
POSTSCRIPT TO PAULSGROVE DIARY.

Recently, while searching for a "phantom" ship, the *James*, which arrived in Sydney on 17th November, 1834, I came across some Illawarra news in the *Sydney Gazette* of 20th November, 1834, which confirmed my conclusion that the Mr A Osborne mentioned in *The Paulsgrove Diary* was indeed Dr John Osborne's eldest son, Archibald, then caring for his father's property at Garden Hill. (IHS Bulletin, Nov/Dec 1967, p. 66)

To provide confirmation of this point, as well as to convey a little of the culture of the Magistrates' Courts of the day, I have copied this article in full:

ILLAWARRA MAGISTRATES.

(From a Correspondent)

Thomas Reynolds, assigned servant to Mr John Osborne, Surgeon, R. N., was charged on Tuesday, 7th October, for neglecting his work and insolence to his master's son, a young gentleman about 18 years of age. The prisoner in his defence contended that the complainant was too young to be a competent judge of a day's labour. For this assertion, and this alone, he was sentenced to receive 50 lashes for contempt of court.

On the Saturday following he was again arraigned on the above charge, and can you believe reader, what I am about to make known to the world? Could you with this fact before your eyes credit it, that any two magistrates in the colony, possessing understanding with power to exercise it --- with the Act of the Governor and Council of Gul. 4. No. 3, for their guidance, with the 18th section of this Act within their reach, and with an explanatory circular of this very law from the Colonial Secretary of 24th September, 1832, staring them in the face --- that this Court of Petty Sessions, composed of Messrs. William Gray and Cornelius O'Brien, split the offence into two crimes, and sentenced the prisoner to receive 100 lashes, and 12 months to an iron gang!!!

This sentence is not only severe but illegal. If the view I have taken of the 18th section be correct, it was no misdemeanor; it was not pilfering nor was this charge against him larceny, and therefore 12 months in irons by this law they are not allowed to give for the offence with which this man stood charged before them. Six months *only* for a *second* conviction of a like nature, had they authority to inflict.

I have, in making you acquainted with this proceeding no motive; I can have had no motive, but a sincere and disinterested love of truth and justice towards a fellow man. I hope that His Excellency the Governor, will, therefore enquire into this affair, and remit, at any rate, the unauthorised part of the sentence.

“To be clear of self-reproach, is amongst the greatest of human consolations” and now I have performed my part, I leave the existing Executive to execute theirs.