

1799.
October 11,
Sydney.

Dodd to King. Sends copies of letters on the question of the effect of the misnomer in Murray's commission, regarding which he could not invalidate His Majesty's sign manual. His interests are bound up in the prosperity of the province which has been retarded by dissensions. These were in process of removal by Ogilvie, but had been renewed on the arrival of Murray. Col. Cor., C.B., vol. 76, p. 823

Enclosed. McKinnon to Dodd. The egregious blunders made by Cossit in the rough minutes. Murray has carried off the original opinions of the members on the question of the effect of the name "Thomas" being in the mandamus of the Lieut.-Governor. Murray's course in suspending him (McKinnon) from office. 827

Copy of question is in the minutes, see pp. 475 and 811 of this volume. (76)

Opinion of Dodd that General "John" Murray cannot, without risk, exercise the powers conferred on "Thomas" Murray. 833

October 12,
Sydney.

Mathews to King. His desire to have all animosities buried. The mandamus of the President is in name of Thomas Murray, the name of the Brigadier being John, so that he (Mathews) holds all proceedings by Murray as President to be illegal. Charges the President and assistant clerk with altering the minutes, &c. 467

Enclosed. Mathews to Murray. Believes that the Council has no power to pass ordinances, being illegally constituted. 471

Extract from the minutes, to have in writing an answer to the question: "Whether or no the misnomer "Thomas," observed upon by the Honourable David Mathews, His Majesty's Attorney General, in his written opinion entered on the minutes of Council ought to, or do, affect the powers intended to be conveyed to him by His Majesty's mandamus, bearing date the 15th Nov., 1798." Remarks follow, which do not appear to form part of the question, although no distinction is made in the extract. 475

Remarks by Mathews on the question; points out that he did not, in his written opinion use the word misnomer. It would be a dangerous doctrine to maintain that the Council could decide that a person not named in the mandamus could act as President of the Council. 479

October 18,
Whitehall.

Secretary of State (Portland) to Murray. Sends additional instruction, revoking that of 15th November, 1798, and appointing a new Council. Col. Off., C.B., vol. 1, p. 148

Enclosed. Additional instruction, dated 17th October. 149

October 19,
Halifax.

Hames to King. Has arrived at Halifax and will proceed to Cape Breton. Reports vacancies in several offices, and asks to be appointed to one of them. Col. Cor., C.B., vol. 76, p. 777

A letter dated 20th is to the same effect, but with fuller details. 835

October 19,
Sydney.

McKinnon to King. Sends copy of correspondence with Murray, which will explain why he was suspended from his office without a hearing. His refusal to insert in the journals of Council anything that did not take place. 787

Enclosed. McKinnon to Cossit, junior, 10th October. Dismisses him (Cossit) from being deputy clerk of Council. 791

Same date, notifies Murray of the dismissal. 793

Same date. Murray to McKinnon; suspends him from office as clerk of the Council; Cossit, junior, regularly appointed deputy. 795

Same date. McKinnon to Murray. Had already dismissed Cossit, junior. 797

McKinnon to Murray, 20th August; see at that date.

Murray to McKinnon, 11th October. He (McKinnon) had been notified of his suspension before he dismissed Cossit. Owing to his conduct he (McKinnon) is also suspended from his office of Councillor. 803
(Duplicate at p. 901.)