.

(*By the Court.*) Did you not suppose the men of the Veterans were to perform all military duty in the colony, in common with the other soldiers of the line stationed there ?

A. I always considered the men of the Veterans were liable to act as military in case of emergency *only*, but never considered they were to do it permanently, they having been already discharged as unfit for it.

*Colonial Assistant-Surgeon Brooks, cross-examined by Captain Robison, 23d July, 1828.*

Q. Were you not the Colonial Assistant-Surgeon in medical charge of the Veterans during the whole period I commanded at Newcastle ?

A. Yes, I was.

Q. You have stated that you received two different orders from me to attend parades in your medical capacity, and you *refused* to do so, in the month of October or November last, whilst I commanded at Newcastle ; did Lieut.-General Darling approve or sanction this disobedience of orders on your part ?

A. The Lieut.-General *approved* of my conduct.

Q. Are you not a magistrate and justice of the peace for this colony, and have you not sat as a magistrate on the bench at Newcastle, with Lieut. Robertson of the 57th regiment, whilst I was officer commanding there ?

A. Yes.

Q. Did you not receive an intimation or order to sit on the bench as a justice of the peace to examine and take depositions relative to a complaint made of me by the superintendent of convicts, Mr. Mackay, at Newcastle, to General Darling, for opening the mail-bag or ordering the mail-bag to be opened ?

A. I did *not*.

Now, I pray the reader to contrast the last question and answer with the following examination and letter from the Colonial Secretary to the Superintendent of Police, Mr. Wright, at Newcastle, and they will be enabled to form a judgment of the

species of evidence *I was convicted upon*, as well as the conduct of the court, and my prosecutor, Lieut.-General Darling, in *not* taking any notice of it?

*Alexander M'Leay, Esq. Colonial Secretary, cross-examined by Captain Robison, he being a witness for the Prosecution on 16th August, 1828.*

Q. Did you not write two letters of the 21st March and 2d April, of which the accompanying are copies, to Mr. Wright, the Superintendent of Police at Newcastle, ordering him to investigate and report upon the superintendent's charge against me, for having ordered my sergeant to open the mail-bag in his, Mr. Mackay, the superintendent's absence, and did you not write me under date 26th March, stating I should be called on to appear before the magistrates to answer this charge?

A. I certainly wrote the letters of which these are copies; but it was not to inquire into the circumstance of Captain Robison's having ordered a sergeant to open the mail-bag, but, if I mistake not, the complaint was of Captain Robison's having opened it. I desired the Superintendent of Police, Mr. Wright, to investigate and report upon this, with the assistance of another magistrate. I believe I wrote on the 26th March to Captain Robison, stating that he would be called on to appear before the magistrates to answer this charge.

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No. 28—246.

*Colonial Secretary's Office, Sydney, 2d April, 1828.*

SIR,

I have had the honour to receive and submit to the Governor your letter of the 25th ultimo, stating that Captain Robison had expressed his inability to enter upon the case of the mail-bag opened by him, during the absence of a material witness, *and also that Mr. Brooks is desirous that another magistrate may be appointed in his room to assist you in this investigation.*

In reply, I am directed by his Excellency the Governor to acquaint you, that sergeant Staples, the witness alluded to by Captain Robison, now returns to Newcastle by the *Isabella*, *and that there will be no objection to a compliance with Mr. Brooks's request*, excepting, of course, Lieut. Robertson, 57th regiment, as before communicated to you.

I have the honour to be, &c.

(Signed) ALEX. M'LEAY,

*Samuel Wright, Esq.*

*Colonial Secretary.*

*Justice of the Peace, Superintendent of Police,  
Newcastle.*

Well might the Colonial and Military Secretary refuse to allow me any further copies of correspondence from their offices, when I applied for them on my trial, after having given one which so decidedly impugned the testimony of one of the prosecutor's chief witnesses.

*Refusal of the Colonial Secretary, addressed to the Court-Martial, on my application for Copies of Correspondence in his Office, through the Deputy Judge-Advocate, which would materially tend to exculpate me from the Charges, as well as shew the conduct of my Prosecutor, and my Protest.*

With reference to Captain Robison's memorandum of the 9th instant, the Colonial Secretary has written to inform the Deputy Judge-Advocate that there is no such letter in his office as that required by Captain Robison,\* and further, that no more copies of letters will be furnished from his office.

(Signed) J. D. FORBES,

*Captain 39th Regt. Deputy Judge-Advocate.*

*Court-Martial Room, Aug. 16th, 1828.*

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*Captain Robison's Protest to the above.*

MR. PRESIDENT AND GENTLEMEN,

It is with considerable pain I am again most reluctantly compelled to protest against the decision which this honourable court has allowed the Colonial and Military Secretary to intimate to me, through the Deputy Judge-Advocate, viz. that of refusing copies of public documents when applied for by me through this court, touching an official correspondence with those individuals connected with the present charges, as also the entry on the court's minutes of two letters, bearing date 21st of March and 2d of April, from the Colonial Secretary to the Superintendent of Police at Newcastle, Mr. Wright, whilst I was officer commanding upon that settlement, having immediate reference to the sixth charge.

I cannot but sensibly feel that my means of defence, as well as the elucidation of the truths of certain facts connected with these charges, has been seriously impeded by the court's overruling my putting the following questions to the present witness for the prosecution, the Hon. Alexander M<sup>r</sup>. Leay, Esq. the Colonial Secretary :

Q. Did you not order a communication to be made to me in

\* The letter that I applied for was in the Colonial Secretary's Office, but I had mistaken the date of it in my request through the court for a copy.

the month of March last year, whilst I was commandant of the Bathurst District, and did you not, or was there not from your office, enclosed in the accompanying envelope two letters which you, as Colonial Secretary, ordered me to forward with all despatch to their respective destinations, and did you not receive an official reply from me as commandant of the district, stating I had complied with your orders? if so, read it.

Q. Did you not receive a letter, or intimation, from Captain Wright, the Superintendent of Police, stating, that if he had been present at Newcastle when the mail-bag was opened on the 16th March last, as reported by the superintendent, Mr. Mackay, he would have committed me to prison, or words to that effect? and did he not (Mr. Wright) state, that Mr. Brooks, the Colonial Assistant-Surgeon at Newcastle, wished to decline as a magistrate sitting on this investigation of the charge against me?

I humbly request that these my present objections may, in this stage of the prosecution, be entered or coupled with this honourable court's minutes.

(Signed) R. ROBISON,

*Capt. New South Wales R. V. Com.*

*August 16th, 1828.*

After I had read my defence, and before I called my witnesses, the court was cleared, and I was informed by the Deputy Judge-Advocate, that the court cannot allow me to call witnesses to affect either Mr. Mackay's, Wright's, or other evidence brought forward against me for the prosecution, unless it can be proved they were guilty of perjury.

*Court-Martial Room, 8th Sept. 1828.*

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*Sydney Barracks, August 20, 1828.*

SIR,

I give you, as near as I can recollect, the very words made use of by Budd in the conversation he had with me in the barracks last May, on the 18th day of that month. Amongst other things, he, private Thomas Budd, of your company, told me he had been for nearly four hours in the parlour with his Excellency the Governor, General Darling, at Government-house, Sydney, and that he (the Governor) had promised him that he would give him (Budd) a good situation up the country, as well as any other man of your company who would come forward and give their evidence against you at the approaching general court-martial, which, he said, would sit to try you. I then told Budd he was a damned, rascally villain, for

acting thus against his captain, who done all he could for the company, and got himself into trouble in seeing them get their rights; and that I would tell you of this conversation, which wanted me to perjure myself against you. Budd then threatened me if I did. So you may call upon me on the trial, and I will swear to what I now state.

I remain your most obedient servant at command,

THOS. WALSH.

*Corporal 2d Co. N. S. W. R. V. Corps.*

*To Capt. Robison,  
N. S. W. V. Corps, Sydney.*

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AFFIDAVIT — No. I.

I, William Pragnall, acting corporal of Captain and Brevet Lieut.-Colonel Dumaresq's company of the New South Wales Royal Veterans, do voluntarily make oath and saith, on the Holy Evangelist (Bible), that on or about the 3d or 4th day of April, 1828, in the settlement of Newcastle, in the colony of New South Wales, private Thomas Budd, of Captain Robison's company, New South Wales Royal Veterans, called at the house in which I reside. I, William Pragnall, accosted him (Thomas Budd) thus, "What, are you already returned from Sydney? how did you get on with your affair there?" meaning with regard to certain complaints or representations against Capt. Robison, which it was generally understood he (Thomas Budd) had made to the Governor, his Excellency Lieut.-General Darling, and for the purpose of being personally interrogated respecting them: it was also generally understood he (Thomas Budd) had been ordered to Sydney. He (Thomas Budd) replied, that he had got on very well; that he (Thomas Budd) had been with the Governor for nearly three hours, in presence of the brigademajor; and that if he (Thomas Budd) got through his job well, (meaning the establishing the statements he had made to the Governor against Captain Robison,) he (Thomas Budd) would get his discharge; but that he (Thomas Budd) did not consider such discharge to be a *final* one, but *conditional*, in order that he (Thomas Budd) might be relieved from any apprehension he might be under, by resuming his military duties under Captain Robison's command at Newcastle; adding, for then I (Thomas Budd) shall be clear of them all.

WILLIAM PRAGNALL.

Sworn before me at Newcastle, in the  
colony of New South Wales, this  
14th day of April, 1828,

ALEX. MACLEOD, J. P.

*Magistrate of the territory of N. S. Wales.*

## AFFIDAVIT — No. II.

I, Bridget Murray, do voluntarily make oath on the Holy Evangelist (Bible), and saith, that on or about the 3d day of April, 1828, in the settlement of Newcastle, in the colony of New South Wales, and in the presence of private John Murray, New South Wales Veterans, I heard the following expressions made use of by private Thomas Budd, of Captain Robison's company, New South Wales Royal Veterans, to wit, that he, private Thomas Budd, said, By J—s, its all right; its all over with him (meaning Capt. Robison). I (Thomas Budd) was very lately in the room with his Excellency the Governor of New South Wales, Lieut.-Gen. Ralph Darling, at the Government-house, Sydney, for nearly three hours, in the presence of Captain Sturt, 39th regiment, the brigade major and military secretary, and others of his Excellency's staff, and that he (the Governor) made him (Thomas Budd) sit down in a chair. He (the Governor) told me (Thomas Budd) he would provide for me, or any other soldier of Captain Robison's company of the Royal Veterans who would enter into the prosecution against Captain Robison, or help to prosecute Captain Robison; and further, he (Thomas Budd) said in my (Bridget Murray's) presence, that he (Thomas Budd) had got a slight promise of a conditional discharge, but which he was not quite certain of until he (Thomas Budd) returned to Sydney, he being only sent up to give evidence against and prosecute Captain Robison before the military court of enquiry, then sent with him (Thomas Budd) to Newcastle, for the purpose of investigating Capt. Robison's whole conduct.

BRIDGET <sup>her</sup> X MURRAY.  
Mark.

Sworn before me at Newcastle, in the colony of New South Wales, this 12th day of April, 1828,

ALEX. MACLEOD, J. P.

*Magistrate for the territory of N. S. Wales.*

*Witness,*  
JOHN STAPLES, *Sergeant.*  
WM. WAGER.

*Sydney, September 12, 1828.*

SIR,

It having been just reported to me that the Veterans who had been called to head-quarters as evidence for the prosecution against me upon my trial, are ordered to embark to-morrow morning at seven o'clock for Newcastle, I have the honour to inform you, that it is my intention to prefer charges against private Thomas Budd of my company, (one of the witnesses on my trial,) for the infamous assertions he had

dared to propagate relative to his Excellency Lieut.-Gen. Darling, and his military secretary, Captain Sturt, 39th regiment, already taken in evidence on the minutes of the court, of which you are the president, and which I stated had been previously taken in affidavits by a magistrate at Newcastle. I now beg, in the absence of the Lieut.-General commanding, you will be pleased to order such steps as may seem to you necessary to retain this soldier here — more especially, as I find he has obtained a pass from Captain Sturt for some time to go into the interior. The following men of the Veterans I shall require as evidences to substantiate my charges against private Budd, viz. Corporal Thomas Welch, Pragnell and Murray, privates.

I have the honour to be, &c.

R. ROBISON,

*Capt. New South Wales R. Vet.*

*Colonel Lindesay, C.B. 39th Regiment,  
Commandant, Sydney.*

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(Immediate.)

*Sydney, Sept. 15, 1828, 8 o'clock, P.M.*

SIR,

I had the honour of addressing you an official letter, as president of the general court-martial then sitting, as well as commandant of this garrison, on Friday last the 12th instant.

I beg you will be pleased to inform me (having most anxiously waited your reply) whether you have received my letter; and, if so, what steps you have taken upon the subject contained in it.

I have the honour to be, sir,

Your most obedient servant,

R. ROBISON,

*Capt. N. S. W. Roy. Vet. Corps.*

*Colonel Lindesay, C.B. 39th Foot,  
Commandant, Garrison, Sydney.*

N.B.—No written answer was returned to either of these letters; but Capt. Forbes, the deputy judge-advocate, informed me they had been sent to my prosecutor, the Lieut.-General commanding! This soldier Budd, in place of being punished for his assertions of the Governor and his staff having suborned him, had grants of land and other indulgences extended to him by Lieut.-General Darling!!

## No. 26.\*

## GENERAL ORDER, No. 107.

*Brigade Office, Sydney, June 4, 1829.*

The following men of the New South Wales Royal Veteran companies will be marched to the Woolambi district, so as to arrive there on the 20th inst., where Captain Aubin of the 57th regiment, commanding the mounted police, will meet them, and see that a just distribution of their allotments of land and huts takes place, according to the rules prescribed for his guidance in a letter from the Brigade-office, dated 18th June, 1829.

Private Thomas Budd.

[Then here follow the names of a few other soldiers.]

## GENERAL ORDER, No. 113.

*Brigade Office, Sydney, July 15, 1829.*

The men hereafter named, of the New South Wales Royal Veteran companies, located on the Woolambi, are to be discharged on the 24th inst.; from which date the pension affixed to their names will be issued in advance to the end of the quarter by the deputy commissary-general.

RANK AND NAMES.	Daily pension to be paid at present	Daily pension to which recommended
	£. s. d.	£. s. d.
Private Thomas Budd .....	0 1 2	0 1 3
[A few other names follow.]		

By command,

(Signed) K. SNODGRASS, Lt.-Col.

*Major of Brigade.*

## No. 27.

*Sydney, May 23, 1828.*

SIR,

I have received the Lieut.-General's commands to apprise you, that it is his intention to prefer charges against

you, in order to your trial by a general court-martial, as soon as the same can be conveniently assembled; and I am further desired to inform you, with a view to prevent your making any unnecessary applications in the mean time, that you will be duly furnished with a copy of the charges when prepared, and you will receive such further information as may be necessary in your case.

I have the honour to be, &c.

(Signed) CHAS. STURT,  
*Major of Brigade.*

*Captain Robison,  
N. S. W. R. Veterans, Newcastle.*

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*Sydney, June 14, 1828.*

SIR,

Agreeably to the commands of the Lieut.-General, I am to desire that you will repair to Sydney by the first opportunity, preparatory to your trial before a general court-martial, as notified to you in my letter of the 23d ultimo.

I have the honour to be, &c.

(Signed) CHAS. STURT,  
*Major of Brigade.*

*Captain Robison,  
N. S. W. R. Veterans, Newcastle.*

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*Sydney, June 24, 1828.*

SIR,

The Lieut.-General commanding having determined upon bringing you to trial before a general court-martial, I am to acquaint you that the said court will assemble in the officers' mess-room, 39th regiment, in Sydney barracks, at eleven o'clock in the forenoon, on Monday the 7th July, and that his Excellency has appointed Colonel Patrick Lindesay, C.B. of the 39th regiment, to be president of the same.

The names of the members of the court will be notified to you as soon as all the officers who are intended to sit on it have arrived at head-quarters.

I inclose a copy of the charges which are to be preferred against you; and have to request that you will, with as little delay as possible, furnish me with a list of such persons as you may wish to be officially summoned as witnesses on your defence.

I have the honour to be, &c.

(Signed) J. D. FORBES,  
*Capt. 39th Regt., appointed to  
officiate as Dep. Judge-Adv.*

*Capt. R. Robison,  
N. S. W. Royal Veteran Corps.*

*Names of the Members of the General Court-Martial which tried Captain Robison, assembled July 11, 1828.*

*Observations.*

PRESIDENT,

Col. Patrick Lindesay, 39th Regt.. Commandant of Sydney Garrison.

MEMBERS,

Major Macpherson, 39th Regt. .... Commandant of Bathurst District.  
 Captain Hunt, 57th Regt. .... Immediately after the trial sent as Commandant to Port Macquarie, for which he received extra pay of upwards of 200*l.* per annum.

——— Welman, 57th Regt.  
 —— Barnett, 40th Regt.  
 —— Crotty, 39th Regt..... Had a government vessel sent express for *him* to a penal settlement where he commanded.

——— Bishop, 40th Regt. .... Allowed to return to England immediately my trial was over.

——— Jackson, 57th Regt. .... Deputy Judge-Advocate of his regiment.

Lieut. Wilford, Staff Corps ..... The Lieut. of one of the Governor's brother-in-law's company of the Royal Staff Corps, and allowed to return to England after the trial.

Captain J. D. Forbes, 39th Regt.. .. Entered the army as an Ensign in 1823, and a *protégé* of Colonel Lindesay, the President, as well as brother officer of Capt. Sturt, the Military Secretary, for impugning whose conduct I was tried upon the 8th charge!

No. 28.

GENERAL ORDER, No. 99.

*Sydney, September 15, 1828.*

No. 1.—The general court-martial, held for the trial of Captain Robert Robison, of the Royal Veteran companies, of which Colonel Lindesay, 39th regiment, is president, having closed its proceedings, the minutes thereof will be transmitted by the earliest opportunity to the Judge-Advocate-General, in order that the same may be submitted to the King, conformably to his Majesty's commands.

No. 2.—The Lieut.-General is pleased to order that the

court-martial, of which Colonel Lindesay is president, be dissolved, and that the members return to their regimental duty.

No. 3.—The Lieut.-General is further pleased to direct that Lieut. Sweeny, of the Royal Veteran corps, who was a witness at the above court-martial, shall cease to do duty until his Majesty's commands shall be received on the subject of the above court-martial.

By command, &c.

(Signed) C. STURT,  
*A. M. Brigade.*

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*Newcastle, Oct. 8, 1828.*

SIR,

An extract from No. 99, General Order, of your Excellency, dated the 15th ult., and communicated to me on or about the 22d same month, through Lieut. Warner, commanding at this station, wherein it is directed that I shall "cease to do duty till his Majesty's commands shall be received," I having been a witness at the late general court-martial held for the trial of Captain Robison of the New South Wales Royal Veterans, and to which companies I stand appointed by his Majesty,—

I most earnestly and respectfully request your Excellency will be pleased to acquaint me with an explanation of the nature of the case which has induced your Excellency to issue an order calculated to place me under such unpleasant circumstances.

I should have addressed your Excellency much sooner on this subject, were it not in the full confidence that an explanation would have been offered me ere this.

I have the honour, &c.

(Signed) JAMES SWEENY,  
*Lieut. N. S. W. R. V. Corps.*

*His Excellency Lieut.-Gen. Darling, &c.*

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SIR,

The accompanying letter I have to request the favour of your laying before his Excellency the Lieut.-General commanding the forces, without loss of time, feeling anxious for an early reply.

I have the honour, &c.

(Signed) JAMES SWEENY,  
*Lieut. N. S. W. Veterans.*

*Captain Sturt, 39th Foot,  
Major of Brigade.*

N. B.—No reply was sent Lieut. Sweeny to this letter.

*Brigade Office, Sydney, Jan. 23, 1829.*

SIR,

The Lieut.-General commanding has directed me to acquaint you, that should you be desirous of returning to England, his Excellency is not aware of any objection to it. The usual allowance would of course be given on account of passage.

I have the honour, &c.

(Signed) H. SNODGRASS,  
*Lt.-Col., Maj. of Brigade.*

*Lieut. Sweeney,  
Royal Veterans, Newcastle.*

*Newcastle, Jan. 26, 1829.*

SIR,

I have the honour to acknowledge the receipt of your letter of the 23d inst., and beg leave to state, that I would be most happy to avail myself of his Excellency's permission to return to England, provided a passage is allowed for myself and family.

I have the honour, &c.

(Signed) JAMES SWEENEY.  
*Lieut. N. S. Wales Veterans.*

*Lieut.-Col. Snodgrass, C. B.  
Maj. of Brigade, Sydney.*

GENERAL ORDER, No. 57.

*Sydney, April 23, 1829.*

1.—The Lieutenant-General has been pleased to grant Lieut. Sweeney, of the Royal Veteran corps, leave to return to England, the company to which he belongs being about to be disbanded.

2.—Lieut. Sweeney is to receive six months' pay in advance from the 25th inst.; and the deputy commissary-general will issue the allowance to which Lieut. Sweeney is entitled by regulations, on account of his passage and messing on board ship.

By command,

(Signed) K. SNODGRASS.  
*Major of Brigade.*

*King Street, Sydney, March 24, 1829.*

SIR,

With due deference to your Excellency, allow me to request, before I leave the colony, what are the charges upon which I have been suspended from duty since last September.

I have the honour to be, &c.

(Signed) JAMES SWEENY.

*Lieut. N. S. Wales Veterans.*

*His Excellency Lieut.-Gen. Darling, &c.*

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*Brigade Office, Sydney, March 27, 1829.*

SIR,

I have been directed, by the Lieut.-General commanding the forces in this colony, to reply to your letter of the 24th inst., by stating, that the order for your suspension from military duty was in consequence of the nature of your evidence before the general court-martial held for the trial of Capt. Robison, and of which the General commanding-in-chief will have the means of judging when he receives the proceedings of that court-martial.

I have the honour, &c.

K. SNODGRASS,

*Major of Brigade.*

*Lieut. Sweeny,  
Royal Vet. Corps, Sydney.*

N.B.—Almost immediately after Lieut. Sweeny's arrival in England, he was appointed by the General commanding in chief, Lord Hill, to full pay in a regiment of the line. But how is it that Lieut.-General Darling was allowed to send an officer home suspended (charges hanging over his head), contrary to the regulations of the service, which particularly enjoin that all complaints or charges against an officer should be inquired into upon the spot where they occurred? It appears General Darling can do just as he pleases with the officers and soldiers of the Veterans!

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No. 29.

MEMORANDUM.

(Copy.)

It being intended to discharge part of the men of the Royal Veteran companies, the following indulgences will be granted to such as are desirous of settling on farms in the country:

1.—Each man will be allowed from forty to one hundred acres of land, according to the quality of the soil or the situation in which he may be required to settle, on his entering into a bond that he will reside on and cultivate his land for a period of seven years, on pain of forfeiture.

2.—He will be furnished with the necessary implements of husbandry.

3.—If married, he will receive a cow from the government herds, on taking possession of his land; and a second cow at any time within three years, when he shall have cleared and stumped ten acres.

4.—Each man will be allowed the usual ration (spirits excepted) for himself and family, for twelve months from the date of his discharge, to be issued at or in the neighbourhood of his farm; the ration to be forfeited if he or his family absent himself or themselves from the farm.

5.—A log hut will be put up for the accommodation of such men as are married.

6.—It is intended that those men should be located in different parts of the country, in small bodies, about six in number, as soon as eligible situations have been determined on; and it is desirable that the individuals should be of different trades, as being more likely to prove generally useful to the colony, and to afford them an opportunity of providing comfortably for themselves and families.

(Signed) R. DARLING.

13th January, 1829.

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*Colonial Secretary's Office, Sydney, 15th Feb. 1830.*

The Colonial Secretary notifies to the Deputy-Commissary-General, for the information of the New South Wales Royal Veteran company's officers who have been disbanded, the following indulgences, which the Governor has been pleased to extend to them; and the Deputy-Commissary-General will issue the rations and implements of husbandry to the disbanded officers as they are notified.

SUBALTERN OFFICERS.

1.—Two square miles of land, free of quit-rent.

2.—Rations for themselves, their wives, and children, for twelve months from date of disbandment, together with rations and clothing for convict servants for the same period.

3.—Two convict mechanics, for six months from time of taking possession of land, to assist in erecting their house.

4.—Six cows from the government herd, and the following implements of husbandry, viz.—4 felling-axes, 6 pick-axes, 1 grindstone, 1 mattock, 6 hoes, 6 spades, 3 shovels, 2 wheelbarrows, 3 hammers, 10,000 batten, shingle, and floor-nails, 1 steel mill.

If officers fail to become resident within three months on the land selected, they forfeit claim to all the above indulgences, and also the land itself; and further, should they not be actually resident on land to be granted to them under this regulation, within three years from the date of their disbandment, any land which they may have selected subsequent to the forfeiture of the other indulgences will not be confirmed by grant.

(Signed) ALEXANDER M<sup>c</sup>LEAY,  
*Colonial Secretary.*

CAPTAINS.

The only one in New South Wales (excepting myself) was the Governor's brother-in-law, who, whilst on the full pay, received a free grant of upwards of three thousand acres, in the best part of the colony, with leave to purchase several thousands adjoining at a small value; besides extensive town grants in Sydney, worth some thousands of pounds, if it has been confirmed; and he is one of the largest stock proprietors in the colony. What number of convict servants and mechanics he has is not known; but one of the most superb houses in the colony had been erected at his grant, on the River Hunter.

Independently of the above, Lieutenant-Colonel Dumaresq, and Lieutenant Condamine, 57th regiment, the aid-de-camp and secretary of General Darling, had extensive mercantile remittances made to them from the Isle of France and Scotland, consisting of wines, pictures, sugars, and rupees; the latter having realised an enormous profit in the colony by their being put into circulation far above their real worth, as it was subsequently found when the government put a fixed price upon them. But this valuation did not take place until all the Lieutenant-Colonel's rupees had been circulated.

No. 173.

*Military Secretary's Office, Sydney, 26th March, 1831.*

SIR,

I am directed to acquaint you, in reply to your letter of the 24th inst., addressed to the Lieut.-General, that he cannot consider you as having a claim to land; and

that it is not in his power to permit of your returning to England under present circumstances.

I have the honour to be, sir,  
Your most obedient humble servant,

T. DE LA CONDAMINE,  
*Lieutenant and Military Secretary.*

*Captain Robison,  
Royal Veteran Companies.*

No. 30.

GOVERNMENT ORDER.

*Colonial Secretary's Office, 7th May, 1827.*

His Excellency the Governor has been pleased to make the following appointment, until his Majesty's pleasure shall be known :

Samuel North, Esq. to be keeper of the bonded store, in the department of the Customs.

GENERAL ORDER.

*Brigade Office, Sydney, 18th May, 1827.*

The Lieut.-General has been pleased to dispense with Lieut. North, of the Royal Veteran companies, performing military duties ; and also

GENERAL ORDER.

*15th August, 1827.*

Lieut. North, of the Royal Veteran companies, having been appointed to the civil department, is relieved from his military duties. Lieut. Bell will receive the accounts, and assume the command of Brevet Lieut.-Colonel Dumaresq's company from that officer.

## No. 31.

## GOVERNMENT ORDER.

*Colonial Secretary's Office, 5th June, 1827.*

(No. 23.)

His Excellency the Governor has been pleased to appoint Mr. Andrew Gibson, assistant-surgeon of the Royal Veteran companies, to be an assistant-surgeon on the civil establishment of the colony, until the pleasure of his Majesty shall be known. The appointment to bear date the 24th of May last.

By his Excellency's command,

ALEXANDER M'LEAY.

## GENERAL ORDER, No. 54.

*25th May, 1827.*

Assistant-Surgeon Gibson, Royal Veteran companies, having been attached to the civil service, the assistant-surgeon 39th regiment will take the medical charge of the Veterans until further orders.

## GENERAL ORDER, No. 24.

*25th February, 1829.*

1.—The Lieut.-General is pleased to signify, in reference to the orders he has received relative to the disbandment of the companies of Royal Veterans, that the services of Lieut. North and Assistant-Surgeon Gibson will be dispensed with from this date.

2.—These officers are to receive an advance of pay to the 24th of April next, from which date they will be placed on half-pay.

By command, &amp;c.

(Signed) K. SNODGRASS,  
*Major of Brigade.*

## No. 32.

*Horse Guards, February 11, 1831.*

SIR,

I take the earliest opportunity in my power to acknowledge your letter of the 1st instant, with a memorial from Mr. Robison, late Captain in the New South Wales Royal Veteran Battalion, in which that gentleman has solicited that his case may be again referred to the Judge-Advocate-General for further investigation.

As the best mode of explaining to you the exact position in which this business now stands, I transmit for your information a copy of the letter which I last addressed to Mr. Robison, and by which you will perceive that his case has been more than once under my consideration, and that I cannot take upon myself to recommend any further investigation of it.

I have the honour to be, sir,

Your most obedient humble servant,

*The Right Hon. Sir James Mackintosh,*  
 &c. &c. &c.

HILL.

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(*Copy referred to by Lord Hill.*)

*Horse Guards, 24th Dec. 1830.*

SIR,

I have to acknowledge the receipt of your several communications as follows, viz. memorandum of your services, dated Sept. 30th; your letter to Sir Herbert Taylor, dated Oct. 9th, in which you have expressed your hope that you may be placed on half-pay; and your letter to me, dated Oct. 19, in which you have requested that I would draw the circumstances of your case, as mentioned in your memorandum of the 1st instant (presumed to be that dated Sept. 30), as speedily as convenient to the favorable consideration of Lord Hill.

I have not failed to submit the whole of these communications to the General Commanding-in-chief, who also had before him all the papers connected with the proceedings of the general court-martial before which your conduct was investigated, together with its judgment and sentence.

Lord Hill has likewise read with great concern the representations you have made of your personal privations and sufferings, all of which, however, should seem to have resulted from that course of conduct which has been the subject of judicial investigation, and of the sentence which has in consequence been passed; and his lordship having again considered the whole

subject with the most patient attention, I have it in command to express his regret that it is not in his power, consistently with his sense of duty, and with a proper regard to the character and discipline of the army, to hold out any prospect that he could recommend to his Majesty that you should either be placed on half-pay or re-admitted into his military service.

I have, &c.

(Signed) FITZROY SOMERSET.

R. Robison, Esq. &c. &c. &c.

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*Copy of a Petition, forwarded by Sir James Mackintosh, to the Right Hon. General Lord Hill, G.C.B., G.C.H., &c. &c. Commanding in chief His Majesty's Forces.*

The humble Petition of Robert Robison, late a Captain in the New South Wales Royal Veteran Company,—

Sheweth,

That your petitioner was brought to trial before a general court-martial (after twenty-three years' service) at Sydney, in the colony of New South Wales, in the year 1828; his prosecutor being Lieut.-General Darling, the Governor and Commander of the Forces there.

That, upon some of the charges your petitioner was acquitted, but on some others, imputing breaches of military discipline or subordination (but not affecting his honour or moral character), your petitioner was convicted by the sentence of the court; which conviction has since been confirmed upon the report of the late Judge-Advocate-General.

That upon the sentence of the court-martial being made known to your petitioner, he immediately embarked from New South Wales for England, where he arrived but a few months since.

That your petitioner is advised that the proceedings were irregular and defective, and contrary to the legal custom and practice of conducting courts-martial, more particularly in respect of your petitioner's having been prevented from cross-examining witnesses, and producing official correspondence which would have materially tended to his exculpation; and further, the court's not only rejecting your petitioner's questions to the prosecutor's and his own witnesses, but also in refusing to enter or keep any record of such questions on the minutes of its proceedings.

That since the sentence of the court was made known to your petitioner, the Chief Justice of New South Wales has informed your petitioner, in a communication in writing, (a

copy of which is in his possession, and ready to be produced, and the original of which is deposited with the Secretary of State for the Colonies,) that a certain letter of his (the Chief Justice's) to the Governor and Commander of the Forces, which had been brought forward by the prosecutor, and chiefly tended (as was alleged) to prove your petitioner guilty on some of the charges, ought not to have been received, as it had been by the court, as legal evidence; and that even if receivable, it by no means proved the fact which it had been supposed to establish.

That, under these circumstances, your petitioner submits that he has not had his case properly tried, and that the decision of the court-martial as to the justice and truth of the charges brought against him has not been fairly arrived at; and also, that the Judge-Advocate-General had not before him full and correct minutes of the whole proceedings, so as to enable him to form a proper judgment upon the case.

That your petitioner, therefore, most urgently and respectfully solicits, that your Lordship will be pleased to order that his case may be referred again to the Judge-Advocate-General for further investigation, and that your petitioner may be allowed to offer before him such evidence as he has in his power to produce of the truth of the above allegations, or that such other relief may be given as the nature of the case requires.

And your petitioner as in duty bound will ever pray.

January 24th, 1831.

ROBERT ROBISON.

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*To the Right Hon. General Lord Hill, G. C. B., G. C. H.,  
Commanding in chief His Majesty's Forces.*

The humble Memorial of Robert Robison, late a Captain in the New South Wales Royal Veteran Companies,—

Sheweth,

That your memorialist entered the Royal Military College as a cadet on the 1st January, 1805, and after completing the course of studies was recommended, and received a commission in the 14th regiment foot, May 1807.

Your memorialist joined his regiment in the year 1807, and subsequently served, from the year 1809 to 1813, in Spain and Portugal, under his Grace the Duke of Wellington.

That your memorialist embarked as Adjutant with troops for Madras and Bengal, in May 1814, and served the Nepaul campaigns in the East Indies, at the conclusion of which your memorialist was ordered to Europe by a medical board for the recovery of his health.

That your memorialist was ordered, in the year 1818, as a guard over convicts to New South Wales, and from thence to India *via* Batavia, in command of troops; upon which occasion your memorialist was specially recommended to the then Commander-in-Chief, his late Royal Highness the Duke of York, and the Secretary of State for the Colonies, by the Governor, the late Major-General Macquarie.

That your memorialist was reduced to half-pay by the disbandment of his regiment, the 22d dragoons, in the year 1820, and appointed to the 4th Light Dragoons in 1821, with which regiment he embarked for Bombay in 1822.

That your memorialist was promoted by purchase, after having served upwards of sixteen years a subaltern, in the year 1823.

That your memorialist was appointed to and raised the New South Wales Royal Veteran Companies in 1825, which service was performed to the satisfaction of the Commander-in-Chief and Secretary of State for the Colonies, as will appear by the accompanying copies of letters to the Governor of that colony.

That your memorialist embarked in command of these companies, and landed them and their numerous families (amounting to several hundreds) safely in New South Wales, in the latter end of the year 1826.

That your memorialist, for the first time during his long services, was so unfortunate as to incur the displeasure of the Governor and Commander of the Forces in New South Wales, and was brought by his Excellency, in the year 1828, to a general court-martial upon eight charges, upon some of which your memorialist was found "guilty," and sentenced to be "dismissed" the service.

That your memorialist was detained in arrest in a most severe state of suffering as well to his family as himself, with his allowances stopped for upwards of two years, before the sentence was made known from England; and being refused a grant of land in the colony, (as was given to all the other officers and soldiers of the New South Wales Veterans,) was compelled to return to England at a ruinous expense, with a sickly family, having lost his only child by death, and expended the whole of his small property in the service of his country.

That your memorialist, immediately upon his landing, lost no time in making an earnest appeal through the military secretary to your Lordship, with a hope of getting a revision of his case, and being either placed upon half-pay or restored to the service.

That your memorialist has waited with the most intense anxiety for the last three months the result, which being now

made known, unhappily has left your memorialist no longer hope.

That your memorialist ventures, as a last appeal, to beg that his long, and, he trusts, honourable services for upwards of twenty-three years (previous to his trial), together with the severe measure of punishment he has, in addition to the sentence of the court-martial, already experienced in New South Wales, may so far operate in his behalf, as to induce your Lordship to recommend your memorialist (who, with his family, are left in a state of complete destitution,) to the mercy of his sovereign to grant him the sales of his commissions.

Finally, your memorialist concludes by stating, that he is the only surviving son of the late Colonel Robison, Royal Artillery, and has lost his father, four brothers, and two nephews, in the military service of their country.

Memorialist's last brother died a lieut.-colonel in the army (24th regiment foot), and a companion of the Bath, on his passage from India, and left his family, as well as his other brother's children, for memorialist to provide for, as (although the lieut.-colonel's commissions were purchased) none of them were ever sold for the benefit of his family.

All which is most humbly and respectfully submitted.

And your memorialist as in duty bound will ever pray.

*London.*

R. ROBISON.

THE END.



LONDON:

J. MOYES, TOOK'S COURT, CHANCERY LANE.





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The Case of Captain Robison  
: who was tried before a  
general court martial, held  
at Sydney, New South Wales,  
in the year 182

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