

11th Sept 1839.
General Instructions to the
Superintendent of Port Phillip

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N^o. 37

Colonial Secretary's Office,
Sydney, New South Wales,
10th September 1839

9th September 1839

Sir,

Her Majesty having been pleased to appoint you to the Superintendent of Port Phillip, I am directed by His Excellency the Governor to transmit the accompanying Commission, containing such appointment under the Great Seal of the Territory, and to request that you will proceed by the earliest opportunity and assume the command of the District. The Police Magistrate, Captain Lonsdale, who has hitherto been in charge, has been instructed that, from the date of your

arrival

His Honor
Charles Joseph La Trobe Esq

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arrival his duties will be confined to such as properly belong to his own Office, and a similar notification will be inserted in the Government Gazette.

2. The District to which you are appointed is considered as consisting of that part of the Territory of New South Wales, which lies to the South of the thirty sixth Degree of South Latitude and between the one hundred and forty first and one hundred and forty sixth degrees of East Longitude. Within these limits, you will exercise the powers of a Lieutenant Governor, and will stand in the same position in respect to the Governor of New South Wales, as the Governor himself stands in with respect to the Right Honorable the Secretary of State for the Colonies.

3. All Public Officers within the District of Port Phillip, as
above

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above described, whose appointments are strictly of a local nature, will look only to you for instructions.

4 Public Officers at Port Phillip, belonging to Departments of which the Head is established at Sydney, or who receive instructions from the Head of any Departments in Sydney, will stand in the same relation to you as the Heads of certain Departments in Sydney (as for instance the Ordnance and Commissariat) stand to the Governor of the Colony. They will

carry into effect the orders which they receive from the Heads of their respective Departments in the same way as the Commanding Royal Engineer and the Deputy Commissary General carry into effect the orders which they receive from the Ordnance or the Treasury, but are nevertheless bound always to communicate to the Head of the Local

Government

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Government the nature of those instructions, as well as the nature of the measures which they themselves suggest, and are also bound to give their assistance to the Head of the Local Government in any matter whatsoever, wherein he may require it.

5. All Officers of the Civil Government, without exception, will look upon you as their immediate Head.

6. On the occurrence of vacancies, you are at liberty to make appointments where the Salary or Emoluments [?] do not exceed one hundred pounds per annum. But all above that amount must be reported for the approval of the Governor, and on no account is the authorised Establishment to be exceeded in any way, without His Excellency's previous sanction.

7. In case of necessity, you

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are empowered to suspend until the pleasure of the Governor shall be known, any Officer appointed in the Colony, but not such as hold appointments from Her Majesty's Government. If however, you shall have occasion to disapprove of the conduct of any of the latter, you will immediately report the circumstance for His Excellency's information and decision, with a full detail of the particulars, and the grounds of any recommendation which you may think it necessary to make in the case.

8. With respect to the senior Officer of Her Majesty's Troops in the District, you will stand in the same relation as the Governor stands to the Major General Commanding in the Colony. In all cases wherein the preservation of the Peace is concerned, or the enforcement of Convict Discipline, you will be

entitled

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entitled to call for his assistance, but you will carefully avoid interference in matters purely Military, and you will have no control whatever over expenses defrayed out of the Military Chest. Military Officers, however, holding appointments under the Colonial Government will be responsible to you for the performance of their Civil Duties, and in this Class all Officers of the Mounted Police are included.

9. All Letters and Returns, intended for the Governor's information, instead of being addressed to the Colonial Secretary,

will be addressed to you.

10. You will forward to the Colonial Secretary as many of these letters, or extracts from them, as you may think necessary, expressing your own opinion in a separate letter where the subject is important, in other

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or ordinary cases making a minute in the margin; and at all times, for the sake of avoiding confusion, confining each communication to a single subject.

11. The Rules to be observed in all matters of Revenue and Expenditure will form the subject of a Separate Instruction.

12. In cases which are not met by those Rules, You will act on your own discretion, adhering however to the general principles which govern the expenditure of the Public Money in this as well as in all other parts of the British Empire, viz:

(1) that no Expense can be incurred which has not been provided for by the Local Legislature, or expressly charged upon the Land Revenue, and specifically authorised by the Governor.

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(2) that funds provided for one service cannot be expended on another; neither can savings on one item of any Service be applied to another.

(3) that Savings are to be made whenever practicable and that because a certain sum of money has been provided for any particular service it does not follow that it must necessarily be expended.

(4) that any person who authorises a departure from any one of the three foregoing Rules, does so on his own responsibility.

13. In all matters of Convict Discipline, or in the distribution of Convict Labor, you will exercise all the functions of the Governor, subject however to

confirmation

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confirmation or disallowance by His Excellency, and with this exception, rendered necessary by the Law, namely, that you will not be authorised to withdraw Convicts from the service of any Individual without the express order of the Governor. In cases, therefore, where assigned Servants are taken from their Masters, either for Police purposes, or for any infraction of the Regulations, they are to be kept in Government employment until an order for their final disposal may be received from Sydney.

14. The Convicts so kept are to be considered as under the Police Magistrate, as far as their custody and discipline are

concerned. But the direction of their labor will rest with the Clerk of Works or other Officer in charge of any Department to which you may desire them to be attached.

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15. In further compliance with the law, you will not be authorised to exercise the Prerogative of the Crown in the pardoning of Offenders, or the Remission of Punishments. The practice, however, of sending Petitions, or applications for Mercy or Remission through You, is to be adopted as far as possible, and in all such cases, you will be pleased to express your own opinion on them, obtaining, if practicable, the opinion or report of the Judge, Chairman of Quarter Sessions or Magistrate before whom the case may have been tried or decided.

16. Cases will probably arise wherein it may be desirable for you to put yourself in direct communication with the Heads of Departments in Sydney, especially perhaps, the Heads of the Convict and the Emigration

Departments

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Departments— The general rule to guide such communication is that they relate only to the detail or fulfilment of instructions previously conveyed through the Colonial Secretary; and that they be continued so long as the despatch of public business is facilitated by them, without disturbing the harmony of the service; but that they be discontinued, and the subject brought through the Colonial Secretary before the Governor, the moment a difference of opinion, or any thing likely to lead to a difference of opinion arises.

17. I am directed in a particular manner to invite your attention to the treatment of the aborigines, and to the prevention as far as possible of collisions between them and the Colonists. For your information and guidance in this very important part of

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your duty, I enclose copies of the principal Government orders now in force respecting them, as also of the Instructions which have been issued to the Chief Protector of Aborigines, and the Commissioners of Crown Lands.

List annexed.

18. In conclusion I am directed to inform you that Extracts of the foregoing Instructions have been communicated to the several Departments accompanied by the Governor's commands that strict attention be paid thereto – and His Excellency suggests that, upon your assuming charge it will be expedient to cause the whole of the present communication to be read in public, for general information and guidance – Further instructions will be transmitted

to you from time to time, as the exigencies of the service may require; and I am commanded to add, His

Excellency
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Excellency Sir George Gipps will at all times be happy to receive every information and suggestion connected with your duties, or the welfare of the District entrusted to your control, which it may be in your power to offer.

I have the honor to be,
Sir,

Your Honor's
Most obedient Servant
Deas Thomson.

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